Sustainable Mobility Act 9/2025: measures to promote climate neutrality in the transport sector

Act 9/2025 introduces measures to promote decarbonisation in transport, such as the calculation of carbon footprints by transport entities, sustainable mobility plans in large centres of activity and companies, the electrification of ports and the promotion of renewable fuels, the deployment of charging points and the drawing up of a national grid capacity map.

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Sustainable Mobility Act 9/2025 of 3 December introduces a new regulatory framework for transport and mobility that complements and, in some cases, modifies existing rules and regulations with the aim, as stated in its explanatory notes, of "reorienting mobility towards more sustainable modes of transport, which in turn will protect the health, environment, climate, well-being and safety of all citizens". This Act is part of the reforms the Government has committed itself to with the European Union, within the framework of the Recovery, Transformation and Resilience Plan, in order to access NexGenerationEU funds.

The Act introduces numerous new developments in the field of mobility and transport which, according to a Moncloa press release, are based on four pillars: ensure that the "right to mobility" is effective throughout the national territory, promote climate neutrality in the transport sector, commit to digitalisation and innovation, and strengthen transparency and accountability in spending decisions.

In addition, the Act introduces organisational changes and creates the General System for Sustainable Mobility as a framework for cooperation between the state, devolved regions and local entities. This system is structured around two bodies: the Territorial Forum for Sustainable Mobility (dedicated to inter-administrative cooperation, reporting and planning) and the Higher Council for Sustainable Mobility (the highest advisory and socio-economic participation body).

In this paper, we address the most relevant measures contained in the Act to promote climate neutrality in the transport sector:

1. Principle of decarbonisation and modal hierarchy in the urban mobility system

One of the guiding principles of general government action on transport and mobility set out in the Act is to "prioritise decarbonisation through electrification and the use of renewable fuels, energy efficiency and respect for the natural and urban environment, taking as a basis for achieving climate objectives the principles set out in the Integrated National Energy and Climate Plan (PNIEC), which include technological neutrality and cost-efficiency" (Art. 5).

This principle is reflected in the urban mobility system. Article 28 of the Act establishes that the competent public authority must incentivise and promote means of mobility in the following order of priority:

a) active mobility, defined as travel by non-motorised means or using physical activity, such as walking or cycling (Art. 2(m));

b) public transport;

c) high-occupancy mobility systems that offer benefits in terms of, inter alia, reducing externalities or occupation of public space;

d) in relation to private vehicles, priority will be given to technologies that result in lower pollutant and greenhouse gas emissions, as well as vehicles that take up less public space and collaborative mobility services.

To promote an integrated mobility model in line with this order of priority, Article 29 of the Act incorporates guidelines for urban planning, which should be geared towards models of "compact cities with mixed land use", strengthening the role and naturalisation of public spaces through measures such as traffic calming, the development of a network of specific infrastructure for non-motorised vehicles, promoting active mobility and intermodality, and improving accessibility and street furniture. Specific actions include the expansion of public and private bicycle and other personal or shared mobility vehicle rental systems (the Act recognises *car sharing* through the use of mobile applications as a form of driverless vehicle rental).

Another provision of the Act in this regard is the mandate that the competentauthorities analyse the need and feasibility and, where appropriate and depending on budgetary availability, carry out the necessary actions so that, at the entrances to municipalities with more than three hundred thousand inhabitants, lanes in roads with three or more lanes in each direction and other roads where possible are " reserved or preferred for public transport, taxis, bicycles or cycles, high-occupancy or zero-emission vehicles, or other types of vehicles and services" to be determined (Art. 33).

2. Obligation for transport entities to calculate and report their carbon footprint

Article 36 establishes that public or private entities that provide or market transport or mobility services for people or goods originating in or destined for Spanish territory must calculate the greenhouse gas emissions associated with those services.

This obligation shall be enforceable one year after the adoption of the regulations necessary for its implementation. To this end, the Government, after consulting the transport and mobility sector, shall develop the calculation methodology by way of regulations and specify the obligations and their minimum scope, specifying time limits, exemptions and flexibility mechanisms depending on the type, size or turnover of the entities, as well as the procedures for informing users or beneficiaries of transport or mobility services.

The devolved regions and local authorities, within the scope of their powers, may extend the scope of these obligations to services provided with origin and destination within their territory.

3. Measures applicable to the air and maritime transport sectors

a) *Information on emissions and calculation of the carbon footprint by public port and airport managers*

The obligations set out in Article 37 of the Act affect public port and airport managers, although they will also have an impact on private operators.

Firstly, it establishes the obligation for airport managers and the Directorate-General for the Merchant Navy to submit annual information to the Ministry for Ecological Transition and Demographic Challenge on atmospheric emissions from the most significant sources due to air and maritime traffic and related activities, which is likely to place greater data requirements on operators in these sectors.

Secondly, it requires airport managers and port authorities to calculate their carbon footprint each year and to draw up an emissions reduction plan that may include offsetting measures (reduction, absorption or both).

These plans must aim to make airport and port services greenhouse gas neutral in their scope 1 and 2 emissions, as defined in Royal Decree 163/2014, which creates the carbon footprint register. The foregoing instrument may also serve to fulfil the two obligations set out above, for which purpose the register shall include, in its supporting documents and guidelines, a specific section for these transport activities.

For private operators, these statutory provisions will mean greater data requirements. On the other hand, these provisions allow the carbon footprint to be incorporated into public procurement, either as a technical requirement, as an award criterion based on the best quality/price ratio, or as a special condition of execution. In this regard, Royal Decree 214/2025, which repealed Royal Decree 163/2014, enables the use of carbon footprints in public procurement, which can be proven by registration in the Register

regulated by this royal decree or other equivalent means.

Transport entities must calculate and report their carbon footprint

b) *The reduction of domestic flights on routes with rail alternatives*

Following the line initiated by the French Climate Act of 2023, the Spanish Act provides that the Ministry of Transport and Sustainable Mobility will promote the reduction of domestic flights when there is a rail alternative with a duration of less than two and a half hours, except in cases of connection with airports linking to international routes.

However, the scope of this measure is conditional on the results of a technical study by the Ministry of Transport and Sustainable Mobility analysing its effectiveness in reducing emissions and its possible impacts in other areas (such as regional connectivity or economic and social effects). This study, which must be presented within six months and submitted to a public hearing, will serve as the basis for any legislative changes that may be necessary.

c) *Measures for the use and supply of alternative energy in ports*

Article 35 promotes decarbonisation and improved air quality in ports through the provision of appropriate equipment and services for the supply of alternative energy, such as the supply of electricity to docked ships and vessels, as well as to port machinery, heavy vehicle fleets and mobile fleets. This service must be available by 2030 in passenger and container terminals at European Union Trans-European Transport Network (TEN-T) ports and, from 2030, in terminals at other ports where the governing body so decides.

To this end, national planning measures are envisaged to electrify port services by 2030, as well as sectoral plans to encourage renewable fuels of non-biological origin to ensure compliance with the objectives set by European regulations, in particular Regulation (EU) 2023/1804 on the deployment of alternative fuels infrastructure (FuelEU Maritime).

Within six months of its entry into force, *Puertos del Estado* (public body responsible for coordinating the state-owned port system) will publish detailed information on the electricity and alternative fuel facilities available in each port. Within 24 months, port authorities must approve an action framework with emission reduction targets and plans, a carbon footprint calculated using a specific methodology, and a forecast of demand for electricity and other alternative energy.

The self-consumption of renewable energy in port areas is also facilitated, recognising them as "production facilities close to and associated with consumption facilities" when both generation and consumption are in the service area of a port for public benefit (thus allowing renewable generation to be shared without distance limitations within the port area and

energy to be transferred through the distribution network).

4. Public and private sustainable mobility plans

a) *DOMOS and methodological recommendations*

The Sustainable Mobility Guidance Document (DOMOS) is the general framework for sustainable transport and mobility planning and management. It will be adopted by the Cabinet and will be binding on the policies of the central general government; in particular, it will condition its aid in the field of mobility, while other general governments may adopt it voluntarily (Articles 15 to 17).

As a complement to DOMOS, the Act provides for "methodological recommendation documents", which are voluntary, establishing the objectives, content, structure and tools for the different areas of sustainable mobility: plans for local authorities, large centres of activity, sustainable commutes, low-emission zones, parking policies, shared mobility systems and infrastructure for cycling, among others (Article 18). It also provides for the development of best practice guides, which will include successful actions in the field of mobility by public and private entities (Art. 19).

Measures are planned to electrify ports and promote renewable fuels in compliance with the FuelEU Maritime Regulation

b) *National and regional mobility planning*

The Act regulates the development and approval by the Cabinet of a strategic national mobility planning instrument (IPEEM) that must comply with the content of the Act and the DOMOS and which, in turn, will condition national-level infrastructure and transport plans. This planning instrument will prioritise actions to generate new infrastructure and preserve existing infrastructure and, when it envisages actions that affect different areas of jurisdiction, particularly in urban planning matters, it will establish mechanisms for cooperation and financial co-responsibility (Art. 22).

Devolved regions may approve their own planning instruments, which must be consistent with the DOMOS if they have voluntarily accepted its provisions (Art. 23).

c) *Sustainable mobility plans for local authorities*

The Climate Change and Energy Transition Act 7/2021 established the obligation for municipalities with more than fifty thousand inhabitants to have

sustainable urban mobility plans, specifying their minimum content. Now, Article 24 of the Sustainable Mobility Act stipulates that municipalities with more than twenty thousand inhabitants and less than fifty thousand inhabitants must have a "simplified sustainable mobility plan" that must be reviewed every six years. The Act does not regulate the content of these plans, merely stating that they may take into account, as a reference, the criteria of the methodological guidelines.

The implementation of the sustainable mobility plans envisaged in 2021 for municipalities with more than fifty thousand inhabitants has been uneven and delayed; some are still pending approval despite the deadline ending in 2023. In response, the law strengthens the regulatory framework by establishing a periodic monitoring system and creating a Register of Sustainable Mobility Plans within the digital mobility information system regulated in Article 13.

d) *Sustainable mobility plans for large centres of activity*

The authorities responsible for transport and mobility will identify *major centres of activity*, defined by law as "places or locations where a particular job or task is carried out or concentrated most intensively, such as healthcare, education and training, leisure, sport, commerce, industry and transport, because they bring together workplaces of different companies or involve the attendance of many users, generating greater intensity of mobility, in addition to that of the workers themselves, in general or at certain peak hours of traffic."

This concept may therefore include sites such as industrial or technology parks, healthcare complexes, shopping and leisure centres, university campuses, stadiums and exhibition centres, ports, airports or transport interchanges, among others. The Ministry of Transport and Sustainable Mobility will publish the large centres of activity required to approve a sustainable mobility plan, which will be determined by the competent transport authority. Following this publication, large centres of activity must adopt a Sustainable Mobility Plan, which they will submit to the local authority in whose territory they are located, and appoint a mobility manager.

e) *Sustainable commute plans*

The Act establishes the obligation for companies and public sector entities listed in Article 2 of Law 40/2015 to have sustainable mobility plans for commuting to work (sustainable commute plans) when the workplace has more than two hundred employees or more than one hundred per work shift (Art. 26)[1].

[1] For *more information* on sustainable mobility plans for commuting to work, see Lourdes López Cumbre, "Sustainable commute plans: a new obligation for some companies", *GA_P Analysis*, December 2025, at this ***link***.

Companies whose workplaces do not reach these thresholds are not required to adopt sustainable mobility plans (unless so established by the devolved regions), but the Act encourages their adoption by those with more than one hundred employees or more than fifty per shift, by providing access to subsidies to finance them, the competitive call for applications for the same having to be opened by the Ministry of Transport and Sustainable Mobility (Twenty-Seventh Additional Provision). Companies and public bodies required to have a sustainable commute plan must adopt it within twenty-four months of the Act coming into force, after negotiation with the statutory body of worker representatives or an ad hoc joint consultative committee. The Act provides that the role of mobility manager for these workplaces may be established by way of regulations.

Failure to comply with the obligation to have a sustainable commute plan within this period is classified as a minor violation if it causes harm to the mobility system and is punishable by a fine of between €101 and €2,000 (Arts. 106 and 107).

5. Promotion of charging stations for electric vehicles

The Act contains several provisions to strengthen the electric vehicle charging network, as Spain remains below the European average in terms of density and deployment of public charging points, especially fast charging points ("Structure of the electric charging station market", Bank of Spain, 2025):

a) *Deployment of charging stations on motorways*

The authorities, in exercising their powers, shall promote "the establishment of electric charging points on roads, through their installation at petrol stations or the establishment of sufficient and necessary fast and ultra-fast electric charging stations (electro-charging stations) so that electromobility, especially for long distances and freight transport, can carry on normally throughout the territory" (Art. 32(c)).

b) *Deployment of charging stations in municipalities: competitive tenders for the installation of charging points*

The Act stipulates that municipalities must promote competitive and transparent procedures so that charging service operators can establish publicly accessible electric vehicle charging points in municipalities "in order to establish a minimum charging network in line with the growth of the electric vehicle fleet". To this end, municipal regulations implementing low-emission zones must include "minimum annual targets for the implementation of electric vehicle charging points inside and outside the low-emission zone" (new Article 8(2) of Royal Decree 1052/2022, regulating low-emission zones, introduced by the Fourteenth Final Provision).

In addition, for municipalities with fewer than thirty thousand inhabitants and areas with low population density, the Government will draw up a national plan for the deployment of charging

Large centres of activity and companies with more than 200 employees must adopt sustainable mobility plans

points (Thirty-Fifth Additional Provision). The Act establishes the requirements that charging points must meet and sets out very specific implementation objectives:

1) Ensure the deployment of at least one charging point in all municipalities with between 2,000 and 30,000 inhabitants, with these numbers varying depending on the devolved region, although the lower limit will always be 2,000 inhabitants or less and the upper limit 30,000 inhabitants or more.

2) Ensure the deployment of at least one charging point in 20% of the most populated municipalities in each devolved region, provided that they have fewer than 30,000 inhabitants and more than 500.

3) Ensure the deployment of at least one charging point in a municipality within a radius of twenty-five kilometres.

c) *Information on the location of charging points*

In accordance with the Seventh Additional Provision of the Act, the central government shall:

— make information freely available on the location of large stations and publicly accessible infrastructure linked to electric charging, as well as the characteristics of the service provided;

— establish physical signs on state-owned roads indicating the location of charging points at operational stations, as well as the distances to these and to the nearest ones.

Data on the location and operation of electric charging stations will also be published in digital format so that electric vehicle users can access the information in real time.

6. Creation of a national grid capacity map and associated measures to ensure the expansion of charging infrastructure

The Twenty-Eighth Additional Provision establishes that, within six months of the Act coming into force, electricity distributors must send the Ministry for Ecological Transition and Demographic Challenge information on the characteristics and capacities of the electricity grid in locations authorised for the installation of charging points, in accordance with the terms set out in a subsequent ministerial order. It seems, however, that the obligation should be counted from the publication of this order, which will "determine the information" to be submitted.

With this information, the Ministry must publish a national grid capacity map, which will include, at least, the location of the power lines and their technical data, the location of the transformer stations and their technical data, as well as the areas with the highest power and capacity available for the installation of charging points. The Act stipulates that this map shall also be published within six months of the Act coming into force, but it cannot be drawn

up until the information from the energy distributors has been received, and this depends on how quickly the ministerial order is drawn up.

In addition, there are plans to create a mechanism for supplying electricity through transmission networks for distribution purposes when certain circumstances arise (Thirty-Eighth Additional Provision) and for planning positions for the supply of electricity (Sixteenth Final Provision). An appropriate procedure must be created to ensure that substations have positions available to meet new demands, so as to guarantee the adequate expansion of recharging points and other demand-side facilities linked to sustainable mobility.

The Act also introduces a new paragraph in Article 53(1) of Act 24/2013 to eliminate the need for prior administrative authorisation for charging point infrastructure running from the point of connection to the distribution or transmission system to the charging point itself and that does not require an environmental impact assessment or a declaration of public convenience and necessity, thus reducing the procedures for implementation (Sixteenth Final Provision).

Likewise, Article 23 *bis* of Royal Decree 118/2020 on access to and connection to electricity transmission and distribution systems (as amended by Royal Decree-law 8/2023) is amended to exempt demand-side facilities whose purpose is to develop strategic projects focused on reducing greenhouse gas emissions from transport from the obligation to provide a guarantee for access and connection to the transmission or distribution system (Nineteenth Final Provision).

7. Response to high pollution episodes

The Act regulates the response of the authorities to high pollution episodes, establishing, first of all, that national infrastructure managers and authorities must have protocols in place for these situations in coordination with the regional environmental protection authorities. Secondly, it determines that, when one of these episodes occurs, although the activation of the protocols lies with the public authorities that have drawn them up, the closure or restriction of traffic on roads or access by certain vehicles for environmental reasons rests with, in all cases, the traffic authorities (a provision located, by poor legislative drafting, in the Fifth Additional Provision).