

**Avosetta Meeting
29-30 May 2026 – Copenhagen**

**NATIONAL REPORT ON RECENT DEVELOPMENTS IN
ENVIRONMENTAL LAW, WITH A SECTION ON RECENT
DEVELOPMENTS IN CLIMATE LITIGATION**

Angel M Moreno (Carlos III University, Madrid)
&
Agustín García Ureta (University of the Basque Country)

**1.- NATIONAL REPORT ON RECENT DEVELOPMENTS IN ENVIRONMENTAL
LAW,**

Prevention of food loss and waste

Law 1/2025, on the prevention of food loss and waste, came into force in April 2025 but companies were given one year to comply with the measures it required. The deadline expired on April 3, 2026. The law has the following objectives:

- a) To reduce food loss and waste throughout the agri-food chain, through more efficient resource management, thereby promoting the circular economy.
- b) To analyse in depth the causes and consequences of food loss and waste, promoting research and innovation in the field of food loss and waste prevention and reduction.
- c) To address the 2030 Agenda's objective on responsible production and consumption by reducing the generation of food waste in primary production, processing and manufacturing, in retail and other forms of food distribution, in restaurants and catering services, as well as in households, so as to achieve a 50% reduction in per capita food waste at the retail and consumer level and a 20% in food losses throughout the production and supply chains by 2030, compared to 2020.
- d) To reduce emissions of greenhouse gases and other pollutants.
- e) To raise awareness, train and inform stakeholders in production, processing, distribution, the hospitality sector, catering, consumers and the general public, and to promote awareness-raising activities in the field of the prevention and reduction of food loss and waste and the proper management of food and food waste, without prejudice to the necessary guarantees of food safety, quality and hygiene of food.

To prevent food waste, the regulation establishes (Article 5) a hierarchy of priorities for operators in the food chain, requiring them to adapt their actions to a specific sequence of steps. If there is no other solution (e.g., such processing or donation), the products must be recycled to, essentially, produce top-quality compost and digestate for use on land with the aim of benefiting the soil. Where the above is not possible, energy recovery is to be sought through the production of biogas or fuels.

All food chain operators are required to apply the hierarchy of priorities regarding food loss and waste, as established by this law, at any stage of the food chain where such loss or waste is generated under their control, and to adopt appropriate measures for its implementation, without prejudice to the provisions of Law 7/2022 (waste and contaminated soil). Accordingly, no contractual provision may expressly prevent food donation, and any such provision shall be null and void. In addition, all food chain operators have the following obligations:

- a) To have an implementation plan for the prevention of food loss and waste outlining how the hierarchy of priorities seen above will be applied. In the case of operators active in more than one autonomous community, this obligation may be fulfilled through a joint integrated plan.
- b) Promote agreements or arrangements to donate their surplus food to social initiative entities and other nonprofit organizations or food banks, except in cases where this is unfeasible and duly justified.¹

The Government, in accordance with the guidelines established by the European institutions and at the proposal of the ministries affected by this law will draw up a Strategic Plan for the prevention and reduction of food loss and waste, which shall set out the general strategy for food waste policy, the guidelines and structure to which regional programmes must conform, as well as the minimum targets to be met for the prevention and reduction of food loss and waste. Very serious infringements shall be punishable by a fine of between € 60,001 and €500,000.

Measures to strengthen the electricity system

As a consequence of the “blackout” of April, 2025, the government approved Royal Decree-Law 7/2025 of 24 June, adopting urgent measures to strengthen the electricity system. The Royal Decree-Law was subsequently derogated by the Spanish Parliament as it did not receive enough votes for its ratification, as required by Article 86 of the Constitution. The regulation was approved with the primary aim of strengthening the resilience and stability of the Spanish electricity system following the blackout incident. With this in mind, the law introduced an important package of measures to accelerate the energy transition. One of the key issues in the law was energy storage. In this regard, far-reaching measures were being adopted, such as the declaration of public utility for these facilities. Of particular relevance was the simplification for projects combining existing renewable energy facilities with electrochemical storage. The simplified environmental impact assessment procedure was waived if the original generation facility already had a favourable environmental impact statement and the storage facility was located within the same site boundaries. The law also addressed the electrification of demand, being a fundamental strategy for the decarbonisation of various sectors. To favour the electric mobility, the installation of charging points was drastically streamlined by exempting them from a prior authorisation regime (prior, construction and operating permits), provided they do not require a declaration of public utility or an environmental impact assessment. The legislation also sought to accelerate the orderly deployment of renewable energies through

¹ c) Exempt from the obligations of this section are activities involving processing, retail trade, food distribution, hospitality, or catering carried out in establishments of 1,300 m² or less in the case of businesses that do not sell to the public.

various measures of interest. It streamlined the upgrading of existing installations, reducing the processing times to half for power increases of less than 25 %.

Sustainable Mobility

Law 9/2025 on Sustainable Mobility establishes a comprehensive national framework that recognises mobility as a right, reorganises transport governance in Spain, and sets out obligations for public authorities and businesses with the aim of moving towards a safer, cleaner, digitalised and more inclusive system. Until its adoption, the legal framework for transport was fragmented into sector-specific regulations — roads, railways, land transport, road safety, air quality — without an integrated vision. The new law aims to break with this fragmentation and establishes a unified system, in which mobility ceases to be a mere logistical service and becomes a social right and a strategic driver of sustainable development.

The law emphasises that mobility is an essential right in guaranteeing equal opportunities, territorial cohesion and access to basic services.² This concept implies that public authorities must ensure that everyone, wherever they live, can travel safely, affordably and efficiently. The legislation recognises that mobility is not neutral as it influences health, air quality, the economy, social inclusion and the fight against climate change. Consequently, the law adopts a cross-cutting approach that integrates urban planning, energy, technological and social policies.

One of the pillars is the creation of the General Sustainable Mobility System, which functions as a multi-level governance framework. This system relies on coordination and participation bodies that seek to avoid duplication, improve efficiency and ensure that decisions are taken using consistent criteria. The Higher Council for Sustainable Mobility acts as a high-level advisory body, with the power to issue reports, propose reforms and assess the impact of public policies. Its diverse membership—comprising public authorities, businesses, trade unions, user associations and experts—ensures a broad perspective on the mobility system. For its part, the Regional Forum for Sustainable Mobility focuses on technical coordination between public authorities, particularly in areas such as urban planning, public transport management and the implementation of cycling infrastructure.

The law also introduces a set of strategic planning tools designed to provide the system with coherence and long-term foresight. The Sustainable Mobility Guidance Document (DOMOS) sets out the guiding principles for public policies across the country. Based on this, the State Strategic Mobility Planning Instrument is drawn up, setting out specific objectives, monitoring indicators and action measures. This instrument is binding on the central government and serves as a guide for other administrations.

² Article 4(1) reads: The right of all citizens to benefit from a sustainable and equitable transport system is recognised, in accordance with the terms set out in the legal framework, which allows for the free exercise of their constitutional rights and freedoms, facilitates the pursuit of their personal, business and commercial activities, and addresses the needs of the most disadvantaged and of geographical areas affected by depopulation, and, in particular, pays special attention to everyday mobility”. The Law refers to transport poverty as the inability or difficulty of individuals and households to afford the costs of public or private transportation, or their lack of access or limited access to the transportation necessary to reach essential socioeconomic services and activities under conditions sufficient to ensure a good quality of life, taking into account the social and territorial context

The prioritisation of active mobility and public transport is one of the most transformative aspects of the law. The legislation establishes a clear hierarchy³, as follows: pedestrians and cyclists first, then public transport, and finally private vehicles. This hierarchy must be reflected in urban design, the allocation of public space and investment in infrastructure. The law requires local authorities to develop accessible, continuous and safe pedestrian networks, as well as cycling infrastructure that enables efficient and safe travel. It also mandates improvements to universal accessibility, ensuring that everyone, regardless of their physical ability, can use transport systems on an equal footing.

Within one year of the entry into force of this law, municipalities with a population of more than 20,000 and less than 50,000 must adopt a simplified sustainable mobility plan for local authorities, which must be reviewed at least every six years unless regional legislation establishes a different frequency.⁴

Likewise, within twelve months of the entry into force of this law, companies and entities belonging to the public sector must have sustainable commuting plans in place for workplaces with more than 200 employees or 100 per shift whose regular workplace is said facility.

In the business sector, the law requires companies with more than 200 employees, or more than 100 per shift, to draw up a Sustainable Commuting Plan, which includes measures to reduce private car use, encourage public transport, promote active mobility, facilitate remote working and provide charging infrastructure for electric vehicles. These plans must be negotiated with employee representatives and undergo periodic reviews. The law provides for a system of penalties for companies that fail to meet these obligations, with fines proportionate to the seriousness of the infringement.

The law also regulates new forms of mobility, such as carsharing, carpooling, electric micromobility services and digital transport platforms.

Low emissions zones (LEZ)

Spain has experienced a notable rise in litigation surrounding Low Emission Zones (*zonas de bajas emisiones*), driven mainly by challenges to the legal and technical robustness of municipal regulations. The initial legislative reference to LEZs is found in Law 7/2021 on Climate Change and Energy Transition (LCCTE), listed among the measures to promote zero-emission mobility, and in Royal Decree 1052/2022, which implements the provisions of the law. The LCCTE requires municipalities with more than 50,000 inhabitants and island territories to adopt sustainable urban mobility plans by 2023 that include mitigation measures to reduce emissions from transportation, including, at a minimum the establishment of low-emission zones by 2023.

Courts have not questioned the legitimacy of environmental protection as a public objective, but they have repeatedly annulled local ordinances—especially in Madrid and Barcelona—because the measures were not supported by sufficiently detailed economic analyses, proportionality assessments, or procedural guarantees. As a result, several LEZ frameworks have been declared null on the grounds that municipalities had failed to justify the socioeconomic impact of mobility restrictions or to demonstrate that less restrictive alternatives had been properly evaluated.

³ Article 28.

⁴ Article 24.

One of the most prominent examples is Madrid, where the High Court of Justice of Madrid annulled (by a ruling dated September 17, 2024) a 2021 Ordinance owing to what it described as a manifestly inadequate economic impact report. The High Court found that there was neither a study nor an assessment, “not even a list or indication of the specific economic effects and repercussions of the measure.” According to the High Court: “The sectors of activity affected are not described; the economic consequences of adopting the measures are not evaluated, not even approximately; possible alternatives to adopting regulations of the magnitude that restrict vehicle access and circulation in the city are not considered; nor are less restrictive scenarios weighed. Not even data such as the approximate number of vehicles that could be affected by the restrictions are included in this section”. By a ruling of April 15, 2026, the Supreme Court dismissed the appeal 8840/2024 filed by the Madrid City Council against the previous judgment, as it lacked objective grounds for appeal.

Similar judicial reasoning has been employed in other regions, where the High Courts have emphasized the need for transparent procedures, solid technical documentation, and meaningful public participation in the design of LEZs. While various court rulings have dismissed appeals filed against the relevant ordinances,⁵ others have overturned them, primarily due to the absence of a prior sustainable mobility plan, as required by the LCCTE. In the case of the ordinance adopted by the city of Badajoz, the annulment was based on the fact that the regulation had been approved by means of an ordinance rather than through the (prior) mobility plan. The same was indicated in the ruling of the High Court of Justice of Castille and León, regarding the ordinance of Segovia, with the addition that the draft ordinance had not been submitted for public consultation. There are still more cases pending, such as those affecting the three main cities of the Basque Country. This wave of litigation has created a climate of legal uncertainty for both municipalities and citizens. At the same time, it has pushed local governments to adopt more rigorous, evidence-based approaches when implementing environmental mobility policies.

Carbon footprint

Royal Decree 214/2025 establishes the registry for carbon footprints, offsets, and carbon dioxide absorption projects, and requiring the calculation of carbon footprints and the preparation and publication of greenhouse gas emission reduction plans. The registry, which is public and operates under the Ministry for Ecological Transition and Demographic Challenge through the Spanish Office for Climate Change, consists of the following sections: a) A section on carbon footprints and commitments to reduce greenhouse gas emissions. b) A section on CO₂ absorption projects. c) A section on carbon footprint offsetting. The following actors may be included in the registry: a) Legal entities or self-employed individuals, ministerial departments of the General State Administration, its autonomous agencies, as well as social security management entities and common services, and other entities of the state public administrative sector, that carry out activities within the national territory that may generate greenhouse gas emissions and that calculate their carbon footprint, undertake activities aimed at reducing it, or offset their emissions. b) Natural or legal persons, jointly owned

⁵ Supreme Court of Justice of Cantabria, February 4, 2026, Case No. 232/2024 (Ordinance of the Municipality of Torrelavega). Supreme Court of Justice of Cantabria, January 5, 2026, Case No. 122/2024 (Ordinance of the Municipality of Torrelavega). Supreme Court of Justice of Catalonia, November 24, 2025, Case No. 1020/2023 (Ordinance of the Barcelona City Council of January 27, 2023, establishing the criteria for vehicle access, circulation, and parking in the Barcelona Low-Emission Zone and promoting zero-emission mobility). Supreme Court of Justice of Castile and León, October 31, 2025, Case No. 87/2024 (Ordinance of Burgos). Supreme Court of Justice of Castile and León, June 2, 2025, Case No. 86/2024 (Ordinance of Ávila).

neighbourhood forest communities, or legally constituted forest management boards that voluntarily carry out and own CO₂ absorption projects located anywhere within the national territory. c) Other national or international standards recognized by the Spanish Office for Climate Change with which a single accounting mechanism for CO₂ removals has been established.

For the purposes of the provisions of Law 9/2017 on Public Sector Contracts, the contracting authority may include among the environmental considerations established in the procurement procedure those relating to the carbon footprint, which may be substantiated through registration in the carbon footprint registry referred to in this Royal Decree or through equivalent certificates or other legally established means of proof.

Companies required to disclose non-financial information under the Commercial Code and the Capital Companies Law shall calculate their organization's carbon footprint on an annual basis.

Royal Decree 127/2026, amending Royal Decree 1089/2020, which sets forth provisions regarding the adjustment of the free allocation of greenhouse gas emission allowances for the period 2021–2030. It modifies the adjustment mechanism for the free allocation of emission allowances under the ETS for the 2021–2030 period. It strengthens monitoring and reporting obligations for affected facilities and clarifies the circumstances under which free allowances may be reduced or increased. For industrial operators subject to the ETS, this entails reviewing internal procedures and allocation forecasts.

Forest fires

Due to the terrible fires that occurred on the Iberian Peninsula in the summer of 2025, the government approved Royal Decree 716/2025 of 26 August, approving the common guidelines and criteria for annual plans for the prevention, monitoring and extinguishing of forest fires. The government also adopted Royal Decree 38/2026, implementing key coordination measures for the prevention, monitoring, and suppression of wildfires. This regulation establishes a common framework for coordination among government agencies to improve the prevention, monitoring, and response to wildfires. It establishes uniform criteria for the activation and deployment of resources, protocols for interoperability and inter-territorial cooperation, and measures to integrate prevention into forest and land management. For public administrations and operators, this entails adapting plans, procedures, and information systems; for forest owners and managers, it means greater alignment with preventive strategies and obligations to collaborate in emergency situations.

End-of-life tyres

In the light of the new regulations on waste, the central government approved Royal Decree 712/2025, on end-of-life tyres. To this end, the legal framework applicable to the placing on the market of replacement tyres is established in relation to the impact on the management of their waste, as well as the legal framework for the prevention, production and management of end-of-life tyres generated by the fitting of tyres placed on the replacement market by their producers, with the aim of preventing and reducing their impact on the environment throughout their entire life cycle.

2.- RECENT DEVELOPMENTS IN CLIMATE LITIGATION

As noted supra, national courts (mainly the administrative courts) have played a rather limited role during these years, in the field of climate change and energy transition (see the appendix, below on “recent developments”). May be the most noticeable development was the adjudication of the (for the time being) first and only “strategic” climate litigation: Greenpeace v. Spain (I) and Greenpeace v. Spain (II). In these two proceedings, both rendered in the Summer of 2023, the claims of the NGOs were fully dismissed. We described these litigation at the Avosetta meeting in Rennes (2024). In a nutshell, the main reasons for dismissing the action may be summarized as follows:

1.- The separation of powers principle. Courts are not the appropriate forum for resolving complex social issues, which involve broad, compelling and contradictory public interests.

2.- No procedural failure was committed during the decision-making process of the national integrated plan on energy and climate (another argument advanced by the plaintiffs)

3.- The reduction targets included in the referred plan largely complied with the reduction obligations imposed on Spain by EU Law, while the Paris Agreement (ratified by Spain) did not impose any precise reduction target

4.- The plan was considered to be a regulation, and under Spanish law (art. 73 of the law on administrative justice) an administrative court may well annul a regulation if it is “illegal” (when it violates a statute or an essential procedural requirements), but it cannot re-write the wording of the regulation. Therefore, the Court could not say or determine the exact amount of GHG reductions that Spain should attain (as demanded by the plaintiffs, that is 55%). The plaintiffs’ petition therefore fell beyond the reach of the Court’s powers.

After the publication of the ruling, the plaintiffs made extensive declarations in the media regretting the sense of the judgment. Subsequently, the NGOs filed an appeal against the Supreme Court ruling in the Constitutional Court. The last piece of news made public on this case (December 2024) is that the Constitutional Court has declared admissible the legal complaint, and has accepted it for consideration. This means that the Court will in the future issue a ruling on the merits of the case.