

EN

E-004992/2025

Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(19.2.2026)

The mandatory use of V-16 hazard signalling devices in vehicles in circulation on public roads in Spain from 1 January 2026 as well as the requirement that each device communicates its geolocation to the Directorate-General for Transport (DGT), have been laid down in Spanish Royal Decree 159/2021¹ and Royal Decree 1030/2022². Neither of these Decrees have been notified under the Directive (EU) 2015/1535³ procedure.

It is for the Member States to assess if their draft measures are subject to the notification requirement under Directive (EU) 2015/1535.

Where Member States fail to meet their obligation to communicate draft technical regulations under Article 5(1) of Directive (EU) 2015/1535, the Commission can launch enforcement actions under Article 258 of the Treaty on the Functioning of the European Union (TFEU). Additionally, as held by the Court of Justice of the European Union (CJEU), national courts must decline to apply technical regulations that have not been notified to the Commission in accordance with Directive (EU) 2015/1535⁴.

The use of hazard signalling devices is not harmonised at EU level and the national traffic rules of the Member States apply instead. Nevertheless, imposing specific technical requirements on the device at national level may constitute a measure with equivalent effect to trade restriction in the Internal Market under Article 34 TFEU, which the Spanish authorities would have to justify under Article 36 of TFEU or on the basis of one of the mandatory requirements developed in the CJEU's jurisprudence.

¹ Real Decreto 159/2021, de 16 de marzo, por el que se regulan los servicios de auxilio en las vías públicas, «BOE» núm. 65, de 17/03/2021 (<https://www.boe.es/buscar/act.php?id=BOE-A-2021-4194>).

² Real Decreto 1030/2022, de 20 de diciembre, por el que se modifica el Real Decreto 159/2021, de 16 de marzo, por el que se regulan los servicios de auxilio en las vías públicas, «BOE» núm. 305, de 21 de diciembre de 2022, páginas 178733 a 178738 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-21683).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L1535>.

⁴ Case C-194/94 CIA Security, paragraphs 54 and 55.