

**Law XX/2024, of XX XXX, regulating the provision of the vehicle technical inspection service (ITV).**

Preamble

I

The vehicle technical inspection (ITV) is part of a system that ensures that vehicles travelling on public roads are in good condition regarding safety and the environment, for as long as these are in use. To this end, in 2014 the European Parliament and the Council of the European Union adopted Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers.

On the other hand, at state level, the ITV is regulated by Royal Decree 920/2017, of 23 October 2017, regulating vehicle technical inspection, which establishes the minimum requirements of the system of technical inspections of vehicles necessary for travelling on public roads, and determines the minimum requirements and obligations with which ITV stations must comply.

The purpose of vehicle technical inspection is therefore to identify mechanical deficiencies in vehicles that might compromise road safety and affect the environment, and to verify that the conditions required by the applicable legislation at the time of approval or adaptation are maintained. This activity is carried out in the ITV stations through two types of actions: periodic vehicle technical inspection and the management of different types of administrative formalities, such as changes in service or use of vehicles, as a result of vehicle reform, or as a prerequisite for registration in certain circumstances.

In general, periodic vehicle technical inspection as well as administrative procedures carried out at ITV stations are mandatory for vehicle owners. This mandatory nature makes the competent public administrations the responsible for ensuring that the service is provided properly and to ensure the quality of the services offered in these establishments.

The system for providing this public intervention has been evolving in order to adapt to the changing needs of the existing service and vehicle fleet. Thus, in 1982, the Generalitat of Catalonia decided to outsource the inspection service to private operators, choosing, in a first stage, the legal regime of an administrative concession.

With Law 12/2008, of 31 July 2008 on industrial safety, the concession concept was replaced by the administrative authorisation of external operators. This authorisation regime, which was developed in Decree 30/2010, of 2 March 2010, approving the regulation implementing Law 12/2008, of 31 July 2008, on industrial security, was defined in the context of territorial planning and a series of restrictions and limitations, with the aim of ensuring sufficient coverage throughout the territory of the inspection network and to promote competition. Decree 45/2010, of 30 March 2010, approved the territorial plan for new ITV stations in Catalonia for the 2010-2014 period, and by Order IEU/279/2010, of 7 May 2020, the call was opened and the rules governing the public tender were approved to access the authorisation of new ITV stations, contemplated in the Territorial Plan by Decree 45/2010.

In 2016, the Supreme Court annulled two requirements laid down in Decree 30/2010 in order to receive the corresponding authorisation. In particular, Article 74, which established a market share ceiling of 50 % and Article 75, which provided for a minimum distance between the stations of the same economic operator. Those two provisions were declared void by the Supreme Court, on the ground that they were contrary to the freedom of establishment laid down in Article 49 of the Treaty on the Functioning of the European Union (TFEU), since neither the necessity nor proportionality of those two measures was established.

That nullity meant that the Supreme Court also ordered the annulment of Order IEU/279/2010, in so far as it applied the conditions laid down in Decree 30/2010 which had been annulled.

Consequently, the regulatory framework derived from Law 12/2008 of 31 July 2008 did not end up being implemented in Catalonia.

In addition, the judgement in STS 870/2016, of 29 March 2016, also annulled the second additional provision of Decree 30/2010, which awarded public assets to the former concessionaires in so far as they were kept enjoying the assets and rights derived from the previous concessions. Since operators from the old concessions were obliged to pay to the Generalitat of Catalonia an economic consideration for the use of the assets and rights of the former concessions, the Supreme Court has also annulled, by Constitutional Court Judgement 983/2016, of 4 May 2016, Order IEU/468/2010, of 27 September 2010, regulating the economic consideration for the use by the owners of the technical inspection stations of the goods and reverse rights of the former administrative concessions.

Finally, the territorial plan for new stations, on the basis of which the competitions for new ITV stations are called, has lost its validity, since Decree 45/2010, of 30 March 2010, which approved it, defined its temporal validity for the 2010-2014 period.

Therefore, the situation in which the model defined by Law 12/2008 is stagnant, since the continuity of the provision of the ITV service in Catalonia has been called into question, since, on the one hand, the operators authorised in accordance with the invitation to tender issued by Order IEU/279/2010 have the authorisation annulled and, on the other hand, the former operators authorised under the new scheme have annulled the enjoyment of the use of the goods and rights of the previous concessions by carrying out the inspection tasks.

Directive 2014/45/EU, of 3 April 2014, on the periodic vehicle technical inspection of motor vehicles and their trailers provides that vehicle technical inspection is a sovereign activity which must necessarily be carried out by states or by public or private bodies under their supervision. Consequently, vehicle technical inspection is defined as a service of general interest related to transport, the purpose of which is to ensure that vehicles are in good condition, from the point of view of safety and the environment throughout their lifetime, and, in turn, the prevention of risks associated with vehicle safety deficiencies that adversely affect road safety and can contribute to traffic accidents involving injuries and fatalities.

The ageing of the vehicle fleet causes the number of vehicles to undergo vehicle technical inspection to increase. In this situation, the provision of the ITV service is even more important, since when the vehicles are older, they impact more on road safety and the environment. Since the opening of ITV stations has been frozen for more than 10 years, there is a need for a regulatory change in order to increase the offer of the service.

The climate emergency situation obliges enhancing energy self-consumption, which cannot be done in ITV stations without the publication of a rule that regulates the legal regime of the provision of the ITV service in Catalonia and that contemplates it as a requirement.

The objective of the Law is to address a new regulation that develops a new regulatory framework of the ITV service delivery model in Catalonia. which gives legal certainty to operators who act or wish to act in this sector and that establishes a coherent and seamless model and that adapts to the European regulatory framework. The aim is to establish a model that gives users freedom of choice, ensures that the service is

provided sufficiently throughout the territory, applies environmental sustainability measures at stations, and reduces unjustified administrative burdens.

## II

This Law is structured into four titles, six additional provisions, a transitional provision, a derogatory provision, nine final provisions and four annexes.

Title 1 lays down general provisions on the vehicle technical inspection service in such a way as to govern the subject matter, scope, definitions of specific terminology in the context of the text, the regime for the provision of the ITV service, the roles of the ITV operators, the system of incompatibilities of the ITV service, the conditions and characteristics of the rates applicable to actions related to the provision of the ITV service, the technical conditions for the provision of the ITV service, as well as the conditions under which the temporary suspension or revocation of authorisations for the provision of the ITV service takes place.

Title 2 sets out the regulatory regime for vehicle technical inspection at fixed stations, specifying the conditions of universality of the service, the requirements and obligations of the operators of the ITV service, the procedure for authorising ITV stations amendments to them, as well as the conditions for commencing the operation of the stations.

Title 3 establishes the regulatory regime for vehicle technical inspection at mobile stations, specifying the conditions of their activity, the requirements and obligations of the operators of the ITV service, the procedure for awarding the service, its amendments and the conditions for the transfer by change of ownership of the authorisations.

Title 4 regulates the monitoring and supervision of the Administration of the Generalitat of Catalonia of the ITV service, establishing the details of the inspection and sanctioning competence of the Administration.

The additional provisions specify the conditions of continuity of the provision of the ITV service by the operators providing this at the time this standard is approved, the conditions for adapting to the new requirements, and obligations for providing the service that are added, and the right of preferential acquisition of the former concessionaires over the stations they operate.

The transitional provision establishes the obligation operators authorised at the time this text is approved to continue providing the service, at the stations authorised for a specified time.

The derogatory provision lists the legislative and regulatory texts that cease to be in force as a result of this text being adopted.

By means of the nine final provisions, the structure of fees applicable to the ITV service is adapted on the basis of the new provision regime, and consequently the legislative text regulating public fees and prices of the Generalitat of Catalonia is amended; the suspension of granting new authorisations for ITV stations is lifted; Article 31 of Law 9/2014, of 31 July 2014, on the industrial safety of establishments, installations and products, concerning the exercise of the power to impose penalties for offences established in this Law, is amended; it establishes how to amend the competent bodies in the field of ITV; it establishes the conditions for the development of this Law; it empowers for the approval of technical instructions and protocols in the field of industrial safety; the concurrent application of this Law is regulated; another final provision envisages a future regulation by Decree of the ITV service for personal mobility vehicles, and the latter specifies the entry into force of this legislative text.

The various annexes to the articulated text specify the conditions for establishing fixed ITV stations, the areas for providing the ITV service at mobile stations, the amounts and conditions for updating the bonds linked to the responsibilities arising from the temporary suspension or revocation of authorisations for providing the ITV service, as well as the list of documentation necessary for the processing of applications for authorisations for fixed stations.

This Law develops Article 139 of the Statute of Autonomy of Catalonia, which recognises the exclusive competence of the Generalitat in matters of industry, and which includes the safety of vehicles, as an industrial product, which can have an impact on the safety or health of people, and which aims to guarantee the technical inspection of vehicles. It is also covered by Article 144 of the Statute, on the environment and competence for the establishment of additional protection rules.

This provision has been submitted for the procedure for providing information in the area of technical standards and of rules on Information Society services, pursuant to Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, and to Royal Decree 1337/1999, of 31 July 1999, incorporating this directive into internal law.

## Title 1 General provisions

### Article 1. Purpose

The purpose of this Law is to regulate, within the scope of the powers of the Generalitat of Catalonia, the legal regime applicable to the vehicle technical inspection service.

### Article 2. Scope of application

This Law applies to:

- Operators who provide the vehicle technical inspection service that are authorised to carry out their activity in Catalonia.
- Natural and legal persons who process administrative procedures at vehicle technical inspection stations.
- To users of the vehicle technical inspection service of Catalonia.

### Article 3. Definitions

For the purposes of the provisions of this Law, and in the regulations implementing it, the following meanings apply:

- a. ITV: Technical vehicle inspection
- b. ITV Service: The service of general interest for the purpose of carrying out safety inspections and administrative procedures of vehicles in order to ensure safety and protection of the environment, in accordance with the provisions of the regulations and specific technical regulations.
- c. ITV Operator: The natural or legal person authorised to provide the ITV service. Authorised operators are registered ex officio in the Register of Industrial Safety Agents of Catalonia (RASIC).
- d. Technical inspection staff of ITV operators: Natural persons associated with an ITV operator who have the status of technical management staff of the station, team leader or inspector staff.
- e. ITV station: The fixed establishment authorised to exercise the ITV service.
- f. ITV mobile station: The equipment authorised to operate the ITV service on an itinerant basis and linked to a fixed ITV station.
- g. Inspection line: Set of minimum installations and equipment defined in the current technical regulations, and identified by a pit and a brake meter. Authorised inspection lines can be universal and lightweight.
- h. Universal type line: Inspection line equipped to carry out technical inspections on all types of vehicles, except those that cannot access the interior of the establishment due to their dimensions.
- i. Light-type line: Inspection line equipped to carry out vehicle technical inspections up to 3 500 kg maximum permissible mass.

j. Taximeter inspections: Set of administrative, visual and technical examinations aimed at verifying and confirming that the metrological characteristics that apply to taximeters are maintained, that the maximum permissible errors are maintained, and that operate according to their design and specific regulations.

k. Conditions for providing the ITV service: These are the specific technical conditions for providing the vehicle technical inspection service to be met by the operators of the ITV service in providing this service.

l. Technical instructions: those specifications developed in order to clarify or facilitate the application of the regulations on technical vehicle inspections, which are published in the DOGC and on the web portal of the department competent in the field of industrial safety. These are adopted by resolution of the Directorate-General responsible for industrial safety and are updated equally. In the drafting or amendment process, publicity should be given so that the sectors concerned can make proposals for improvement.

#### Article 4. System for the provision of the vehicle technical inspection service

1. The system for the provision of the vehicle technical inspection service at fixed stations shall be that of administrative authorisation, within the framework of a free market.

2. Obtaining the authorisation does not exempt its holders from the obligation to obtain permits and licenses from other public administrations that are necessary for the construction of the ITV station or commissioning, and is granted without prejudice to compliance with other regulations, especially regarding occupational safety, spatial planning and the environment.

3. The provision of the vehicle technical inspection service at mobile stations is carried out, under administrative authorisation, by the contracting authority or authorities of the relevant service concession contract, or by other forms of direct or indirect management of the provision of services provided for in the legislation.

4. The administrative authorisation of fixed stations must contain:

- The data identifying the operator of the ITV providing the service.
- The location of the station.
- The number and typology of the inspection lines installed.

5. The authorisation for the provision of the ITV service at mobile stations must contain:

- Data identifying the operator of the ITV providing the service
- The ratio of mobile stations that provide the service, in which areas they do, and their characteristics.
- The fixed ITV station to which each of ITV's mobile stations is linked.

6. Fixed stations may be authorised for the provision of the ITV service of the vehicles that make up the mobile fleet of the Generalitat de Catalonia. This service may be provided directly by the bodies responsible for maintaining the fleet, through

participation in mixed economy companies, by administrative concession, or by any form of indirect management provided for in the regulations. The administrative authorisation of these stations, as well as the requirements and obligations with which they must comply, require the decision of the head of the Directorate-General responsible for industrial safety.

7. Fixed stations may be authorised for providing the ITV service of vehicles forming part of the fleet of municipal passenger transport companies at stations specifically created for this purpose. The administrative authorisation of these stations, as well as the requirements and obligations with which they must comply, require the decision of the head of the Directorate-General responsible for industrial safety.

8. By decision of the head of the Directorate-General responsible for industrial safety, the subsidiary provision of the service may be established, in whole or in part, by any form of direct or indirect management in accordance with the applicable regulations, in order to guarantee the universality of the service.

#### Article 5. Roles of ITV operators

ITV service operators have the following roles:

- a. Performing the technical inspections of the vehicles, requested by the owners of the vehicles or required by the public authorities, and issuing the corresponding certifications, in accordance with the technical instructions of the body competent in the field of industrial safety.
- b. Resolving the files submitted by users of the administrative procedures to be managed by the operators of the ITV in accordance with the applicable regulations, and with the technical instructions of the competent body in the field of industrial safety.
- c. As a precautionary measure, detaining vehicles that, following the inspection activity, present safety deficiencies posing an imminent danger and immediately communicate these immobilisations to the body of the Administration of the Generalitat responsible for industrial safety, by means that the latter determines at all times.
- d. Informing at the expiry date of the vehicle inspection the owners of the vehicles who have carried out the previous periodic inspection at their stations, in accordance with the technical instructions established by the competent body for industrial safety.

#### Article 6. System of incompatibilities of the vehicle technical inspection service

1. The provision of the vehicle technical service by the operators of the ITV, as well as by their management and inspection technical staff, is incompatible with the development, directly or through other related entities, of technical, commercial, financial or advisory activities that may affect independence and influence the outcome of inspections or procedures carried out.

2. Activities that are specifically incompatible with the provision of the ITV service are:

- Road transport.



- Trading motor vehicles.
- Construction, renovation, and repair and maintenance of motor vehicles.
- Advice and administrative management of procedures related to the automotive field.

#### Article 7. Maximum rates for technical inspections and administrative formalities of the ITV service

1. The head of the Directorate-General responsible for industrial safety must establish, by decision to be made public, the maximum amount of the rates for the different types of technical inspections and administrative formalities of the ITV service, and subsequent updates.
2. The amount of the maximum rates is determined on the basis, inter alia, of the costs of the service and evolution of these. In addition, sustainability and environmental criteria should be taken into account, in order to promote the objectives set faced with the climate and environmental emergency declared by the Government of Catalonia and to promote mobility in low-emission or zero-emission vehicles.
3. The operators of the ITVs shall publish the corresponding rates by means established by the body responsible for industrial safety, in order to facilitate the freedom of choice on the part of users, who in no case may exceed the maximum set.
4. The recipients of the ITV service must, irrespective of the fees and taxes applicable to them, pay the fees to be fixed by the operators of vehicle technical inspection stations.

#### Article 8. Technical conditions for the provision of the vehicle technical inspection service

1. The specific technical conditions for the provision of the vehicle technical inspection service are determined by Technical Instruction.
2. They should include the following technical aspects:
  - The conditions for vehicles accessing ITV stations.
  - The conditions to be met by people driving vehicles at ITV stations.
  - The conditions of the appointment system.
  - The minimum conditions for offering services provided at ITV stations.
  - The conditions to be met in the management and resolution of the administrative procedures that are carried out at the ITV stations.
  - The customer-service conditions of the services provided by the operators of ITV stations, which must include respect for linguistic rights in attending to users.
  - The conditions of the system of presenting and handling queries, complaints and suggestions for the services provided by the operators of the ITV stations.
  - The scope of the activity carried out at fixed ITV stations.
  - The use of ITV stations and performing activities outside the authorised actions.

- The minimum content of the service charter that operators of ITV stations must have available to users.
- The conditions of the system for informing users of the services provided by the operators of ITV stations, with reference to linguistic uses and respect for linguistic rights.
- Any other that the competent body deems necessary for providing the service.

#### Article 9. Temporary suspension of authorisations for the provision of the vehicle technical inspection service

1. Authorisations for fixed ITV stations or ITV authorisations at a mobile station may be temporarily suspended ex officio by the body responsible for industrial safety, in the context of a sanctioning, inspection or revocation procedure, in the following cases:

- a. Repeated failure to comply with the instructions of the competent body on industrial safety.
- b. Refusal to allow inspections or verifications determined by the body responsible for industrial safety, or by actions that obstruct its practice.
- c. Concurrence of negligence, bad faith or other reasoned circumstances, as assessed by the body responsible for industrial safety.
- d. Failure to comply with the obligations of the service.

2. Authorisations for fixed ITV stations or authorisations for ITV on a mobile station may be temporarily suspended on the initiative of the ITV operator, through the administrative procedure authorised for that purpose by the body responsible for industrial safety, on grounds of temporary impossibility of providing the ITV service, under the conditions and with the requirements and obligations laid down in Articles 11 and 12 and 13 by fixed stations and in Article 19 by the authorisations of ITV on a mobile station, and provided that the holder of the fixed ITV station or holder of the mobile TV licence proves that he or she is taking all the necessary measures to restore compliance with all the requirements and obligations applicable to them.

3. The temporary suspension of authorisations for fixed ITV stations or authorisations for the provision of the ITV service at a mobile station requires the decision of the head of the Directorate-General responsible for industrial safety, after a file has been carried out with a hearing of the person concerned. The decision must be adopted, and notified within a maximum period of 6 months. An appeal against this decision may be lodged with the immediate superior.

4. The temporary suspension of authorisations by the body responsible for industrial safety, which arises by a final decision on the penalty proceedings for serious or very serious infringement, or as a precautionary measure, may result in the total or partial loss of the right to recover the securities constituted.

5. The temporary suspension of authorisations ends when, after having remedied the reasons for it, a decision is issued lifting the suspension, or a decision is issued to revoke the authorisation, by the body responsible for industrial safety.

#### Article 10. Revocation of authorisations for the provision of the vehicle technical inspection service

1. Authorisations for fixed ITV stations or ITV authorisations on a mobile station shall be revoked ex officio by the head of the Directorate-General responsible for industrial safety or at the initiative of the operator of the ITV station.

2. The revocation of ITV station authorisations or mobile station ITV authorisations requires a decision by the head of the Directorate-General responsible for industrial safety after hearing the stakeholders.

3. The revocation of authorisations initiated ex officio by the body responsible for industrial safety, which is determined in the relevant legislation, originates by a final decision on the penalty proceedings for very serious infringement and entails the loss of the right of recovery of the securities constituted.

4. Applications for revoking authorisations at the initiative of the operator of the ITV station must be communicated to the body competent for industrial safety to be determined in the relevant regulations, at least 3 months before the date foreseen by the operator for the end of performing the activity. These applications must be submitted by means of the administrative procedure authorised for this purpose.

5. In the event of an application for returning the bond constituted by an application for revoking the authorisations at the initiative of the ITV operator, and if a sanctioning procedure for a serious or very serious infringement has previously been initiated, the return of the bond is conditional on the finalisation of the penalty proceedings with a final decision.

6. The revocation of the authorisation of fixed ITV stations or of the authorisation of ITV on a mobile station requires the decision of the head of the Directorate-General responsible for industrial safety, after the file has been carried out, and after hearing the data subjects. The decision must be adopted and notified no later than 6 months after the application is submitted. An appeal against this decision may be lodged with the immediate superior.

7. The cessation of the activity of any ITV station shall result in the authorisation being revoked.

8. The territorial weighting conditions laid down in paragraph 1 of Annex 1 to that Law, which were taken into account and laid down in the decisions authorising ITV stations, remain enforceable in the event of revocation of any of the ITV authorisation decisions at its disposal.

Where appropriate, the deadline for adapting an operator's network of stations to territorial weighting conditions, from which the authorisation of fixed ITV stations or the authorisation of ITV on a mobile station is revoked, may not exceed 1 month.

## Title 2 Of the vehicle technical inspection service at fixed stations

### Article 11. Universality of the vehicle technical inspection service in fixed stations

1. The service of vehicle technical inspection of fixed stations is intended to be universal, to provide coverage throughout the territory and in all types of vehicles, except those vehicles which, due to their characteristics, cannot pass vehicle technical inspection at a fixed ITV station.
2. In order to facilitate the provision of the ITV service to the entire territory, all the regions of Catalonia are allocated to three possible areas according to objective criteria for the census of existing vehicles and geographical dispersion, and requirements for access to the provision of the ITV service are established in accordance with conditions of territorial weighting.
3. The conditions of territorial weighting referred to in paragraph 2 of this Article are laid down in Annex 1(1) to this Law, and may be amended, by order of the regional minister responsible for industrial safety, to be adopted by prior hearing and published in the Official Gazette of the Generalitat of Catalonia (DOGC) and on the web portal of the department responsible for industrial safety.

### Article 12. Requirements for vehicle technical inspection service operators at fixed stations

The requirements that operators must meet in order to obtain authorisation for the provision of ITV service at fixed stations are:

- a. Having the accreditation as a third party body in the technical inspection of vehicles, issued by the National Accreditation Entity (ENAC), in accordance with the requirements and obligations for the provision of ITV service in fixed stations specified in this Law. The scope of this accreditation should include all types of inspection and administrative formalities provided for in the specific regulations governing vehicle technical inspection.
- b. Complying with the conditions of territorial weighting for the provision of ITV service at fixed stations as defined in paragraph 1 of Annex 1 to this Law
- c. Complying with the incompatibilities regime provided for in Article 6 of this Law.
- d. Complying with the requirements provided for by the activity of fixed ITV stations, established in the applicable regulations.
- e. Authorising and justifying appropriate access to stations taking into account the types of vehicles that can be inspected in accordance with the scope of ENAC

accreditation. By decision of the head of the Directorate-General responsible for industrial safety, the minimum dimensions of access routes to stations may be established.

Article 13. Obligations of vehicle technical inspection service operators at fixed stations  
Operators authorised to provide the ITV service at fixed stations must comply with the following obligations:

- a. Initiating the activity within the period provided for in Article 15.1 of this Law.
- b. Maintaining compliance with the requirements imposed on operators of the vehicle technical inspection service at fixed stations vehicles, and all the conditions that served as the basis for the granting of the authorisations, as well as all the requirements that are required by the other applicable sectoral standards.
- c. Performing the different types of technical inspections of vehicles, and other actions in accordance with the applicable regulations, taking into account, without undue delay, the different requests submitted, in accordance with the technical regulations and protocols approved by the decision of the head of the Directorate-General responsible for industrial safety, and using the models and documents established by the Directorate-General responsible for industrial safety.
- d. Establishing and keeping up to date the bond to meet the possible liabilities arising in the event of temporary suspension, or revocation of the authorisation, prior to the start of the activity of the ITV station, as provided for in Annex 3.
- e. Establishing and keeping up to date a civil liability policy that covers the risks of its liability with respect to material and personal damage to third parties for the minimum amount established by the applicable technical regulations, prior to the start of the activity of the ITV station.
- f. Complying with the technical conditions for the provision of the ITV service provided for in Article 8.
- g. Adjusting to the image and conditions of the ITV-service identity to be established by resolution of the head of the Directorate-General responsible for industrial safety.
- h. Complying with the campaigns for the dissemination and promotion of industrial safety, established by decision of the head of the Directorate-General responsible for industrial safety.
- i. Complying with the environmental sustainability conditions in accordance with paragraph 2 of Annex 1 to this Law.
- j. Displaying to users the rates that apply at all times.
- k. Paying to the Generalitat the corresponding fees by the means established by the competent body in the field of industrial safety.

#### Article 14. Authorisation procedure for fixed ITV stations

1. Natural or legal persons wishing to exercise the ITV service at fixed stations, and who comply with the requirements required, must apply for administrative authorisation for each of the fixed stations that wish to operate to the general management responsible for industrial safety of the Generalitat de Catalonia, through the administrative procedure authorised for this purpose.
2. The application files for administrative authorisation conclude with the issuance of a decision granting or refusing the authorisation of the fixed ITV station requested, by the head of the Directorate-General responsible for industrial safety, which must be issued within a maximum period of 6 months from the submission of the application, following a hearing. The operative part of the decision should be published in the DOGC. The above-mentioned decision may be lodged with the hierarchical superior.
3. After the maximum period for resolving the application for authorisation has not been notified with an explicit decision, the application should be deemed to be rejected.
4. Entities obtaining the authorisation to operate fixed ITV stations are registered ex officio in the Register of Industrial Security Agents of Catalonia (RASIC), noting the fixed stations that operate.
5. The documentation to be submitted with the application is determined in Annex 4 to this Law, and may be amended by decision of the person from the Directorate-General responsible for industrial safety.

#### Article 15. Start of activity at fixed ITV stations

1. Authorised fixed ITV stations must commence operating within a maximum period of 1 year from the publication in the DOGC of their authorisation decision. Otherwise, the authorisation shall be cancelled without the right to recover the security, and a decision shall be given by the person at the Directorate-General responsible for industrial safety.
2. Authorised ITV operators must communicate, at least 30 calendar days in advance, the actual start of providing the service at the authorised fixed stations, by means of the administrative procedure authorised for this purpose.
3. ITV stations authorised in zones B and C, as defined in paragraph 1.1 of Annex 1 to this Law, may be put into service only if the stations in zone A with which the conditions of territorial weighting are fulfilled have previously begun to provide the service.

#### Article 16. Amending authorisations for fixed ITV stations

1. Amending authorisations for fixed ITV stations shall require prior authorisation by decision of the person at the Directorate-General responsible for industrial safety.
2. Amending the authorisation of fixed stations is required when they change:
  - The data identifying the operator of the ITV providing the service, if it does not imply a change in the legal personality of the owner.
  - The number and typology of the inspection lines installed.

3. Requests for amendment must be submitted by means of the administrative procedure authorised for this purpose.

### Title 3 Of the vehicle technical inspection service at mobile stations

#### Article 17. Vehicle technical inspection service coverage at mobile stations

1. The vehicle technical inspection service at mobile stations is intended to cover vehicles which, due to their special characteristics, are unable to access fixed ITV stations on a normal basis.
2. The vehicles for which the ITV service at mobile stations is intended are:
  - Agricultural vehicles.
  - Mopeds
  - Special vehicles
  - Other types of vehicles previously authorised by the body responsible for industrial safety.
3. Annex 2 defines the two areas for the provision of the vehicle technical inspection service at mobile stations.

#### Article 18. Procedure for awarding the vehicle technical inspection service at mobile stations

1. The provision of the vehicle technical inspection service at mobile stations shall be carried out by the contracting entity or entities of the relevant service concession contract, or by other forms of direct or indirect management of the provision of services provided for in the regulations.
2. If the service concession scheme is chosen, awarding the contract for the provision of the technical inspection service at mobile stations implies the authorisation to carry out the activity of providing the ITV service at a mobile station.
3. If the service concession scheme is chosen, this has a duration of 10 years from the date of award of the public tender, including extensions.

#### Article 19. Requirements for vehicle technical inspection service operators at mobile stations

Operators of the vehicle technical inspection service at mobile stations must comply with the following requirements:

- a. If the service concession regime is chosen, to have the contract set out in Article 18 formalised.
- b. Having and permanently maintaining the necessary accreditation as a third party body in the technical inspection of vehicles, issued by the National Accreditation Entity,

in accordance with the requirements and obligations for the provision of ITV service in fixed and mobile stations specified in this Law.

c. Having at least one fixed ITV station authorised in Catalonia with universal type inspection lines.

d. Complying with the incompatibilities regime provided for in Article 6 of this Law.

e. Complying with the requirements laid down by the activity of mobile TV stations in the basic technical regulations.

#### Article 20. Obligations of the vehicle technical inspection service operator at mobile stations

Operators of the vehicle technical inspection service at mobile stations have the following obligations:

a. If the service concession regime is chosen, starting the activity within 6 months after the contract for the provision of the vehicle technical inspection service provided for in Article 18 has been concluded.

b. Maintaining compliance with the requirements imposed on operators of the vehicle technical inspection of mobile stations, and all the conditions that served as the basis for the granting of the authorisations, as well as all the requirements that are required by the other applicable sectoral standards.

c. Performing the different types of technical inspections of vehicles, and other actions in accordance with the applicable regulations, taking into account, without undue delay, the different requests submitted, in accordance with the technical regulations and protocols approved by the decision of the head of the Directorate-General responsible for industrial safety, and using the models and documents established by the competent body in the field of industrial safety.

d. If applicable, maintaining the specific conditions of the contract for the administrative concession for providing the service at mobile stations.

e. Establishing and keeping up to date the bond to meet the possible liabilities arising in the event of temporary suspension, or revocation of the authorisation, prior to the start of the activity of the ITV station, as provided for in Annex 3.

f. Establishing and keeping up to date a civil liability policy that covers the risks of its liability with respect to material and personal damage to third parties for the minimum amount established by the applicable technical regulations, prior to the start of the activity of the ITV station.

g. Complying with the technical conditions for the provision of the ITV service provided for in Article 8.

h. Adjusting to the image and conditions of the ITV-service identity to be established by resolution of the head of the Directorate-General responsible for industrial safety.



- i. Complying with the campaigns for the dissemination and promotion of industrial safety established by resolution by the person responsible for the general management responsible for industrial safety.
- j. Complying with the environmental sustainability conditions in accordance with paragraph 3 of Annex 1 to this Law.
- k. Displaying to users the rates that apply at all times.
- l. Paying to the Generalitat the corresponding fees by the means established by the competent body in the field of industrial safety.

#### Article 21. Amending authorisations to provide the ITV service at mobile stations

1. Amending authorisations for the provision of the ITV service at mobile stations shall require prior authorisation by decision of the person at the Directorate-General responsible for industrial safety.
2. Amending the authorisation to provide the ITV service at mobile stations is required when they change:
  - a) The data identifying the operator of the ITV providing the service, if it does not imply a change in the legal personality of the owner.
  - b) Where applicable, the list of mobile stations providing the service in the awarded area and/or its characteristics.
  - c) The fixed ITV station to which one of the ITV mobile stations is associated.
3. Requests for amendment must be submitted by means of the administrative procedure authorised for this purpose.

#### Article 22. Transfer by change of ownership of authorisations to provide the ITV service at mobile stations

1. The change of ownership of the entity providing the ITV service at mobile stations in one of the awarded areas requires prior authorisation by decision of the head of the Directorate-General responsible for industrial safety. The application must be submitted by means of the administrative procedure authorised for this purpose.
2. The transfer of authorisation for the provision of the ITV service at mobile stations shall not alter the conditions of territorial weighting of the provision of the ITV service at fixed stations of the entities concerned, as provided for in paragraph 1 of Annex 1 to this Law.

### Title 4 Of the monitoring and supervision of the Administration of the Generalitat of Catalonia of the vehicle technical inspection service

#### Chapter I. Competences of inspectors

Article 23. Inspection authority of the bodies responsible for industrial safety

1. The monitoring and supervision of the ITV service corresponds to the competent industrial safety bodies of the Generalitat de Catalonia.

2. The monitoring and supervision of the Administration in the field of industrial safety shall be carried out by official personnel assigned to the bodies responsible for industrial safety, who shall have the status of public authority in their actions.

3. The personnel of the bodies responsible for industrial safety who carry out the monitoring and supervision roles have the following competencies:

- Free access to the facilities of fixed and mobile ITV stations to perform the inspection function and, where appropriate, carry out inspections without prior notice.
- Be accompanied, during inspection visits, by the staff of the entities operating ITV that it deems necessary to carry out the inspection role.
- Inspect documentation, and records that are directly related to the ITV service and which it deems necessary to fulfil the inspection role.
- Carry out the evaluations, take the samples and record the images that it deems necessary, taking into account what is established by the industrial property regulations.
- Order the detention of vehicles, as a precautionary measure, in the event that, after being inspected, they present safety deficiencies that lead to imminent danger.
- Statistically analyse the results of inspections, carry out further inspections of previously inspected vehicles, inspect vehicles with safety deficiencies due to deliberate tampering or apply other supervision measures.

4. Administrative acts originated by the personnel assigned to the bodies responsible for industrial safety as a result of the monitoring and supervision activity of the vehicle technical inspection service shall be presumed to be true, unless there is evidence to the contrary.

Article 24. Scope of monitoring and supervision of the Administration

1. The monitoring and supervision of the vehicle technical inspection service shall be carried out on the basis of the ITV Service Inspection Plan, which shall be approved and published by the Directorate-General responsible for industrial safety.

2. The bodies responsible for industrial safety must ensure that the following principles are complied with in providing the ITV service:

- Universality of providing the service.
- Independence, objectivity, impartiality and integrity of the proceedings.
- Transparency and information to citizens.

3. In order to carry out the monitoring and supervision activity, the Directorate-General responsible for industrial safety may adopt resolutions to issue technical instructions concerning:

- The implementation of technical regulations on the safety of cars.

- The implementation of the conditions of provision of the ITV service.

## Chapter II. Competences of inspectors

### Article 25. Competent authorities

1. The opening of the files related to infringements of the vehicle technical inspection service is the responsibility of the services responsible for industrial safety of the Generalitat de Catalonia.
2. Exercising the power to impose penalties for infringements of the ITV service corresponds to:
  - a) The head of the service responsible for motor vehicle safety department for penalties for minor offences.
  - b) The head of the Subdirectorate-General responsible for industrial safety for penalties for serious infringements.
  - c) The head of the Directorate-General responsible for industrial safety for penalties for very serious infringements.

### Article 26. Responsible parties

1. The natural or legal persons to whom this Law applies are liable if they commit the offences defined in Article 27.
2. Where more than one person is responsible for the infringement, or if the infringement results from the accumulation of activities carried out by several persons, the resulting penalties are independent of each other.
3. If two or more persons are responsible for an infringement and their degree of participation cannot be determined, these persons are jointly and severally liable for the purposes of the resulting sanctions.

### Article 27. Classification of infringements

1. The actions and/or omissions defined as such in this Law are considered administrative offences in relation to the provision of the vehicle technical inspection service.
2. The offences covered by this Law are classified as minor, serious and very serious.
3. The determination, specification and gradation of the infringements established in this Law may be specified by regulation without altering their nature and limits.
4. The following shall constitute minor offences:
  - a. Failure to comply with and/or disregarding the requirements made by the competent bodies in the field of industrial safety in any aspect related to the vehicle technical inspection service.

- b. The existence of errors and negligence in applying the ITV service provision regulations affecting defects classified as minor in accordance with the relevant regulations
  - c. A delay of up to 10 days in the liquidation of the economic obligations arising from the provision of the ITV service.
  - d. A delay of up to 10 days in the communication of the data specific to the activity of providing the ITV service.
  - e. Having an unjustified delay in the management of previous appointments with users.
5. The following shall constitute serious offences:
- a. Failure to comply with the obligations set out in this Law for the provision of the technical vehicle inspection service.
  - b. Carrying out the activity of providing the ITV service without having the corresponding administrative authorisation.
  - c. The existence of errors and negligence in the application of the regulations for the provision of the ITV service that affects defects classified as serious or very serious in accordance with the relevant regulations.
  - d. The application of rates higher than the maximum rates legally in force.
  - e. A delay of more than 10 days in the liquidation of the economic obligations arising from the provision of the ITV service.
  - f. A delay of more than 10 days in the communication of the data specific to the activity of providing the ITV service.
  - g. Issuing certificates, declarations, reports or minutes that do not conform to reality or that are issued fraudulently.
  - h. Presenting false documentation in the administrative procedures that are managed in front of the ITV operators.
  - i. Obstructing the inspection of the Administration or provide false information or documentation to its requirements.
6. Very serious infringements are those offences classified as serious in any of the following cases:
- a. That cause very serious harm to persons, property or the environment.
  - b. That induce imminent danger to persons, property or the environment.
  - c. That seriously reduce the quality of inspection services.
  - d. That occurs on a repeat or prolonged basis.
  - e. That they are carried out with criminal intent.
  - f. Obstructing the inspection activity of the Administration in the use of violence against its inspectors.
7. Recidivism occurs if the person responsible for an infringement commits another of the same nature within 1 year from the date on which the offence was committed, provided that it has been declared by final decision in the administrative procedure.

8. In case of recidivism, the infringement can be considered to be included in the immediately higher class.

#### Article 28. Penalties

1. The infringements established in this Law can be punished by means of a fine, temporary suspension of authorisation or revocation of authorisation.
2. The determination, specification and gradation of the penalties established in this Law may be specified by regulation without altering their nature and limits.
3. Minor infringements shall be sanctioned by fines of up to EUR 5 000.
4. Serious infringements are punishable:
  - With fines between EUR 5 001 and EUR 100 000.
  - With the temporary suspension of the authorisation to provide the ITV service at a fixed station or mobile station for a maximum period of 6 months.
5. Very serious infringements are punishable:
  - With fines between 1 00 001 and EUR 1 000 000.
  - With the revocation of the authorisation to provide the ITV service at a fixed station or mobile station.
6. The following circumstances must be taken into account when determining the amount of sanctions:
  - a. The importance of the risk, damage or injury caused.
  - b. The degree of participation and benefit achieved.
  - c. The economic capacity of the offender.
  - d. Intentionality in the commission of the offence.
  - e. Recidivism.
7. In applying the sanctions, it shall be ensured in any case that the sanction imposed is no more beneficial to offenders than compliance with the rules infringed.
8. In the case of serious and very serious sanctions under this Law, the competent body may decide to publish the sanction in the Official Gazette of the Generalitat of Catalonia and/or on the website of the Department responsible for industrial safety, once it has become firm in administrative way, in anticipation of future infringing conduct.

#### Article 29. Periodic penalty payments

- Irrespective of the penalties provided for in this Law, sanctioning bodies may impose periodic penalty payments, the amount of which may not exceed 20 % of the maximum amount for the type of infringement committed, in the following cases:
- a. Failure to comply with the deadline for responding to requests made by the competent body in the field of industrial safety.
  - b. Failure to comply with the deadline for the submission of the information to which they are required, in the terms that are regulated.

c. Failure within the period of liquidation of the economic obligations to which they are bound, in the terms that are regulated.

#### Article 30. Limitation of infringements and penalties

1. The limitation period for the offences covered by this Law shall be one year for minor offences, three years for serious offences and 5 years for very serious offences, to be counted from the total consummation of the infringements.
2. The limitation period for the penalties laid down by this Law is 1 year for those corresponding to minor offences, 3 years for those corresponding to serious infringements and 5 years for those corresponding to very serious infringements.
3. The calculation of the limitation period for infringements shall commence on the day of the infringement or, in the case of continuous activity, on the day of cessation. The calculation of the limitation period for penalties shall begin on the day following the day on which the decision imposing the penalty shall be final.

#### Article 31. Expiry of sanctioning procedures

If 6 months after the initiation of the penalty proceedings, the competent body has not issued and notified an express decision, it is understood that the procedure has expired and that the proceedings must be closed, with the consideration that it is necessary to exclude from the calculation stoppages not attributable to the Administration and suspensions or extensions of time limits that are agreed in accordance with the applicable legislation, without prejudice to the possibility that, where appropriate, a new file may be opened if the limitation period has not occurred.

#### Article 32. Impact of sanctions

The proceeds from penalties and periodic penalty payments imposed by the department responsible for industrial safety are used to finance actions related to the management and improvement of industrial safety and generate appropriations in the corresponding items of the Directorate-General responsible for industrial safety.

#### Additional provisions

First. Fixed ITV stations currently providing the ITV service and which do not come from the old concessions

1. Continuity in providing the ITV service.

ITV fixed stations currently providing the ITV service and which do not come from the old concessions, may continue to operate. To do this, they have 1 month from the entry into force of this Law to submit the request for continuity to the head of the Directorate-General responsible for industrial safety, indicating the lines operating in each station,

which shall issue the corresponding authorisation. The application must be submitted by means of the administrative procedure authorised for this purpose.  
Technical vehicle inspection stations that provide ITV services in Catalonia and that do not come from the old concessions:

Operator	Province	Region	Territory Services	Station	Lines
TUV SUD	B	Vallès Oriental	Barcelona	B-26 Sant Celoni	2
ITEVELESA	B	Bages	Barcelona	B-25 Sant Fruitós	2
TUV SUD	L	Garrigues	Lleida	L-11 les Borges Blanques	2
ITEVELESA	L	Alta Ribagorça	Lleida	L-10 Pont de Suert	1
ITEVELESA	T	Baix Penedès	Tarragona	T-07 Bellvei	2
TUV SUD	T	Montsià	Terres de l'Ebre	T-08 Amposta	1

2. Adaptation to the requirements and obligations for the provision of the ITV service.
  - a. Stations that continue to provide the ITV service have the maximum period of one year to adapt to the requirements and obligations established in this Law. If, after this period, no adaptation has taken place, a new decision should be issued, leaving the authorisation null and void.
  - b. Stations that do not have independent boxes for the inspection of mopeds and motorcycles prior to the entry into force of this Law, may continue to provide the ITV service, being exempt from compliance with this condition.

Second. Fixed ITV stations currently providing ITV service originating the old concessions, whose property is not owned by the former concessionaires

1. Continuity in providing the ITV service.
  - a. Operators of fixed ITV stations currently providing the ITV service from the former concessions, the property of which are not owned by the former concessionaires and, consequently, of which the transfer of assets is not possible, must pay the Generalitat an economic consideration equivalent to the market value, in the terms and time limits established by the corresponding administrative decisions.
  - b. ITV fixed stations currently providing the ITV service from the former concessions, the immovable property of which are not owned by the former concessionaires, may continue to operate, provided that they have previously paid the consideration referred to in paragraph (a) of this Additional Provision. To do this, they have one month from

the entry into force of this Law to submit the request for continuity to the head of the Directorate-General responsible for industrial safety, indicating the lines operating in each station, which shall issue the corresponding authorisation. The application must be submitted by means of the administrative procedure authorised for this purpose. Fixed vehicle technical inspection stations currently providing ITV service from the former concessions, the real estate of which is not owned by the former dealers:

Operator	Province	Region	Territorial Services	Station	Lines
APPLUS	B	Barcelonès	Barcelona	B-10 Puigmadrona	2
APPLUS	B	Baix Llobregat	Barcelona	B-11 Cornellà	3
APPLUS	B	Anoia	Barcelona	B-12 Igualada	2
APPLUS	B	Barcelonès	Barcelona	B-14 Diputació	2
APPLUS	B	Barcelonès	Barcelona	B-15 Motors	4
APPLUS	B	Garraf	Barcelona	B-17 Vilanova i la Geltrú	2
APPLUS	B	Vallès Oriental	Barcelona	B-18 Granollers	3
APPLUS	B	Baix Llobregat	Barcelona	B-21 Sant Andreu de la Barca	2
APPLUS	B	Vallès Occidental	Barcelona	B-24 Sabadell	3
TR CERTIO	B	Berguedà	Barcelona	B-13 Berga	2
TR CERTIO	B	CIM Vallès	Barcelona	B-20 CIM Vallès	2
TR CERTIO	B	Vallès Occidental	Barcelona	B-22 Sant Cugat	3
TR CERTIO	B	Barcelonès	Barcelona	B-23 Caracas	2
TR CERTIO	L	Solsonès	Barcelona	L-06 Solsona	1
PREVENCONTROL	GI	Garrotxa	Girona	GI-04 Olot	2
PREVENCONTROL	GI	Selva	Girona	GI-07 Blanes	3
PREVENCONTROL	GI	Ripollès	Girona	GI-08 Ripoll	1
PREVENCONTROL	GI	Gironès	Girona	GI-09 Girona	3
APPLUS	GI	Cerdanya	Lleida	GI-05 Puigcerdà	1
APPLUS	L	Noguera	Lleida	L-07 Artesa de Segre	1
APPLUS	L	Vall d'Aran	Lleida	L-08 Vielha	1
APPLUS	T	Ribera	Terres de	T-04 Móra la	2



		d'Ebre	l'Ebre	Nova	
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2. Adaptation to the requirements and obligations for the provision of the ITV service.

a. Stations that continue to provide the ITV service have the maximum period of one year to adapt to the requirements and obligations established in this Law. If, after this period, no adaptation has taken place, a new decision shall be issued, leaving the authorisation null and void.

b. Stations that do not have universal lines prior to the entry into force of this Law shall be exempt from this condition.

c. Stations that do not have independent boxes for the inspection of mopeds and motorcycles prior to the entry into force of this Law, may continue to provide the ITV service, being exempt from compliance with this condition.

Third. Fixed ITV stations currently providing ITV service originating from the old concessions, whose property is owned by former concessionaires

1. Disposal and authorisation of the reverse stations of the old concessions.

a. Once the reversal process referred to in paragraph 3 of the ninth Additional Provision of Law 2/2021 of 29 December 2021 on fiscal, financial, administrative and public sector measures has been completed, ITV stations owned by the Generalitat de Catalonia, with their equipment, must be subject to onerous disposal for the provision of the ITV service through the auction procedure, regulated by the wealth regulations. The authorisations of the vehicle technical inspection service granted before the entry into force of this Law shall continue in force under the same conditions until the granting of new authorisations, in accordance with the new regulations and until the procedures referred to in paragraph 3 of the ninth additional provision of Law 2/2021, of 29 December 2021, on fiscal, financial, administrative and public sector measures have been completed.

b. The regulatory specifications for these procedures shall include clauses under which the successful tenderers are obliged to surrogate themselves in the employment obligations in force at the time of the award, with the effects provided for in Article 44 of the consolidated text of the Law on the Statute of Workers, approved by Royal Legislative Decree 2/2015 of 23 October 2015.

c. The procedure for the onerous disposal of these stations shall comply with the requirements for the authorisation of fixed ITV stations set out in Article 12 of this Law. Fixed ITV stations currently providing ITV service from the former concessions, the real estate of which is owned by the former concessionaires:

Operator	Province	Region	Territorial Services	Station	Lines
APPLUS	B	Barcelonès	Barcelona	B-02 Badalona	4
APPLUS	B	Baix	Barcelona	B-05 Sant Just	2

		Llobregat		Desvern	
APPLUS	B	Baix Llobregat	Barcelona	B-07 Sant Joan Despí/Viladecans	2
APPLUS	B	Maresme	Barcelona	B-08 Argentona	3
APPLUS	B	Alt Penedès	Barcelona	B-09 Olèrdola	2
TR CERTIO	B	Vallès Occidental	Barcelona	B-03 Viladecavalls	4
TR CERTIO	B	Bages	Barcelona	B-06 Manresa	2
TR CERTIO	B	Barcelonès	Barcelona	B-16 Còrsega	3
TR CERTIO	B	Barcelonès	Barcelona	B-19 Àvila	3
PREVENCONTROL	B	Osona	Barcelona	B-04 Vic	3
PREVENCONTROL	GI	Alt Empordà	Girona	GI-03 Vilamallà	3
PREVENCONTROL	GI	Baix Empordà	Girona	GI-06 Palamós	2
APPLUS	L	Pallars Jussà	Lleida	L-03 Tremp	1
APPLUS	L	Segarra	Lleida	L-05 Granyanella	2
APPLUS	L	Pallars Sobirà	Lleida	L-09 Sort	1
TR CERTIO	L	Alt Urgell	Lleida	L-04 Montferrer	1
APPLUS	T	Conca de Barberà	Tarragona	T-05 Montblanc	1
APPLUS	T	Tarragonès	Tarragona	T-06 Tarragona	3
APPLUS	T	Baix Ebre	Terres de l'Ebre	T-03 Tortosa	2

2. Adaptation to the requirements and obligations for the provision of the ITV service.

a. Stations that do not have universal lines prior to the entry into force of this Law shall be exempt from this condition.

b. Stations that do not have independent boxes for the inspection of mopeds and motorcycles prior to the entry into force of this Law, may continue to provide the ITV service, being exempt from compliance with this condition.

Four. Fixed ITV stations currently providing the ITV service owned by the Generalitat de Catalonia

1. Disposal and authorisation of stations owned by the Generalitat of Catalonia

a. ITV stations owned by the Generalitat de Catalonia, with their equipment, must be subject to onerous disposal for the provision of the ITV service through the auction procedure regulated in the regulations governing assets.

The authorisations of the vehicle technical inspection service granted before the entry into force of this Law shall continue in force under the same conditions until the granting of new authorisations, in accordance with the new regulations and until the procedures referred to in paragraph 3 of the ninth additional provision of Law 2/2021, of 29 December 2021, on fiscal, financial, administrative and public sector measures have been completed.

b. The regulatory specifications for these procedures shall include clauses under which the successful tenderers are obliged to surrogate themselves in the employment obligations in force at the time of the award, with the effects provided for in Article 44 of the consolidated text of the Law on the Statute of Workers, approved by Royal Legislative Decree 2/2015 of 23 October 2015.

c. The procedure for the onerous disposal of these stations shall comply with the requirements for the authorisation of fixed ITV stations set out in Article 12 of this Law. Fixed ITV stations currently providing the ITV service owned by the Generalitat de Catalonia:

Operator	Province	Region	Territorial Services	Station	Lines
PREVENCONTROL	GI	Gironès	Girona	GI-02 Celrà	3
APPLUS	L	Segrià	Lleida	L-02 Lleida	4
APPLUS	T	Baix Camp	Tarragona	T-02 Reus	4

2. Adaptation to the requirements and obligations for the provision of the ITV service.

a. Stations that do not have universal lines prior to the entry into force of this Law shall be exempt from this condition.

b. Stations that do not have independent boxes for the inspection of mopeds and motorcycles prior to the entry into force of this Law, may continue to provide the ITV service, being exempt from compliance with this condition.

Five. Former concessionaires' right of preferential acquisition

The former concessionaires operating the stations referred to in the third and fourth additional provisions of this Law have a right of preferential acquisition, in relation to the onerous disposal of the goods affected by the service, in accordance with the regulations governing assets.

Once the relevant documents have been published and within 30 days of the publication, in which the starting price and the other essential conditions of the transfer

must appear, the holders of the concessions concerned may communicate their decision to exercise the right of preferential purchase and their commitment to continue providing the service in accordance with the provisions of this Law and in accordance with the corresponding specifications. The investigation of the procedures shall be subject to the principles of publicity, transparency, competition and objectivity, and the holders of the concessions concerned shall enjoy priority over the tenders of the other tenderers, provided that they equal the price and conditions of the best economic tender submitted.

#### Six. Electronic channel

In accordance with the provisions of Law 18/2020, of 28 December 2020, on the facilitation of economic activity, as well as Decree 131/2022, of 5 July 2022, of the regulation of the Law on the facilitation of economic activity, all the procedures and procedures regulated in this Law shall be processed in full by the electronic channel and must be initiated and managed through the Private Zone of Canal Empresa <https://canalempresa.gencat.cat/ca/inici/>, a single portal for economic activities and the Single Business Window where, after electronic identification from the private area, the owners of the activities can track all their files started and can consult the stations and associated registers, ensuring that the documentation must only be submitted and their data provided only once.

All the procedures and procedures included in this Law must be managed through the standard models available in the single portal for economic activities, and in case the presentation is not made by this way, their entry shall be rejected.

Transitional provision. Mandatory provision of the ITV service of the stations currently providing the service

1. The fixed ITV stations referred to in the first and second additional provisions shall continue the provision of the ITV service for the period of 2 years from the entry into force of this Law.
2. The fixed ITV stations referred to in the third and fourth additional provisions shall continue the provision of the ITV service until 2 years after awarding the disposal procedures provided for in paragraph 1 of those provisions.
3. Mobile stations from the old concessions must continue the provision of the ITV service until 6 months after the award of the public tender set out in Article 18.

Repealing provision.

The following instruments are now repealed:

- a. Law 12/2008 of 31 July 2008 on industrial security.
- b. The Regulations implementing Law 12/2008 of 31 July 2008 on Industrial Safety, approved by Decree 30/2010 of 2 March 2010.
- c. Decree 45/2010 of 30 March 2010 approving the territorial plan for new vehicle technical inspection stations in Catalonia for the period 2010-2014.
- d. Paragraph 4 of the Ninth Additional Provision of Law 2/2021 of 29 December 2021 on fiscal, financial, administrative and public sector measures.
- e. Other provisions that oppose or contradict the provisions of this Law.

## FINAL PROVISIONS.

First. Amendment of the consolidated text approved by Legislative Decree 3/2008 of 25 June 2008 approving the consolidated text of the Law on Public Fees and Prices of the Generalitat of Catalonia

Chapters III, V and VIII of Title XIV of the consolidated text of the Law on Public Fees and Prices of the Generalitat of Catalonia, approved by Legislative Decree 3/2008 of 25 June 2008, are amended as follows:

‘Chapter III. Fee for the authorisation or amendment of the fixed ITV station authorisation

‘14.3-1. Taxable event.

‘The taxable event of this fee is the administrative activity generated by the processing of applications for authorisation or amendment of the existing administrative authorisation for the provision of the vehicle technical inspection for vehicles at fixed ITV stations. The authorisation or amendment of the existing authorisation of the activity implies the registration of the entity ex officio in the Register of Industrial Security Agents of Catalonia (RASIC), as well as the characteristics of the authorised station.

‘14.3-2. Taxpayer

‘Taxpayers are the entities or natural persons applying for the administrative authorisation, or the amendment of the existing authorisation, to provide the ITV service at the fixed station requested.

‘14.3.-3. Accreditation

‘The fee is credited by means of the decision finalising the file for the application for administrative authorisation or amendment of the existing ITV station authorisation. The amount of the fee is required at the time the application is submitted.

#### '14.3.-4. Fees

'The amount of this rate, to be settled for each of the authorisation or amendment files of the existing authorisation, is EUR 3 727.70.

'These amounts may be reviewed annually, in accordance with the criteria established by the Budget Law.

'Chapter V. Rate for the monitoring and supervision of the provision of the vehicle technical inspection service

#### '14.5-1. Taxable event.

'The taxable event of this tax is the administrative activity generated by the monitoring and supervision of the vehicle technical inspection service by the administrative body of the Generalitat responsible for industrial safety.

#### '14.5-2. Taxpayer

'The taxable persons are the entities or natural persons that provide the vehicle technical inspection service in fixed or mobile stations of ITV in Catalonia. The amount of this fee cannot be passed on to end-users.

#### '14.5-3. Accreditation

'The fee is established by issuing the minutes and supervisory reports resulting from the control carried out by the administrative body of the Generalitat responsible for industrial safety. The amount of the fee is required on a monthly basis, at the time that the taxable person sends to the administrative body of the Generalitat responsible for industrial security the list of actions that give rise to the monitoring and supervision activity.

#### '14.5-4 Fees

'The quota of this rate, which must be settled for each of the technical inspection and administrative procedures requested, shall be the sum of the concepts involved in each action, in accordance with the following typologies:

'- Procedure for amending the ITV card by changing the classification of the vehicle: EUR 4.55 for each procedure.

'- Procedure for amending the ITV card for vehicle reform: EUR 7.70 per procedure.

'- Procedure for issuing a new ITV card for the registration of vehicles in Spain: EUR 6.75 per procedure.

'- Procedure for issuing an ITV card for vehicles registered in Spain: EUR 6.35 per procedure.

'- Complete technical inspection of the vehicle: EUR 0.95 per inspection.

'- Partial technical vehicle inspection: EUR 0.85 per inspection.

'These amounts may be reviewed annually, in accordance with the criteria established by the Budget Law.

#### 'CHAPTER VIII Rate for authorisation or amendment of ITV mobile station authorisation

##### '14.VIII-1. Taxable event.

'The taxable event is the administrative activity generated by the processing of applications for authorisation, or amendment of the existing administrative authorisation, for the provision of the vehicle technical inspection at ITV mobile stations. The authorisation, or amendment of the existing authorisation, of the activity implies the registration of the entity in the Register of Industrial Security Agents of Catalonia (RASIC), as well as the characteristics of the authorised station.

##### '14.VIII-2. Taxpayer

'The taxpayers of this rate are the entities or individuals who apply for the administrative authorisation, or amendment of the existing authorisation, to provide the ITV service at the mobile station.

##### '14.VIII.-3. Accreditation

'The rate is payable by the decision finalising the file for the application for administrative authorisation, or amendment of the existing authorisation, of ITV's mobile station. The amount of the fee is required at the time when the application for authorisation is submitted.

##### '14.VIII.-4. Fees

'The amount of this fee, to be settled for each of the authorisation or amendment files of the existing authorisation, is EUR 2,320.60.

'These amounts may be reviewed annually, in accordance with the criteria established by the Budget Law.

#### Second. Lifting the suspension of granting new authorisations of ITV stations

As of the entry into force of this Law, the suspension of the granting of new authorisations for vehicle technical inspection stations established in section 4 of the ninth Additional Provision of Law 2/2021 of 29 December 2021 on fiscal, financial, administrative and public sector measures is lifted.

#### Third. Penalty bodies for the offences provided for in Law 9/2014 of 31 July 2014 on the industrial safety of establishments, installations and products

Article 31 of Law 9/2014 of 31 July 2014 on the industrial safety of establishments, installations and products is amended, which is worded as follows:

‘1. The exercise of the power to impose penalties for offences established by this Law corresponds to:

- a) The head of the department responsible for sanctions for minor offences.
- b) The head of the Subdirectorate-General responsible for industrial safety for penalties for serious infringements.
- c) The head of the Directorate-General responsible for industrial safety for penalties for very serious infringements.

2. The Government may amend by decree the sanctioning bodies for the offences established in Law 9/2014 of 31 July 2014 on the industrial safety of establishments, installations and products.’

Four. Amendment of the bodies responsible for roadworthiness tests

- 1. The Government may amend by decree the bodies which have the power to punish offences and sanctions provided for in this Law.
- 2. The regional minister responsible for industrial safety is empowered to modify by order the competent bodies to authorise, modify and revoke authorisations to provide the ITV service, and to initiate and instruct the inspection procedures for ITV stations.

Five. Development regarding ITV

- 1. The Government is empowered to make the necessary provisions to develop and implement this Law.
- 2. The regional minister responsible for industrial safety is empowered to establish by Order the procedure for the authorisation, amendment and revocation of ITV stations, as well as the procedure for inspection of ITV stations.
- 3. The regional minister of the department competent in the field of assets is empowered to regulate and convene the procedure of public competition and award by competition for the onerous disposal of the reverted assets of the former concessions of ITV, as well as to exercise, where appropriate, the preferential acquisition, provided for in the fifth additional provision.
- 4. The regional minister of the department responsible for industrial safety is empowered to amend, by Order, the annexes referred to in this Law.

Six. Approval of technical instructions and protocols in the field of industrial safety

The head of the Directorate-General responsible for industrial safety is empowered to approve technical instructions and protocols in the field of industrial safety, by means of decisions that must be public, and must be subject to prior consultation with the agents involved.



Seven. Concurrent application of this Law

This Law shall apply without prejudice to the other sectoral rules that have as their object the regulation of industrial activities, installations and products that are also the subject of this Law.

In the administrative contracts that are carried out, it shall be necessary to take as a reference the sectoral collective agreement of application.

Eighth: Personal mobility vehicles

The Government may establish, by decree, the regulation of the ITV service for personal mobility vehicles.

Nine. Commencement

This Law shall enter into force 20 days from the day following that of its publication in the Official Journal of the Generalitat de Catalonia.

## Annex 1. Conditions for establishing fixed ITV stations

### 1. Territorial weighting conditions for the provision of the ITV service at fixed stations.

1.1 In order to guarantee the universality of the service, there are three different areas:

a) Zone A: In these regions, access to the activity is conditioned on compliance with the following conditions:

- Stations must be equipped with at least one universal-type line.
- The stations must be equipped to perform taximeter checks if any population in the region has more than 10 000 inhabitants or more than three towns in the region each have more than 5 000 inhabitants.
- Minimum coverage of hours of service of 3 days per week fixed between 09:00 and 17:00.

b) Zone B: In these regions, access to the activity is conditioned on compliance with the following conditions:

- In order to operate in this area, a minimum of two inspection lines between the different stations that are authorised in the zone are necessary.
- Stations must be equipped with at least one universal-type line.
- The stations must be equipped to perform taximeter checks if any population in the region has more than 10 000 inhabitants or more than three towns in the region each have more than 5 000 inhabitants.
- Minimum coverage of hours of service of 4 days per week fixed between 09:00 and 17:00.
- For every four inspection lines in zone B, the operator must have previously authorised and operating the service of a station between the districts of Zone A that have the highest five service-coverage ratios.

c) Zone C: In these regions, access to the activity is conditioned on compliance with the following conditions:

- In order to operate in this area, a minimum of four inspection lines between the different stations that are authorised in the zone are necessary.
- Stations must be equipped with at least two lines, one of which must be universal, and an independent box for the inspection of mopeds and motorcycles.
- The stations must be equipped to perform taximeter checks if any population in the region has more than 10 000 inhabitants or more than three towns in the region each have more than 5 000 inhabitants.
- Minimum coverage of hours of service of five days per week fixed between 09:00 and 17:00.
- For every four inspection lines in zone C, the operator must have previously authorised and operating the service of a station between the districts of Zone A that have the highest three service-coverage ratios.

1.2. Zone A consists of the following regions: Alt Urgell, Alta Ribagorça, Aran, Berguedà, Cerdanya, Conca de Barberà, Garrigues, Noguera, Pallars Jussà, Pallars Sobirà, Pla d'Urgell, Priorat, Ribera d'Ebre, Ripollès, Segarra, Solsonès, Terra Alta, Urgell, Montsià, Baix Ebre.

1.3. Zone B consists of the following regions: Alt Camp, Alt Empordà, Alt Penedès, Anoia, Bages, Baix Camp, Baix Penedès, Garraf, Garrotxa, Gironès, Moianès, Osona, Pla de l'Estany, Segrià, Selva, Tarragonès, Baix Empordà.

1.4. Zone C consists of the following regions: Baix Llobregat, Barcelonès, Maresme, Vallès Occidental, Vallès Oriental.

1.5. The coverage ratio of the ITV service in a region (SC) is defined as: Service coverage ratio (SC) = (Number vehicles registered)/(Number of inspection lines) The coverage ratio is updated:

- Each time the number of authorised inspection lines is modified.
- With the official data of vehicles registered in Catalonia by regions published by the Statistical Institute of Catalonia (Idescat).

The update of the coverage ratio shall be made public within 15 days of becoming the reason for updating.

1.6. The provision of the ITV service at mobile stations in one of the service areas set out in Annex 2 is equivalent to having a fixed station in Zone A for the purpose of territorial weighting for the provision of ITV service at fixed stations.

1.7 Having an ITV station to be able to carry out vehicle technical inspections exclusively on vehicles with a maximum permissible mass exceeding 3 500 kg is equivalent to having a fixed station in Zone A, for the purpose of territorial weighting for the provision of ITV service at fixed stations

## 2. Environmental sustainability conditions for the provision of ITV service at fixed stations

The environmental sustainability conditions to be met at fixed ITV stations are:

2.1. Install photovoltaic solar energy production facilities in the spaces provided for this purpose in the ITV stations, dimensioned to meet the electricity demand of the station itself.

In those cases, duly justified, where it is not possible to assume the demand for electric energy with their own solar photovoltaic energy production facilities, the operators of vehicle technical inspection stations must take appropriate measures to ensure that the electrical energy they acquire is of renewable origin.

2.2. Have ITV stations registered in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organisations in an Eco-Management and Audit Scheme (EMAS) and repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (also known as EMAS III).

### 3. Environmental sustainability condition of the provision of ITV service at mobile stations

Have the stations registered in accordance with Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organisations in an Eco-Management and Audit Scheme (EMAS) and repealing Regulation (EC) No. 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (also known as EMAS III).

### Annex 2. Areas of provision of vehicle technical inspection service at mobile stations

North Zone: This area consists of the following districts; Vall d'Aran, Alta Ribagorça, Pallars Sobirà, Pallars Jussà, Alt Urgell, Cerdanya, Noguera, Solsonès, Berguedà, Ripollès, Segarra, Bages, Moianès, Osona, Garrotxa, Alt Empordà, Pla de l'Estany, Vallès Oriental, Vallès Occidental, Maresme, Selva, Gironès and Baix Empordà.

South Zone: This area consists of the following districts; Segrià, Pla d'Urgell, Urgell, Garrigues, Cuenca de Barberà, Anoia, Alt Camp, Baix Penedès, Alt Penedès, Garraf, Baix Llobregat, Barcelonès, Terra Alta, Ribera de Ebro, Priorat, Baix Camp, Tarragonès, Baix Ebre and Montsià.

### Annex 3. Amount and update of securities set up to meet possible liabilities arising from the temporary suspension or revocation of authorisations to provide the ITV service

1. In order to meet any liability arising in the event of a temporary suspension or revocation of the authorisation to provide the fixed station service, the amount of the guarantee shall be EUR 12 000 per ITV fixed station inspection line.
2. In order to meet the possible liabilities arising in the event of temporary suspension or revocation of the authorisation to provide the service at mobile stations in the awarded area, the amount of the guarantee shall be EUR 12 000.
3. The amounts of the bonds for each line of inspection at fixed ITV stations or for each area of provision of the ITV service with mobile stations, are updated annually taking

into account the state consumer price index of the previous calendar year, published by the National Statistics Institute.

4. The amount of the security may be changed by decision of the Directorate-General responsible for industrial safety.

5. The values resulting from minimum amounts of the above calculation should be rounded according to:

- The figure of euro cent units between 1 and 5 is rounded to 5.
- The euro-cent unit figure between 6 and 9 is rounded to 0 with the increase of one unit in the figure of the tens of the euro cent.

6. The establishment of the guarantee to meet the possible liabilities arising in case of temporarily suspending or revoking the authorisation of the ITV service provision must be made by bank deposit with the General Deposit Fund of the Generalitat of Catalonia. The bank guarantee model to be used shall be the one determined by the competent body for industrial safety at all times.

#### Annex 4. Documentation required for processing applications for authorisations for fixed ITV stations

The documentation to be attached to the applications for authorisation of fixed station of ITV for processing is:

1. ENAC accreditation report justifying the technical competence of the operator to carry out the vehicle technical inspection at the requested site and declaration responsible for maintaining the ENAC accreditation while the authorisation is maintained.
2. Declaration responsible for compliance with the conditions for territorial weighting set out in paragraph 1 of Annex 1 to this Law
3. Declaration responsible for compliance with the incompatibility regime provided for in Article 6 of this Law and for its maintenance while the authorisation is maintained.
4. Declaration responsible for compliance with the requirements provided for by the activity of the fixed stations established in this Law and the basic technical regulations.
5. Report justifying compliance with the minimum conditions of access to the ITV station, in accordance with the provisions of the resolution provided for in Article 12.e of this Law and of its maintenance while the authorisation is maintained.