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Gómez-Acebo & Pombo

Newsletter

AUTOMOTIVE AND SUSTAINABLE MOBILITY

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Ainara Rentería Tazo

Director: Head of the Automotive and Sustainable Mobility Sector
Partner of Gómez-Acebo & Pombo Abogados

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Case law

Spain

Judgment no. 376/2025 of the High Court of Justice of Castilla y León of 8 May 2025

The High Court of Justice of Castile and León (TSJCyL) rejects the application for review made by Mutua Ibermutua Colaboradora (Ibermutua) of the judgment handed down by Employment Tribunal (No. 2) of Burgos dismissing the claim filed by Ibermutua against the Department of Social Security, the Social Security Agency, an employee and a commercial entity.

The claimant claimed that in the present case there was no commuting (*in itinere*) accident because: a) the worker was travelling in “unsuitable” means of transport when driving a personal mobility vehicle (PMV) on an interurban road, prohibited for this type of vehicle by Article 38(4) of Royal Decree 1428/2003, of 21 November, approving the General Traffic Regulations, and b) such travelling constituted “recklessness”.

The TSJCyL confirms that the driving of the PMV on the interurban road, although a simple in-

fringement of Royal Decree 1428/2003, does not constitute *per se* recklessness that nullifies the *in itinere* nature of the worker’s journey home. The Court reasons, following the case law of the Supreme Court, that a commute requires the use of suitable means of transport. A means of transport is suitable when it is common and adequate for the journey and does not entail a serious and imminent risk. In its judgment of 7 July 2023, appeal no. 3749/2020, the Supreme Court explains that the mere infringement of traffic regulations does not make conduct reckless. Referring to the case law of the Supreme Court - which holds that the mere infringement of traffic regulations does not make conduct reckless — the TSJCyL stresses the need to analyse the circumstances of the accident in order to determine whether conduct constitutes recklessness. The TSJCyL found that the driving of the PMV on an interurban road was the only infringement found and that this did not causally determine the accident and did not break its connection with work. Thus, the driving of the PMV does not preclude a finding of suitability of the means of transport used.

Legislation

Spain

Royal Decree 214/2025, of 18 March, creating the carbon footprint, offsetting and carbon dioxide absorption project register and laying down the obligation to calculate the carbon footprint and to draw up and publish greenhouse gas emission reduction plans

On 12 June, Royal Decree 214/2025 of 18 March came into force, requiring certain organisations to calculate their carbon footprint annually, to draw up a greenhouse gas (GHG) emissions reduction plan and to publish it on their website. This Royal Decree repeals Royal Decree 163/2014 of 14 March, which created a voluntary carbon footprint register.

The carbon footprint of an organisation is “the total greenhouse gas emissions resulting directly or indirectly from the activity of that organisation”. These emissions are divided into “scopes” according to their direct origin (scope 1) or indirect origin (scopes 2 and 3). Scope 3 includes emissions from commuting and business travel.

Article 11 provides that the organisations required to calculate their carbon footprint annually, to draw up a GHG emissions reduction plan and to publish them on their website are:

- Companies required to include non-financial information by Article 49(5) of the Code of Commerce and Article 262(5) of the Companies (Recast) Act or provisions that amend, supplement or replace them; and

- The General Government’s ministerial departments and autonomous bodies, the Social Security’s managerial agencies and bodies, and other entities of the national public administration sector.

Registration of these organisations in the carbon footprint, offsetting and carbon dioxide absorption project register will be voluntary for the former and compulsory for the latter. They will have to register their carbon footprint and reduction plan annually. In 2026 they will have to register their first footprint, corresponding to the year 2025. Scope 1 and 2 emissions must be included, while the inclusion of Scope 3 emissions will be voluntary.

Regional ministries and provincial councils will be able to voluntarily calculate their carbon footprint and draw up a reduction plan.

In addition, the Royal Decree provides that a public procurement body may include carbon footprint considerations in the procurement procedure. Registration in the carbon footprint register will provide evidence for this consideration, although it may also be evidenced by other means.

Order ITU/450/2025, of 5 May, amending Order ICT/736/2023, of 5 July, laying down the conditions for granting aid to projects to promote the value chain of the connected and electric vehicle within the Strategic Project

for Economic Recovery and Transformation in the Connected and electric Vehicle sector, within the framework of the Recovery, Transformation and Resilience Plan, and the call for applications for aid to electric vehicle battery production projects for the year 2023

Order ITU/450/2025 amends Order ICT/736/2023 of 5 July (itself amended by Order ICT/791/2023 of 13 July) to introduce new investments - to encourage private investment - in projects to boost the value chain of the connected and electric vehicle (VEC) within the Strategic Project for Economic Recovery and Transformation (PERTE) in the Connected and Electric Vehicle sector (PERTE VEC). The new investments have been added through an addendum to the Spanish Government's Recovery, Transformation and Resilience Plan (PRTR) financed with funds from the European Union's Recovery and Resilience Facility. These funds are distributed in Spain through four (4) transversal axes, which are projected in ten (10) lever policies, comprising 31 components "that coordinate coherent investment and reform projects to modernise the country"¹.

The new investments added to Component 12 (Industrial Policy Spain 2030) of the PRTR are investment 6 (C12.I6) and investment 7 (C12.I7). Investment 6 will consist of a subsidy scheme of at least EUR 250 million. Investment 7 will consist of a loan scheme of at least EUR 1.2 billion. Order ITU/450/2025 keeps sections A and B established by Order ICT/736/2023 under which aid will be awarded in separate calls, on a non-competitive basis. "Section A" covers the production of EV batteries, their essential components and the production or recovery

of the necessary key raw materials. "Section B" covers the rest of the EV industrial value chain. The aid is compatible with other aid, under the terms established by Order ICT/736/2023 and Order ITU/450/2025.

Sociedad Estatal de Promoción Industrial y Desarrollo Empresarial Entidad Pública Empresarial (SEPIDES, E.P.E.) will manage investments 6 and 7 as implementing entity. Royal Decree 1247/2024, of 10 December, transformed the state-owned commercial company SEPI Desarrollo Empresarial, SA, S.M.E. (SEPIDES) into SEPIDES, E.P.E. to comply with the new governance structure required by the EU for the investments to be implemented "by a public sector body that can exercise administrative powers".

Both subsidy and loan support will go to investment plans that achieve a climate contribution of at least 40%. An investment plan submitted under section A will correspond to a single project while an investment plan submitted under section B may consist of several projects. In this case, "the climate contribution shall be weighted between all projects making up the investment plan". Paragraphs four and five of Article 6 explain how this contribution is allocated and that "[o]nly projects with a field of intervention according to the attached table [of Article 6] shall be taken into account for the calculation of their contribution to climate objectives, otherwise a coefficient of 0 % shall be allocated: [...]". In addition, investment plans will have to fit within the thematic priorities and project types set out for each section.

See the **News** section below for the call for Section A battery aid applications which was open from 7 to 17 July.

¹ Gobierno de España, Plan de Recuperación, Transformación y Resiliencia, *Políticas Palanca y componentes*. [Link](#)

Royal Decree 465/2025, of 10 June, amending the General Traffic Regulations, approved by Royal Decree 1428/2003, of 21 November, on traffic signalling

On 1 July, Royal Decree 465/2025 of 10 June came into force, which updates the General Traffic Regulations to adapt “signage to social and technological changes in mobility”. The physical change of signs will be progressive and will be carried out in a manner “coordinated with the usual renewal cycles to reduce administrative burdens and optimise the use of public resources”.

The Royal Decree amends Title IV, On signage, and consolidates the form, meaning, symbols and nomenclature of the indicators in the Official Catalogue of Traffic Signs and Road Markings, in Schedule I. The amendment makes road signs messages clear, direct and universally understandable in compliance with the principles of a semiotic system. The amendment modernises pictograms, including rail and bicycle pictograms, and provides a “better response” to the needs of pedestrians and cyclists. It also extends information at service stations to include new types of fuels.

Finally, through its first final provision, Royal Decree 465/2025 empowers the Home Office and Transport and Sustainable Mobility Ministers to eliminate, modify and incorporate new signs by way of joint ministerial orders.

Sustainable Mobility Bill (121/000009): Committee Working Paper published in the Official Journal of the Spanish Parliament on 26 June 2025

The Sustainable Mobility Bill (PLMS) progresses in its passage through the Lower House’s Transport and Sustainable Mobility Committee. On 26 June 2025, the Official Journal of the Spanish Parliament published the Committee Working Paper on the PLMS, in accordance with Articles 97 and 113 of the Standing Orders of the Lower House. The Working Paper on the PLMS was submitted to the Committee, in which it proposed, among other things, the incorporation of 102 compromise amendments.

As we have been reporting in our previous Newsletters, the Bill envisages the obligation for workplaces with more than 500 workers or 250 workers per shift to have a sustainable mobility to work plan within two years from the entry into force of the Act once passed. Furthermore, this obligation would affect companies as well as public sector bodies and entities. The PLMS defines the sustainable mobility to work plan as “a set of measures promoted by the management of the workplace and drawn up in the framework of collective bargaining, the aim of which is to rationalise travel to work for employees, customers, clients, suppliers and visitors”.

European Union

Commission Implementing Decision (EU) 2025/792 of 24 April 2025 on the publication of a list indicating cer-

tain CO₂ emissions values per manufacturer as well as average specific CO₂ emissions of all new heavy-duty

vehicles registered in the Union pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2022

The average specific CO₂ emissions of all new heavy-duty vehicles registered in the Union in the 2022 reporting period for all manufacturers amount to 48.8 g/tkm. The Implementing Decision also sets out the average specific CO₂ emissions, the zero- and low-emission factor and the CO₂ emission reduction trajectory and emission credits per manufacturer in the 2022 reporting period.

From 1 July 2020, the European Commission determines the average specific CO₂ emissions in g/tkm for each manufacturer of new heavy-duty vehicles registered in the EU for the preceding reporting period. The reporting period for each year is the period from 1 July of that year to 30 June of the following year. For this determination, the Commission takes into account a) the reported data relating to the manufacturer's new heavy-duty vehicles (excluding vocational vehicles) registered in the preceding reporting period and b) the zero- and low-emission factor, determined by that manufacturer's reported zero- and low-emission heavy-duty vehicles.

Regulation 2024/1610 (EU) of the European Parliament and of the Council of 14 May 2024, *inter alia*, amends Regulation (EU) 2019/1242 and is applicable from 1 July 2024. However, for reporting periods prior to 1 July 2024, Regulation (EU) 2019/1242 will continue to apply in its version of 30 June 2024.

The excess emissions premiums - excess CO₂ emissions x €4 250/gCO₂ /tkm - will apply for reporting periods from 2025 onwards. Therefore, the Implementing Decision does not include excess emissions premiums.

Notice published on 21 May 2025 of initiation of an anti-dumping proceeding concerning imports of new pneumatic tyres, of rubber, of a kind used on motor cars, buses or lorries with a load index not exceeding 121 originating in the People's Republic of China

The European Commission has initiated an investigation to determine whether new pneumatic tyres, of rubber, of a kind used on motor cars (including station wagons and racing cars) and on buses or lorries with a load index not exceeding 121 originating in the People's Republic of China are being dumped and whether these dumped imports have caused injury to the Union industry. The investigation of dumping and injury will cover the period from 1 January 2024 to 31 December 2024.

The Commission is initiating this investigation after receiving a complaint lodged by the Coalition Against Unfair Tyre Imports (the complainant) on 7 April 2025 on behalf of the Union industry of passenger car and light lorry tyres.

Article 1(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union provides that a product is to be considered dumped "if its export price to the Union is less than a comparable price for a like product, in the ordinary course of trade, as established for the exporting country". Normally, the exporting country will be the country of origin.

The complainant claimed that it was inappropriate to use Chinese domestic prices and costs due to the existence of significant distortions. The allegation of dumping is based on a comparison of a constructed normal value "on the basis of costs of production and sale reflecting undistorted prices or benchmarks, with the

export price (at ex-works level) of the product under investigation when sold for export to the Union”. Therefore, the complainant “indicates Serbia as an appropriate representative country for the purposes of constructing the normal value”. The complainant also provided sufficient evidence concerning the possible existence of distortions in the market for raw materials, including synthetic rubber, carbon black and steel cord, regarding the product under investigation. These distortions would appear to “result in prices significantly below those of representative international markets”.

In view of significant distortions in the exporting country, the Commission considered that there was sufficient evidence warranting the initiation of an investigation.

Regulation (EU) 2025/1214 of the European Parliament and of the Council of 17 June 2025 amending Regulation (EU) 2019/631 to include an additional flexibility as regards the calculation of manufacturers’ compliance with CO₂ emission performance standards for new passenger cars and new light commercial vehicles for the calendar years 2025 to 2027

On 9 June, Regulation (EU) 2025/1214 amending Regulation (EU) 2019/631 to include an additional flexibility as regards the calculation of manufacturers’ compliance with CO₂ emission performance standards for new passenger cars and new light commercial vehicles for the calendar years 2025 to 2027 entered into force.

In order to speed up the adoption of the legislative change, Parliament agreed to pass the legislative amendment under the urgency procedure. It approved the European Commission’s proposal on 8 May and the Council on 27 May. After approval by the Council, the amendment

was adopted and subsequently published in the Official Journal of the EU.

For more details on the amendment and its implications for the sector, please see our Newsletter No. 26, [here](#).

The Council adopts on 18 July the Proposal for a Regulation of the European Parliament and of the Council of 21 May 2025 amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies

On 18 July 2025 the Council adopted the Proposal for a Regulation which, inter alia, postpones for two years - to 18 August 2027 - the entry into force of the battery due diligence obligations on economic operators placing batteries on the market or putting them into service. These obligations are laid down in Regulation (EU) 2023/1542 of 12 July 2023 concerning batteries and waste batteries (Regulation 2023/1542 or the Batteries Regulation). The entry into force of these obligations was scheduled for 18 August 2025. The Regulation amending the Batteries Regulation will enter into force as a matter of urgency on the day following its publication in the Official Journal of the European Union.

Regulation 2023/1542 defines “economic operator” as “the manufacturer, the authorised representative, the importer, the distributor or the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture, preparation for re-use, preparation for repurposing, repurposing or remanufacturing of batteries, the making available or the placing of batteries on the market, including online, or the putting of batteries into service in accordance with this Regulation”. This Regulation lays down due diligence obligations on these economic operators

concerning, inter alia, the sourcing, processing and trading of raw materials (cobalt, natural graphite, lithium and nickel) used for battery manufacturing. In addition, these economic operators will have to establish and implement battery due diligence policies, which will have to be subject to “third-party verification” by conformity assessment bodies notified by Member States to the European Commission (notified bodies).

The amending Regulation postpones the entry into force of the due diligence obligations in view, inter alia, of the difficulties regarding the sourcing of new materials as a result of geopoliti-

cal developments that are affecting supply chains. In addition, only half of the Member States would have designated their competent authority to supervise conformity assessment bodies. These reasons are compounded by the appropriateness of harmonising the publication date for the guidelines to be produced by the Commission on the application of the due diligence requirements under the Batteries Regulation with the publication date of the guidelines on how to exercise due diligence under Directive (EU) 2024/1760 of 13 June 2024 on corporate sustainability due diligence. The Commission will thus have until 26 July 2026 to publish the guidelines under the Batteries Regulation.

Public consultation

Spain

Public consultation on the Draft Royal Decree amending Royal Decree 750/2010, of 4 June 2010, regulating vehicle type-approval procedures

From 16 July to 15 September, the period for the submission of responses to the draft Royal Decree amending Royal Decree 750/2010, of 4 June 2010, regulating vehicle type-approval procedures, is now open.

The draft Royal Decree amends Royal Decree 750/2010 in two respects:

- The “inclusion of the obligation to provide the Directorate-General for Traffic’s register

with information on vehicles affected by recalls, as well as vehicles that have already been inspected”, and

- The replacement of the paper roadworthiness test (ITV) card by an electronic ITV card for, among others, agricultural vehicles (tractors, self-propelled machines, agricultural trailers, towed machines, etc.).

Commission launches on 7 July public consultation on CO₂ emission standards for cars and vans and on car labelling

The feedback period to hear views on the revision of the CO₂ emission targets in Regulation 2019/631 is open until 10 October. The initiative will “revise the current rules, based on a fact-based analysis, taking into account all relevant technological developments, and the importance of an economically viable and

socially fair transition towards zero-emission mobility”.

The Commission is seeking feedback, in particular from the automotive industry, the fuel and energy industry and consumer and vehicle user organisations, among others.

News

DGT publishes the Framework Programme for Automated Vehicle Safety and Technology Assessments on 18 June 2025

The Directorate-General for Traffic (DGT) has published the new Framework Programme for Automated Vehicle Safety and Technology Assessments (ES-AV Programme), approved by Instruction VEH 2025/07. The ES-AV Programme is established “as the regulatory framework under which the regime of operations and driving for testing and trials of automated vehicles on roads open to general traffic subject to Royal Legislative Decree 6/2015 will be authorised and supervised”, covering from prototypes to pre-type approval. The objective of the ES-AV Programme is to “advance in the definition of safe driving and certification policy, in addition to improving public transparency related to the safety of automated vehicles, thus enabling the responsible development of this technology”. It also creates the Office for the Facilitation of Automated Vehicle Testing (OFVA), a one-stop shop for applications and test tracking. The VEH Instruction 2022/07 and the Directorate-General for Traffic’s MOV Guideline 2023/13 are repealed.

From 7 to 17 July, the call for applications for PERTE VEC Section A battery aid was open

From 7 to 17 July, the call for applications for investment plan aid under Section A Batteries of the PERTE VEC was open. The total budget of the call was **280 million** euros: 180 million euros in repayable loans and 100 million euros in direct subsidies. The call encourages “projects for the production of electric vehicle batteries in the national territory by 2025, developed by commercial companies legally incorporated in Spain”. The types of investment projects were to be the creation of industrial establishments, expansions of production capacity and reconversion of existing lines. In turn, these types of projects had to be framed within one of the following thematic priorities: production of batteries and their essential components and production or recovery of their related fundamental raw materials. Our team will continue to monitor the available support under the PERTE VEC, which is so important for the Spanish automotive sector.

