

CATALOGUE

MAINTENANCE COMPANIES OF LIFTS

EDIT

XUNTA

DE GALICIA

General Technical Secretariat of the First Vice-Presidency of the Regional Ministry of the Economy, Industry and Innovation

MAKES

General Vice-Secretariat for Support for Business

DESIGN

cristinazzdesign

LAYOUT

Grafisant, S.L.

YEAR OF EDITION

2022

PLACE OF EDITION

Santiago de Compostela

MAINTENANCE COMPANIES OF LIFTS

Vice-Presidency of the Regional Ministry of the Economy, Industry and Innovation
General Technical Secretariat
General Vice-Secretariat for Support for Business

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 | Maintenance companies for lifts. Concept |
| PG. 10 | Process flowchart |
| PG. 11 | 2. Formalities for the start-up of a maintenance company of lifts. Summary of the process |
| PG. 13 | 3. Prior requirements |
| PG. 15 | General requirements |
| PG. 16 | Lift maintenance person |
| PG. 17 | 4. Description of the process of responsible declaration and registration in the Register of Conservative Companies of Lifts |
| PG. 21 | 5. Procedure for verifying the responsible declaration |
| PG. 25 | Annex 1. Training requirements necessary for qualifying as a lift maintenance person |
| PG. 29 | Annex 2. Municipal procedures |
| PG. 30 | Possibility of submitting prior consultations to the town council |
| PG. 30 | Payment of taxes, if applicable |
| PG. 32 | Works intended for the development of an activity |
| PG. 36 | Submission of prior notification of the start of the activity without carrying out works |
| PG. 39 | 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.

MAINTENANCE COMPANIES FOR LIFTS. CONCEPT

As stated in Law 9/2021, each of the catalogues must indicate the necessary procedures for the constitution and start-up of the different business initiatives.

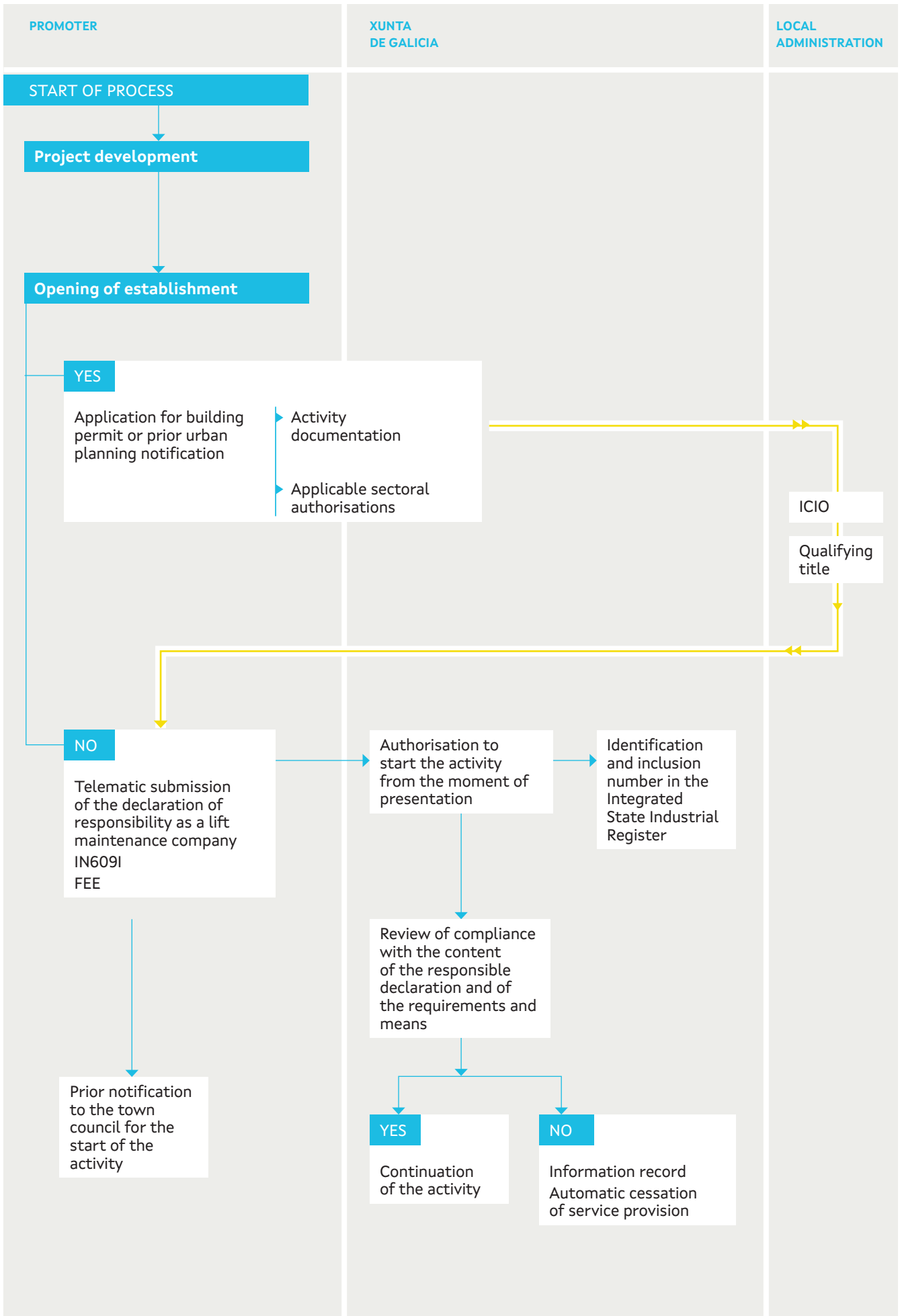
The purpose of this document is the activity of maintenance companies of lifts

Maintenance companies of lifts would be natural or legal persons who carry out major maintenance, repair and alteration activities of lifts covered by the Lifting and Maintenance Equipment Regulation, approved by Royal Decree 2291/1985 of 8 November, and the Complementary Technical Instruction AEM 1 "Lifts" of the aforementioned Regulations.

In this catalogue a lift is defined as any lifting apparatus permanently installed in buildings or constructions serving defined levels, with a passenger compartment that moves along rigid guides and whose inclination over the horizontal is greater than 15 degrees, for the transport of:

- People.
- People and objects.
- Only objects if the cabin is accessible, i.e. if a person can enter it without difficulty and it is provided with drive organs located within the cabin or within the reach of a person located within it.

It also includes lifting equipment that move along a fixed route, even if it is not determined by rigid guides.



2. FORMALITIES FOR THE START-UP OF
A MAINTENANCE COMPANY OF LIFTS.
SUMMARY OF THE PROCESS

This catalogue refers to the procedure for the qualification of companies in the activity of preservation of lifts referred to in the Regulation of lifting and maintenance equipment, approved by Royal Decree 2291/1985 of 8 November and the Complementary Technical Instruction AEM 1 "Lifts" of the aforementioned regulation.

The formalities relating to the establishment of the company or registration as a self-employed person, which imply the endowment of legal personality and the capacity to contract, are not included. These procedures, customary for the establishment of any company, refer to the legal form of the company and its legal, commercial, tax and labour security, in order to be able to carry out its activity. Those relating to the area of occupational risk prevention are not included either.

A description of the formalities to be carried out by the promoter before the relevant local administration is given in **Annex 2**, depending on where the physical establishment in which the activity is carried out and whether or not it is necessary to do previous works.

The procedure for obtaining the qualification in the activity of conservation of lifts involves a single procedure:

1. Presentation of a responsible declaration under the IN609I procedure.

Both natural and legal persons wishing to start their activity in Spain and establish themselves or start their activity under the free provision regime in Galicia will be obliged to submit this declaration. In this declaration, the owner or legal representative of the company must state that he or she complies with the requirements laid down in the regulatory legislation, that he or she has the documentation to prove it, that he or she undertakes to maintain them for the duration of the activity and that he or she is responsible for the carrying and repair activities if they are carried out in accordance with the rules and requirements laid down in the implementing legislation.

3. PRIOR REQUIREMENTS

The first step to be taken by the promoter for the implementation of an activity for the conservation of lifts when he/she needs a venue or physical establishment to carry out his/her activity is to check the urban planning regime that applies to the plot or building on which he or she intends to implement 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 2 months from the submission of the request 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.

LEGAL REGIME OF RURAL LAND

In the event that the activity of conservation of lifts requires a venue or a physical establishment, it is necessary to point out that this use does not fit in any of the admissible uses in the rural land stated in article 35 of Law 2/2016, of February 10, of the soil of Galicia.

Notwithstanding the above, it would be possible to implement it in rural land after obtaining the municipal title of urban nature, in the exceptional cases provided for in Article 40 of the said law (existing buildings of a traditional nature) or the third transitional provision of the law (constructions executed under the protection of an urban development license).

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 (with the cadastral reference or specific location).

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

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

GENERAL REQUIREMENTS

Before starting their business as a maintenance company, natural or legal people wishing to establish themselves in Spain shall submit to the competent body of the autonomous community where they establish a responsible declaration in which the owner of the company or its legal representative declares that it complies with the requirements of the ITC AEM 1 "Elevators", which has the documentation that certifies it and that is responsible for ensuring that the implementation of the facilities is carried out in accordance with the standards and requirements laid down in the above additional technical instruction.

Any event involving a modification of some of the data in the original declaration and the cessation of activity shall be communicated within one month by the person concerned to the competent body of the autonomous community where the responsible declaration was lodged.

Maintenance companies legally established for the exercise of this activity in any other Member State of the European Union wishing to carry out the activity on Spanish territory shall, before the commencement of the activity, submit to the competent body of the autonomous community where they wish to start their activity a responsible declaration with the requirements detailed in the previous paragraph.

Maintenance companies of lifts must comply with the following requirements and have the documentation to prove it, as stated in the Complementary Technical Instruction:

- To have the documentation that identifies the company, which in the case of a legal entity must be legally constituted.
- To have the necessary staff to perform the activity in safety conditions, in sufficient number to handle the facilities they have contracted with a minimum of:
 - ▶ A technical person with a university degree with specific competences in the subject matter of the ITC AEM 1 "Lifts", who will be the technical manager, hired on a full-time basis (unless it is proven that the opening hours of the company are less, in which case it will be admitted that the person is hired part-time to provide services for a number of hours equivalent to the hours during which the company carries out its activity).

The requirement of having a competent technical person with a university degree in the personnel table shall also be satisfied if, in the case of legal entities, the university degree is held by one of the partners of the organization, provided that he/she works for the company on a full-time basis or during the company's business hours.

The figure of the competent university graduate technician may be replaced by that of two or more competent university graduates, whose working hours allow them to cover the full working day or the company's working hours.

- ▶ A maintenance person hired on a full-time basis (unless it is proven that the opening hours of the company are less, in which case it will be admitted that the person is hired part-time to provide services for a number of hours equivalent to the hours during which the company carries out its activity).

The requirement of having a maintenance person on the staff shall also be satisfied if the individual qualification is held by one of the members of the organization, provided that he/she works for the company on a full-time basis, or during its opening hours.

The figure of the maintenance person may be replaced by that of two or more, whose working hours allow them to cover the full working day or the company's working hours.

- To have the necessary technical means to carry out its activity safely.
- To have subscribed a civil liability insurance policy or other equivalent guarantee covering the damages that may be caused in the provision of the service for a minimum amount of 300,000 euros per accident. This minimum

amount shall be updated by order of the person in charge of the Ministry of Industry, Trade and Tourism, whenever necessary to maintain the economic equivalence of the guarantee and following the report of the Government Delegated Commission for Economic Affairs.

- To be responsible for ensuring that the equipment entrusted to it is maintained in correct operating conditions, in full compliance with the requirements of the ITC.
- Guarantee, for a period of two years, the correction of deficiencies attributed to poor execution of the operations entrusted to it, as well as the consequences deriving therefrom.

LIFT MAINTENANCE PERSON

The lift maintenance person is the natural person who has sufficient knowledge to perform maintenance activities and major modifications to lifts.

This profession is regulated, to the extent that the competent Administration establishes some condition that conditions the exercise of the profession or the rendering of the service to the fulfilment of some requirement in relation to the qualification of the people, requirements demanded by section 8 of ITC AEM 1 "Lifts".

He or she must carry out his or her activity in an authorized lift maintenance company and must comply with and be able to prove to the competent Administration, when so required by the latter in the exercise of its powers of inspection, verification and control, one of the following situations:

- To have a university degree whose scope of competence, legal attributions or curriculum covers the subject matter of the ITC AEM 1 "Lifts".
- To hold a vocational training qualification or a certificate of professionalism included in the National Directory of Certificates of Professionalism, whose scope of competence includes the subjects covered by ITC AEM 1 "Lifts".
- To have a recognized professional competence acquired through work experience, in accordance with the provisions of Royal Decree 1224/2009, of 17 July, on the recognition of professional competences acquired through work experience, in the subjects covered by ITC AEM 1 "Lifts".
- To have a recognized professional qualification of lift maintenance acquired in other Member States of the European Union, in accordance with the provisions of Royal Decree 581/2017 of June 9, which transposes into Spanish law Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).
- To hold a certification granted by a body accredited for the certification of people, by ENAC or any other national accreditation body designated in accordance with the provisions of Regulation (EC) No 765/2008 of the European Parliament and of the Council, of 9 July 2008, laying down the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, in accordance with the UNE-EN ISO/IEC 17024 standard.

All entities accredited in the certification of people wishing to grant these certifications must include in their certification scheme an assessment system comprising the minimum contents indicated in Annex X of the ITC AEM 1 "Lifts".

In accordance with Law 17/2009, of 23rd November, on free access to service activities and the exercise thereof, personnel authorised by an autonomous community may carry out this activity within a lift maintenance company throughout Spanish territory, without any additional requirements or conditions being imposed.

4. DESCRIPTION OF THE PROCESS OF RESPONSIBLE DECLARATION AND REGISTRATION IN THE REGISTER OF CONSERVATIVE COMPANIES OF LIFTS

This declaration, which shall conform to the model in Annex VII of decree 51/2011, of 17 March, updating the regulations on industrial safety in the Autonomous Region of Galicia for their adaptation to Directive 2006/123/EC of the European Parliament and of the Council of 12 November 2003 on services in the internal market, must be submitted telematically to the competent regional ministry for industry. In this declaration, the owner or legal representative of the company must state that he or she complies with the requirements laid down in the regulatory legislation, that he or she has the documentation to prove it, that he or she undertakes to maintain them for the duration of the activity and that he or she is responsible for the execution of the installations if they are carried out in accordance with the rules and requirements laid down in the implementing legislation.

The competent department for industry shall automatically assign an identification number to the company which submitted a responsible declaration.

After this process, the company is enabled and can exercise the activity immediately, although it can be the subject of the corresponding inspection tasks to verify the truthfulness of the declared by means of the documentation supporting the declaration.

By means of these declarations, maintenance companies indicate that they comply with the requirements that maintenance, repair and major modifications are carried out in accordance with the rules and requirements laid down in the supplementary technical instruction ITC AEM 1 "Lifts".

To perform this task, the Galician regional administration has a standard procedure (IN609I), which summarizes in the following table:

IN609I. Register of maintenance companies of lifts

| | | |
|---------------------------|-----|---|
| RESPONSIBLE BODY | | Territorial Office of the First Vice-Presidency and Regional Ministry of Economy, Industry and Innovation. |
| DESCRIPTION | | Natural and legal persons shall register in this register before starting their activity. |
| DOCUMENTATION | | <ul style="list-style-type: none"> • Statement of compliance (according to the model in Annex VII). The statement must contain the following information: <ul style="list-style-type: none"> - Details of the declarant and the company. - Fulfilment of the requirements set out in the regulations. - That the documentation accrediting this is in their possession. - That they undertake to maintain its compliance throughout the duration of the activity. - It is responsible for the maintenance of the facilities if it is to be carried out in accordance with the standards and requirements laid down in the regulations. • Documentary proof of payment of the corresponding fees. The process of paying the fee starts from the same form of the responsible declaration, which links to the payment platform of the Galician Tax Agency. |
| COMPULSORY | Yes | Procedure IN609I. |
| DEADLINES | | Open all year round. |
| RESOLUTION | | Automatic. |
| ON-LINE PROCESSING | Yes | |
| ON-SITE | No | |
| REGULATIONS | | <ul style="list-style-type: none"> • Royal Decree 88/2013, of 8 February, approving the Complementary Technical Instruction ITC- AEM 1 "Lifts" of the Regulation of lifting and handling equipment, approved by Royal Decree 2291/1985, of 8 November. • Royal Decree 560/2010, of 7 May, amending various regulations on industrial safety to adapt them to Law 17/2009, of 23 November, on free access to service activities and the exercise thereof, and to Law 25/2009, of 22 December, amending various laws to adapt them to the Law on free access to service activities and the exercise thereof. • Decree 51/2011, of 17 March 2010, updating the regulations on industrial safety in the Autonomous Region of Galicia for their adaptation to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. • Resolution of 12 April 2018, of the Directorate General for Energy and Mines, providing information on the exclusively telematic processing of a number of procedures. |

FEE

| | | |
|---------------------------|-----|---|
| RESPONSIBLE BODY | | Galician Tax Agency. |
| DESCRIPTION | | <p>This procedure is subject to the payment of the fee:</p> <ul style="list-style-type: none">• Start of activity: code 32.07.22.• Modification or cessation of activity: code 32.07.23. <p>You may check the amount by clicking on the following link:</p> <p>http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3.</p> <p>Current fees.</p> |
| DOCUMENTATION | | Form 731 or self-assessment form. |
| COMPULSORY | Yes | |
| ON-LINE PROCESSING | Yes | <p>Virtual Tax Office.</p> <p>The procedure must be carried out through the electronic site at the time of submitting the responsible declaration. The payment of the fee is integrated in procedure IN609I.</p> <p>Payment can be made by charging the bank card, by charging the bank account or by payment in person at a collaborating financial institution using a letter of payment with NRC that can be generated from the same procedure.</p> |
| ON-SITE | No | |
| REGULATIONS | | <ul style="list-style-type: none">• Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Region of Galicia.. |

After completing form IN609I of the declaration and paying the fees, the responsible declaration shall be signed electronically and submitted to the Administration. The company is immediately authorised to operate with the assignment of an identification number.

The company is automatically registered in the Galician Industrial Register and its data will be communicated to the Integrated Industrial Register.

5. PROCEDURE FOR VERIFYING THE RESPONSIBLE DECLARATION

The Administration can verify at any time that it complies with the contents of the responsible declaration required for the beginning of the activity.

The First Vice-Presidency and Regional Ministry of Economy, Industry and Innovation will be in charge of verifying *a posteriori* what has been declared by the promoter. This check is carried out by means of the inspection function. The verification shall refer to those aspects implicit in the application submitted, with the aim of verifying what has been declared about the promoter and the entity itself.

Verification procedure of compliance with the requirements

RESPONSIBLE ODY

Territorial Office of the First Vice-Presidency and Regional Ministry of Economy, Industry and Innovation (inspection function).

DESCRIPTION

Failure to comply with the requirements will result in the automatic termination of the provision of services, unless an error correction procedure can be initiated, without prejudice to any penalties that may derive from the seriousness of the actions carried out.

An informative file shall be opened for the owner of the establishment.

DEADLINES

The interested party shall have fifteen calendar days from the date of the communication to provide the corresponding evidence or disclaimers.

EFFECTS

- Temporary disqualification and/or cessation of activity.
- Deregistration from the Galician Industrial Register and notification to the Ministry of Industry, Tourism and Trade for updating the data in the Integrated Industrial Register.

REGULATIONS

Title V of Law 21/1992, of 16 June, on industry.

ANNEX 1. TRAINING REQUIREMENTS NECESSARY FOR
QUALIFYING AS A LIFT MAINTENANCE PERSON

1. University degree

To have a university degree whose scope of competence, legal powers or syllabus covers the subjects covered by the Regulation on lifting and maintenance equipment, approved by Royal Decree 2291/1985, of 8 November, and the ITC AEM 1 "Lifts" approved by Royal Decree 88/2013, of 8 February.

2. Vocational training qualification

To have a vocational training qualification whose field of competence coincides with the subjects covered by the Regulation on lifting and maintenance equipment, approved by Royal Decree 2291/1985, of 8 November, and the ITC AEM 1 "Lifts" approved by Royal Decree 88/2013, of 8 February.

The Ministry of Industry, Trade and Tourism establishes that the following vocational training qualifications presume that the necessary requirements for the activity of "lift maintenance personnel" have been met:

Titles derived from Organic Law 2/2006, of 3 May (LOE).

- *Electromechanical maintenance technician.*
- *Higher technician in industrial mechatronics.*

Titles derived from Organic Law 1/1990, of 3 October (LOXSE).

- *Higher technician in industrial equipment maintenance.*
- *Technician in electromechanical installation and maintenance of machinery and line driving.*

Titles derived from Law 14/1970, of 4 August (LXE).

- *Specialist technician in electromechanical maintenance, electricity and electronics branch.*
- *Specialist technician in electrical-electronic maintenance, electricity and electronics branch.*
- *Specialist technician in mechanical maintenance, metal branch.*
- *Specialist technician in pneumatic and oil-hydraulic automatisms, metal branch.*
- *Specialist technician in maintenance of automatic machines and systems, metal branch.*
- *Auxiliary technician in line maintenance, metal branch.*
- *Specialist technician in maintenance of auxiliary services installations, electricity and electronics branch.*

3. Certificate of professionalism or certificate of professional competence acquired through work experience.

To have a certificate of professionalism included in the National Directory of Certificates of Professionalism, whose scope of competence includes the subjects covered by the Regulation on Lifting and Maintenance Equipment, approved by Royal Decree 2291/1985, of 8 November, and of the ITC AEM 1 "Lifts" approved by the Royal Decree 88/2013, of 8 February, or have recognised professional competence acquired through work experience, in accordance with the provisions of the Royal Decree 1224/2009, of 17 July, on the recognition of professional competences acquired through work experience, in those subjects.

The professional certificates listed are considered valid to accredit compliance with the situation indicated in section 8 of the ITC AEM 1 "Lifts" to carry out the activity as a lift maintenance person:

- *IMAQ0110 Installation and maintenance of lifts and other fixed lifting and transport equipment.*
- *IMAQ0210 Development of handling, lifting and transport installation projects.*

4. Professional qualification as a lift maintenance technician acquired in another EU Member State.

To have a recognized professional qualification of lift maintenance acquired in other Member States of the European Union, in accordance with the provisions of Royal Decree 581/2017 of June 9, which transposes into Spanish law Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).

5. Certification granted by an accredited body for the certification of people.

To hold a certification granted by a body accredited for the certification of people, by ENAC or any other national accreditation body designated in accordance with the provisions of Regulation (EC) No 765/2008 of the European Parliament and of the Council, of 9 July 2008, laying down the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, in accordance with the UNE-EN ISO/IEC 17024 standard.

ANNEX 2. MUNICIPAL PROCEDURES

The company does not need to obtain a municipal licence for its lift maintenance activities, as the company performs them in situ on a plot, in a building or home owned by a developer or by an individual homeowner, and is covered by the building permit of the developer or of the homeowner in the case of a new installation.

However, a municipal activity licence must be obtained in the event that the company needs to fit out premises as an office for administrative work, storage of materials or for the management of equipment, tools, utensils, etc., which it will use in its main activity.

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, as mentioned at the beginning, 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

| | |
|------------------------------------|---|
| 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. |

| | | |
|---------------------------|-----|---|
| ON-LINE 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, facilities 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. <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. |
| ON-LINE 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 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.

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.

Application for a municipal licence to carry out works

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.

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 cases¹.

COMPULSORY

Yes

In cases where it is mandatory depending on the act to be carried out.

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.

Prior notification for the execution of works

MANAGEMENT OF THE PROCEDURE

Local administration.

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.

1 / Articles 54.3 and 55.2 of Law 9/2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.

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 notifications.
- 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 council².

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 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.

Likewise, since the purpose of the works is the development of an activity, a specific regime is established³ 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 technical project and documentation required according to the nature of the activity or installation, drawn up and signed by a competent technical person.
- 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 applicable⁴.

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

| | | |
|------------------------------------|-----|--|
| 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 | | <ul style="list-style-type: none"> • 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). <p>This information should be supplemented by consulting the local regulations applicable in each case.</p> |
| 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. |
| ON-LINE PROCESSING | Yes | Via the municipal electronic offices. |
| REGULATIONS | | <ul style="list-style-type: none"> • 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. |

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

MANAGEMENT OF THE PROCEDURE

Local administration.

DESCRIPTION

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:

- execution of activities and the opening of establishments subject to another system of administrative intervention by the applicable sectoral regulations.
- execution of activities that are not related to a physical establishment.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- 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.
- 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.
- Proof of payment of the applicable municipal taxes.
- 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.
- 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.
- 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 the municipal conformity certification bodies set out in these regulations.

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

COMPULSORY

Yes

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.

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.

ON-LINE PROCESSING

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

| | |
|-------------------------|---|
| RESPONSIBLE BODY | Municipal conformity certification bodies (Eccom.) |
| DESCRIPTION | <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> |
| COMPULSORY | <p>No</p> <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> |
| CONSULTATION | Register of Municipal Conformity Certification Bodies of the Autonomous Region of Galicia. |
| REGULATIONS | <ul style="list-style-type: none"> • 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. |

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.

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.

