

Sustainable Urban Mobility Plans (SUMP): A German and Spanish comparative legal overview

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A. Introduction

Cities play a major role in achieving Europe's sustainability goals. ‘The battle for sustainable development will almost certainly be decided in cities (...)’.¹ Accordingly, urban mobility must become sustainable. Sustainable Urban Mobility Plans (SUMP) can be a powerful tool for achieving urban sustainability. A SUMP is a strategic plan designed to meet the mobility needs of individuals and businesses in urban areas and their surroundings,

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1 Quoting former EU Regional Policy Commissioner, Danuta Hübner, addressing the Informal Ministerial Meeting on Urban Development on the 24th May 2007 in Leipzig.

with the aim of improving their quality of life.² It contains a series of measures aimed at implementing more sustainable transport options within a city.³

This article gives an overview of SUMP in Germany and Spain. First, it will determine why a comparative approach between these two countries is particularly interesting on this matter (B). After laying out the concept of (sustainable urban) mobility planning (C.I), the situations of SUMP in Germany (C.II) and Spain (C.III) will be analysed. The article concludes with an outlook (D).

B. Why Germany and Spain

Comparative law does not require justification.⁴ A comparative approach is not obliged to have a specific “sense” of self-understanding or justification.⁵ The added value results from the scientific findings (*‘Erkenntnisse’*)⁶ themselves, regardless of their actual benefits⁷. Thus, the selected legal systems for a legal comparison do not inevitably require a rationale. However, especially when applying the “functional method”⁸ in the context of comparative law, the so-called “comparable baseline” (*‘Parallelität der Ausgangslage’*) plays an important role.⁹ Incomparable matters cannot be reasonably com-

2 Rupprecht Consult (ed.), *Guidelines for Developing and Implementing a Sustainable Urban Mobility Plan*, 2nd ed. (2019), p. 9.

3 See Phase 3 of the SUMP-cycle, Rupprecht Consult (ed.) (2019), p. 103 et seqq.

4 Uwe Kischel, *Rechtsvergleichung [Comparative law]* (2019), § 2.

5 Cf. Kischel (2019), § 2 Rn. 4.

6 Kischel (2019), § 2 Rn. 4; Till Markus, ‘Zur Rechtsvergleichung im nationalen und internationalen Umweltrecht [Comparative law in national and international environmental law]’ (2020), 80(3) *ZaöRV* 80, p. 649, 666.

7 Markus (2020), p. 666: ‘(...) weitgehend unabhängig von ihrem konkreten Nutzen [(...) mostly independent of their specific purpose]’; Kischel (2019), § 2 Rn. 4: ‘(...) keinerlei spezifischer “Sinn” für Selbstverständnis oder Rechtfertigung erforderlich [(...) no specific “sense” of self-understanding or justification required]’.

8 For a broad overview, see Ralf Michaels, ‘The Functional Method of Comparative Law’, in: Mathias Reimann/Reinhard Zimmermann (eds.), *The Oxford handbook of comparative law*, 2nd ed. (2019), p. 345, 346 et seqq. Michaels highlights on p. 347 that ‘(...) there is not one (‘the’) functional method, but many’ types of functional methods.

9 Guy Beaucamp, ‘Umweltrechtsvergleichung – Hoffnungen, Probleme und Ausschnitte aus der Realität [Comparative environmental law – hopes, problems, and excerpts from reality]’ (2001), *UPR*, p. 134, 137: ‘Parallelität der sachlichen Ausgangssituation [parallelity of the factual starting situation]’; Markus (2020), p. 698.

pared.¹⁰ The point of origin of a comparative approach should lie in a similar (factual) issue (*'nachvollziehbare Sach- und Problemlage'*)¹¹ which concerns the selected countries.¹² The comparison is therefore in need of a similar context.¹³ This context has a factual and a legal dimension.

I. Factual terms

To start with, both countries manifest a similar distribution of their population. The majority of Germany's and Spain's inhabitants lives in densely populated areas. More than 90 % of Spain's population is located in approximately 30 % of its territory.¹⁴ Spaniards, especially young people, tend to leave rural areas and immigrate to bigger cities in order to improve their quality of live.¹⁵ In Germany, the population is concentrated in agglomerated areas (*'Ballungsräume'*).¹⁶ More than 70 % of Germans live in large cities

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- 10 Hein Kötz/Konrad Zweigert, *Einführung in die Rechtsvergleichung* [Introduction to comparative law], 3rd ed. (1996), p. 33; cf. Markus (2020), p. 698.
 - 11 Cf. Till Markus, *Rechtsvergleichung im Völkerrecht* [Comparative law in international law], (2021), p. 70.
 - 12 Cf. Markus (2021), p. 64: 'funktional vergleichbare Sachprobleme [functionally comparable factual problems]', p. 70: '(...) nachvollziehbare(r) Vergleich von Sach- und Problemlagen [(...) comprehensible comparison of factual situations and problems]'; Markus (2020), p. 663 et seqq.: '(Die Gegenüberstellung der Sach- und Problemlagen) bestimmt nicht unwesentlich darüber, ob und inwieweit ein Rechtsvergleich überhaupt sinnvoll ist [(The comparison of the factual and problematic situations) plays a significant role in determining whether and to what extent a legal comparison is meaningful at all]'; Beaucamp (2001), p. 137. A broader approach can be found in Van Hoecke, 'Methodology of Comparative Legal Research' (2015), Law and Method, p. 1, 5.
 - 13 Cf. Markus (2020), p. 698; Beaucamp (2001), p. 137. For example: Germany and Spain both deal with bad air quality in their cities due to excessive pollution originating from motorized vehicles.
 - 14 Laenderdaten.info, *Bevölkerungswachstum in Spanien* [Population growth in Spain], <https://www.laenderdaten.info/Europa/Spanien/bevoelkerungswachstum.php> (last accessed: 8 June 2025).
 - 15 EFE, 'El éxodo de los jóvenes rurales a las grandes ciudades españolas [The exodus of rural youth to the major spanish cities]' (2017), https://www.abc.es/sociedad/abci-exodo-jovenes-rurales-grandes-ciudades-espanolas-201704141320_noticia.html (last accessed: 8 June 2025). This phenomenon is called *españa vaciada* (empty Spain).
 - 16 Sachverständigenrat für Umweltfragen (ed.), *Umweltgutachten 2012: Verantwortung in einer begrenzten Welt* [Environmental Report 2012: Responsibility in a limited world], (2012), para 342.

and their surroundings.¹⁷ This context contributes to the fact that in both cases, cities deal with several mobility-related issues. The high density of motorized vehicles¹⁸ severely impacts the environment, quality of life as well as overall health of the city's population.

Moreover, Germany and Spain share a similar economic structure regarding its influential automotive sector. Germany is known as an *Autonation* worldwide. The automotive industry is a key part of Germany's economy¹⁹ and has a national impact on gross value added, investment volumes, and employment figures.²⁰ Spain's automotive industry also represents a substantial part of the country's economy. Spain is, right after Germany, the biggest car manufacturer in Europe.²¹ More than 9 automobile brands produce automobiles in over 17 Spanish automotive plants, promoting the automotive sector to the country's third biggest economic sector.²²

17 Destatis, 'Bevölkerung: Großstadtregionen im Wandel [Population: Metropolitan regions in transition]', <https://www.destatis.de/DE/Themen/Querschnitt/Demografischer-Wandel/Aspekte/demografie-grossstadtregionen.html> (last accessed: 8 June 2025). See the map on the website.

18 Four out of five cities have more vehicles than inhabitants: Europa Press, 'Cuatro de cada cinco ciudades españolas tienen más vehículos que habitantes, según DriveMe [Four of five Spanish cities have more vehicles than inhabitants, according to DriveMe]' (2018), <https://www.eleconomista.es/ecomotor/motor/noticias/8867764/01/18/Economia-Motor-Cuatro-de-cada-cinco-ciudades-espanolas-tienen-mas-vehiculos-que-habitantes-segun-DriveMe.html> (last accessed: 8 June 2025). Germans tend nowadays to own at least three cars, Robert Klatt, 'Immer mehr Drittwagen: Zahl der Autos pro Einwohner in Deutschland auf Rekordhoch [More and more tertiary vehicles: Number of cars per inhabitant in Germany at record high]' (2022), <https://www.forschung-und-wissen.de/nachrichten/oekonomie/zahl-der-autos-pro-einwohner-in-deutschland-auf-rekordhoch-13376652> (last accessed: 8 June 2025).

19 Thomas Puls/Manuel Fritsch, 'Eine Branche unter Druck: Die Bedeutung der Autoindustrie für Deutschland [An industry under pressure: The importance of the automotive industry for Germany]', (2020), p. 13: 'Schwergewicht [heavyweight]'.

20 Puls/Fritsch, (2020), p. 3, 12 et seq., 16.

21 Victor Méndez-Barreira, 'Car Makers Pour Money Into Spain: Country has emerged as Europe's second-biggest production hub, with flexible labor laws and a vast network of local suppliers' (2016), <https://www.wsj.com/articles/car-makers-pour-money-into-spain-1470613487> (last accessed: 8 June 2025).

22 Ana Elena Heras, 'España es el 2º mayor fabricante de vehículos europeo y se situó 9º a nivel mundial en 2021 [Spain is the second-largest vehicle manufacturer in Europe and ranked 9th worldwide in 2021]', <https://www.investinspain.org/content/icex-invest/es/sectores/automotive.html> (last accessed: 8 June 2025).

II. Legal terms

From a legal point of view, there is a similar legal framework. Not only are Germany and Spain Member States of the EU and therefore underly Union law. There are also several national parallels. Due to historical reasons, the *Constitución Española* (Spanish constitution) was inspired by the *Grundgesetz* (German constitution).²³ The Spanish constitution assumed the fundamental structure of the German constitution, which explains their close interrelation.²⁴ Both countries therefore also share a similar state organisation. While Spain does not have a federal system (*Föderalismus*), their state division follows a territorial model which has a lot of resemblance to the German model. Spain has ‘semi-federalistic’²⁵ elements, has established over the years, in practical terms, a federal entity²⁶ and is one of Europe’s most decentralised countries²⁷. The constitutional resemblance also influenced the Spanish administrative law.²⁸ Spanish public law is

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- 23 Pedro Cruz Villalón, ‘Landesbericht Spanien [Country report Spain]’, in Christian Starck (ed.), *Grundgesetz und deutsche Verfassungsrechtsprechung im Spiegel ausländischer Verfassungsentwicklung* [The Basic Law and German Constitutional Jurisprudence in the light of foreign constitutional developments] (1990), p. 194, 194; Dirk Kurbjuweit, ‘Nach der Franco-Diktatur: Warum die Spanier das deutsche Grundgesetz kopierten [After the Franco dictatorship: Why the Spanish copied the German Basic Law]’ (2019), <https://www.spiegel.de/politik/70-jahre-verfassung-warum-die-spanier-das-deutsche-grundgesetz-kopierten-a-3db45a46-1530-45b4-a632-07076997c551> (last accessed: 8 June 2025); Dominik Rabe, *Der ‘Verwaltungsakt’ nach deutschem und nach spanischem Recht* [The ‘Administrative Act’ under German and Spanish Law], (2012), p. 46.
- 24 Mariano Bacigalupo/Francisco Velasco, ‘Wirkungen der deutschen Verwaltungsrechtslehre nach außen – am Beispiel Spaniens [External effects of German administrative law doctrine – using Spain as an example]’ (2003), 36(3) *Die Verwaltung*, p. 333, 343.
- 25 Ole Brühl, *Immissionsschutzrechtliche Vorhabengenehmigung in Deutschland und Spanien* [Project approval under immission control law in Germany and Spain], (2002), p. 14: ‘quasiföderal [semi-federal]’. See as well Alexander Tacer, *Die territoriale Struktur Spaniens* [The territorial structure of Spain] (2010), p. 2.
- 26 Juan José Solozábal Echavarría, ‘A ruling on the federalization of the state’, in Alberto López Basaguren/Leire Escajedo San Epifanio (eds.), *The Ways of Federalism* (2013), p. 467, 468.
- 27 Dieter Nohlen/Andreas Hildenbrand, ‘Regionalismus und politische Dezentralisierung in Spanien [Regionalism and political decentralisation in Spain]’, in Dieter Nohlen/José Juan González Encinar (eds.), *Der Staat der Autonomen Gemeinschaften in Spanien* [The State of the autonomous communities in Spain] (1992), p. 9, 9.
- 28 Bacigalupo/Velasco (2003), p. 343 et seq.; Rabe (2012), p. 46 et seq.

known to be receptive to the influence of foreign public law.²⁹ Nevertheless, German administrative law has stood out with its very distinct impact on Spanish administrative law.³⁰ Although it was not always consistent in its approach, Spain systematically adopted Germany's administrative law in several phases.³¹ German administrative law served for Spain's administrative law as 'main inspiration source'.³²

C. (Sustainable Urban) Mobility Planning

Before turning to Germany (C.II) and Spain (C.III), the concept of sustainable urban mobility planning must first be defined (C.I).

I. Defining the concept

1. Mobility

Mobility is a very ambivalent term: defining it is tricky. Not only does its definition depend on the specific context or perspective³³, but the term is

29 Bacigalupo/Velasco (2003), p. 333; Velasco (2003), p. 391; Oriol Mir Puigpelat, 'Spanien [Spain]' in Armin von Bogdandy/Sabino Cassese/Michael Huber (eds.), *Handbuch Ius Publicum Europaeum: Band V* [Handbook of Ius Publicum Europaeum: Volume V] (2014), § 84 para. 3.

30 Francisco Velasco, 'Die Rezeption des deutschen Verwaltungsrechts in der spanischen Rechtsordnung: Zugleich eine theoretische Darstellung der Gründe, Etappen und Probleme des unidirektionalen Rechtsvergleichs [The reception of German administrative law in the Spanish legal system: At the same time a theoretical presentation of the reasons, stages, and problems of unidirectional legal comparison]' (2015), 48(3) *Die Verwaltung*, p. 383, 388 et seq.

31 Bacigalupo/Velasco (2003), p. 343; Velasco (2015), p. 394; Alfredo Gallego Anabitarte, 'La influencia en el Derecho Administrativo español desde 1950 a hoy [The influence on Spanish administrative law from 1950 to the present]' (1999), 150 *RAP*, p. 75, 108.

32 Velasco (2015), p. 383, 402.

33 Carsten Gertz, 'Planungsgrundlagen [planing principles]', in Dirk Vallée/Barbara Engel/Walter Vogt (eds.), *Stadtverkehrsplanung: Band 1* [Urban transport planning: Volume 1] (2021), p. 1, 6. See the image on page 7 as well.

also confronted with regional discrepancies³⁴ and constantly in motion³⁵. As a result, it is not uncommon to encounter the term of (sustainable) mobility in an undefined manner.³⁶ Nevertheless, most of us have a general idea of the concept of mobility, even if it is hard to put in words. Mobility is normally equated, at least in Germany, with transport (*‘Verkehr’*). Even though these terms are used similarly on a daily routine, their meanings differ.³⁷ In the context of SUMPs, mobility is the possibility for people to change their location³⁸ or, at least, their desire to do so³⁹. The actual tool for commuting is transport.⁴⁰ Transport represents the entirety of all physically realised journeys per time unit in an area or a location.⁴¹ Therefore, it can be said that transport is the tool that enables the (desire to) change location, which is mobility. Consequently, a large amount of transport may exceed a roadway’s capacity and therefore result in traffic (congestion).

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- 34 For example, VCD e.V., ‘Entwurf für die Regelungsinhalte eines Bundesmobilitätsgesetzes [Draft for the regulatory content of a federal mobility law]’, in Georg Hermes/Urs Kramer/Holger Weiß (eds.), *Das Recht der Verkehrswende [The law of the transport transition]* (2023), p. 41, 52, indicates that in the context of Union law, mobility not only includes persons, but also goods. In a German legal context, goods are generally not included, cf. Gertz (2021), p. 7.
- 35 Antonio Fortes Martín, *La movilidad urbana sostenible como fenómeno jurídico: el derecho de la movilidad [Sustainable urban mobility as a legal phenomenon: The law of mobility]* (2019), p. 35; Elisa Moreu Carbonell, ‘Reflexions sobre el papel del Derecho para la movilidad sostenible [Reflections on the role of law in sustainable mobility]’, in Andrés Boix Palop/Reyes Marzal Raga (eds.), *Ciudad y movilidad [City and mobility]* (2014), p. 87, 88.
- 36 Antonio Fortes Martín, ‘La promoción de la movilidad limpia o sin emisiones [The promotion of clean or emission-free mobility]’, in Alenza García/Mellado Ruiz (eds.), *Estudios sobre cambio climático y transición energética [Studies on climate change and energy transition]* (2020), p. 361, 369.
- 37 Gertz (2021), p. 6 et seq.
- 38 Gertz (2021), p. 7.
- 39 Jürgen Gerlach, ‘Integrierte Planung – Chancen und Hemmnisse in Deutschland [Integrated planning – opportunities and obstacles in Germany]’, in *1. Internationale Wuppertaler Verkehrstage* (2005), p. 31, 31.
- 40 Gerlach (2005), p. 31.
- 41 Gertz (2021), p. 1, 7.

2. Mobility Planning

Mobility is a very challenging and ambitious task. At a municipal level, the (local) transport situation is determined by numerous factors.⁴² To anticipate conflicting issues and coordinate measures not only with themselves, but also with any possible conflicting goals or interests⁴³, a (mobility) planning instrument is necessary⁴⁴. Without a decent mobility plan, which results out of (the process of) mobility planning⁴⁵, it is not possible to overcome (urban) mobility deficiencies.⁴⁶ Occasional mobility improvements are insufficient and do not have enough substantial impact to resolve mobility-related issues:⁴⁷ an overall, long-lasting mobility concept is required. A mobility plan therefore ensures a certain type of procedure guided by a long-term vision.⁴⁸

3. Urban Mobility Planning

The range or area of a mobility plan can differ.⁴⁹ When the mobility plan has a local territorial scope, it usually refers to an urban mobility plan. It can address one single city, but also several, sometimes with or without the surroundings.⁵⁰

42 Georg Hermes, 'Gewährleistung umweltverträglicher Mobilität für alle [Ensuring environmentally friendly mobility for all]' (2020), 53(3) *Die Verwaltung*, p. 311, 327.

43 Wolfgang Kahl/Sophia Effinger, 'Instrumente des Umweltrechts (Teil 1) [Instruments of environmental law (Part 1)]' (2022), 44(12) *JURA*, p. 1394, 1395; Wolfgang Kahl/Klaus Ferdinand Gärditz, *Umweltrecht [Environmental law]*, 13th ed. (2023), § 4 Rn. 50.

44 Hermes (2020), p. 327; Stefan Fimpel, *Planerische Neuausrichtung der urbanen Mobilität [Planning reorientation of urban mobility]* (2022), p. 60.

45 Cf. Kahl/Effinger (2022), p. 1395: 'Ein Plan – das Ergebnis einer Planung – (...) [A plan – the result of a planning process – (...)]'.

46 Cf. Sachverständigenrat für Umweltfragen (ed.) (2012), Rn. 484.

47 Cf. Fimpel (2022), p. 59; Moritz Reese, 'Nachhaltige urbane Mobilitätsentwicklung – Potenziale eines Gemeindeverkehrsplanungsgesetz [Sustainable urban mobility development – potentials of a municipal transport planning law]' (2020), *ZUR*, p. 401, 401.

48 Cf. Rupperecht Consult (ed.) (2019), p. 10.

49 See for example Art. 101.2 *Ley 2/2011*, de 4 de marzo, de Economía Sostenible (BOE-A-2011-4117).

50 The definition of Rupperecht Consult (ed.) (2019), p. 9 states 'cities and their surroundings'. Yet, an urban mobility plan usually addresses one municipality, although it can also have a wider range and cover several municipalities. At the end of the day,

4. Sustainable Urban Mobility Planning

Finally, a SUMP is, as its name suggests, sustainable. Legally speaking, this term lacks a clear and homogeneous definition.⁵¹ Nevertheless, it can be specified by some characteristics. An urban mobility plan is sustainable when it not only tries to minimise or exclude any type of environmental damage but follows an integrated approach by including the development of all transport modes and involving all relevant stakeholders and citizens, using a transparent and participatory approach.⁵² At the same time, a SUMP aims to promote economic models with low consumption and less energy dependency, as well as improving the access to transportation for people with reduced mobility.⁵³ In other words, an urban mobility plan is sustainable when it pursues not only ecological improvements, but also other factors such as social equity, health improvements and economic viability.⁵⁴

II. Germany

Germany has been working with mobility plans for a long time. After the Second World War, it introduced so-called *General- or Gesamtverkehrspläne*.⁵⁵ These plans were particularly used by larger municipalities to expand their (transport) infrastructure.⁵⁶ They primarily focused on flowing and stationary motorised traffic, while other types of transportation methods such as bicycle or pedestrian traffic were nearly irrelevant.⁵⁷ As a result,

this term gives an idea but is – in this context- neither legally nor elsewhere accurately defined.

51 Moreu Carbonell (2014), p. 80.

52 Moreu Carbonell (2014), p. 80 et seq.; Rupprecht Consult (ed.) (2019), p. 10.

53 Moreu Carbonell (2014), p. 81; Rupprecht Consult (ed.) (2019), p. 10 et seqq.

54 Cf. Moreu Carbonell (2014), p. 81; Rupprecht Consult (ed.) (2019), p. 10.

55 Bundesinstitut für Bau-, Stadt- und Raumforschung, *Konzepte für den Stadtverkehr der Zukunft* (2019), p. 14; Carsten Gertz/Gunnar Polzin, 'Stand der Verkehrsentwicklungsplanung – Ergebnisse einer Städteumfrage in Deutschland [Status of transport development planning – results of a survey of cities in Germany]' (2009), 12 StVT, p. 769, 769.

56 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 14.

57 Markus Hesse/Rainer Lucas, *Verkehrswende: ökologische und soziale Orientierungen für die Verkehrswirtschaft [Transport Transition: Ecological and social orientations for the transport industry]*, (1990), p. 7: 'Fuß- und Radverkehr sind in den Ballungsräumen sprichwörtlich an den Rand gedrängt [Pedestrian and bicycle transport

mobility planning in urban areas focused on motorised private transport and promoted a car-friendly city.⁵⁸ Motorised private vehicles ‘invaded’ public spaces and became the dominant transportation tool.

In the 1980s, doubts arose regarding this car-based dominance.⁵⁹ Mobility plans evolved to so-called *Verkehrsentwicklungspläne* (VEPs), which backed off from promoting motorised private vehicles and pursued a cross-vehicular approach that actively included non-motorised transports.⁶⁰ Over the years, these plans matured to a 2nd generation of VEPs by using different kinds of eye-catching names to promote a ‘*Paradigmenwechsel*’⁶¹ (paradigm shift) and renewing their planning methodology and content.⁶² These new VEPs have many similarities to SUMP. Both plans essentially have the same methodological and content-related requirements, which is why both terms are practically used synonymously.⁶³

Nowadays, many German municipalities have implemented a VEP.⁶⁴ Nevertheless, mobility planning in Germany has always been lacking legal regulations.⁶⁵ Apart from one regional exception,⁶⁶ there are no legal reg-

are literally pushed to the margins in metropolitan areas.]; Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 14; Carsten Gertz, ‘Zukunft der Verkehrsentwicklung – Viele Pläne – (k)eine Strategie [The future of transport development – many plans – no/a strategy]’ (2007), Planerin, p. 51, 51.

58 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 14.

59 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 15; Gertz (2007), p. 51; Michael Frehn/Ludwig Korte, ‘Renaissance der kommunalen Verkehrsentwicklungsplanung [Renaissance of municipal transport development planning]’ (2005), 119 Raumplanung, p. 82, 82; cf. Robert Schnüll, ‘Brauchen wir eine neue Art von Verkehrsentwicklungsplänen? [Do we need a new type of transport development plan?]’ (2009), StVT, p. 506, 507.

60 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 15; cf. Schnüll (2009), p. 507.

61 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 16.

62 Cf. Gertz (2007), p. 53.

63 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 18; Forschungsgesellschaft für Straßen- und Verkehrswesen e. V., Hinweise zur Verkehrsentwicklungsplanung [Guidelines for transport development planning], (2013), p. 5; Wulf-Holger Arndt/Fabian Drews, Mobilität nachhaltig planen [Planning sustainable mobility], (2019), p. 13 et seqq.

64 See for example Rupprecht Consult, Bestandserhebung und -analyse SUMP [Inventory and analysis survey of SUMP], (2023), p. 5 et seqq.

65 Bundesinstitut für Bau-, Stadt- und Raumforschung, Rechtliche Bausteine einer kommunalen Mobilitätswende, (2023), p. 22 et seqq.; Arndt/Drews (2019), p. 6; Gertz/Polzin (2009), p. 769.

66 Cf. Reese (2020), p. 403, according to which Berlin is currently an exception with its Berlin Mobility Act (MobG), introduced in July 2018.

ulations concerning VEPs; the introduction of a mobility plan is neither legally mandatory, nor are there any regulations addressing its content or scope.⁶⁷ The methodology and content of these VEPs can basically always differ.⁶⁸ VEPs are therefore categorised as ‘informal’ plans.⁶⁹ Informal planning refers to planning instruments or planning procedures that are not legally formalised, standardised and (directly) legally binding.⁷⁰ Informal plans stand out due to their lack of or very little legal standardisation⁷¹ as well as their high level of flexibility⁷².

While informal planning does have its advantages,⁷³ its particularly high flexibility leads to serious issues. Just to point out two:

On the one hand, the quality of VEPs varies significantly. In the absence of (nationwide) legally binding requirements, there are unlimited planning options for mobility plans. Mobility planners are not obliged to follow any planning standards. Consequently, the level of detail and scope of VEPs differ – sometimes considerably.⁷⁴ A gradual deviation is not surprising, as a mobility plan should be tailored to local conditions and can therefore

67 Sibylle Barth/Hubertus Baumeister, ‘Elektrifizierung des ÖPNV als kommunale Pflichtaufgabe ohne Finanzausgleich? [Electrification of public transport as a municipal mandatory task without financial compensation?]’ (2024), IR, p. 43, 47; Gertz/Polzin (2009), p. 769; Gertz (2007), p. 51; Forschungsgesellschaft für Straßen- und Verkehrswesen e. V., Empfehlungen für Verkehrsplanungsprozesse [Recommendations for transportation planning processes], (2018), p. 17.

68 However, at least in large cities, a similar standard has apparently emerged, Carsten Gertz, ‘Weiterentwicklung der Verkehrsentwicklungsplanung [Further development of transport development planning]’, in: Tillmann Bracher/Dieter Apel (eds.), Handbuch der kommunalen Verkehrsplanung [Handbook of municipal transport planning] (2016), p. 2.

69 Bundesinstitut für Bau-, Stadt- und Raumforschung (2019), p. 22; Baumeister (2024), p. 47; Moritz Reese, ‘Für die Verkehrswende ein Gemeindeverkehrsplanungsgesetz [A municipal transport planning law for the transport revolution]’ (2018), ZUR, p. 321, 321.

70 Rainer Danielzyk/Martin Sondermann, ‘Informelle Planung [Informal planning]’, in Akademie für Raumforschung und Landesplanung (ed.), Handwörterbuch der Stadt- und Raumentwicklung [Handbook of urban and spatial development] (2018), p. 963, 964.

71 Danielzyk/Sondermann (2018), p. 964; Dietrich Henckel/Kestervon Kuczowski/Petra Lau et al. (eds.), Planen – Bauen – Umwelt: Ein Handbuch [Planning – building – environment: A handbook] (2010), p. 227.

72 Danielzyk/Sondermann (2018), p. 964.

73 Cf. Forschungsgesellschaft für Straßen- und Verkehrswesen e. V. (2013), p. 44.

74 Rupprecht Consult (2023) p. 12; cf. Gertz (2007), p. 51; Bundesinstitut für Bau-, Stadt- und Raumforschung (2023), p. 23; Reese (2018), p. 321.

differ depending on the actual city.⁷⁵ However, excessive disparities to the commonly applied methodology⁷⁶ can have a negative impact on effectively overcoming the challenges of mobility.

On the other hand, it's the lack of formalisation of mobility plans that not only allows the corresponding municipality to choose *how*, but also *whether* a VEP will be developed. If a municipality finally decides to establish a VEP, its actual realisation and following implementation is not necessarily secured. Yet, adequate funding and personnel resources are crucial for its success.⁷⁷ If these requirements cannot be assured, a VEP as an informal (sustainable) urban mobility plan will not be taken seriously on a local-political level.⁷⁸ Its implementation process may just as well be stopped after a new political shift.⁷⁹

III. Spain

Like Germany, Spain has also been working with SUMP for quite a while. In Spain, SUMP are called *planes de movilidad urbana sostenible*, short *PMUS*. These plans first debuted in the 21st century.⁸⁰ The first wave of SUMP began in 2005, when an institute affiliated to the Spanish Ministry of Ecological Transition and Demographic Challenge, the IDAE⁸¹, promoted several mobility plans for the purpose of shaping urban mobility in a

75 Rupprecht Consult (ed.) (2019), p. 24.

76 Cf. Rupprecht Consult (ed.) (2019); Forschungsgesellschaft für Straßen- und Verkehrswesen e. V. (2013); Forschungsgesellschaft für Straßen- und Verkehrswesen e. V., (2018).

77 Sachverständigenrat für Umweltfragen (ed.) (2012), para. 531; Arndt/Drews (2019), p. 26 et seq.

78 Bundesinstitut für Bau-, Stadt- und Raumforschung (2023), p. 23.

79 Cf. Arndt/Drews (2019), p. 4.

80 Vincent-Carlos Barduhn, 'Los Planes de Movilidad Urbana Sostenible (PMUS) [Sustainable urban mobility plans (SUMP)]' (2025), <https://www.idluam.org/blog/los-planes-de-movilidad-urbana-sostenible-pmus/> (last accessed: 8 June 2025). Although there were already first experiences with integrated mobility planning during the nineties of the 20th century, see Pilar Vega Pindado, 'Una década de planes de movilidad urbana sostenible en España 2004 – 2014 [A decade of sustainable urban mobility plans in Spain 2004 – 2014]' (2016), 36(2) AGUC, p. 351, 355.

81 Instituto para la Diversificación y Ahorro de la Energía, see <https://www.idae.es/>.

sustainable manner.⁸² The IDAE initiated a pilot project phase in which a couple of SUMP were launched, offering technical and financial support.⁸³ These initial SUMP, mostly elaborated in the Autonomous Community of Madrid, lacked a methodological approach; indeed, their development was mostly improvised.⁸⁴ As a result, the IDAE published in the following year a methodological guide called *Guía práctica* on how to elaborate and implement a SUMP.⁸⁵ From this moment on, newly developed SUMP followed the orientations of this guide⁸⁶, resulting in SUMP that were elaborated and implemented in a systematic and structured manner.⁸⁷ Simultaneously, the IDAE signed a number of agreements with several Autonomous Communities to award subsidies if SUMP were developed.⁸⁸ Thus, until the economic crisis began in 2008, more than 100 SUMP were developed and implemented throughout Spain.⁸⁹

Due to the impact of the financial crisis and reduced budgets, the IDAE had to take a step back from its subsidised program.⁹⁰ Up until 2013, the number of elaborated SUMP descended, concluding with the IDAE finally terminating its subsidised program.⁹¹ This did not imply the end of SUMP in Spain at all. In 2014, Spain introduced a new national law. With the *Ley 2/2011 de 4 de marzo de Economía Sostenible*⁹² (LES), for the first time, the SUMP were addressed in a nationwide manner. Art. 101 LES not only defined the concept of a SUMP (par. 1), but also its territorial scope (par. 2) as well as its minimum content (par. 4) and alignment to other planning

82 Vega Pindado (2016), p. 358; Pilar Vega Pindado, Los PMUS – Balance desde la perspectiva ecológica [The SUMP – assessment from an ecological perspective] (2017), p. 17.

83 Vega Pindado (2017), p. 17.

84 Cf. Vega Pindado (2017), p. 17.

85 The guide can be found in <https://www.idae.es/publicaciones/pmus-guia-practica-para-la-elaboracion-e-implantacion-de-planos-de-movilidad-urbana> (last accessed: 8 June 2025).

86 Vega Pindado (2017), p. 17.

87 Barduhn (2025).

88 Vega Pindado (2017), p. 18; Vega Pindado (2016), p. 359.

89 See the image in Vega Pindado (2017), p. 17; Vega Pindado (2016), p. 358.

90 Barduhn (2025).

91 Pilar Vega Pindado, Los PMUS en España [SUMP in Spain] (2019), p. 66; Vega Pindado (2017), p. 18.

92 Ley 2/2011, de 4 de marzo, de Economía Sostenible (BOE-A-2011-4117).

instruments (par. 3).⁹³ Furthermore, Art.102 LES states that as of the 1st June 2014, the granting of any aid or subsidy to regional administrations or local entities included in the General State Budget Law and intended for urban or metropolitan public transport requires the beneficiary entity having the corresponding SUMP that is consistent with the Spanish Sustainable Mobility Strategy.⁹⁴ This led to the introduction of 55 SUMP in 2014 in order to be eligible for public transport subsidies.

Ultimately, the relevance of SUMP rose again at the beginning of this decade. Spain introduced a new law, the *Ley 7/2021, de 20 de mayo, de cambio climático y transición energética*⁹⁵ (LCCTE) which regulates SUMP in its fourth title named “mobility without emissions and transport”. Art.14.3 LCCTE requires certain municipalities, especially those with a minimum of 50.000 inhabitants, and insular territories to adopt SUMP before 2023. These mandatory SUMP will introduce mitigation measures to reduce mobility emissions and must include, at least, a series of measures specified in Art.14.3 a) – i) LCCTE. Among these measures is the establishment of low emission zones before 2023, Art.14.3 a) LCCTE. Accordingly, the mandatory introduction of SUMP was promoted in about 150 municipalities and, in these included as a mitigation measure, the introduction of a low emission zone.⁹⁶

IV. Comparison

Regarding SUMP, Spain is legally some steps ahead of Germany. The national legislator took an important first step with the LES by narrowing down some basic aspects. While the LES received some criticism due to its

93 In detail Antonio Fortes Martín, ‘La movilidad urbana sostenible, en la encrucijada de lo urbanístico y lo ambiental [Sustainable urban mobility at the crossroads of urban planning and the environment]’ (2015), RDAM, 31 (2015), p. 169, 196 et seqq.

94 The law was postponed and entered into force on 1 June 2014, Vega Pindado (2016), p. 359.

95 Ley 7/2021, de 20 de mayo, de cambio climático y transición energética (BOE-A-2021-8447).

96 El Confidencial, ‘Los 149 municipios españoles que tendrán que poner en marcha zonas de bajas emisiones en 2023 [The 149 Spanish municipalities that will have to implement low-emission zones in 2023]’ (2023), https://www.elconfidencial.com/motor/2023-01-13/149-ciudades-pondran-en-marcha-zonas-zbe-2023_3557064/ (last accessed: 8 June 2025).

very thin-skinned normative approach regarding sustainable mobility⁹⁷, it closed a gap that Germany is still having issues with. In Germany, the term ‘SUMP’ is still not commonly used everywhere. Mobility plans vary in their terminology, making it hard to identify at first sight whether the respective plan is actually a SUMP and not some other type of (sectoral) plan.⁹⁸ Since Art. 101.1 LES was introduced, Spain has ruled out this issue. Furthermore, by establishing a minimum content in Art. 101.4 LES, the expectations of a SUMP are somewhat clearer. Every Spanish mobility plan must list a set of measures to adopt which promote sustainable urban mobility, while in Germany, mobility plans may (only) have a strategic priority.⁹⁹ Spain has therefore formalised and standardised SUMP on a national level with the LES and, based on this, taken a next step for some municipalities with the LCCTE.¹⁰⁰

D. Outlook

SUMP significantly impact Germany’s and Spain’s urban mobility. Both countries have lots of experience with this instrument. While Spain has formalised and standardised SUMP on a nationwide level, Germany’s VEPs remain informal. This informality has been more of a burden than a relief. To become a more powerful instrument for sustainable urban mobility, SUMP must be legally formalised, standardised and perhaps even (directly) legally binding.

The importance of SUMP will continue to rise in the near future. In 2024, the EU introduced a new regulation concerning the Trans-European Transportation Network (TEN-T).¹⁰¹ SUMP act as a cornerstone of European urban mobility policy. It is expected that until 2027, every Member

97 Cf., for example, Fortes Martín (2020), p. 369: ‘déficit normativo [regulatory gap]’.

98 Gertz (2016), p. 6; Rupprecht Consult (2023), p. 5, 41; Arndt/Drews (2019), p. 13 et seqq.

99 Cf. Gertz (2016), p. 10: ‘strategieorientiert [strategy-oriented]’.

100 Furthermore, several autonomous communities have decided to implement regional mobility laws, while hereby regulating SUMP on a regional level, see for an overview Vega Pindado (2019), p. 81.

101 Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network [2024].

State will implement SUMPs in their major cities.¹⁰² Thus, all Member States will have to deal with SUMPs. Both Germany and Spain have the advantage that, due to their past, they can rely on plenty of experience. Still, both Member States need to intensify their efforts by offering SUMPs a proper legal environment. If SUMPs are not adequately formalised, standardised and – at best – (directly) legally binding, their effectiveness may be limited, and sustainable mobility will be harder to reach.

102 See Art. 41 I b) i) Regulation (EU) 2024/1679 which obliges every Member State to adopt and monitor a SUMP in every urban node by 31st of December 2027.