

CATALOGUE

INSTALLATION OF AQUACULTURE ESTABLISHMENTS IN THE  
COASTAL AND INLAND PART OF THE TERRESTRIAL AREA

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## INSTALLATION OF AQUACULTURE ESTABLISHMENTS IN THE COASTAL AND INLAND PART OF THE TERRESTRIAL AREA

Vice-Presidency of the Regional Ministry of the Economy, Industry and Innovation

General Technical Secretariat

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## Table of Contents

PG. 7	1. Introduction
PG. 8	Law on administrative simplification and support for the economic reactivation of Galicia
PG. 8	Catalogues
PG. 8	Installation of aquaculture establishments in the coastal and inland part of the terrestrial area. Concepts
PG. 11	Process flowchart
PG. 13	2. Preliminary actions
PG. 15	3. Formalities for the start-up of an aquaculture establishment in the coastal and inland part of the terrestrial area or for its substantial modification in the coastal part
PG. 16	Summary of the process
PG. 17	4. Activity permit for the installation of aquaculture establishments in the coastal and inland part of the terrestrial area or for their substantial modification in the coastal part
PG. 27	5. Registration in the General Register of Livestock Farms (REGA)
PG. 31	6. Application for the project to be declared a priority business initiative (IEP)
PG. 35	7. Related procedures
PG. 37	Annex 1. Environmental processing
PG. 41	Annex 2. Procedures in the easement area for protection of the maritime-terrestrial public domain
PG. 45	Annex 3. Municipal processing
PG. 46	Possibility of submitting prior consultations to the town council
PG. 46	Payment of taxes, if applicable
PG. 47	Works intended for the development of an activity
PG. 52	Submission of prior notification of the start of the activity without carrying out works
PG. 55	Changes of ownership of the activity or establishment



## 1. INTRODUCTION

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

**Law 9/2021, of 25 February, of administrative simplification and support for the economic reactivation of Galicia** 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 counselling 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 free of charge to 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, will be 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 regional Administration, which will facilitate understanding, planning and processing of the administrative process.

### INSTALLATION OF AQUACULTURE ESTABLISHMENTS IN THE COASTAL AND INLAND PART OF THE TERRESTRIAL AREA. CONCEPTS

Each of the catalogues to be approved must include the necessary formalities for the identification of business initiatives.



Specifically, the object of this document is the aquaculture business activity in the coastal and inland part of the terrestrial area regulated by Law 11/2008, of 3 December, on fisheries in Galicia; by Decree 247/2003, of 4 June, which regulates the procedure for obtaining the permit and granting of activity for aquaculture and auxiliary aquaculture establishments in the terrestrial area, with regard to aquaculture in the coastal area; by Law 2/2021, of 8 January, on inland fishing in Galicia; and by the Order of 25 October 1999 which regulates the operation of aquaculture establishments in inland waters and their registration, as regards inland aquaculture in the terrestrial area.

The Autonomous Region of Galicia has exclusive competence in the field of aquaculture, in accordance with Article 27.15 of the Statute of Autonomy of Galicia. Pursuant to this competence, the Law on fisheries in Galicia regulates marine aquaculture, both that carried out in the marine area and that carried out in the maritime-terrestrial or terrestrial area.

Aquaculture is understood to be the breeding or cultivation of aquatic organisms using techniques aimed at increasing the production of the relevant organisms beyond the natural capacities of the environment.

Aquaculture may be carried out in the terrestrial area, in the maritime-terrestrial area or in the maritime area, in fixed, floating or mid-water facilities.

The exercise by any natural person or legal entity of the aquaculture activity requires a prior administrative authorisation, granted by the competent regional ministry, without prejudice to the permits, licences and authorisations that may be granted by other bodies in the exercise of their competences.

The administrative authorisations for the practice of aquaculture must take one of the following forms:

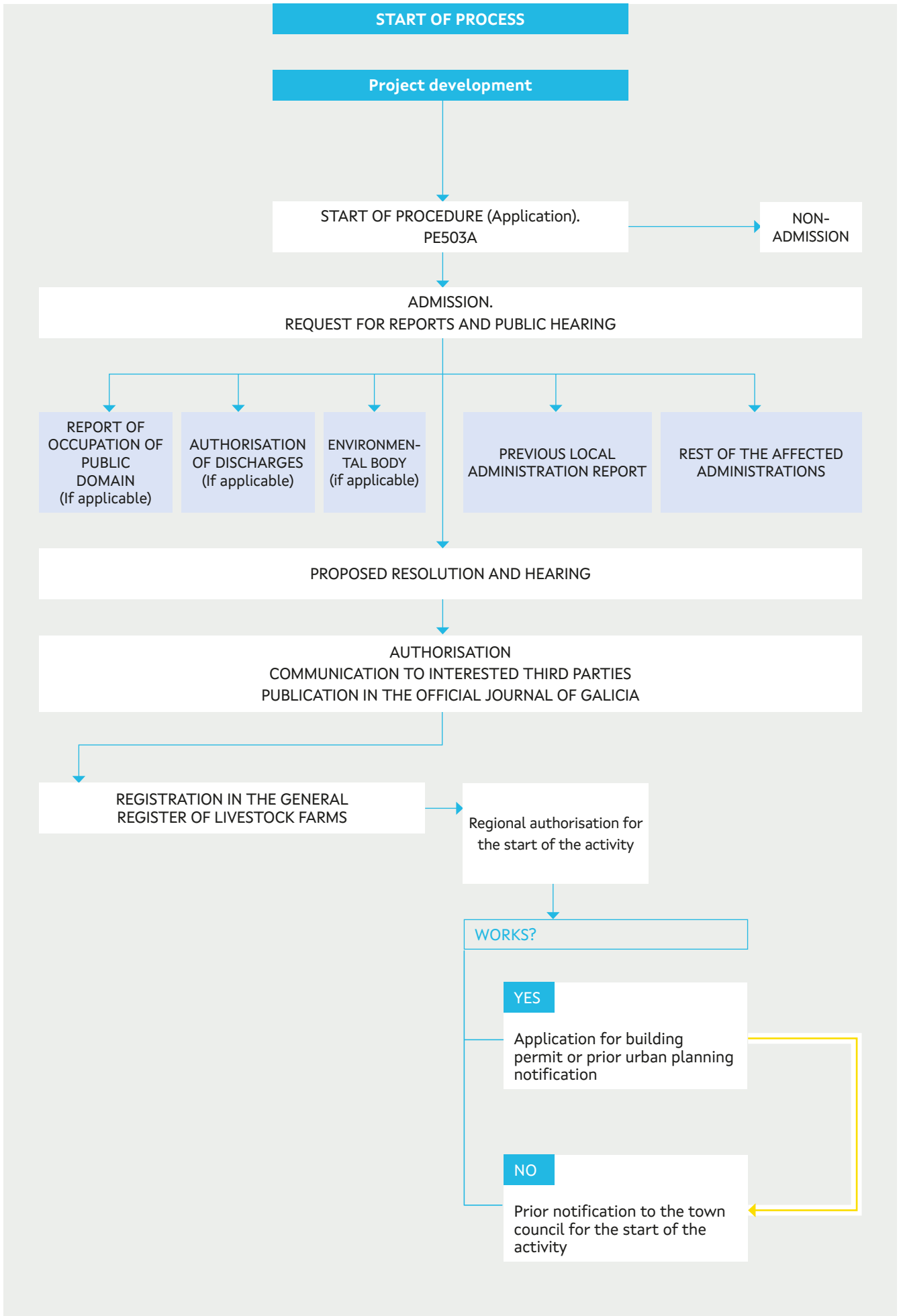
- a) Activity granting.
- b) Activity permit.

Establishments that need to occupy land in the maritime or maritime-terrestrial public domain for their installation, start-up and operation will need the activity granting that will be issued by the competent regional ministry for aquaculture, in accordance with the procedure to be established pursuant to the regulations, after the mandatory and binding report from the State Administration on the occupation of the public domain.

Once the authorisation has been obtained from the Regional Administration, the appropriate municipal procedures for the construction of the facilities will begin. These procedures are set out in Annex 2.

For the purposes of this catalogue, it is important to define the different types of aquaculture establishments subject to this procedure and which may be authorised in land areas:

- **Marine farms:** fixed facilities located on land, fed directly or indirectly by seawater through removable pipelines where marine cultures are grown. These facilities, located on land, are used for the fattening of young fish (seeds and fry) until they reach commercial size.
- **Hatcheries:** fixed facilities where the reproduction and larval rearing of marine species takes place. They need systems that allow them to be supplied with seawater.
- **Inland fish farms:** aquaculture centres in inland waters that include all types of facilities where species that inhabit or may inhabit inland waters are kept alive, as well as their eggs or gametes, for the purposes of production, distribution or consumption, and where inland waters are used.





## 2. PRELIMINARY ACTIONS

## 2.1. Urban feasibility of the action

Depending on the specific location of the activity and the urban classification of the land where the establishment is expected, 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.

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 request in the municipal register.”

## 2.2. Sectoral reports or authorisations

The information on the sectoral effects applicable to a plot may be consulted by anyone interested 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/>

## 2.3. Rural land regime

Article 35.1. j) of Law 2/2016, of 10 February, on Galician land (LSG), establishes as an admissible use of rustic land the constructions and facilities intended for aquaculture establishments; and letter j) of Article 50.1 of Decree 143/2016, of 23 September, which approves its implementing Regulations, adds among the admissible uses the auxiliary facilities.

In accordance with the provisions of Article 36 of the LSG, this use will be subject to the municipal urban planning authorisation.

In any case, on specially protected rural land, it will be necessary to obtain an authorisation or a favourable report from the body with the corresponding sectoral competence prior to obtaining the municipal authorisation.

3. FORMALITIES FOR THE START-UP OF  
AN AQUACULTURE ESTABLISHMENT IN  
THE COASTAL AND INLAND PART OF THE  
TERRESTRIAL AREA OR FOR ITS SUBSTANTIAL  
MODIFICATION IN THE COASTAL PART

## SUMMARY OF THE PROCESS

The aim of this catalogue is to provide those interested in starting up aquaculture activities in the coastal and inland part of the terrestrial area with clear and chronological guidance on all the procedures and actions required for authorisation. All procedures relating to the constitution and start-up of the company and the hiring of personnel, those linked to its ordinary activity (taxation, social security, etc.), as well as those relating to the field of occupational risk prevention, are outside the scope of this catalogue.

The aim of this summary is to provide the promoter with a simple and comprehensive overview of the procedure as a whole, which will be detailed throughout the document. The following sections include a detailed list of the contents and requirements of the different procedures, referring in each case to the specific articles of the legal regulations governing them.



4. ACTIVITY PERMIT FOR THE INSTALLATION  
OF AQUACULTURE ESTABLISHMENTS IN  
THE COASTAL AND INLAND PART OF THE  
TERRESTRIAL AREA OR FOR THEIR SUBSTANTIAL  
MODIFICATION IN THE COASTAL PART

The administrative procedure for obtaining the permit for the installation of aquaculture establishments in the coastal and inland part of the terrestrial area, or for their substantial modification in the coastal part, begins with the submission of the PE503A authorisation application form, in application of Decree 274/2003, of 9 June, which regulates the procedure for obtaining the permit and granting of activity for aquaculture and auxiliary aquaculture establishments in the terrestrial area, in all aspects that do not conflict with the provisions of Law 11/2008, of 3 December, on fisheries in Galicia.

Aquaculture establishments in the terrestrial area will require an activity permit granted by the Regional Ministry of the Sea, without prejudice to the permits, licences and authorisations that may be granted to other bodies in the exercise of their competences, specifically the regional authorisation in the easement area for protection of the maritime-terrestrial public domain, in the event that the activity is implemented in this area, an authorisation that is issued by the Regional Ministry of the Environment, Territory and Housing, through the Directorate General for Territorial Planning and Urban Development.

On the other hand, and in accordance with the provisions of the third additional provision of Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain, in the event that aquaculture establishments which, in addition to the regional authorisation provided for in the aforementioned decree, require, in order to carry out marine farming activities, the administrative authorisation granted by the competent regional ministry for aquaculture, a single application for authorisation must be submitted to the said ministry, as indicated on page 12, and the procedure set out in the aforementioned additional provision must be followed.

Once the application for the activity permit has been submitted, and after the appropriate requirements to amend the documentation required by the regulation and which appears in the explanatory sheet of the procedure, a period of **public information** will be opened through publication in the *Diario Oficial de Galicia* (Galicia Official Gazette), which will not be less than 20 days, for the presentation of possible allegations.

The decision-making body will proceed to request the reports listed below:

## Environmental reports

If the project must be submitted to the environmental procedure, a copy of the file will be sent to the competent environmental body for the purposes set out in the regulations applicable to such procedures.

## General reports

The decision-making body will send a copy of the entire file to the different bodies that must issue a decision on the different matters within their competence within a maximum period of one month.

In the event that the report is not issued within this period, the proceedings will continue, except in the case of mandatory reports that are decisive for the resolution of the procedure, in which case the period for the successive formalities may be interrupted.

In no case may the suspension of the period for issuing the report be agreed. However, reports issued after the deadline before the resolution is issued must be assessed by the competent regional ministry for aquaculture.

## Report on compliance with the Coastal Management Plan (POL)

An analysis must be made of whether the proposed aquaculture activity complies with the Coastal Management Plan (POL).

The POL contains in Article 46 a general list of admissible uses on rural land and, among them, admits aquaculture establishments as a constructive use under the code: "2I2. Aquaculture constructions and facilities on land".

The POL classifies these uses as permitted (Article 48), compatible (Article 49) or incompatible (Article 50), and establishes for each of the delimited areas the permitted, compatible or incompatible uses.

For a new aquaculture construction or facility on land, the use is considered permitted in development areas (Article 56.1 of the POL), compatible in environmental and landscape improvement areas (Article 55.2), and incompatible in intertidal and coastal protection areas, corridors and areas of interest (Articles 53.3, 54.3, 57.3 and 58.3).

In the case of a use to be implemented in environmental and landscape improvement areas and, therefore, compatible, the mandatory report must be requested from the Institute of Territorial Studies, prior to obtaining the municipal planning authorisation, in accordance with the provisions of Article 51 of Decree 20/2011, of 10 February, which gives final approval to the Coastal Management Plan.

The areas can be consulted at the following link:

***<http://webpol.xunta.gal/web/index.php/cartografia>***

There is a publication by the Institute of Territorial Studies that gathers, as good practices, recommendations for this activity (aquaculture) regarding its integration in the landscape of its location: the "Guía de criterios de sostenibilidad e integración paisajística de los establecimientos de acuicultura litoral" (Guidelines for sustainability and landscape integration criteria of coastal aquaculture establishments), which can be downloaded from the website of the Regional Ministry:

***[https://cmatv.xunta.gal/c/document\\_library/get\\_file?folderId=125772&name=DLFE28892.pdf](https://cmatv.xunta.gal/c/document_library/get_file?folderId=125772&name=DLFE28892.pdf)***

## Report on the repercussions on protected natural areas

When the aquaculture facility or establishment is planned in protected natural areas, a mandatory and binding report must be obtained from the competent regional ministry for nature conservation. In the case of projects subject to ordinary or simplified environmental assessment, this report is part of the consultation phase of the environmental body.

## Authorisation for discharges

The competent regional ministry for aquaculture will send a copy of the entire dossier to the competent body of the water administration of the Autonomous Region of Galicia so that, within a period of one month, it may or may not grant authorisation for discharges. If the decision is negative, the competent regional ministry for aquaculture must issue a reasoned decision rejecting the activity granting and permit.

## Report on the occupation of public domain

In the event that for the development of the marine aquaculture activity in the coastal area it is necessary to occupy land in the maritime-terrestrial public domain, the State Administration, in accordance with the provisions of article 112.d of Law 22/1998, of 28 July, on coasts, will be responsible for issuing a mandatory and binding report on such occupation and, if applicable, for determining the characteristics and duration of the occupation.

Once the public information period has ended, and the reports required by the coastal regulations have been compiled, the documentation relating to the report on the occupation of public land domain will be sent by the competent regional ministry for aquaculture to the State Administration for submission of the aforementioned report within a maximum period of two months from receipt of the file.

If the report is against the occupation of the public domain, the competent regional ministry will issue a reasoned resolution rejecting the requested activity.

The request to the State Administration for the report on the occupation of the maritime-terrestrial public domain will suspend the calculation of the maximum period for resolving the procedure processed by the Autonomous Region and notifying the resolution, for the time between the request, which must be communicated to the interested parties, and the receipt of the report, which must also be communicated to them.

## Authorisation in coastal matters

In accordance with the provisions of Law 22/1988, of 28 July, on coasts; Royal Decree 876/2014, of 10 October, approving the General Coastal Regulations; and Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain, aquaculture establishments are among the admissible uses in this area.

The works and actions to be carried out in this easement area for protection of the maritime-terrestrial public domain require the processing of the procedure for the granting of the regional coastal sector authorisation by the Regional Ministry of the Environment, Territory and Housing, through the Directorate General for Territorial Planning and Urban Development.

On the other hand, as indicated above and in accordance with the provisions of the third additional provision of Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain, in the event that the aquaculture establishments that, in addition to the regional authorisation for the protection easement, require the administrative authorisation granted by the competent regional ministry for aquaculture in order to carry out the marine farming activity, a single application for authorisation must be submitted to the said ministry.

The following explanatory sheets summarise the information on the authorisation procedure and the corresponding fees, differentiating between the type of documentation to be submitted depending on whether it is an activity permit for the coastal part of the terrestrial area (or its substantial modification) or an activity permit for the inland part of the terrestrial area.

## PE503A Activity permit for the installation of aquaculture establishments in the coastal and inland part of the terrestrial area or for their substantial modification in the coastal part

### RESPONSIBLE BODY

Directorate General for Fisheries, Aquaculture and Technological Innovation.

### DESCRIPTION

Activity permit.

### DOCUMENTATION

#### FOR ACTIVITY PERMIT FOR THE COASTAL PART OF THE TERRESTRIAL AREA OR ITS SUBSTANTIAL MODIFICATION

- Application form for authorisation (Annex I).
- Annex II, only in the case of multiple applicants.
- Payment of the administrative fee (32.36.09).
- Annex III, appointment of a representative for the purpose of submitting the application.
- Documentation accrediting ownership of the land. If the applicant is not the owner of the land, he/she must attach the documentation accrediting the system of occupation of said land and which includes the express authorisation of the owner to install the establishment and use it for the aquaculture activity requested for at least the period of validity of the administrative authorisation.
- Project for the establishment, signed by a competent technician, which will include plans, geolocation, photographic information on the area and a budget for the works to be carried out.
- Economic-financial study for the period of validity of the operation foreseen in the application, signed by a competent technician, which analyses the profitability of the operation based on two economic scenarios, upwards and downwards, and develops the foreseeable evolution of the operation.
- Technical-biological report signed by a competent technician that, as a minimum, will include a detailed description of the activity to be developed, species to be exploited and hydraulic circulation.
- Accreditation of the availability of the technical capacity appropriate to the requirements of the corresponding establishment.
- Environmental document, in accordance with the provisions of Law 21/2013, of 9 December, on environmental assessment, and Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia. The content of the environmental document will be determined by the characteristics of the project (see Annex I Environmental procedures).
- In the event that the promoter is a legal entity:
  - Deed accrediting the incorporation of the company registered in the Business Register.
  - Articles of association governing the company.
  - Accreditation of the legal representation of the company.

In the event that the establishment requires occupation of the maritime-terrestrial public domain, in addition to the above documentation, the following will also be required:

- 1/1,000 plan showing the demarcation line and the area of maritime-terrestrial public domain to be occupied.
- Plan and nautical chart or other cartographic representation, with coordinates and bathymetry.
- Cadastral certification corresponding to the adjoining land.
- Proof of the constitution, before the competent regional ministry for aquaculture, of the deposit or provisional guarantee corresponding to 2% of the works to be carried out, if applicable, in the maritime-terrestrial public domain, in accordance with article 88.1 of Law 22/1998, of 28 July, on coasts, in the event of not authorising its consultation.

In the event that the establishment requires authorisation for discharges, in addition to the above documentation, the following will be required:

- Volumes of water consumed and discharged.
- Point of discharge (UTM ETRS89 coordinates).
- Analytical characteristics of the discharge.
- Technical project of the discharge treatment facilities.
- Documentation for the Report on compatibility with marine strategies according to Law 41/2010, of 29 December, on the protection of the marine environment, and in accordance with Article 5.2 of Royal Decree 73/2019, of 22 February, which regulates the compatibility report and establishes the criteria for compatibility with marine strategies, if applicable:
  - ✓ Project or report on the action to be carried out.
  - ✓ Complementary technical documentation relating to the habitats and species of the area where the action is to be carried out.
  - ✓ Report justifying the adequacy of the action to the compatibility criteria and its contribution to the achievement of the environmental objectives. In the case of actions to be carried out in protected marine areas, this report must also include a specific analysis in relation to the protected values present in these areas and a justification that the action is compatible with the protection of these values.

#### DOCUMENTATION FOR ACTIVITY PERMIT FOR THE INLAND PART OF THE TERRESTRIAL AREA

- Application form for authorisation (Annex I).
- Annex II, only in the case of multiple applicants.
- Payment of the administrative fee (32.36.09).
- Annex III, appointment of a representative for the purpose of submitting the application.
- Concession of hydraulic exploitation granted by the competent body.
- Project, signed by competent technical personnel, including the following documents:
  - ▶ Identification details of the promoter and the facilities.
  - ▶ Location plans at scales of 1:50,000 and 1:10,000.
  - ▶ Detailed description of the works and facilities, including plans and other documents that facilitate their interpretation.
  - ▶ Study of the natural flow regime.
  - ▶ Concession flow and source of water.
  - ▶ Biological report detailing, as a minimum:
    - Ecological flows.
    - Temperature study.
    - Justification of the choice of the species or species to be cultivated.
    - Instantaneous load.
    - Cultivation system.
    - Production per month.
    - Wastewater treatment.
  - ▶ Environmental document, in accordance with the provisions of Law 21/2013, of 9 December, on environmental assessment, and Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia. The content of the environmental document will be determined by the characteristics of the project (see Annex I Environmental procedures).

#### **In the event that the promoter is a legal entity:**

- Deed accrediting the incorporation of the company registered in the Business Register.
- Articles of association governing the company.
- Accreditation of the legal representation of the company.

#### DOCUMENTATION IN THE EVENT THAT THE ESTABLISHMENT REQUIRES REGIONAL AUTHORISATION IN TERMS OF EASEMENT FOR PROTECTION OF THE MARITIME-TERRESTRIAL PUBLIC DOMAIN (*Third additional provision of Decree 97/2019, of 18 July*).

In the event that the establishment also requires authorisation for the easement for protection of the maritime-terrestrial public domain, in addition to the above documentation, the following will be required:

- The cadastral reference of the plot of land on which the work is to be carried out.
- Proof of ownership or availability of the land.
- Definitive demarcation plan or, if applicable, provisional definition plan of the demarcation line on a scale of 1/1000 drawn or authenticated by the corresponding body of the State Administration, which must show the exact location and occupation of the requested action.

## PUBLIC INFORMATION

Publication in the Official Journal of Galicia. Not less than 20 days for the presentation of possible allegations.

## REQUEST FOR REPORTS/ AUTHORISATIONS

- Reports from the different bodies that must rule on the different matters within their competence.
- Authorisation of discharges, if applicable.

## PROPOSED RESOLUTION AND HEARING

Once the proceedings have been completed, the competent regional ministry for aquaculture will issue the proposed resolution, which will incorporate the resolutions resulting from the binding reports and in which the interested parties will be granted a 10-calendar-day hearing.

If allegations are made, they will be forwarded, together with the proposed decision, to the bodies authorised to issue binding reports in previous proceedings so that, within a maximum period of 15 days, they may make any binding statements they deem appropriate on the aspects relating to matters within their competence.

Once the proceedings have been completed, the competent regional ministry for aquaculture will issue the proposed resolution, which will incorporate the resolutions resulting from the binding reports and in which the interested parties will be granted a 10-calendar-day hearing.

If allegations are made, they will be forwarded, together with the proposed decision, to the bodies authorised to issue binding reports in previous proceedings so that, within a maximum period of 15 days, they may make any binding statements they deem appropriate on the aspects relating to matters within their competence.

In the case of aquaculture establishments that require, in addition to the administrative authorisation granted by the competent regional ministry for aquaculture, regional authorisation for the easement for protection of the maritime-terrestrial public domain, in accordance with the third additional provision of Decree 97/2019, of 18 July:

The competent regional ministry for aquaculture will send a copy of the entire file to the competent regional body for town planning for the purpose of continuing the processing of the authorisation for the occupation of the easement area for protection of the maritime-terrestrial public domain, in accordance with the provisions of Decree 97/2019, of 18 July.

The decision ending the procedure must be issued and notified to the interested party within a maximum period of five months from the date of receipt of the documentation by the competent body in matters of town planning. Once this period has elapsed without notification of the decision, the application may be understood to have been rejected by administrative silence.

If the decision is negative, the competent regional ministry for aquaculture must issue a decision denying the authorisation applied for.

## RESOLUTION. CONTENT

The authorisation will contain at least the following:

- Holder of the activity permit, stating the DNI or CIF.
- Type of establishment or activity.
- Species authorised.
- Location.
- The area of private domain to be occupied by the facility.
- Basic characteristics of the facilities.
- Capacity of the establishment, if it has a productive purpose.
- Term of granting, with an indication of the validity of the authorisation and the possibility of extension.
- Period for the completion of the works and facilities for the start-up of the activity.
- Causes for termination.
- Particular conditions under which the authorisation is granted, with reference, if applicable, to the authorisation for discharges and the corresponding environmental declaration.
- Area of private and public domain to be occupied by the facility.
- Fee to be paid for the occupation of the public domain.
- Obligation of the successful bidder to provide, before the local service of the Directorate General for Coasts, a definitive deposit of 5% of the corresponding budget for the works and facilities, in accordance with article 88.2 of Law 22/1998, of 28 July, on coasts.\*
- The completion of the stakeout before starting the execution of the works or facilities.

		The resolution will incorporate all the mandatory and binding reports with their conditions previously accepted by the promoter.
<b>DURATION</b>		The activity permit will be granted for a maximum period of 10 years, extendable for periods of the same duration.  In the event that the establishment requires the occupation of the maritime-terrestrial public domain, the activity concession will be granted for a maximum period of 10 years, extendable for periods of equal duration up to a maximum of 50 years, in the event that the profitability and good use of the operation is demonstrated.
<b>DEADLINES</b>		Open all year round.
<b>ON-LINE PROCESSING</b>	Yes	<a href="https://sede.xunta.gal/detalle-procedemento?codtram=PE503A&amp;ano=2015&amp;numpub=1&amp;lang=gl">https://sede.xunta.gal/detalle-procedemento?codtram=PE503A&amp;ano=2015&amp;numpub=1&amp;lang=gl</a> .
<b>ON-SITE</b>	No	
<b>RESOLUTION DEADLINE</b>		Six months/five months (Third additional provision of Decree 97/2019 of 18 July).
<b>EFFECTS OF ADMINISTRATIVE SILENCE</b>		Dismissal.
<b>NOTIFICATION AND PUBLICITY</b>		The processing body will notify the resolution: <ul style="list-style-type: none"> <li>- To the interested parties.</li> <li>- To the town council where the facility is to be located.</li> <li>- To the bodies that issued the binding report.</li> </ul> <p>If the resolution is favourable, it will be published in the Official Journal of Galicia.</p>
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Law 11/2008, of 3 December, on fisheries in Galicia (Official Journal of Galicia no. 243, of 16 December 2008).</li> <li>• Law 2/2021, of 8 January, inland fisheries in Galicia.</li> <li>• Decree 274/2003 of 4 June, which regulates the procedure for obtaining the permit and granting of activity for aquaculture and auxiliary aquaculture establishments in the terrestrial area (Official Journal of Galicia no. 110, of 9 June 2003).</li> <li>• Order of 25 October 1999 which regulates the operation of aquaculture establishments in inland waters and their registration (Official Journal of Galicia no. 212, of 3 November).</li> <li>• Law 22/1988, of 28 July, on coasts (Spanish Official Gazette no. 181, of 29 July 1988).</li> <li>• Royal Decree 876/2014, of 10 October, which approves the General Coastal Regulations (Spanish Official Gazette no. 247, of 11 October 2014).</li> <li>• Law 21/2013, of 9 December, on environmental assessment (Spanish Official Gazette no. 296, of 11 December 2013).</li> <li>• Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia (Official Journal of Galicia no. 247, of 27 December 2013).</li> <li>• Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain (Official Journal of Galicia no. 151, of 9 August 2019).</li> </ul>

\*Deposit regime:

As established in Article 88 of the Law on coasts, applicants for concessions and authorisations in the maritime-terrestrial public domain regulated by that law must accredit before the competent Administration, when submitting the application, the provision of the provisional deposit for an amount of 2% of the budget of the works or facilities to be carried out in the relevant public domain, in the manner to be determined by regulation. Once the concession or authorisation has been granted, the definitive deposit will be constituted, raising the provisional deposit to 5% of the corresponding budget for the works or facilities..



If the interested party withdraws the request or renounces the title, the deposit will be forfeited.

In the case of discharges, the competent Administration may require the constitution of a complementary deposit to guarantee compliance with the conditions of the same, in an amount equivalent to the amount of one semester of the discharge fee, and will be subject to periodic revisions depending on the variations of the latter.

The definitive deposit will be returned one year after the approval of the recognition of the works, in the case of a concession or authorisation with a term of more than one year, and otherwise on expiry, except in the cases of renunciation and expiry, with deduction of the amounts that, if applicable, must be paid as penalties and liabilities that the concessionaire may incur.

The right to the return of the deposit will lapse if it has not been requested within five years from the time when it is due.

The submission of the application will entail the payment of the following fee:

### Aquaculture activity permit/granting fee.

<b>RESPONSIBLE BODY</b>		Galician Tax Agency (ATRIGA).
<b>DESCRIPTION</b>		This procedure is subject to the payment of the fee coded 32.36.09. You may check the amount by clicking on the following link:
<b>ON-LINE PROCESSING</b>	Yes	<a href="http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3">http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3</a>

## CAUSES FOR TERMINATION OF THE ACTIVITY PERMIT

### TERMINATION

The causes for termination of the activity permit, after hearing the holder, are those set out in Article 71 of Law 11/2008, of 3 December, on fisheries in Galicia:

- a) Failure to comply with the clauses of the activity permit.
- b) The express resignation of the licence holder.
- c) The cessation of the farming activity for a period of more than two years, unless there is a justified cause.
- d) The expiry of the period established for the start-up of the activity, except in cases of force majeure.
- e) Notorious ecological damage, dangers to public health or to navigation or other risks of similar importance, due to the establishment or its abnormal operation.
- f) Repeated failure to comply with the rules of extraction, regulation and commercialisation.

- g) Having carried out a change of ownership of the establishment without prior authorisation from the competent regional ministry for aquaculture.
- h) Renting the marine culture establishment to third parties.
- i) The use of the facilities for the commission of criminal offences, provided that such acts have been declared proven by a final criminal judgement.
- j) Failure to submit the statistical data required by the legislation in force, after failing to comply with two requirements.
- k) Manifest non-compliance with the profitability objectives foreseen in the installation project or in the request for extension, when this is attributable to the licensee of the establishment.

The following will also be causes for termination, as established in Decree 274/2003, of 4 June:

- Non-payment of the established fees when the amount cannot be paid by means of constraint.
- Failure to meet the profitability objectives set out in the aquaculture project when these are attributable to the owner of the farm.
- The causes set out in Law 22/1998, of 28 July, on coasts, for the termination of concessions for the occupation of the maritime-terrestrial public domain.

## 5. REGISTRATION IN THE GENERAL REGISTER OF LIVESTOCK FARMS (REGA)

Before starting the activity and after obtaining the authorisation referred to in the previous sections, the owner must apply for registration of the establishment in the REGA, using the standardised procedure PE715C available at the electronic office of the Xunta de Galicia.

## PE715C General Register of Livestock Farms (Rega) of aquaculture establishments in Galicia

<b>RESPONSIBLE BODY</b>	Directorate General for Fisheries, Aquaculture and Technological Innovation.
<b>DESCRIPTION</b>	Procedure for registration, deregistration and amendment of entries in the Galician Register of Livestock Farms of aquaculture establishments in Galicia.
<b>DOCUMENTATION</b>	<ul style="list-style-type: none"> <li>• Application form (Annex I)</li> <li>• Annex II in the case of multiple applicants.</li> <li>• Report or description of livestock farming activities and the construction and infrastructure of the farm.</li> <li>• Animal health surveillance system to be applied (not required for deregistration).</li> <li>• Animal health surveillance system to be applied (not required for deregistration).</li> <li>• Guide of good hygiene practices including biosecurity measures and by-product management programme (not required for deregistration).</li> <li>• Proof of representativeness (if applicable).</li> <li>• Proof of payment of fees for first registration or modification (not required for deregistration).</li> </ul>
<b>FARMS OBLIGED TO REGISTER</b>	<ul style="list-style-type: none"> <li>• Production and breeding farms keeping and breeding aquatic animals for profit or for family consumption.</li> <li>• Special farms (commercial operators, aquatic animal assembly centres, leisure, teaching and research farms or processing establishments).</li> </ul>
<b>FARMS OF COMMERCIAL OPERATORS</b>	Open all year round.
<b>ON-LINE PROCESSING</b>	Yes <a href="https://sede.xunta.gal/detalle-procedemento?codtram=PE715C&amp;ano=2021&amp;numpub=1&amp;lang=gl">https://sede.xunta.gal/detalle-procedemento?codtram=PE715C&amp;ano=2021&amp;numpub=1&amp;lang=gl</a> .
<b>ON-SITE</b>	Yes For persons who are not obliged to interact electronically with the Administration.
<b>RESOLUTION DEADLINE</b>	Three months.
<b>EFFECTS OF ADMINISTRATIVE SILENCE</b>	Not specified.
<b>REGULATIONS</b>	<ul style="list-style-type: none"> <li>• Resolution of 18 May 2022, of the Directorate General for Fisheries, Aquaculture and Technological Innovation, publicising the modification of the Resolution of 24 September 2021, which incorporates the procedure for registering, deregistering and modifying the Galician Register of Aquaculture Farms into the Xunta de Galicia's electronic office (Official Journal of Galicia no. 102, of 30 May 2022).</li> <li>• Law 8/2003, of 24 December, on animal health (Spanish Official Gazette no. 99, of 25 April 2003).</li> <li>• Royal Decree 479/2004, of 26 March, which establishes and regulates the General Register of Livestock Farms (Spanish Official Gazette no. 89, of 13 April 2004).</li> <li>• Royal Decree 1614/2008 of 3 October, on animal health requirements for aquaculture animals and products, as well as the prevention and control of certain aquatic animal diseases (Spanish Official Gazette no. 242, of 7 October 2008).</li> <li>• Royal Decree 1590/2009, of 16 October, amending Royal Decree 1614/2008 of 3 October, on animal health requirements for aquaculture animals and products, as well as the prevention and control of certain aquatic animal diseases (Spanish Official Gazette no. 260, of 28 October 2009).</li> </ul>

The submission of the application will entail the payment of the following fee:

**Fee for first registration or modification  
(deregistration is not subject to the fee)**

<b>RESPONSIBLE BODY</b>		Galician Tax Agency (ATRIGA).
<b>DESCRIPTION</b>		This procedure is subject to the payment of the fee coded 32.02.00. You may check the amount by clicking on the following link:
<b>ON-LINE PROCESSING</b>	Yes	<a href="http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3">http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3</a> .

6. APPLICATION FOR THE PROJECT TO BE  
DECLARED A PRIORITY BUSINESS INITIATIVE (IEP)

The **priority business initiative (IEP) declaration** is a procedure that may be used to speed up the processing of a waste management business project, provided that the requirements set out in Law 5/2017, of 19 October, on the promotion of the implementation of business initiatives in Galicia are met.

Natural persons and legal entities intending to start an activity may apply for the IEP declaration provided that they meet at least **two of the following requirements**:

- a) Involving a minimum investment volume in fixed assets, excluding real estate, of one million euros, including those electricity generation projects from renewable sources whose final destination of the electricity produced is the supply of Galician industry.
- b) Involving the creation of a minimum of 25 direct jobs, under the modality of an indefinite contract and calculated on a full-time basis, not being applicable to projects regulated in Law 8/2009, of 22 December.
- c) Instruments for the mobilisation, recovery, production and sustainable use of agricultural and forestry land, as well as comprehensive rural development plans or actions.
- d) Complementing value chains or belonging to sectors considered strategic or that are integrated in the financing of the temporary European recovery instrument, Next Generation EU.

The Council of the Xunta de Galicia may reduce, by agreement, the thresholds stated in sections a) and b) in the case of collective entrepreneurship initiatives or initiatives that contribute to the social and labour integration of people with disabilities or at risk of exclusion through business formulas of the social economy.

Among the effects that the IEP declaration may have are the following:

- **Priority** will be given to the completion of the procedures within the competence of the regional administration related to priority business initiatives.
- The existence of an IEP declaration will determine the existence of reasons of public interest for the purposes of the **urgent processing** of the related procedures.
- The Doing Business in Galicia Office will **monitor and promote** the subsequent administrative procedures necessary for its implementation.

There is a standardised procedure (IG300D) in the electronic office for its processing, which is detailed in the following summary table:

### Priority business initiative declaration IG300D.

#### RESPONSIBLE BODY

Galician Institute for Economic Promotion (Instituto Galego de Promoción Económica, IGAPE).

#### DESCRIPTION

Applications may be submitted by interested parties with projects that meet the following requirements:

1. Bringing added value to the Autonomous Region of Galicia in the areas of innovation, territorial structuring, competitiveness, internationalisation, environmental protection, labour equality or conciliation.
2. At least two of the following requirements in terms of investment and job creation must be fulfilled:
  - a) That they involve the creation of 25 or more direct jobs under a full-time permanent contract.
  - b) That they involve investment in fixed assets, excluding real estate, for an amount equal to or greater than one million euros (€1,000,000).



c) That they are driving projects or projects that complement value chains or that belong to sectors considered to be strategic.

#### DOCUMENTATION

- Standard application form (Annex I).
- Detailed report on the planned initiative.
- Documentation accrediting the measures to be implemented.

#### PROCEDURE

- Completion of an electronic preliminary application form describing the circumstances of the applicant and the project (<http://www.tramita.igape.es>), after which an electronic document identifier (IDE) will be issued.
- Submission of the application electronically using the standard form (Annex I) and supporting documentation. The IDE must be included in the application.
- The IGAPE may request reports from the affected regional ministries, assess whether the requirements are met and issue a binding report, forwarding the application and all accrediting documentation to the First Vice-Presidency and Regional Ministry of Economy, Industry and Innovation.
- The IEP declaration must be agreed by the Council of the Xunta de Galicia.

#### COMPULSORY

No

#### DEADLINES

Open all year round.

#### ON-LINE PROCESSING

Yes

Procedure IG300D

#### ON-SITE

No

#### REGULATIONS

Law 5/2017, of 19 October, on the promotion of the implementation of business initiatives in Galicia (title IV, articles 42 and subsequent).



## 7. RELATED PROCEDURES

The following are some procedures related to aquaculture establishments that may be of interest:

PE503B. Authorisation for the extension or remodelling of aquaculture establishments in the terrestrial area, which do not affect the public domain or the volume of the building.

PE504A. Extension of marine and auxiliary aquaculture establishments.

PE507A. Authorisation for changes of ownership of marine and auxiliary aquaculture establishments - *inter vivos* transfer of the permit.

PE507B. Authorisation for changes of ownership of marine and auxiliary aquaculture establishments - *mortis causa* transfer of the permit.

PE510A. Authorisations for extensions of authorised species in aquaculture establishments located in the terrestrial and maritime-terrestrial area.

PE404A. Granting of a permit for the immersion of marine species.

PE713A. Permit for immersion of organisms in inland water aquaculture facilities.

PE714A. Annual report on the activities of aquaculture facilities in inland waters.

## ANNEX 1. ENVIRONMENTAL PROCESSING

The environmental processing of projects for the installation of new aquaculture establishments varies according to the characteristics of the project:

1. Projects provided for in Article 33 of Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia, to which the regulations on environmental impact assessment do not apply (facilities for intensive aquaculture that have a production capacity of less than 500 tonnes per year). They will be subject to **environmental impact assessment**.
2. Projects considered in Annex II of Law 21/2013, of 9 December, on environmental assessment (intensive aquaculture facilities with a production capacity of more than 500 tonnes per year). They will be subject to a **simplified environmental assessment**.
3. Projects listed in Annex I of Law 21/2013 or those which, having to undergo a simplified environmental assessment, are so decided on a case-by-case basis by the environmental body. They will be subject to an **ordinary environmental assessment**.
4. Projects contemplated in the seventh additional provision of Law 21/2013: projects that may affect Natura 2000 Network sites, not included in Annex II of the aforementioned law. They will be subject to the corresponding assessment of their repercussions and a report will be requested from the competent body for the management of said area (**Natura 2000 Network impact report**).

## Simplified environmental assessment

### DESCRIPTION

In the case of projects subject to the simplified environmental assessment procedure, an application for the start of the simplified environmental impact assessment, accompanied by the environmental document, must be submitted to the decision-making body, together with the documentation required by sectoral legislation.

### CONTENT OF THE ENVIRONMENTAL DOCUMENT

- The reasons for the application of the simplified environmental impact assessment.
- The definition, characteristics and location of the project.
- A statement of the main alternatives analysed, including the zero alternative, and a justification of the main reasons for the solution adopted, taking into account the environmental effects.
- A description of the environmental aspects likely to be significantly affected by the project.
- A description and assessment of all likely significant effects of the project on the environment, resulting from the expected emissions and waste and the generation of waste or the use of natural resources, in particular soil, air, water, marine environment, climate, climate change, landscape, material assets, including cultural heritage and the interaction between all the above factors, during the implementation, operation and, where appropriate, during demolition or abandonment phases of the project.
- A specific section must be included with the identification, description, analysis and, where appropriate, quantification of the expected effects on the factors listed above, derived from the vulnerability of the project to the risks of major accidents or disasters, on the risk of such accidents or disasters occurring and on the likely significant adverse effects on the environment, in the case of concurrence, or a justification report on the non-application of this section to the project.
- Measures to prevent, reduce, compensate for and, as far as possible, correct any significant adverse effects on the environment deriving from the execution of the project.
- The way to carry out monitoring to ensure compliance with the indications and protective and corrective measures contained in the environmental document.

### REGULATIONS

- Law 21/2013, of 9 December, on environmental assessment; Article 45, Annex II.

Natura 2000 Network protected areas: these are regulated by Decree 37/2014, of 27 March, which declares special areas of conservation of sites of community importance in Galicia and approves the Natura 2000 Network Master Plan for Galicia. They can be consulted at the following link:

<https://mapas.xunta.es/visores/conservaciondanatureza/>

## Ordinary environmental assessment

### DESCRIPTION

In the case of projects subject to the ordinary environmental assessment procedure, the promoter will prepare the **environmental impact study**.

### DOCUMENTATION

- Prior to the start of the ordinary environmental impact assessment procedure, the promoter may request the environmental body to prepare a scoping document for the environmental impact assessment. For this purpose, the promoter must submit a request for the scoping of the environmental impact assessment, together with the initial project document, to the decision-making body.

- The environmental impact study must contain, at least, the information contained in Article 35 of Law 21/2013, of 9 December, on environmental assessment, in the terms set out in Annex VI of the regulation.
- When the environmental body prepares the scoping document in accordance with the provisions of Article 34, the developer will prepare the environmental impact study in accordance with the information required in the scoping document.

#### REGULATIONS

- Law 21/2013, of 9 December, on environmental assessment; Article 35, Annexes I and VI.

## Environmental impact assessment

#### DESCRIPTION

The promoter must request the issuance of the environmental impact statement to the body of the competent regional ministry for the environment, through the MT900A procedure.

#### DOCUMENTATION

- Technical project drawn up by technical personnel competent in the field.
- Descriptive report of the activity with the content indicated in article 34.2 of Law 9/2013, of 19 December.
- Accreditation of the payment of the corresponding fee 32.78.00 for the application for the issuing of the environmental impact statement.

#### REGULATIONS

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

## Natura 2000 Network impact report

#### DESCRIPTION

The competent regional ministry for aquaculture will request the Natura 2000 Network Impact Report from the body of the competent regional ministry for the environment.

#### DOCUMENTATION

- Technical project drawn up by technical personnel competent in the field.

#### REGULATIONS

- Law 21/2013, of 9 December, on environmental assessment; seventh additional provision.



ANNEX 2. PROCEDURES IN THE EASEMENT  
AREA FOR PROTECTION OF THE MARITIME-  
TERRESTRIAL PUBLIC DOMAIN

Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain, regulates the authorisation procedure for admissible uses and works in this easement zone.

<b>RESPONSIBLE BODY</b>		Regional ministry responsible for coastal matters (Directorate General for Territorial Planning and Urban Development - Regional Ministry of Environment, Territory and Housing).
<b>DESCRIPTION</b>		<ul style="list-style-type: none"> <li>The works, facilities and activities promoted by natural and legal persons other than the General Administration of the Autonomous Region of Galicia and entities of the autonomous public sector which, in common, are permitted uses in the area of easement of protection of the maritime-terrestrial public domain according to state legislation on coasts, will require sectoral autonomous authorisation in coastal matters.</li> <li>The uses and actions referred to must be in accordance with the urban development plan and with the legal regime that, according to the type of land on which they are developed, is established in the urban development legislation and in the sectoral regulations that, where appropriate, may be applicable.</li> </ul>
<b>DOCUMENTATION</b>		<p>Interested parties must submit the following documentation with the application:</p> <ul style="list-style-type: none"> <li>Cadastral reference of the plot of land on which the work, facility or activity requested is to be carried out.</li> <li>Municipal certification of the urban development qualification of the land.</li> <li>Documentation accrediting ownership or availability of the land, by any legally admissible means of proof.</li> <li>Definitive demarcation plan or, if applicable, provisional definition plan of the demarcation line on a scale of 1/1,000 drawn or authenticated by the corresponding body of the State Administration, which must show the exact location and occupation of the requested action.</li> <li>Photographic information, including photographs of the surroundings.</li> <li>Proof of payment of the corresponding fee.</li> </ul> <p>In the case of major works, the following documentation must be submitted, in addition to that indicated in number 1 above:</p> <ul style="list-style-type: none"> <li>Basic project of the works or facilities, signed by a competent technician.</li> <li>Justifying and descriptive report with annexes, if applicable, which must include the characteristics of the facility and other relevant data, such as basic project criteria, work execution programme and, if applicable, the wastewater evacuation system.</li> <li>Location plans to an appropriate scale.</li> <li>Topographical plan of the current state, at a scale of not less than 1/1,000.</li> <li>Plans of elevations and characteristic sections.</li> <li>General floor plans, with representation of the demarcation, inner limit of the seashore, transit and protection easement.</li> </ul> <p>In the case of minor works, the following documentation must be submitted, in addition to that indicated in number 1 above:</p> <ul style="list-style-type: none"> <li>Explanatory report of the works, with an expression of their characteristics, intended use and budget detailed by items.</li> <li>Definition plans, including elevations and characteristic sections.</li> <li>In the case of enclosures, sketch of the work, indicating measurements.</li> <li>Profile and topographical plan of the plot, scale 1:500, previous state and definitive state.</li> </ul>
<b>COMPULSORY</b>	Yes	In the cases described.
<b>DEADLINES</b>	5 months	For the resolution to authorisation.
<b>ON-LINE PROCESSING</b>	Yes	<a href="https://sede.xunta.gal/buscador?c=&amp;termo=MT701A+-+Autorizaci%C3%B3n+de+obras+e+actuaci%C3%B3n+na+zona+de+servidume+de+protecci%C3%B3n+do+dominio+p%C3%BAblico+mar%C3%ADtimo-terrestre">https://sede.xunta.gal/buscador?c=&amp;termo=MT701A+-+Autorizaci%C3%B3n+de+obras+e+actuaci%C3%B3n+na+zona+de+servidume+de+protecci%C3%B3n+do+dominio+p%C3%BAblico+mar%C3%ADtimo-terrestre</a> .
<b>ON-SITE</b>	Yes	Registry of the Xunta de Galicia or any other of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.

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## REGULATIONS

Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain.

Law 22/1988, of 28 July, on coasts.

Royal Decree 876/2014, of 10 October, which approves the General Coastal Regulations.

Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Region of Galicia in the easement area for protection of the maritime-terrestrial public domain.

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## ANNEX 3. MUNICIPAL PROCESSING

## Possibility of submitting prior consultations to the town council

With regard to the municipal procedures that the promoter will have to carry out, the first aspect that must be taken into account is the need to consult, in advance, the regulations approved by the town council where the activity is to be carried out, in the exercise of its regulatory powers.

In order to guarantee the appropriate submission of the necessary documentation for the start of the activity, the promoters have the possibility of making written enquiries to the town council, which must be accompanied by all the data and documents that allow the information required to be clearly identified.

## Payment of taxes, if applicable

It is particularly relevant nowadays to **consult the tax by-laws** of the town council, for the purpose of paying the taxes related to the establishment of the activity which, if applicable, were the object of a taxation agreement, and the following should be highlighted:

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

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		<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"> <li>• 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.</li> <li>• 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.</li> <li>• Other cases linked to the provision of services or the performance of administrative activities of local competence.</li> </ul> <p>In any case, the applicable local regulations must be consulted.</p>
<b>DOCUMENTATION</b>		Settlement or self-assessment document (if applicable).
<b>COMPULSORY</b>	Yes	In town councils where it has been agreed to impose the tax.
<b>ON-LINE PROCESSING</b>	Yes	Through the municipal electronic offices (or those of the Provincial Council, as the case may be).
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Royal Legislative Decree 2/2004, of 5 March, which approves the revised text of the Law regulating local taxation.</li> <li>• Tax ordinances of the town council.</li> </ul>

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

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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%.</li> <li>• 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.</li> <li>• The town council may require self-assessment by the taxpayer or his or her substitute.</li> </ul> <p>In any case, the applicable local regulations must be consulted.</p>
<b>DOCUMENTATION</b>		Settlement or self-assessment document (if applicable).
<b>COMPULSORY</b>	Yes	In town councils where it has been agreed to impose the tax.
<b>ON-LINE PROCESSING</b>	Yes	Through the municipal electronic offices (or those of the Provincial Council, as the case may be).
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Royal Legislative Decree 2/2004, of 5 March, which approves the revised text of the Law regulating local taxation.</li> <li>• Tax ordinance of the relevant town council.</li> </ul>

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.

### Works intended for the development of an activity

In most cases, the start of the activity will require works to enable it to be carried out, or to adapt the physical establishment where it is to be carried out to the characteristics of the activity. In this case, the first thing the promoter should be aware of is that all acts of transformation, construction, building and use of the land and subsoil require, for their lawful exercise, **the granting of a municipal licence or the submission of a prior notification to the town council**, depending on the act.

### MANAGEMENT OF THE PROCEDURE

Local administration.

### 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.
- 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 reparcelling 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.



<b>DEADLINES</b>		Licence applications will be resolved within <b>3 months</b> 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 cases <sup>1</sup> .
<b>COMPULSORY</b>	Yes	In cases where it is mandatory depending on the act to be carried out.
<b>ON-LINE PROCESSING</b>	Yes	Via the municipal electronic offices.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Law 2/2016, of 10 February, on Galician land.</li> <li>• Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.</li> <li>• Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.</li> <li>• Applicable municipal ordinances.</li> </ul>

## Prior notification for the execution of works

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		<p>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:</p> <ul style="list-style-type: none"> <li>• The execution of minor works or installations.</li> <li>• The use of land for the development of commercial, industrial, professional, service or other similar activities.</li> <li>• The use of projections over buildings and installations of any kind.</li> <li>• 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.</li> <li>• 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.</li> <li>• The extraction of minerals, liquids and any other material, as well as dumping in the subsoil.</li> <li>• The installation of greenhouses.</li> <li>• The placing of posters and advertising panels visible from public view, as long as they are not in enclosed premises.</li> <li>• The enclosing and fencing of land.</li> </ul>
<b>DOCUMENTATION</b>		<p>The notification must be accompanied by the following documentation:</p> <ul style="list-style-type: none"> <li>• 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 notifications.</li> </ul>

<sup>1</sup> / Article 54.5 of Law 9/2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.

- 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 the 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, the promoter, prior to the execution of the relevant act, must notify the town council of his or her intention to carry it out at least 15 working days prior to the date on which he or she intends to begin its execution.

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, which must be notified to the interested party by any means that allows accreditation of their receipt.

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<sup>2</sup>.

## COMPULSORY

Yes

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

## ON-LINE PROCESSING

Yes

Via the municipal electronic offices.

## 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.

Before submitting the application for the licence or submitting 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 aquaculture establishment 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 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.

Likewise, since the purpose of the works is the development of an activity, a specific regime<sup>3</sup> is established, which determines that the promoter **must expressly state this circumstance** and, together with the application for the building permit or with the prior notification, submit the following documentation:

- The identification details of the natural or legal person who is the owner of the activity or establishment and, if applicable, of the person representing them, as well as an address for receiving notifications.
- An explanatory report of the activity to be carried out, detailing its basic aspects, its location and the establishment where it is to be executed.
- Proof of payment of the applicable municipal taxes.
- A declaration by the owner of the activity, if applicable, signed by a competent technician, stating that all the requirements for the activity are met and that the establishment meets the safety, health and other conditions laid down in the urban development plan.
- The project and the technical documentation required according to the nature of the activity or installation, drawn up and signed by a competent technician.
- The environmental authorisation or declaration, if applicable.
- Any other sectoral authorisations and reports that may be required.
- Where applicable, the certificate of conformity issued by a municipal conformity certification body.

Thus, in cases in which these two circumstances are present (the performance of the activity and the execution of works for the exercise of such activity) the municipal powers of verification, control and inspection will be exercised, at first, in relation to the activity for which the work is intended, suspending any administrative actions related to this, while the interested party does not duly prove compliance with the legal requirements for the exercise of such activity.

Once the work has been completed, **prior notification will be submitted for the start of the activity or the opening of the establishment**, with no other requirements than the identification details of the owner and the reference of the prior notification or the urban planning permission that covered the work carried out and the final work certificate signed by competent technicians, as well as the acoustic certificate when applicable<sup>4</sup>.

3 / Article 24.2 of Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia; article 11.2 of Decree 144/2016, of 22 September, which approves the Single regulation of integrated control of economic activities and opening of establishments; and article 364 of Decree 143/2016, of 22 September, which approves the Regulation of Law 2/2016, of 10 February, on Galician land.

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

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		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.
<b>DOCUMENTATION</b>		<ul style="list-style-type: none"> <li>• Identification details of the owner.</li> <li>• Reference of the prior notification or planning permission that covered the work carried out.</li> <li>• Final works certificate signed by competent technician.</li> <li>• Acoustic certificate (where applicable).</li> </ul> <p>This information should be supplemented by consulting the local regulations applicable in each case.</p>
<b>COMPULSORY</b>	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.
<b>ON-LINE PROCESSING</b>	Yes	Via the municipal electronic offices.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Decree 144/2016, of 22 September, which approves the single regulation of integrated control of economic activities and opening of establishments</li> <li>• Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia.</li> <li>• Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.</li> <li>• Applicable municipal ordinances.</li> </ul>

## Submission of prior notification of the start of the activity without carrying out works

In cases where it is not necessary to carry out works to start the activity, after carrying out the appropriate sectoral procedures depending on the type of activity in question, the promoter should be aware that, in general, the installation, implementation or exercise of any economic, business or professional activity **requires the presentation by the owner of the activity of a prior notification** to the town council where the activity is to be carried out or the establishment is to be opened.

## Prior notification for the start of the activity without prior works

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
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<b>DESCRIPTION</b>	<p>The installation, implementation or exercise of any economic, business, professional, industrial or commercial activity, as well as the opening of establishments intended for this type of activity, requires the submission by the owner of the activity of a prior notification, with the following exceptions:</p>	
<b>DOCUMENTATION</b>	<p>The notification must be accompanied by the following documentation:</p> <ul style="list-style-type: none"> <li>• execution of activities and the opening of establishments subject to another system of administrative intervention by the applicable sectoral regulations.</li> <li>• execution of activities that are not related to a physical establishment.</li> </ul> <p>The identification details of the natural person or legal entity owning the activity or establishment and, if applicable, of the person representing them, as well as an address for receiving notifications.</p> <p>An explanatory report of the activity to be carried out, detailing its basic aspects, its location and the establishment(s) where it is to be executed.</p> <p>Proof of payment of the applicable municipal taxes.</p> <p>A declaration by the owner of the activity or establishment, if applicable, signed by a competent technician, stating that all the requirements for the activity are met and that the establishment meets the safety, health and other conditions laid down in the urban development plan.</p> <p>The project and the technical documentation required according to the nature of the activity or installation. For these purposes, the project is understood to be the set of documents that define the actions to be carried out, with the content and detail that allows the administration to know their purpose and determine their compliance with the applicable urban planning and sectoral regulations, in accordance with the applicable regulations. The project and the technical documentation will be drafted and signed by a competent technician.</p> <p>The environmental authorisation or declaration, if applicable.</p> <p>Any other sectoral authorisations and reports that may be required.</p> <p>Where applicable, the certificate of conformity issued by the municipal conformity certification bodies set out in these regulations.</p> <p>If the development of the activity or the opening of the establishment requires works to be carried out, the above documentation must be submitted with the prior notification set out in the urban planning regulations or with the application for a building permit.</p> <p>This information should be supplemented by consulting the local regulations applicable in each case.</p>	
<b>COMPULSORY</b>	Yes	<p>In the case of the opening of establishments, a stamped copy of the prior notification must be displayed in a visible and easily accessible place.</p> <p>In any case, the owner of the activity must have a stamped copy of the prior notification and show it when required to do so by an administrative inspection or by any person for whom the activity is carried out.</p>
<b>ON-LINE PROCESSING</b>	Yes	Via the municipal electronic offices.

The submission of a prior notification which complies with the requirements authorises the start of the activity or the opening of the establishment to which it refers, or from the date expressly stated by the person interested in it, without prejudice to the powers of the town councils for the establishment and planning of subsequent verification and control actions.

Once a prior notification has been received, the town council will automatically verify:

- Its own competence.

- If it is a legally indicated means of intervention for the activity or establishment.
- If the prior notification contains the required data and documentation.

If the data or documentation submitted with the prior notification is incomplete or has any other amendable deficiency, the town council will grant the person who submitted it a period of 10 days to repair it. However, in the event that the deficiencies detected are not amendable or are not rectified within the period established, or when the town council determines that it is not competent to receive the prior notification or that the activity or establishment to which it refers is subject to another system of administrative intervention, the procedure for declaring the prior notification ineffective will be initiated automatically.

This verification action will be optional for the town council in those cases in which the documentation provided includes a **certificate of conformity issued by a municipal conformity certification body**, without prejudice to the possibility of carrying out at any time, on its own initiative or at the request of the interested party, the inspection and control actions of the activity or establishment that may be necessary to verify compliance with the requirements established by the applicable regulations.

### Certificates issued by the municipal conformity certification bodies

<b>RESPONSIBLE BODY</b>		Municipal conformity certification bodies (Eccom.)
<b>DESCRIPTION</b>		<p>Entities subject to private law which, after being authorised by the Autonomous Region Administration, having full capacity to act and acting under their responsibility, are constituted for the purpose of carrying out, throughout the territory of the Autonomous Region of Galicia, certification, verification, inspection and control activities regarding the conformity of installations, establishments and activities with the applicable regulations in the municipal scope.</p> <p>The content of the certificates of conformity is not binding for the municipal technical services or for the municipal bodies with competence in the matter, and in no case will it replace the public powers of inspection, verification, control and sanction.</p>
<b>COMPULSORY</b>	No	<p>Persons interested in submitting a prior notification or a licence application to the municipal Administration may contact the entity of their choice among those authorised to carry out municipal conformity certification activities in the territory of the Autonomous Region of Galicia, in order to request the certification of conformity with regard to the installation, establishment, activity or work that is to be the subject of the prior notification or licence application.</p> <p>The relationship between the persons requesting the conformity certification service and the municipal conformity certification bodies will be subject to personal law.</p>
<b>CONSULTATION</b>		Register of Municipal Conformity Certification Bodies of the Autonomous Region of Galicia.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Decree 144/2016, of 22 September, which approves the single regulation of integrated control of economic activities and opening of establishments</li> <li>• Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia.</li> <li>• Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.</li> </ul>

## Changes of ownership of the activity or establishment

The change of ownership of the activity or establishment must be communicated in writing to the town council, so that, in this case, without prejudice to that determined by the local regulations applicable in each case, the prior notification must only include:

- The identification details of the new owner.
- The reference of the initial authorisation and, if applicable, of those to be processed for subsequent changes of ownership or modifications of the activity or establishment.

Responsibility for compliance with the administrative requirements to which the activity or establishment was subject will be transferred to the new owner from the moment the change of ownership becomes effective, regardless of the date on which the change of ownership is notified.





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

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