

CATALOGUE

FACILITIES FOR THE RETAIL DISTRIBUTION
OF LIQUID OIL PRODUCTS.
SUPPLY TO VEHICLES



XUNTA
DE GALICIA

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1. INTRODUCTION

LAW ON ADMINISTRATIVE SIMPLIFICATION AND SUPPORT FOR THE ECONOMIC REACTIVATION OF GALICIA

The Galician Parliament recently approved **Law 9/2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.**

This law **aims** to establish the necessary measures to facilitate the reactivation of the economic activity after the crisis generated by the consequences of the Covid-19 pandemic, within the framework of the competences of the Autonomous Region of Galicia, from a perspective of **administrative simplification that encourages the implementation and operation of business initiatives in Galicia.**

Title II of the law regulates the administrative support systems for the implementation of business initiatives, and is divided into three chapters. Chapter I creates the **Investment Support System** as a key figure to give response to the classic demand of the citizenship in general, and of the groups linked to companies in particular, on the existing difficulties to obtain the information and guidance that they need to start up their business initiatives, through a service of accompaniment and information that **offers them the possibility of carrying out administrative procedures at regional and local level, in cases of adhesion of municipalities to this system.**

CATALOGUES

As a measure to support the implementation of business initiatives, chapter I includes a reference to the creation of a series of **catalogues** approved by the Council of the Xunta de Galicia. In point 1 of article 14 it is specified that, through the Investment Support System, it will be possible to access the **"catalogues in which all the necessary administrative procedures and actions for the implementation of business initiatives, including those of municipal competence of the municipalities adhered to the Investment Support System, are collected in a clear and chronological order"**.

These figures, which should be permanently updated, represent a great simplification for companies and, in particular, for entrepreneurs, who will be able to consult the procedures that will be required by the Administration, which will facilitate understanding, planning and processing of the administrative process.

RETAIL DISTRIBUTION OF LIQUID OIL PRODUCTS. SUPPLY TO VEHICLES

This catalogue aims to describe the necessary procedure for the implementation and start-up of facilities for the retail distribution of liquid oil products, and therefore it is necessary to begin by briefly outlining what is meant by retail distribution.

Law 34/1998, of 7 October, on the hydrocarbons sector, establishes that **wholesale operators** are those entities that market oil products for subsequent retail distribution; i.e. those whose purpose is not to sell to the end user. In any case, the owners of refineries and biofuel production plants are considered to be wholesale operators.

In the case of wholesale operators, the regulations establish certain peculiarities regarding the promoter, since only trading companies that meet the conditions set out in the regulations may act as wholesale operators, including requirements relating to the applicants, such as having sufficient technical capacity or being up to date with their tax obligations.

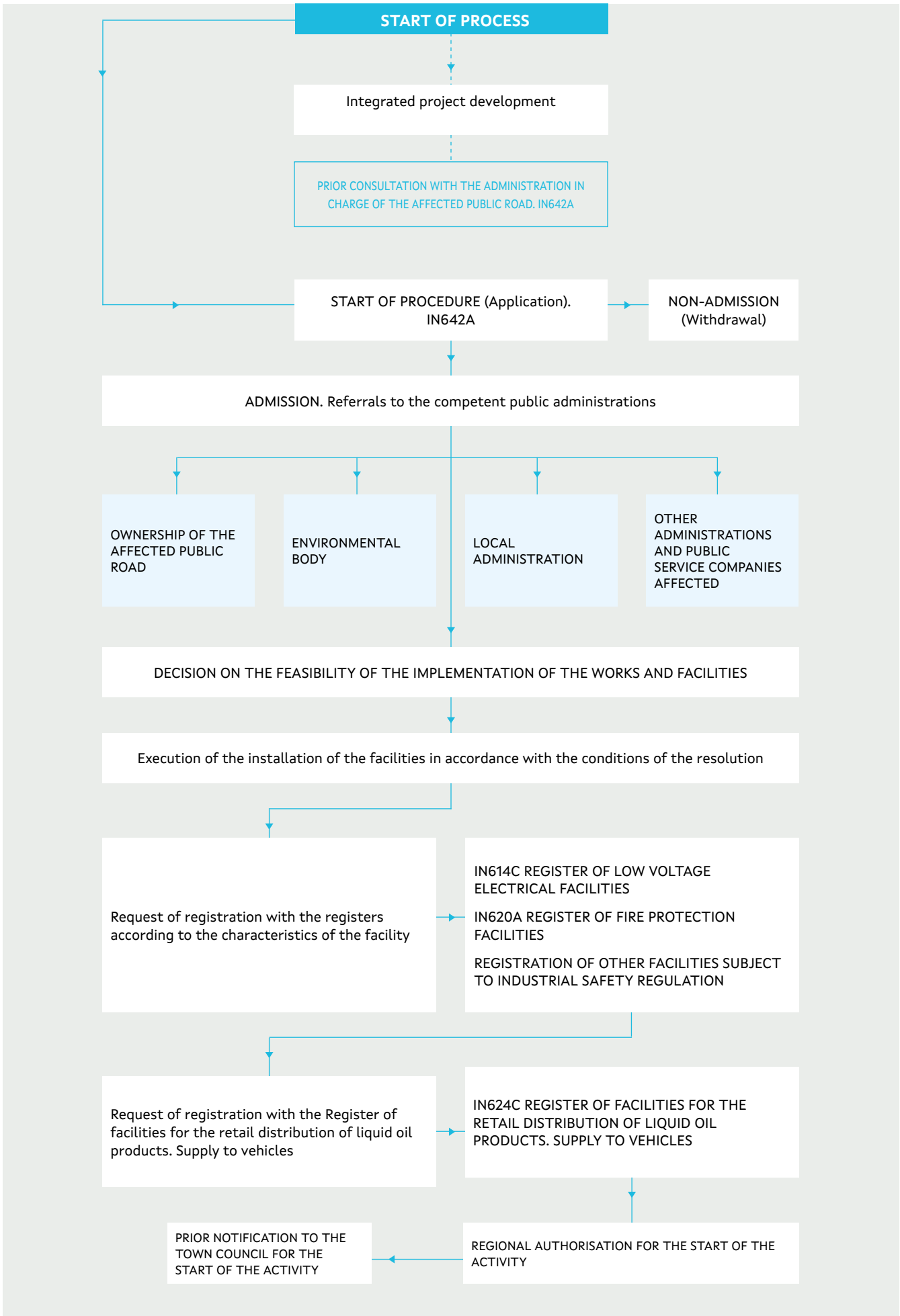
On the contrary, the **activity of retail distribution**¹ of liquid oil products, consisting of supply to the end user, may be carried out freely by any natural or legal person, in accordance with Law 34/1998, of 7 October, on the hydrocarbons sector, and will include the supply of fuels to vehicles in facilities authorised for this purpose, among others.

Article 43.2 of the aforementioned law establishes that the regional administrations, in the exercise of their powers, must ensure that the acts of control affecting the establishment of retail fuel supply facilities are integrated into a single procedure and before a single body.

Such procedure will coordinate all the administrative formalities necessary for the establishment of such facilities on the basis of a single project.

Accordingly, this catalogue will focus on projects aimed at the supply of fuels to vehicles in facilities authorised for this purpose, which are governed by **Decree 45/2015, of 26 March, which regulates the integrated procedure for the implementation of facilities for the retail distribution of oil products** (Official Journal of Galicia no. 68, 13 April 2015).

¹ / Article 43.1 of Law 34/1998, of 7 October, on the hydrocarbons sector.



2. PROJECT DEVELOPMENT

In order to start the activity of retail supply of liquid petroleum fuels for supply to vehicles, no specific prerequisites relating to the figure of the promoter are necessary, so that this activity may be carried out freely by any natural or legal person.

Interested parties must prepare their own project, as the facilities required to carry out this activity must comply with the technical and safety regulations required for each type of facility, as well as with all other regulations in force. In this regard, the developer must comply with specific regulations related to the following aspects:

LOCATION OF THE FACILITIES

Firstly, the promoter of this type of activity should be aware that in order to undertake the necessary works to carry out the activity, urban and land planning regulations, road regulations and also the need for certain authorisations and sectoral reports that may be required, depending on the requirements derived from the location of the facilities and the specific activities included in the project, must be taken into account.

- Road regulations, which are applicable depending on the ownership of the road.
- Sectoral regulations on cultural heritage.
- Water regulations.
- Other regulations that may apply depending on the specific case.

These issues may make it impossible to carry out a project in a specific location.

PROJECTS THAT INCLUDE ADJACENT ACTIVITIES

Any services and establishments adjacent to the facilities, such as shops, restaurants, cafeterias, toilets and washrooms, car wash, repair shops, sale of spare parts, etc., will be subject to the provisions of the applicable specific regulations and the provisions regulating advertising and pricing.

TECHNICAL CHARACTERISTICS OF THE FACILITIES

The developer must be aware of the regulations for ensuring safety and establishing the technical requirements for the facilities, which are contained in the following provisions:

- Law 21/1992, of 16 June, on industry.
- Law 7/2021, of 20 May, on climate change and energy transition.
- Royal Decree 2085/1994, of 20 October, which approves the Regulation on oil facilities.
- Royal Decree 706/2017, of 7 July, which approves complementary technical instruction MI-IP 04 "Facilities for supply to vehicles" and regulates certain aspects of the regulation of oil facilities.
- Order of 24 May 2006 creating and regulating the Register of facilities for the retail distribution of liquid oil products.

PRODUCT SUPPLY CONTRACTS

The promoter must take into consideration the following provisions:

- Law 34/1998, of 7 October, on the hydrocarbons sector.
- Royal Decree 2487/1994, of 23 December, on the Regulatory statute for wholesale distribution and retail distribution activities to fixed facilities of petroleum fuels by means of direct supplies.
- Royal Decree-Law 15/1999, of 1 October, approving measures for the liberalisation, structural reform and increased competition in the hydrocarbons sector.

Depending on the reality deriving from the aspects detailed in the above table, there will be a wide variety of projects, with heterogeneous characteristics, which will have to be analysed on a case-by-case basis to ensure their viability.

This catalogue focuses on defining, in a simplified manner, the phases of the projects that are processed within the scope of **Regional Decree 45/2015, of 26 March, aimed at regulating the integrated procedure for the implementation of facilities for the retail distribution of oil products, their commissioning and the determination of the competent bodies for the exercise of sanctioning powers in the field of hydrocarbons** in the territory of the Autonomous Region of Galicia, without defining the particular characteristics that may arise from each project.

3. PRELIMINARY FORMALITIES

The first step to be taken by the promoter for the implementation of the facilities is to **check the urban planning regime that applies to the plot or building where the activity is to be implemented.**

Thus, in accordance with the provisions of article 87.2.a) of Law 2/2016, of 10 February, on Galician land:

“Every person has the right to be informed in writing by the corresponding town council about the urban planning regime and conditions applicable to a specific plot of land or to the sector, estate or planning area in which it is included.

This information must be provided in a term that may not exceed two months from the submission of the application in the municipal register”.

Depending on the specific location of the activity and the urban classification of the land according to the applicable urban planning and the urban regulations in force, different requirements will apply, and therefore this information must be provided by the respective town council, prior to any other procedure, in order to **determine the urban viability of the activity**.

SECTORAL REPORTS OR AUTHORISATIONS

The information on the sectoral effects applicable to a plot, among which it is necessary to mention in this case those related to the **road** sectoral regulations, is available to any interested person in the **Basic Regional Plan of Galicia**, which is a dynamic tool that is essential to reflect the complex reality of sectoral regulations on the territory and which allows the public to have access to all relevant information from a territorial point of view, updated and universally accessible, throughout our Autonomous Region.

The viewer of the Basic Regional Plan of Galicia may be consulted through the following link:

<http://mapas.xunta.gal/visores/pba/>

SETTING UP ON RURAL LAND: LEGAL REGIME

Article 35.1.i) of Law 2/2016, of 10 February, on Galician land, and 50.1.g) of Decree 143/2016, of 22 September, which approves its implementing Regulations, includes service stations among the admissible uses on rural land.

The implementation of the aforementioned activities is admissible on rural land after obtaining the municipal urban planning permit.

Land classified as specially protected rural land must request authorisation or a favourable report from the body with the corresponding sectoral competence prior to obtaining the municipal urban planning permit.

The building conditions stipulated in article 39 of Law 2/2016, of 10 February, and in the corresponding urban planning must be complied with.

4. SINGLE INTEGRATED PROCEDURE

Regional Decree 45/2015, of 26 March, establishes an integrated procedure by which the promoters may, through the competent body for the instruction and resolution, access information on **all the formalities necessary for the implementation of the facilities and the exercise of the activity**, as well as the performance of these, including the declarations and applications necessary to obtain the required authorisations and licences.

The promoter must bear in mind that, since the approval of Law 4/2021, of 28 January, on tax and administrative measures, **it is not required to initiate the mandatory sectorial and municipal procedures through this integrated procedure**. He or she may choose to initiate the processing of these procedures before the competent sectorial and environmental bodies, depending on the specific project, and subsequently submit the application for the initiation of the municipal procedures to the town council. In these cases, once the installation has been completed and prior to its commissioning, the owner of the facility must submit a notification prior to the start-up of the activity by means of standard form IN624C, which will be discussed later, so that the submission of the notification will entail the automatic entry of the facility in the register.

In the event that the promoter chooses to initiate the integrated procedure, the competent body for examining and resolving the single integrated procedure is the **Directorate General for Energy Planning and Natural Resources**, which will ensure that interested parties may:

- Obtain all the information and forms necessary for the implementation of the facilities and the exercise of the activity.
- Submit all the necessary documentation and applications.
- Be aware of the status of the procedures in which they are interested and receive the corresponding notification of the mandatory procedural acts and their resolution by the competent administrative body.

Thus, the competent regional ministry for industry is constituted as the **single processing point** for the administrations that, due to the subject matter, are involved in the processing of the administrative proceedings for the implementation of these facilities.

5. APPLICATION FOR THE START OF THE INTEGRATED
PROCEDURE FOR THE IMPLEMENTATION OF FACILITIES
FOR THE RETAIL SUPPLY OF LIQUID PETROLEUM FUELS FOR
SUPPLY TO VEHICLES

Applications for the start of the integrated procedure for the implementation of facilities for the retail distribution of oil products **must be submitted together with the single industrial and construction project for the facility** signed by competent qualified technical personnel.

The single project must comply with the requirements specified in road and land laws and be in accordance with the applicable technical and safety standards; and, as a minimum, it must contain:

- A **report** containing the following information:
 - ... Location of the facility.
 - ... Main characteristics.
 - ... List of the impact of the facility, where appropriate, on assets or services belonging to the public administrations, entities and service companies.
- The **technical appendices** relating to the impact of the facility, where appropriate, on assets or services belonging to the public administrations, entities and service companies.
- The **budget** for the facility as a whole.
- The **environmental report** required to comply with the **environmental impact assessment** procedure, detailing²:
 - 1.º The basic aspects related to the activity, its location and the repercussions on the environment.
 - 2.º The types and quantities of waste, discharges and emissions generated by the activity and the management planned for them.
 - 3.º The environmental risks that may arise from the activity.
 - 4.º The proposed preventive, corrective and self-monitoring measures for environmental impact.
 - 5.º The techniques for restoring the affected environment and the programme for monitoring the restored area in cases of dismantling of the facilities or cessation of the activity.
 - 6.º The data which, in the opinion of the applicant, are confidential and protected by the regulations in force.
- **Proof of compliance with road laws**, as established in Law 8/2013, of 28 June, on roads in Galicia, and its implementing regulations, or in the case of state roads, in Law 25/1988, of 29 July, on roads, and its implementing regulations.

For the sole purpose of ensuring that the Administration in charge of the public road informs the promoter of the viability of the facilities, as a measure prior to the completion of the application for implementation, a **prior consultation** may be made by submitting the documentation provided for in the applicable road regulations to the **Directorate General for Energy Planning and Natural Resources**, which will forward the consultation received to the aforementioned Administration.

- Finally, and in accordance with urban planning regulations, the **documentation necessary to obtain the building permit must be submitted or, in the case of a project that requires the submission of a prior notification, the applicant must submit the latter.**

Application for a municipal licence to carry out works

DESCRIPTION

The following acts are subject to **municipal licence**, without prejudice to the authorisations that may be required in accordance with the applicable sectoral laws:

- Acts of building and use of land and subsoil which, in accordance with general building regulations, require a building works project.

2 / Article 34.2 of Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia.

- Operations on buildings declared to be of cultural interest or listed due to their unique cultural, historical, artistic, architectural or landscape characteristics or values.
- Demolitions, except those derived from resolutions of proceedings for the restoration of urban planning legality.
- Earth retaining walls, when their height is equal to or greater than one and a half metres.
- Large earthworks and levellings.
- Parcelling, segregation or other acts of division of land in any kind of land, when they do not form part of a reparable project.
- The first occupation of buildings.
- The establishment of any installation for residential use, whether provisional or permanent.
- The felling of trees or shrub vegetation on land incorporated into urban transformation processes and, in any case, when such felling derives from legislation for the protection of the public domain, except those authorised on rural land by the competent bodies in forestry matters.

All acts of occupation, construction, building and use of the land and subsoil not mentioned above are subject to the **prior urban planning notification** system.

DOCUMENTATION

The licence application will contain the following information and documents:

- Identification details of the natural or legal person who is the promoter and, if applicable, of the person representing him or her, as well as an address for notification purposes.
- Sufficient description of the characteristics of the act in question, detailing its basic aspects, its location and the building or property it affects, as well as its cadastral reference.
- Proof of payment of municipal taxes.
- Applications for licences referring to the execution of works or installations must be accompanied by a complete project drawn up by a competent technician, in the form and with the content indicated in the applicable regulations.
- The works projects will be accompanied by the corresponding works management document, which will identify the technicians to whom they are entrusted.
- When a technical project is not required, the application will be accompanied by a descriptive and graphic report defining the general characteristics of the project and the building in which it is to be carried out.
- In the case of applications for a licence for first occupation of buildings, a certificate of completion from a competent technician stating that the works are completely finished and comply with the licence granted.
- Environmental assessment document, if required by the use for which the works are intended.
- Copy of the environmental authorisation or report, as well as the remaining sectoral authorisations, concessions or reports when legally required.
- Where applicable, a certificate issued by the municipal conformity certification bodies.

Given that the purpose of the work is the development of an activity, this circumstance must be expressly stated and, together with the application for the licence, the related documents required must be submitted.

This information should be supplemented by consulting the local regulations applicable in each case.

DEADLINES

Licence applications will be resolved within **3 months** of the submission of the application with complete documentation to the town council register. However, when an application for planning permission is accompanied by a certificate of conformity, the deadline for the resolution of the procedure may be 1 month from the date of submission of the application with the complete documentation, including the certificate of conformity, at the town council register. This period may be reduced to 15 calendar days in certain cases³.

COMPULSORY

Yes, in cases where it is mandatory depending on the act to be carried out.

REGULATIONS

- Law 2/2016, of 10 February, on Galician land.
- Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.
- Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal ordinances.

Prior notification for the execution of works

DESCRIPTION

All acts of occupation, construction, building and use of the land and subsoil not subject to license are subject to the prior urban planning notification system. In particular, the following are subject to the prior notification system:

- The execution of minor works or installations.
- The use of land for the development of commercial, industrial, professional, service or other similar activities.
- The use of projections over buildings and installations of any kind.
- The modification of the use of part of the buildings and installations, in general, when they are not intended to change the characteristic uses of the building or to introduce a residential use.
- The extraction of granulates for construction and the exploitation of quarries, even if it takes place on public land and is subject to administrative concession or authorisation.
- The extraction of minerals, liquids and any other material, as well as dumping in the subsoil.
- The installation of greenhouses.
- The placing of posters and advertising panels visible from public view, as long as they are not in enclosed premises.
- The enclosing and fencing of land.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person who is the promoter and, if applicable, of the person representing him or her, as well as an address for notification purposes.
- Technical description of the characteristics of the act in question or, if applicable, a legally required technical project.
- Express statement that the prior notification submitted complies in all its terms with the applicable urban planning regulations.
- Copy of the authorisations, administrative concessions or sectoral reports when they are legally required of the applicant, or accreditation that their granting was requested.
- For these purposes, in the event that the reports have not been issued within the legally established period, this circumstance must be accredited.
- Authorisation or environmental assessment document, if required by the intended purpose of the works.
- Proof of payment of the applicable municipal taxes.
- Where applicable, a certificate issued by the municipal conformity certification bodies set out in these regulations.
- Document formalising the transfer, if applicable.
- Date of commencement and completion of the works.

Given that the purpose of the work is the development of an activity, this circumstance must be expressly stated and, together with the prior notification, the related documents required must be submitted.

This information should be supplemented by consulting the local regulations applicable in each case.

DEADLINES

In the case of prior urban planning notifications, prior to the execution of the relevant act, the town council must be notified of the intention to carry it out at least 15 working days prior to the date on which the execution is to be started.

Within the 15 working days following such notification, the town council, without prejudice to the verification of compliance with the requirements, may declare the documentation submitted to be complete or require the correction of any deficiencies it may contain, adopting in this case, in a reasoned manner, the provisional measures deemed appropriate.

In general, once the aforementioned period of 15 working days has elapsed, the presentation of the prior notification, complying with all the requirements, constitutes authorisation for the start of the use of the land and subsoil subject to this, without prejudice to the subsequent powers of verification, control and inspection by the respective town council.

When a town planning notification is presented together with a certificate of conformity, it will enable, with immediate effect from its presentation at the register of the town council, the performance of the act that constitutes its object, without prejudice to the subsequent powers of verification, control and inspection by the respective town council.

COMPULSORY

In cases where a licence is not required to carry out the works.

REGULATIONS

- Law 2/2016, of 10 February, on Galician land.
- Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.
- Law 9/2021 on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal ordinances.

Before submitting the application for the licence or the prior urban planning notification, the developer must take into account the following aspects:

- When the acts of building and use of the land and subsoil are carried out on land in the public domain, the promoter must have the prior authorisations or mandatory concessions granted by the owner of the public domain.
- A licence may not be granted or a prior urban planning notification may not be presented without the prior granting of the urban planning or sectoral authorisations of other public administrations, when applicable.

In this regard, it is necessary to reiterate that in the event that the activity is located on **specially protected rural land**, in accordance with the provisions of Article 36.2 of *Law 2/2016, of 10 February, on Galician land*, and Articles 51.2 and 63.3 of Decree 143/2016, of 22 September, which approves its Regulations, in specially protected rural land it will be necessary to obtain the **authorisation or favourable report of the body that has corresponding sectoral competence** prior to obtaining the municipal enabling title.

On the other hand, it should be noted that the settlement of the corresponding taxes resulting from the implementation of the facilities included in Decree 45/2015 will be the responsibility of the promoter **and will not be subject to the integrated processing procedure**, so it is particularly relevant to refer to the **tax ordinances**

of the town council for the purpose of satisfying the taxes related to the implementation of the activity that, if applicable, would have been subject to the taxation agreement. Particularly, the following must be noted:

Payment of the fee for the granting of the licence/ submission of prior notification

MANAGEMENT OF THE PROCEDURE		Local administration.
DESCRIPTION		<p>The local entities may establish fees for any supposition of provision of services or of execution of administrative activities of local competence, and in particular for the following:</p> <ul style="list-style-type: none"> • Granting of urban planning licences required by the legislation on land and urban planning or carrying out administrative control activities in cases where the need for a licence is replaced by the submission of a statement of compliance or prior notification. • Granting of licences for the opening of establishments or carrying out administrative control activities in cases where the need for a licence is replaced by the submission of a statement of compliance or prior notification. • Other cases linked to the provision of services or the performance of administrative activities of local competence. <p>In any case, the applicable local regulations must be consulted.</p>
DOCUMENTATION		Settlement or self-assessment document (if applicable).
COMPULSORY	Yes	In town councils where it has been agreed to impose the tax.
ONLINE PROCESSING	Yes	Through the municipal electronic offices (or those of the Provincial Council, as the case may be).
REGULATIONS		<ul style="list-style-type: none"> • Royal Legislative Decree 2/2004, of 5 March, which approves the revised text of the Law regulating local taxation. • Tax ordinances of the town council.

Payment of the tax on constructions, installations and works (ICIO)

MANAGEMENT OF THE PROCEDURE		Local administration.
DESCRIPTION		<ul style="list-style-type: none"> • The ICIO is an indirect tax, imposed at the discretion of the taxpayer, whose taxable event is constituted by the execution, within the municipality, of any construction, installation or work for which the corresponding building or urban planning licence is required, whether or not the said licence has been obtained, or for which the submission of a statement of compliance or prior notification is required, provided that the issuing of such licence or the control activity corresponds to the town council responsible for the imposition of the tax.

- The persons subject to this tax are the owners of the construction, installation or work, whether or not they are the owners of the property on which it is carried out, i.e. whoever bears the expenses or the cost incurred in such execution.
- The taxable base is constituted by the real and effective cost of the construction, installation or work (cost of material execution), as set out in the local taxation regulations, and the tax rate will be set by each town council, without it exceeding 4%.
- The town council may establish optional reductions on the tax rate, including the possible existence, if so regulated in the municipal tax ordinances, of a reduction of up to 95% of the tax rate for constructions, installations or works that are declared to be of special or municipal interest due to circumstances related, among other factors, to the promotion of employment.
- The town council may require self-assessment by the taxpayer or his or her substitute.

In any case, the applicable local regulations must be consulted.

DOCUMENTATION

Settlement or self-assessment document (if applicable).

COMPULSORY

Yes

In town councils where it has been agreed to impose the tax.

ONLINE PROCESSING

Yes

Through the municipal electronic offices (or those of the Provincial Council, as the case may be).

REGULATIONS

- Royal Legislative Decree 2/2004, of 5 March, which approves the revised text of the Law regulating local taxation.
- Tax ordinance of the relevant town council.

However, the promoter should consult, for his or her knowledge, the elements of other municipal taxes related to the subsequent exercise of the activity, which are not addressed in this catalogue, such as the tax on economic activities or the tax on real estate, among others.

THE STANDARD FORM FOR APPLYING TO INITIATE THE INTEGRATED PROCEDURE

The application to initiate the integrated procedure for the implementation of facilities for the retail distribution of oil products will be carried out using the standard form contained in the annex to the Resolution of 12 April 2018, of the Directorate General for Energy and Mines, which regulates the processing of this procedure, with assigned code IN642A.

If applicable, procedure IN642A will also be used for prior consultation with the Administration in charge of the affected public road in order for it to report on the viability of the facilities.

IN642A - Integrated procedure for the implementation of facilities for the retail distribution of oil products

RESPONSIBLE BODY	Directorate General for Energy Planning and Natural Resources	
DOCUMENTATION	<p>Depending on the application submitted, the following documentation must be provided:</p> <ul style="list-style-type: none"> • In the case of prior consultation with the Administration in charge of the road: <ul style="list-style-type: none"> ... Power of attorney of the applicant or representative. ... Proof of compliance with road laws. • In the case of start of the integrated procedure: <ul style="list-style-type: none"> ... Power of attorney of the applicant or representative. ... Single project drawn up by competent technical personnel. ... List of the effects of the facility or statement of compliance of non-existence of effects. ... If applicable, technical appendices relating to such effects. ... Environmental report. ... Proof of compliance with road laws. ... Documentation to obtain the building permit or prior notification. 	
COMPULSORY	Yes	
ONLINE PROCESSING	Yes	https://sede.xunta.gal/detalle-procedemento?codtram=IN642A&ano=2018&numpub=1&lang=es
PRESENCIAL	No	
RESOLUTION DEADLINE	6 months.	
REGULATIONS	<ul style="list-style-type: none"> • Decree 45/2015, of 26 March, which regulates the integrated procedure for the implementation of facilities for the retail distribution of oil products and their start-up, and determines the competent bodies for the exercise of sanctioning powers with regard to hydrocarbons (Official Journal of Galicia no. 68, 13 April 2015). • Resolution of 12 April 2018, of the Directorate General for Energy and Mines, which approves the standard form and regulates the processing of the integrated procedure for the implementation of facilities for the retail distribution of oil products (Official Journal of Galicia no. 78, 23 April 2018). 	

6. ADMISSION OF THE APPLICATION AND
INTEGRATION OF THE ADMINISTRATIVE
PROCEDURES NECESSARY FOR THE IMPLEMENTATION
OF THE FACILITIES

If the application for initiation does not meet the applicable requirements, the promoter will be required to amend it or provide the necessary documents within 10 days, stating that failure to do so will mean that the request will be considered withdrawn, all without prejudice to subsequent verification by the competent sectoral bodies of compliance with the provisions of the applicable sectoral laws.

Once the application has been accepted for processing, the Directorate General for Energy Planning and Natural Resources will forward the application, the single project and the attached documentation to the following administrative bodies and entities so that they may issue the corresponding reports, authorisations or licences:

- To the **Administration in charge of the public road affected** by access to the retail distribution facility.
- To the **competent environmental body** for the purposes of the environmental incident assessment, and to the competent body for the assessment of the associated groundwater and soil monitoring and control plan, as well as of the preliminary soil status report referred to in section nine of this catalogue.
- To the **other public administrations, bodies and public service companies that may be affected**, according to the documentation provided in the application.
- And, in the case of the **local Administration involved**, the competent body for processing the integrated procedure will act as follows:
 - ... In the case of a facility requiring a building permit, the application and the single project must be sent to the corresponding town council.
 - ... In the case of a work requiring the submission of a prior notification, the corresponding town council must be notified.

Likewise, the Directorate General for Energy Planning and Natural Resources will be the body responsible for:

- Requiring the competent bodies to issue the applicable reports, authorisations or licences, in accordance with sectoral laws, and to forward any requests for amendments or for additional documentation for notification to the interested party.
- Informing the different bodies involved in the procedure of the issuing of any reports, authorisations and licences that may be issued.
- Notifying the interested parties of the resolutions and administrative acts issued by the different public administrations with sectoral competence that affect their rights and interests.

7. COMPLETION OF THE INTEGRATED PROCEDURE AND EXECUTION OF THE SINGLE PROJECT

Once the authorisations, reports or licences required in accordance with the applicable regulations have been issued, or the period set out in the sectoral regulations for issuing them has elapsed, the competent body will issue the resolution that concludes the single integrated procedure, and in which the viability of the implementation of the facilities will be considered, establishing the applicable conditions for such implementation.

The promoter may then start carrying out the works and, once they have been completed, after being registered with the corresponding registers, which will be referred to in the following section, must present notification of the registration of the facilities with the corresponding registers, and present the town council with the prior notification for the start of the activity, with no other requirements than the identification details of the owner and the reference of the prior notification or the town planning licence that covered the works carried out and the final works certificate signed by a competent technician, as well as the acoustic certificate, where appropriate⁴.

⁴ / Article 11 of Decree 106/2015, of 9 July, on noise pollution in Galicia.

Prior notification for the start of the activity after the execution of works

MANAGEMENT OF THE PROCEDURE

Local administration.

DESCRIPTION

When the activity requires the execution of works or installations, activities may not be started or developed until the works or installations have been fully completed and the corresponding prior notification has been submitted to the town council.

DOCUMENTATION

- Identification details of the owner.
- Reference of the prior notification or planning permission that covered the work carried out.
- Final works certificate signed by competent technician.
- Acoustic certificate (where applicable).

This information should be supplemented by consulting the local regulations applicable in each case.

COMPULSORY

Yes

The submission of a prior notification that complies with the requirements authorises from the moment of its submission the start of the activity or the opening of the establishment to which it refers, without prejudice to the subsequent verification and control actions established by the town council.

ONLINE PROCESSING

Yes

Via the municipal electronic offices.

REGULATIONS

- Decree 144/2016, of 22 September, which approves the single regulation of integrated control of economic activities and opening of establishments
- Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia.
- Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal ordinances.

8. REGISTRATION WITH THE REGISTER OF FACILITIES FOR THE RETAIL DISTRIBUTION OF LIQUID OIL PRODUCTS

After certifying compliance with the applicable legal and regulatory requirements, the owner of the facility for the retail distribution of liquid oil products must submit a notification of registration of the facility, in accordance with the model set out in the Resolution of 14 December 2020, of the Directorate General for Energy Planning and Natural Resources (Official Journal of Galicia no. 2, 5 January 2021).

The submission of the notification will entail the automatic registration of the facility with the Register of facilities for the retail distribution of liquid oil products, without this registration implying a favourable opinion by the Administration on the suitability of the facilities regarding the applicable regulations.

Once the notification has been submitted, the distribution activity may commence, without prejudice to the powers of verification and control of the territorial offices of the regional ministry responsible for industry.

At the time of submitting the communication/application for registration, the promoter must gather the documentation foreseen in the Resolution of 14 December 2020, except, as established in article 11.2 of Decree 45/2015, that the applicant had followed the integrated procedure regulated in said decree, in which case the resolution of the single integrated procedure by which the viability of the implementation is considered may be submitted, which will serve as documentary contribution to the file justifying compliance with the formalities involved.

In order to facilitate administrative proceedings, the regional Administration has made a standardised procedure (IN624C) available to citizens on the *Xunta de Galicia's* (Regional Government) electronic office, which may be used to notify and subsequently register the facility.

In addition to this registration, the regulatory standard requires that any other necessary procedures must be carried out, in accordance with current legislation, depending on the issues involved, such as the registration of high-voltage electrical facilities, the distribution of gas cylinders, waste treatment, etc., and therefore the promoter must refer to the applicable procedure in each case. The most common facilities that can be registered and are subject to specific laws on industrial safety are low voltage and fire protection facilities. Both have standardised procedures in the *Xunta's* electronic office.

Below are explanatory sheets that provide further information on the aforementioned actions. Firstly, the preliminary actions, corresponding to low voltage and fire protection facilities, are listed as previous procedures. Information regarding the corresponding fees is also included.

PRELIMINARY ACTIONS

Registration of low voltage electrical facilities

IN614C - Register of low voltage electrical facilities

RESPONSIBLE BODY

Territorial Office of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation.

DESCRIPTION

Before applying for registration as a facility for the retail distribution of liquid oil products, premises that have electrical installations to which the low voltage electrotechnical regulations apply must register with the corresponding territorial office of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation prior to their commissioning by using this procedure.

DOCUMENTATION

- Application (Annex I available in electronic office).
- Project and work management certificate signed by the corresponding qualified technician if the characteristics of the facilities are included in those stated in the third section of the Complementary Technical Instruction 04, Low voltage electrotechnical regulation (ITC-BT-04).
- Certificate of installation issued by authorised installer (model available in electronic office).
- User information annex and layout sketch of the facility.
- Initial inspection certificate with favourable opinion qualification issued by an inspection body in the cases specified in section 4 of the ITC-BT-05.

This documentation will also be submitted electronically, using any procedure of digitalised copy of the original document.

COMPULSORY

Yes

Procedure **IN614C**.

DEADLINES

Previous

ONLINE PROCESSING

Yes

<https://sede.xunta.es/detalle-procedemento?codCons=IN&codProc=614C&procedemento=IN614C&lang=es>

PRESENCIAL

No

REGULATIONS

- Order of 23 July 2003 regulating the application in the Autonomous Region of Galicia of the Low voltage electrotechnical regulations, approved by Royal Decree 842/2002, of 2 August.
- Royal Decree 842/2002, of 2 August, approving the Low voltage electrotechnical regulations.

FEES FOR REGISTRATION OF LOW VOLTAGE ELECTRICAL FACILITIES

RESPONSIBLE BODY	Galician Tax Agency (ATRIGA, as per its Galician acronym).
DESCRIPTION	<p>This procedure is subject to the payment of the following fees:</p> <ul style="list-style-type: none">• Registration with official registers. First registration. Amendments to the first registration.• Fee code: 30.02.00.• Registration with the Register of electrical reception installations (fee code: 32.19.04). <p>You may check the amount by clicking on the following link: http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3.</p>
ONLINE PROCESSING Yes	<p>https://ovt.atriga.gal/#!/detalle_servizo/?Pago+de+taxas+e+prezos/11609730/4126995/11609860/1.8/item-dark-blue/tab/tab#0.</p> <p>We provide the link to the ATRIGA website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.</p>

Registration of fire protection facilities

IN620A - Register of fire protection facilities

RESPONSIBLE BODY	Territorial Office of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation.
DESCRIPTION	<p>Before applying for registration as a facility for the retail distribution of liquid oil products, premises that have installations to which the Fire safety regulations for industrial establishments apply must register with the corresponding territorial office of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation prior to their commissioning by using this procedure.</p>
DOCUMENTATION	<ul style="list-style-type: none">• Facilities that require the submission of the project:<ol style="list-style-type: none">a) Standard application (model available in electronic office).b) CIF/NIF of the owner of the facility.c) Project of the fire protection facility (specifications or extract from the establishment's project).d) Work management certificate signed by a competent qualified technician.e) Certificate of the authorised installation company signed by the relevant qualified technician.• Facilities requiring the submission of a technical report (industrial establishments with low intrinsic risk and useful surface area of less than 250 m²):<ol style="list-style-type: none">a) Standard application (model available in electronic office).b) CIF/NIF of the owner of the facility.c) Technical report of the fire protection facility signed by qualified technical personnel (model available on the electronic office).d) Certificate of the authorised installation company signed by the relevant qualified technician.

COMPULSORY	Yes	Procedure IN620A .
DEADLINES	Previous	
ONLINE PROCESSING	Yes	https://sede.xunta.es/detalle-procedemento?codCons=IN&codProc=620A&procedemento=IN620A .
PRESENCIAL	No	
REGULATIONS		<ul style="list-style-type: none"> Royal Decree 2267/2004, of 3 December, approving the Fire safety regulations for industrial establishments (Spanish Official Gazette no. 303, of 17 December 2004).

FEES FOR REGISTRATION OF FIRE PROTECTION FACILITIES

RESPONSIBLE BODY		Galician Tax Agency (ATRIGA).
DESCRIPTION		<p>This procedure is subject to the payment of the following fees:</p> <ul style="list-style-type: none"> Registration with official registers. First registration. Amendments to the first registration. Fee code: 30.02.00. Registration with the Register of fire protection facilities (fee code: 32.19.11). <p>You may check the amount by clicking on the following link: http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3.</p>
ONLINE PROCESSING	Yes	<p>https://ovt.atriga.gal/#!/detalle_servizo/?Pago+de+taxas+e+prezos/11609730/4126995/11609860/1.8/item-dark-blue/tab/tab#0.</p> <p>We provide the link to the ATRIGA website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.</p>

REGISTRATION AS A FACILITY FOR THE RETAIL DISTRIBUTION OF LIQUID OIL PRODUCTS. SUPPLY TO VEHICLES

The most relevant aspects of the registration are set out below; it should be noted that, if the applicant followed the integrated procedure regulated by Decree 45/2015, of 26 March, the resolution of the single integrated procedure may be submitted, thus the viability of the implementation is deemed to be considered, which will serve as a documentary contribution to the file justifying compliance with the formalities involved. Failure to comply with the conditions laid down in the resolution of the procedure or in the resolution of the registration or any other non-compliance with current legislation will lead to the revocation of the registration.

Registration will also be revoked when the necessary administrative authorisations are revoked or when the facility ceases to operate for a continuous year.

Registration with the Register of facilities for the retail distribution of liquid oil products. Supply to vehicles.

Registration with the Register of facilities for the retail distribution of liquid oil products. Supply to vehicles IN624C

RESPONSIBLE BODY		Directorate General for Energy Planning and Natural Resources
DESCRIPTION		Once the facility has been finished and prior to its commissioning, its owner must submit a notification prior to the start of the activity.
DOCUMENTATION		<p>a) Notification (Annex I of the Resolution of 14 December 2020). Direct access at electronic office.</p> <p>b) Works management.</p> <p>c) Certificate of resistance and watertightness tests before burying the conduits.</p> <p>d) Installation certificate issued by an authorised installation company.</p> <p>e) Model and primary verification approval or EC declaration of conformity for pumps.</p> <p>f) Exclusive supply contract or granting of the title conferring direct or indirect management of the facility, where appropriate.</p> <p>This documentation must also be submitted electronically.</p>
COMPULSORY	Yes	Procedure IN624C .
DEADLINES		Open-ended administrative procedures.
ONLINE PROCESSING	Yes	https://sede.xunta.gal/detalle-procedemento?codtram=IN624C&ano=2021&numpub=1&lang=es
ON-SITE	No	
EFFECTS		<ul style="list-style-type: none"> Necessary condition for the commissioning of the facility. Submission of the notification will entail the automatic registration of the facility with the register.
REGULATIONS		<ul style="list-style-type: none"> Article 11 of Decree 45/2015, of 26 March, which regulates the integrated procedure for the implementation of facilities for the retail distribution of oil products and their start-up, and determines the competent bodies for the exercise of sanctioning powers with regard to hydrocarbons. Resolution of 14 December 2020, of the Directorate General for Energy Planning and Natural Resources, regulating, among others, procedure IN624C.

9. INFORMATION ON SOILS AND NOTIFICATION OF HAZARDOUS WASTE PRODUCTION

The promoter must take into account the soil-related obligations that affect this type of facility. Both article 2 of Decree 60/2009, of 26 February, on potentially contaminated soils and the procedure for the declaration of contaminated soils, and article 54 of Law 6/2021, of 17 February, on waste and contaminated soils in Galicia establish the activities that are considered to be potentially soil-polluting.

Among the cases detailed in said articles is the activity of “retail trade of automotive fuel in specialised establishments” (CNAE: 47.30), which is included in Annex I of Royal Decree 9/2005, of 14 January, which establishes the list of potentially soil-polluting activities and the criteria and standards for the declaration of contaminated soils, and is therefore **considered a potentially soil-polluting activity**.

Additionally, section 7 of article 55 of Law 6/2021, of 17 February, on waste and contaminated soils in Galicia establishes that the owners of potentially soil-polluting activities are required to adopt the applicable and necessary measures **to avoid the appearance of polluting activities and, if necessary, to avoid, control or minimise the effects derived from such activities**.

The **Directorate General for Environmental Quality, Sustainability and Climate Change** is the competent body to resolve these procedures, in accordance with the provisions of Decree 42/2019, of 28 March, which establishes the organic structure of the Regional Ministry of Environment, Territory and Housing, and of the second transitory provision of Decree 130/2020, of 17 September, which establishes the organic structure of the Vice-Presidencies and Regional Ministries of the *Xunta de Galicia*.

In order to comply with the duties related to soil legislation, the facilities for the supply of fuel to vehicles (service stations) must, in accordance with the aforementioned regulations:

- Have a **monitoring and control plan for the soil and associated groundwater**, which must be approved by the competent body prior to its implementation.
- Submit a **Preliminary Soil Situation Report (Informe Preliminar de Situación, IPS)** with the minimum content established in article 5.5. of Decree 60/2009, of 26 February for the aforementioned facility.

For the preparation of the IPS the available electronic application may be used, for which the interested party must register as a user and follow the instructions. The website for accessing the application is as follows:

<http://solos.medioambiente.xunta.es>.

It includes a user’s manual detailing the steps to follow in order to carry out the preliminary status report.

ELECTRONIC OFFICE FORMS

- **Procedure "MT202G"** to submit the declaration document for access to the soil computer platform for the subsequent drafting of the preliminary report.
- **Procedure "MT202H"** to submit the completed preliminary report. The supporting document obtained from the soil application must be submitted.

ADMINISTRATIVE FEE

Code: 32.81.00

Name of the fee: Preliminary status reports and status reports on polluted soils

REGISTER OF WASTE PRODUCERS

These facilities are considered to be small producers of hazardous waste and therefore they must apply for registration in the Galician Register of Waste Producers and Managers prior to starting their activity, in accordance with the following procedure:

Notification of production of hazardous waste in quantities lower than 10 t/year MT986H

RESPONSIBLE BODY

The Environmental Quality and Assessment Service of the Territorial Office of the Regional Ministry of Environment, Territory and Housing corresponding to the province where the work centre producing the waste is located.

In the event that the activity that is the object of the notification is carried out in several work centres located in different provinces, the Territorial Office of the province where the company is located will handle this procedure. In the event that the company's registered office is outside Galicia or in those companies that have obtained authorisation for waste treatment and which, as a result of their activity, generate waste, the responsible body will be the Waste Service, within the Directorate General for Environmental Quality, Sustainability and Climate Change.

DESCRIPTION

Registration with the Galician General Register of Waste Producers and Managers of entities or companies intended to proceed with the installation, extension, substantial modification or transfer within the territory of the Autonomous Region of Galicia of industries or activities that produce less than 10 tonnes of hazardous waste per year.

DOCUMENTATION

- Notification form (Annex I).
- Identification details of the producing centre or activity and estimated amount of waste expected to be produced per year, with its identification according to Annex III of Law 22/2011, of 28 July, and Annex 2 of Order/MAM/304/2002, of 8 February (Annex II-PP).

		<ul style="list-style-type: none"> Clarification of the LER-RAEE codes of the application according to the table included in Annex VIII of Royal Decree 110/2015, of 20 February, on waste electrical and electronic equipment, only if the application includes this type of waste. Tax identification number (NIF) of the company or, if applicable, of the applicant (only in the case of not authorising the consultation). Proof of payment of the administrative fee.
COMPULSORY	Yes	Procedure MT986H .
DEADLINES		Open-ended administrative procedure.
ONLINE PROCESSING	Yes	https://sede.xunta.gal/detalle-procedemento?codtram=MT986H&ano=2016&numpub=1&lang=gl
ON-SITE	No	
EFFECTS		<ul style="list-style-type: none"> The notification will be effective from the moment it is submitted; however, the administration must check the applicant's compliance with the requirements, so that if the applicant does not comply with them, they will be informed that the registration will not be valid until the deficiencies detected are corrected. Once compliance with the requirements has been verified, a letter will be issued informing the interested party of the corresponding registration number.
REGULATIONS		<ul style="list-style-type: none"> Law 22/2011, of 28 July, on waste and contaminated soils. Law 6/2021, of 17 February, on Galician waste and contaminated soils. Royal Decree 553/2020, of 2 June, which regulates the movement of waste within the State. Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Waste Producers and Managers of Galicia.

REGISTRATION FEE FOR SMALL PRODUCERS OF HAZARDOUS WASTE

RESPONSIBLE BODY		Galician Tax Agency (ATRIGA).
DESCRIPTION		<p>This procedure is subject to the payment of the following fees:</p> <ul style="list-style-type: none"> Registration with the Galician General Register of Waste Producers and Managers. <p>You may check the amount by clicking on the following link: http://www.atriga.gal/documents/16561/30785634/Anexo3-Tarifas-2021-gl.pdf/3a13a60b-d867-412f-93e8-81c311d244f5</p>
ONLINE PROCESSING	Yes	https://ovt.atriga.gal/#!/detalle_servizo/?Pago+de+taxas+e+prezos/11609730/4126995/11609860/1.8/item-dark-blue/tab/tab#0

ANNEX I. LIMITATIONS ON EXCLUSIVE SUPPLY CONTRACTS

The promoter must have prior knowledge of the provisions related to supply agreements entered into between wholesale operators and owners of facilities for the supply to vehicles, which are laid down in Law 34/1998, of 7 October, on the hydrocarbons sector.

As basic aspects, the promoter must take into account that exclusive supply contracts must comply with the following conditions:

a) The maximum term of the contract will be one year. This contract will be extended for one year, automatically, for a maximum of two extensions, unless the retail distributor of oil products states its intention to terminate it at least one month prior to the date of termination of the contract or any of its extensions.

b) They may not contain exclusive clauses which, individually or jointly, establish, recommend or affect, directly or indirectly, the retail price of fuel.

Contractual clauses contrary to said conditions will be considered null and void and will be deemed not to have been established.

Wholesale operators will be responsible for notifying the Directorate General for Energy Policy and Mines of the conclusion of this type of contract, including the date of termination, which will be published on the official website of the Ministry of Industry, Energy and Tourism.

ANNEX II. DUTIES ARISING FROM LAW 7/2021 OF 20 MAY ON CLIMATE CHANGE AND ENERGY TRANSITION.

When implementing new facilities of this type, the provisions of state legislation on climate change must be considered with regard to the requirement to install an electricity recharging point. Particularly, article 15.5 of Law 7/2021, of 20 May, on climate change and energy transition states the following:

“From 2021, those who hold the ownership of new facilities for the supply of fuel to vehicles or undertake a reform in their facility that requires a revision of the administrative title, regardless of the aggregate annual volume of sales of petrol and diesel of the facility, must install at least one electric charging infrastructure of power equal to or greater than 50 kW in direct current, which must provide service from the commissioning of the facility or completion of the reform that requires a revision of the administrative title”.

This document was drawn up, for purely informative purposes, by the General Vice-Secretariat for Business Support of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation, as a means of consultation and simplification of the applicable regulations, and its content is therefore not binding.

All the information contained in this catalogue is taken from the legislation in force at the time of its publication, and must always be construed in accordance with it, therefore the catalogue is a document subject to continuous evolution.

