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WORKING DOCUMENT

From: To:	General Secretariat of the Council Working Party on Land Transport
N° Cion doc.:	ST 8255/25 + ADD 1 ST 8259/25 + ADD 1 - 4
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union Proposal for a Directive of the European Parliament and of the Council on the registration documents for vehicles and vehicle registration data recorded in national vehicle registers and repealing Council Directive 1999/37/EC - Comments from Spain

Delegations will find, attached, comments from **Spain** on the above-mentioned documents.

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PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2014/45/EU ON PERIODIC ROADWORTHINESS TESTS FOR MOTOR VEHICLES AND THEIR TRAILERS AND DIRECTIVE 2014/47/EU ON THE TECHNICAL ROADSIDE INSPECTION OF THE ROADWORTHINESS OF COMMERCIAL VEHICLES CIRCULATING IN THE UNION

SPAIN POSITION AND COMMENTS ON DIRECTIVE 2014/47/EU

Spain supports the political goal expressed by the European Commission (EC) regarding the modification of the current legislative text aiming at improving road traffic efficiency and safety in the European Union (EU), having in mind the importance of technological neutrality and need to enhance the safety and security of the transportation systema in the Union.

Although Spain agrees on the need to further strengthen the current obligations by enlarging the scope of the regulation to other vehicles (specifically N1 type vehicles) and also on deepening on the issue of cargo securing, Spain is of the opinion that the introduction of article 4a, which sets out the obligation to carry out remote sensing controls on vehicles, might well go beyond some essential principles that must carefully be assessed, both from a legal and substantive perspective, before adopting the decision to add such provision.

This document is a clarificatory summary of the Spain´s position which has its reflection on the preliminary comments sent on May 24th 2025.

Spain expresses its scrutiny reservation over the current proposal for the following reasons, without prejudice of a more thorough legal and/or material analysis:

I. POLICY OPTIONS & MEASURES

(1) The Impact Assessment (IA) accompanying the proposal includes the **Policy Measure PM12 (remote sensing)** in Policy Options P01b, P02 and P03 as a mandatory measure, not even contemplating any other possibility such as a voluntary measure for Member States (MS) or just a supplementary measure helping to detect high-emitting vehicles as a means for selecting vehicles during roadside inspections. In this regard, the EC should have considered those (sub-) options during the assessment of possible policy measures and related legal provisions.

(2) Anyhow, the IA quantifies the costs of implementing mandatory controls using remote sensing technology for checking 30% of the entire fleet of vehicles in the EU in a one cost-off (for the entire EU) of 23.6 M€ in 2026 and 9.4 M€ yearly for running operations and maintenance of equipment (see

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pages 27-39 and 174-181 of the IA).

(3) The calculation, or estimation, of such costs and equipment needed are based on specific projects carried out in some places in Europe, during research or pre-deployment projects mostly granted by the EC.

(4) The EC proposes to check 30% of the entire fleet in the EU (roughly 286 M vehicles). The estimated number of devices concluded as needed is just 250. This number entails that each device could monitor on average 1.11 M vehicles yearly, i.e. approx. 3.500 veh per day considering operations in 80% of days during a year. Spain clearly would have needed more information on how this number is determined and what operation-time of each device is foreseen considering the available data from those research or pre-deployment projects.

(5) Anyhow, there is no sound justification on the reasoning behind the EC proposes to check 30% of the EU fleet and why this percentage maximizes the foreseen ratio benefit/cost. A detailed calculation on this essential element should have been included in the IA.

(6) Regarding the technology itself, Spain agrees with other MS on the point that the current technology lacks maturity and reliability, taking into account their design limitations as it cannot work at certain periods of time, under specific weather conditions and on concrete traffic situations. Thus, the importance of clearly defining operating times. Spain has strong concerns on using a technology that is not market mature and at a clearly research stage.

(7) But not only from this quantitative aspect of the assessment the IA lacks clarity, the estimated cost is not in line with what the **real costs** expressed by one of the main developers in the EU (Opus RSE, a Spanish company) has recently conveyed to the Spanish authorities, **which seems to be 10 times higher each year than the one stated in the IA**: the cost would be 1 euro per vehicle to be checked for the whole service (authorities will not purchase devices, but under a servie-scheme, which may give some flexibility), i.e., 30% of 286 M vehicles multiplied by 1 euro will mean 85.8 M€ each year. And in the case of Spain the actual cost would be about 10 M€ each year, and not the expected 0.9 M€ resulting from the IA (9.4 M€ for the whole EU divided by 10, as Spain represents about a 10% of the European fleet). It is clear that numbers and figures do not match.

(8) Furthermore, this provision may conflict with the sound legal scheme set out in the Periodic Technical Inspection (PTI) regulations, since those are the reference for manufacturers and inspectors, making use of devices and technologies already type-approved or legally certified. Duplication of actions and resources is more than envisaged, particularly considering that potential high-emitting vehicles (the older ones) are subject to a 1-year or 6-months periodic technical inspection in some MS (also proposed in the modification of the Directive 2014/45/UE).

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(9) Additionally, as far as Spain knows, official and legal certification of existing systems is not available yet, therefore leading to a legal breach (see section II).

(10) In regard to the obligation of using the **MOVE-HUB platform** for exchanging on vehicles registered in the Union, which is a horizontal aspect included in the proposals of the Road Worthiness Package adopted by the EC, Spain apart from having doubts on duplicating existing platforms, would have needed more detailed information and costs in the Impact Assessment, and more importantly the reason why no other option is considered and assessed, and this position is applicable to all provisions related to MOVE-HUB use proposed in the 3 directives of the RWP.

(11) As Spain does not see the need of duplicating systems, but rather, as public entities dealing with public budget coming from taxes, should therefore make an efficient use of resources especially leveraging existing solutions operating decades ago and that have proven to be reliable and trustable. As a general comment, a sound approach to the convergence between MOVE-HUB and EUCARIS platforms should be defined, so as to rationalize operating and implementing costs by MS.

(12) **Spain is of the opinion that EUCARIS should continue to be the platform for exchanging information** since: (i) it is currently used for similar purposes by MS; (ii) MS have in place systems and platforms for connecting via EUCARIS and accordingly, investments are made; and (iii) it will be used for exchanging eCoC (electronic Certificate of Conformity).

(13) On this point, everything turns around a political decision that should remain under the power of the legislator, as implementing actions that should be under the MS remit.

II. REGULATORY ASPECTS

(14) Defining a minimum threshold or percentage of vehicles to be checked using remote sensing, as set out in article 4a (1) of the proposal, is actually an essential political choice which undoubtedly corresponds to the legislator. **In this respect, to help the legislator accept or adopt any proposed threshold, the EC, making use of the IA accompanying the proposal, should have included a calculation on % fleet to be checked and their ratio benefit/cost**.

(15) The statement above is also applicable to determining the level above which a vehicle might be subject to exhaust emissions verification, no solid justification for the legislator to adopt the right decision on the legislative text is provided by the EC.

(16) Article 4a (2) provides for the obligation on MS to carry out a verification on so-called high-emitting vehicles (those detected to emit over the “limit”), which can take place at a roadside inspection or at fixed PTI station. In this respect:

a. Neither the existing technology nor the environmental and traffic conditions allow for a

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solid measurement of emissions coming from one specific vehicle at all times, and more importantly, the existing and available equipment does not have an official metrological certificate that legally guarantees measurements. Therefore, **authorities will not have the legal certainty to impose any mandatory action or sanction on a specific vehicle**.

b. Therefore, if the proposed obligation is set out, **there will be a clear breach of the legal system and all guarantees set out as core principles in Administrative Law, which are provided for to protect citizens' rights**. Thus, it will equally impact on the conditions related to any administrative measure, even questioning the jurisdiction of the authority. In this regard, any mandatory action or penalty on a citizen should be solid and proof-based/certificate-based, proportionate and non-discriminatory, so as to comply with the requisites of legal guarantee´s principle of any administrative decision imposing a restriction, burden or sanction.

(17) The combination of all the legal issues presented above, and the lack of reliability of the system and equipment brings up essential uncertainties from a legal point of view that should deter the legislator from including any provision on remote sensing, even considering some likely implications affecting the principles of subsidiarity and proportionality.

(18) The obligation to use the **MOVE-HUB platform** for exchanging vehicle information instead of other possible solutions is based (page 275 of the IA) on: (i) the Commission has the competence to enforce the application of EU legislation; (ii) MOVE-HUB can monitor the exchange for compliance with the legislation; and (iii) the Commission can follow-up message exchange errors with Member States. None of these statements are even pointed out in preamble or expositive text of the directive.

(19) Setting out such an obligation disregarding other existing and running solutions currently used by MS should carefully have been assessed by the EC on one side (which is not the case) and on the other, obviously, is an essential political choice that once again remains with the legislator. The EC should have provided the legislator with all data and information in a sound assessment for them to make a legal sound decision, considering all viable solutions, especially when this provision may affect the principle of subsidiarity. No other solutions are presented in the IA, nor their impact in terms of benefits and costs, all in all a solid comparison of options is more than needed. **Furthermore, the 3 reasons stated by the EC in the IA for imposing the use of the MOVE-HUB platform might have a technical solution satisfying their legal fulfilment, leveraging mechanisms to address EC concerns using the EUCARIS platform**, for example, in regard to enforcement and monitoring other means could be established even via an implementing act.

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In conclusion, both the mandatory deployment devices for checking vehicles using remote technologies and the use of the MOVE-HUB platform (i) **remain as essential political choices** for which the legislator needs to have solid assessments that are not provided by the EC; and, (ii) **might bring up legal issues impinging on the MS implementation competence.** More specifically:

i. **firstly,** due to the lack of a solid technology and legal issues for setting **the obligation to use remote sensing equipment,** Spain considers premature the adoption of the obligation set out in article 4a of the proposal of the Directive 2014/47/EU.

   Spain appreciates and thanks the Danish Presidency first effort to find a compromise text (doc. 29 12271/25, 29th August) but will not support or accept the inclusion of such obligation in the text given the likely issues it would entail.

   Spain therefore reserves any further scrutiny or actions about this element, and;

ii. **secondly,** the **mandatory use of the MOVE-HUB** for exchanging vehicle data might be affecting the subsidiarity and proportionality principles, particularly considering existing platforms, such as EUCARIS, already used by MS to actually exchange vehicle data, a deep assessment is needed and was not properly provided by the EC in the IA.
   Spain is of the opinion that the text will clearly need to have a provision with a proper convergence and flexibility towards the use of EUCARIS platform, to overcome those more than likely legal, practical and material issues.