

CATALOGUE

STORAGE, RECOVERY AND WASTE DISPOSAL

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

STORAGE, RECOVERY AND WASTE DISPOSAL

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

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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.

STORAGE, RECOVERY OR WASTE DISPOSAL ACTIVITIES. CONCEPTS

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

In particular, the object of this document is the industrial activity and the provision of services of the companies that carry out storage, recovery or waste disposal activities, regulated by Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Waste Producers and Managers of Galicia.

The Autonomous Region of Galicia has exclusive competence to lay down additional rules for environmental and landscape protection, in accordance with Article 27 of the Statute of Autonomy of Galicia.

Law 6/2021, of 17 February, on Galician waste and contaminated soils, together with the basic state regulations, constituted by the Law on Waste and Contaminated Soil for a Circular Economy, of 8 April 2022, establish a system of administrative intervention for certain waste production and management activities, including the storage, recovery and disposal of waste, to which this catalogue refers.

Regulatory development of this intervention system is set out in Decree 174/2005, of 9 June, which also lists the activities that can be registered in the Galician General Register of Waste Producers and Managers.

For the purposes of this catalogue, and in accordance with the above regulations, it is important to define the following concepts:

Waste: Any substance or object whose holder discards, intends to or is required to discard it

Hazardous waste: Waste that presents one or more of the hazardous characteristics listed in Annex I of Law 7/2022, of 8 April, on waste and contaminated soils for a circular economy, and the waste that is qualified as hazardous waste by the Government in accordance with the provisions of European Union regulations or international conventions to which Spain is a party. Containers and packaging containing residues of or contaminated by hazardous substances or preparations are also covered by this definition, unless it can be shown that they do not possess any of the hazardous characteristics listed in Annex I.

Storage: Temporary storage of waste for less than two years for recovery and one year for disposal. In the case of hazardous waste, in both cases, the maximum period shall be six months; in exceptional cases, the competent authority of the Autonomous Communities where the storage takes place, for duly justified reasons and as long as the protection of human health and the environment is guaranteed, may modify this period, extending it by a maximum of another six months.

Recovery: Any operation whose main result is that the waste serves a useful purpose by replacing other materials that would otherwise have been used to fulfil a particular function or that the waste is prepared to fulfil that function

in the facility or in general economy. In Annex II of Law 7/2022, of 8 April, of waste and contaminated soils for a circular economy, a non-exhaustive list of recovery operations is set out below.

Treatment: Recovery or disposal operations, including preparation prior to recovery or disposal.

Preparation for re-use: The recovery operation consisting of testing, cleaning or repair, whereby products or components of products that would become waste are prepared so that they can be reused without further processing and are no longer considered as waste if they meet the applied technical and consumer product standards.

Recycling: Any recovery operation by which waste materials are transformed back into products, materials or substances, whether for the original purpose or for any other purpose. It includes the transformation of organic material, but not energy recovery or transformation into materials to be used as fuels or for backfilling operations.

It should be noted that the promoter should consult the **Galician Waste Information System (SIRGa)**, a site where citizens and companies can access information related with waste management in Galicia, since, depending on the activities carried out by the company, it may be required to obtain prior authorisation or to report its waste production and management activities.

The promoter can check this information through this link:

<https://sirga.xunta.gal/autorizacions-e-notificaciones>

EXCLUDED ACTIVITIES FROM THIS CATALOGUE

The activities related with waste management appearing in annex I from Royal Legislative Decree 1/2016, of 16 December, approving the revised text of the Law on integrated pollution prevention and control are excluded from this catalogue.

These activities will be subject to integrated environmental authorisation and will be processed through the procedure provided for in the aforementioned regulation (procedure in the electronic office of the Xunta de Galicia MT201Y). They are the following ones:

"5.1 Installations for the recovery or disposal of hazardous waste with a capacity exceeding 10 tonnes per day which carry out one or more of the following activities:

- a) Biological treatment;
- b) Physical-chemical treatment;

- c) Combination or mixture prior to the operations mentioned under 5.1 and 5.2;
- d) Repackaging prior to the operations mentioned under 5.1 and 5.2;
- e) Solvent recovery or regeneration;
- f) Recycling or recovery of inorganic materials other than metals or metal compounds;
- g) Regeneration of acids or bases;
- h) Recovery of components used to reduce pollution;
- i) Recovery of components from catalysts;
- j) Regeneration or re-use of oils;
- k) Surface impoundment (e.g. discharge of liquid waste or mud into wells, ponds or lagoons, etc.).

5.2 Installations for the recovery or disposal of hazardous waste in waste incineration or co-incineration plants:

- (a) For non-hazardous waste with a capacity exceeding three tonnes per hour;
- (b) For hazardous waste with a capacity exceeding ten tonnes per day;

5.3 Installations for the disposal of non-hazardous waste with a capacity of more than 50 tonnes per day, which include one or more of the following activities, excluding those covered by Royal Decree-Law 11/1995, of 28 December 1995, which lays down the rules applicable to the treatment of urban waste water:

- a) Biological treatment;
- b) Physical-chemical treatment;
- c) Treatment prior to incineration or co-incineration;
- d) Slag and ash treatment;
- e) Shredder treatment of metal waste, including electrical and electronic waste and end-of-life vehicles and their components.

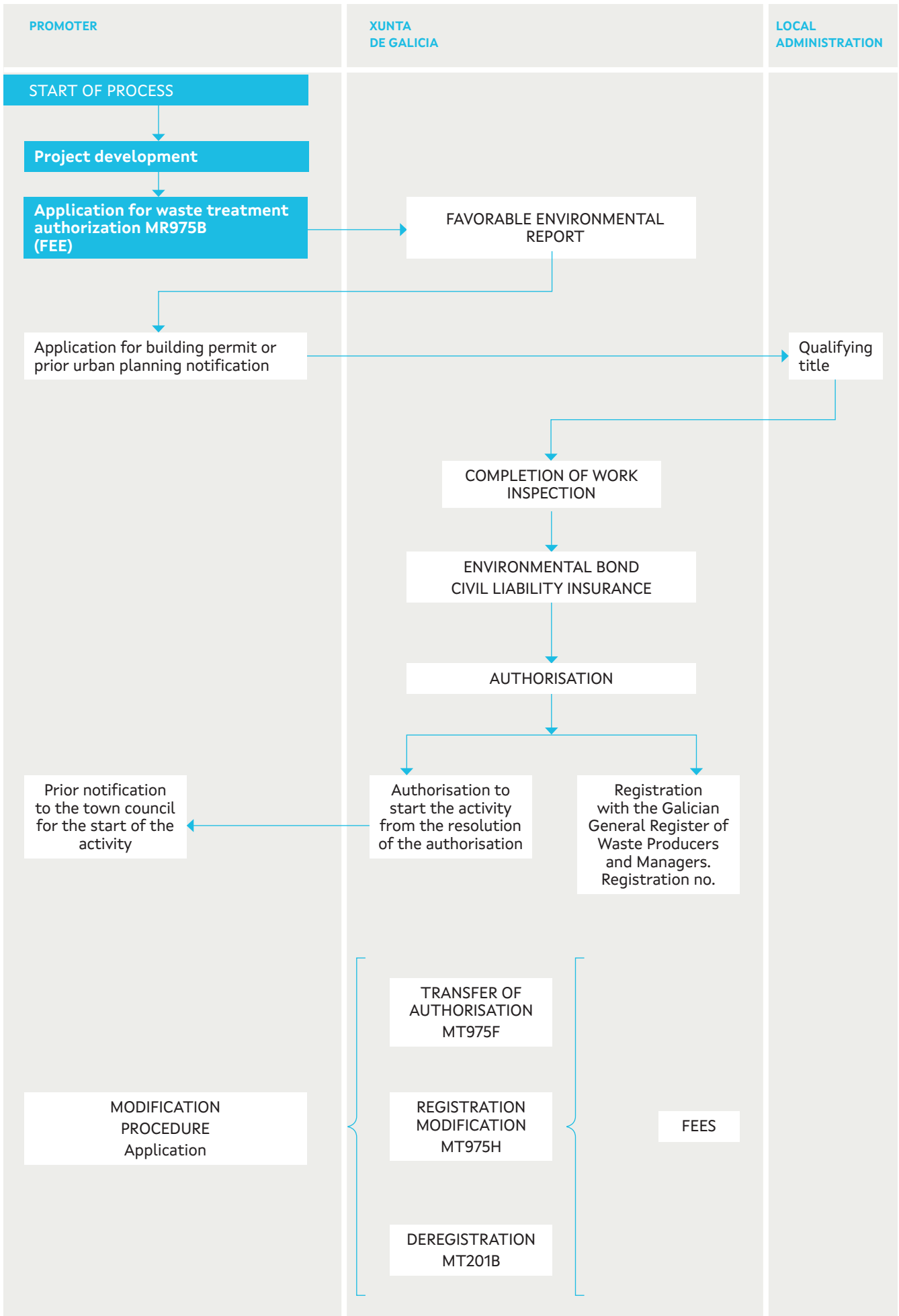
5.4 Recovery, or a mixture between recovery and disposal, of non-hazardous waste with a capacity of more than 75 tonnes per day, which include one or more of the following activities, excluding those covered by Royal Decree-Law 11/1995, of 28 December, which lays down the rules applicable to the treatment of urban waste water:

- a) Biological treatment;
- b) Treatment prior to incineration or co-incineration;
- c) Slag and ash treatment;
- d) Shredder treatment of metal waste, including electrical and electronic waste and end-of-life vehicles and their components. Where the only waste treatment activity carried out in the facility is anaerobic digestion, the capacity thresholds for this activity shall be 100 tonnes per day.

5.5 Landfills for all types of waste receiving more than 10 tonnes per day or with a total capacity of more than 25,000 tonnes, excluding landfills for inert waste.

5.6 Temporary storage of hazardous waste not covered in 5.5 pending application of one of the treatments referred to in 5.1, 5.2, 5.5 and 5.7, with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, at the place where the waste is generated.

5.7 Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.



2. SECTORAL REQUIREMENTS

Prior urban planning procedures

The first step to be taken by the promoter for the implementation of this kind of 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 two 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**.

General legal regime of rural land

Article 35.1.m) of Law 2/2016, of 10 February, on Galician land, and 50.1) of Decree 143/2016, of 22 September, which approves its implementing Regulations, includes waste management and treatment facilities among the admissible uses on rural land.

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

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

The implementation of these uses must be carried out in the terms set out in the report of the Galician Advisory Council CCG 341/2018, of 10 October, which considers that these uses are properly dotacional in accordance with Article 13 of the Consolidated Text of the Law on Land and Urban Rehabilitation, approved by Royal Legislative Decree 7/2015, of 30 October.

Sectoral reports or authorisations for land.

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/>

Prior consultation on landscaping.

The promoter of the activity included in this catalogue must first consult the Institute of Territorial Studies on the need to draw up a landscape integration impact study.

In this prior consultation procedure, the promoter will provide a technical report of the activity to be carried out together with the location or situation of the facilities and construction specifications of the buildings or elements linked to the future activity in terms of design, colours and materials to be used in the exterior finishes.

The applicable legislation is Law 7/2008, of 7 July 2008, on the protection of the Galician landscape, Decree 96/2020, of 29 May 2008, approving its Regulations and

Decree 238/2020, of 29 December 2008, approving the Galician Landscape Guidelines.

Contaminated soil obligations

The holders of the activities listed below must submit a Preliminary Situation Report (PSR) at the start of the activity and a Situation Report (SAR) every 5 years:

- a) The industrial and commercial activities mentioned in Annex I of Royal Decree 9/2005, of 14 January, which establishes the list of potentially soil-polluting activities and the criteria and standards for the declaration of contaminated soils, with CNAE 35.38.
- b) Activities that produce, handle or store more than 10 tonnes per year of one or more hazardous substances (Royal Decree 363/1995, of 10 March 1995, approving the Regulation on classification, packaging and labelling of hazardous substances).
- c) Fuel storage facilities for own use according to Royal Decree 2085/1984, of 20 October 1984, approving the Regulation of oil installations, with an average annual consumption of more than 300,000 litres and with a total storage volume equal to or higher than 50,000 litres.

3. FORMALITIES FOR SETTING UP A STORAGE, RECOVERY AND WASTE DISPOSAL COMPANY.

SUMMARY OF THE PROCESS

The aim of this catalogue is to provide those interested in starting up the industrial activity and the provision of services for companies engaged in the storage, recovery and waste disposal in fixed installations 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.

The legal regime for the production and management of waste in Galicia liberalises the initiation of service activities for certain activities, while for others it establishes a system of administrative intervention, requiring prior authorisation.

According to Article 32 of Law 6/2021, of 17 February 21, on waste and contaminated soils in Galicia, the following activities, among others, are subject to the prior administrative authorisation system:

- a) Installations located in the territory of the Autonomous Community of Galicia in which waste treatment operations are to be carried out, including storage in the area of collection pending treatment, as well as the extension, substantial modification or relocation of such installations.
- b) (...).
- c) Natural or legal persons resident in the territory of the Autonomous Community of Galicia who are going to carry out one or more waste treatment operations.

These activities correspond to the activities covered by this catalogue, thus requiring the processing of an authorisation prior to the start of the activity, both in the case of hazardous and non-hazardous waste.

4. AUTHORISATION PROCEDURE FOR STORAGE,
RECOVERY OR WASTE DISPOSAL ACTIVITIES.
REGISTRATION WITH THE GALICIAN GENERAL
REGISTER OF WASTE PRODUCERS AND MANAGERS

The administrative authorisation procedure for storage, recovery or waste disposal activities begins with the submission of the MT957B authorisation application form, in application of Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste, and Order of 9 June 2016 by, which the open-term administrative procedures of the Regional Ministry of Environment are adapted and made available electronically.

The granting of authorisation, as well as the notification made in accordance with the provisions of this decree, entails the registration ex officio in the General Register of Waste Producers and Managers of Galicia, and the interested party will be informed of the registration number.

Authorisations shall be granted after verification of the facilities where the activity to be authorised is to be carried out. In order to carry out the aforementioned verification, the interested party shall notify the end of the work on the installation, providing a certificate of completion certified by the competent professional association.

Once the documentation provided is checked, the competent directorate general for waste shall grant the authorisation or, where appropriate, refuse it by means of a reasoned decision. The authorisation may be refused, among other cases included in Article 33 of Law 6/2021, of 17 February, on waste and contaminated soils of Galicia, when the operations to be carried out with waste are not sufficiently accredited or when its previous management is not in accordance with national or autonomic waste plans.

Once the authorization has been granted, the activity may be carried out for a maximum period of five years, which may be extended for the same period with a limit of two successive extensions.

In order to facilitate administrative proceedings, the regional Administration has made a standardised procedure (MT975B) available to citizens on the Xunta de Galicia's electronic office, which may be used to request for authorisation for waste treatment.

This authorization procedure, as well as the registration in the General Registry of Waste Producers and Managers of Galicia, is subject to the payment of fees.

The following explanatory sheets provide further information on the authorization procedure and the corresponding fees.

Authorisation for waste treatment MT975B Storage, recovery or waste disposal activities

RESPONSIBLE BODY

Waste Service. Directorate General for Environmental Quality, Sustainability and Climate Change.

DESCRIPTION

Authorisation of storage, recovery or waste disposal activities.

DOCUMENTATION

- Application form for authorisation (Annex I).
- Data relating to each work centre where the activity is to be carried out and, for each type of operation, a statement of the type of waste and estimated amount of waste to be managed annually, with its identification according to Annex III of Law 22/2011, of July 28, (only for hazardous waste) and Annex 1 of Order MAM/304/2002, of February 8 (Annexes II-X).
An annex should be covered for each facility, management activity and type of waste managed (one for hazardous waste and one for non-hazardous waste).
- Clarification of the LER-RAEE codes of the application according to the table included in Annex VIII of Royal Decree 110/2015, of 20 February, on waste electrical and electronic equipment, only if the application includes this type of waste.
- Tax identification number (NIF) of the company or, if applicable, of the applicant (only in the case of not authorising the consultation).
- Proof of representation of the legal entity with a copy of the notarial deed of representation duly registered in the commercial register.
- Destination certificates of the waste manager receiving the output waste of the management facility.
- Technical and operating project, with the minimum content of Annex VI of Decree 174/2005, of 9 June 2005 (on paper and in digital format). For landfill disposal activities, the technical documentation to be submitted shall be as set out in the Order of 20 July 2009.
- Justification that the location chosen for the facilities complies with the criteria established in the Galician Industrial Waste Management Plan 2016-2022, only if they are located outside an industrial estate.
- Proof of payment of the administrative fee.

DOCUMENTATION FOR PROJECTS SUBJECT TO AIA

For those projects considered in Annex II of Law 21/2013, of 9 December, on environmental assessment, in which the project must be subject to a simplified environmental impact assessment, according to the procedure established in article 45, by which the environmental document (in digital format, preferably in PDF) must be submitted. The minimum content of the study shall be as listed below:

- The reasons for the application of the procedure of simplified environmental impact assessment.
- Definition, characteristics and location of the project.
- A statement of the main alternatives analysed and a justification of the main reasons for the solution adopted, taking into account the environmental effects.
- An assessment of the foreseeable direct or indirect, cumulative and synergistic effects of the project on the population, human health, flora, fauna, biodiversity, soil, air, water, climatic factors, landscape, material assets including cultural heritage and the interaction between all the above factors, during the implementation, operation and, if applicable, during demolition or abandonment phases of the project.

CONTENT

The authorisation will contain at least the following specifications:

- That the authorisation shall be granted without prejudice to any other licences required by the applicable regulations.
- Authorised waste manager number.
- The validity of the authorisation.
- The obligation to comply with the technical requirements set out in the projects or descriptive report of the activity submitted.
- The need to comply with the obligations laid down in the applicable legislation.

- The amount of the bond in the cases where it is required.
- Consequences of non-compliance with authorisations.
- For the activities of hazardous waste management, shall state the conditions and requirements for the exercise and the grounds for the revocation of authorisation.
- For landfill disposal activities, it includes the types and quantities of waste, technical requirements, safety precautions to be taken or the location where disposal activities are to be carried out and the disposal method to be used.

The authorisation may require the introduction of appropriate corrective measures, which may also be required at any time during the period of the authorisation.

DURATION

The authorisation will be granted for a maximum period of 8 years, after which it will be automatically renewed for successive equivalent periods following a favourable inspection by the competent authorities, with the exception of authorisations granted to installations to which Royal Legislative Decree 1/2016, of 16 December, approving the revised text of the Law on Integrated Pollution Prevention and Control, is applicable, whose term of validity will be the same as that of the integrated environmental authorisation.

However, even if they are automatically renewed, the bond, insurance or equivalent financial bond and other requirements included in the authorisation may be revised and updated.

DEADLINES

Open all year round.

ON-LINE PROCESSING

Yes

<https://sede.xunta.gal/detalle-procedemento?codtram=MT975B&ano=2016&numpub=1&lang=es>

ON-SITE

No

RESOLUTION DEADLINE

Ten months. The procedure does not end the administrative procedure

EFFECTS OF ADMINISTRATIVE SILENCE

Dismissal.

REGULATIONS

- Law 7/2022, of 8 April, on waste and contaminated soils for a circular economy.
- Law 6/2021, of 17 February, on Galician waste and contaminated soils.
- Royal Decree 9/2005, of 14 January, which establishes the list of potentially soil-polluting activities and the criteria and standards for the declaration of contaminated soils.
- Decree 60/2009 of 26 February 2009 on potentially contaminated soil and procedure for the declaration of contaminated soil.
- Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Producers and Managers of Galicia.
- Decree 7/2020, of 9 January, of environmental inspection of Galicia.
- Royal decree 646/2020, of 7 July, regulating the disposal of waste by means of landfills.
- Order of 20 July 2009, regulating the construction and management of landfills in the Autonomous Community of Galicia.
- Order of 9 June 2016 by which the open-term administrative procedures of the Regional Ministry of the Environment and Territorial Planning are adapted and made available electronically.

Waste manager authorisation fee for storage, recovery and waste disposal activities

RESPONSIBLE BODY		Galician Tax Agency (ATRIGA).
DESCRIPTION		This procedure is subject to the payment of the fee coded 32.52.03. You may check the amount by clicking on the following link:
ON-LINE PROCESSING	Yes	http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3 . We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

5. FINANCIAL GUARANTEES

As regards the form and calculation of the financial guarantees, the provisions of Royal Decree 208/2022 of 22 March on financial guarantees for waste shall apply.

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. MODIFICATION PROCEDURES

7.1. TRANSFER OF AUTHORISATION

The transfer of the authorisation is subject to prior application by the interested party and to verification by the competent body that the activities and installations comply with the applicable waste regulations and with the provisions of the authorisation itself.

The Xunta de Galicia's electronic office contains the authorisation transmission standardisation procedure described below.

Transfer of authorisation MT975F

RESPONSIBLE BODY		Waste Service. Directorate General for Environmental Quality, Sustainability and Climate Change.
DESCRIPTION		Application for the transfer of authorisations between companies to carry out waste management activities.
DOCUMENTATION		<ul style="list-style-type: none"> • Application according to Annex I. • Administrative fees derived from the processing of the application. • Proof of legal representation of the legal entity with a copy of the notarial deed of representation duly registered in the commercial register of the new company. • Supportive documentation of the transfer. • For those activities for which a bond or civil liability insurance is required, documentary proof of its constitution in the name of the company to which the authorisation is transferred must be presented. <p>Link to consult the guarantee model: https://sirga.xunta.gal/fianza-ambiental-tramite.</p> <ul style="list-style-type: none"> • Report-summary of the information contained in the chronological file up to the date of the application itself.
DEADLINES		Open all year round.
ON-LINE PROCESSING	Yes	https://sede.xunta.gal/detalle-procedemento?codtram=MT975F&ano=2016&numpub=1&lang=gl .
ON-SITE	Yes	For persons who are not obliged to interact electronically with the Administration.
RESOLUTION DEADLINE		Ten months. The procedure does not end the administrative procedure
EFFECTS OF ADMINISTRATIVE SILENCE		Negative.
REGULATIONS		<ul style="list-style-type: none"> • Law 7/2022, of 8 April, on waste and contaminated soils for a circular economy. • Law 6/2021, of 17 February, on Galician waste and contaminated soils. • Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Producers and Managers of Galicia. • Order of 9 June 2016 by which the open-term administrative procedures of the Regional Ministry of the Environment and Territorial Planning are adapted and made available electronically.

Fee for deregistration or transfer of ownership of the waste manager authorisation fee for storage, recovery and waste disposal activities

RESPONSIBLE BODY	Galician Tax Agency (ATRIGA).
DESCRIPTION	This procedure is subject to the payment of the fee coded 32.52.14. You may check the amount by clicking on the following link:
ON-LINE PROCESSING	Yes http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3 . We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

7.2. AUTHORISATION FOR THE MODIFICATION OF REGISTRATION WITH THE GALICIAN GENERAL REGISTER OF WASTE PRODUCERS AND MANAGERS

The authorising body may modify the authorisation ex officio in order to impose corrective measures, to adapt the authorisation to the regulations in force at any given time or for duly justified reasons of public interest. It may also be processed at the request of the person concerned, in the event of substantial modifications to the facilities, processes or others that modify the circumstances taken into account at the time it was granted. The authorisation modification will be done, if applicable, after the hearing of the interested party.

In the electronic office it is included, available to the interested parties, a standardised procedure for the aforesaid modification.

Authorisation for the modification of registration with the Galician General Register of Waste producers and Managers MT975H

RESPONSIBLE BODY	Waste Service. Directorate General for Environmental Quality, Sustainability and Climate Change.
DESCRIPTION	Modify the registration of activities subject to authorisation in the Galician General Register of Waste Producers and Managers. In the activity of storage, recovery or disposal of waste, modification of facilities or waste.

DOCUMENTATION

- Modification request form according to Annex I.
- Annex II-MA only in the case of having more facilities or wastes than allowed in the table "Procedure specific data".
- Clarification of the LER-RAEE codes of the application according to the table included in Annex VIII of Royal Decree 110/2015, of 20 February, on waste electrical and electronic equipment, only if the application includes this type of waste.
- Justification that the location chosen for the facilities complies with the criteria established in the Galician Industrial Waste Management Plan 2016-2022, only if they are located outside an industrial estate (in the case of facilities extensions).
- Administrative fees derived from the processing of the application.
- Annex to the project submitted at the time, describing the management activity to which the new waste is subjected, description of the machinery used, storage system and any other modification of the facilities and processes with respect to the project submitted at the time for obtaining the management authorization.
- Technical and operating project, with the minimum content of Annex VI of Decree 174/2005, of 9 June 2005 (if facilities extensions are required).
- Environmental documentation, in those cases in which it is required by current environmental assessment legislation.
- Proof of legal representation of the company with a copy of the notarial deed duly registered in the commercial register (only legal entities).
- Destination certificates of the waste manager receiving the output waste of the management facility.
- In the case of hazardous waste, a civil liability insurance policy must be arranged to cover the risk of indemnification for possible damages caused to third parties or their property, derived from the exercise of the activities subject to the administrative authorization in the new work centre.

DEADLINES

Open all year round.

ON-LINE PROCESSING

Yes

<https://sede.xunta.gal/detalle-procedemento?codtram=MT975H&ano=2016&numpub=1&lang=gl>.

ON-SITE

Yes

For persons who are not obliged to interact electronically with the Administration.

RESOLUTION DEADLINE

Ten months. The procedure does not end the administrative procedure

EFFECTS OF ADMINISTRATIVE SILENCE

Negative.

REGULATIONS

- Law 7/2022, of 8 April, on waste and contaminated soils for a circular economy.
- Law 6/2021, of 17 February, on Galician waste and contaminated soils.
- Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Producers and Managers of Galicia.
- Order of 9 June 2016 by which the open-term administrative procedures of the Regional Ministry of the Environment and Territorial Planning are adapted and made available electronically.

This procedure is subject to the payment of a fee. Depending on the type of action, they would be the following:

FEES

Fee for authorization of modification due to centre expansion

RESPONSIBLE BODY

Galician Tax Agency (ATRIGA).

DESCRIPTION		This procedure is subject to the payment of the fee coded 32.52.03. You may check the amount by clicking on the following link:
ON-LINE PROCESSING	Yes	http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3 . We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

Modification of the authorizations of recovery and disposal managers

RESPONSIBLE BODY		Galician Tax Agency (ATRIGA).
DESCRIPTION		This procedure is subject to the payment of the fee coded 32.52.16. You may check the amount by clicking on the following link:
ON-LINE PROCESSING	Yes	http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3 . We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

Modification of the authorizations of waste storage managers

RESPONSIBLE BODY		Galician Tax Agency (ATRIGA).
DESCRIPTION		This procedure is subject to the payment of the fee coded 32.52.17. You may check the amount by clicking on the following link:
ON-LINE PROCESSING	Yes	http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3 . We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

7.3. DEREGISTRATION WITH THE GALICIAN GENERAL REGISTER OF WASTE PRODUCERS AND MANAGERS

Deregistration with the Galician General Register of Waste Producers and Managers. MT201B

RESPONSIBLE BODY	Directorate General for Environmental Quality, Sustainability and Climate Change.
DESCRIPTION	Request deregistration with the Galician General Register of Waste Producers and Managers.
DOCUMENTATION	<ul style="list-style-type: none"> • Application form in accordance with Annex II of the Order of July 7, 2020. • Proof of payment of administrative fees • Annual report summarizing the content of the information contained in the chronological file for the activity carried out during the calendar year up to the termination of the activity.
DEADLINES	Open all year round.
ON-LINE PROCESSING	Yes https://sede.xunta.gal/detalle-procedemento?codtram=MT201B&ano=2020&numpub=1&lang=gl .
ON-SITE	For persons who are not obliged to interact electronically with the Administration.
RESOLUTION DEADLINE	Three months. The procedure does not end the administrative procedure
EFFECTS OF ADMINISTRATIVE SILENCE	Negative.
REGULATIONS	<ul style="list-style-type: none"> • Law 7/2022, of 8 April, on waste and contaminated soils for a circular economy. • Law 6/2021, of 17 February, on Galician waste and contaminated soils. • Decree 174/2005, of 9 June, which regulates the legal regime for the production and management of waste and the General Register of Producers and Managers of Galicia. • Order of July 7, 2020, which electronically enables the open-term administrative procedures of the competent body for environmental quality and climate change of the Regional Ministry of Environment, Territory and Housing and enables them in the electronic site of the Xunta de Galicia.

This procedure is subject to the payment of the following fee:

FEE

Deregistration or transfer of ownership of the waste manager authorisation for storage, recovery and waste disposal activities

RESPONSIBLE BODY	Galician Tax Agency (ATRIGA).
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DESCRIPTION

This procedure is subject to the payment of the fee coded 32.52.14.

You may check the amount by clicking on the following link:

**ON-LINE
PROCESSING**

Yes

<http://www.atriga.gal/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3>.

We provide the link to the Atriga website, but the interested party may pay these fees at the electronic office as one of the steps in the on-line processing of the registration procedure.

ANNEX 1. MUNICIPAL PROCEDURES

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.

In the case that the waste management and treatment facility is located on rural land of special protection in accordance with the provisions of Article 36.2 of Law 2/2016, of February 10, on the land of Galicia, and Article 51.2 of its Regulations, approved by Decree 143/2016, of September 22, on the rural land of special protection it will be necessary to obtain the authorization or favorable report from the body that has the corresponding sectorial competence prior to obtaining the municipal enabling title.

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

- 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

- The ICIO is an indirect tax, imposed at the discretion of the taxpayer, whose taxable event is constituted by the execution, within the municipality, of any construction, installation or work for which the corresponding building or urban planning licence is required, whether or not the said licence has been obtained, or for which the submission of a statement of compliance or prior notification is required, provided that the issuing of such licence or the control activity corresponds to the town council responsible for the imposition of the tax.
- The persons subject to this tax are the owners of the construction, installation or work, whether or not they are the owners of the property on which it is carried out, i.e. whoever bears the expenses or the cost incurred in such execution.
- The taxable base is constituted by the real and effective cost of the construction, installation or work (cost of material execution), as set out in the local taxation regulations, and the tax rate will be set by each town council, without it exceeding 4%.
- The town council may establish optional reductions on the tax rate, including the possible existence, if so regulated in the municipal tax ordinances, of a reduction of up to 95% of the tax rate for constructions, installations or works that are declared to be of special or municipal interest due to circumstances related, among other factors, to the promotion of employment.
- The town council may require self-assessment by the taxpayer or his or her substitute.

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

DOCUMENTATION

Settlement or self-assessment document (if applicable).

COMPULSORY

Yes

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

ON-LINE PROCESSING

Yes

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

REGULATIONS

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

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

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

GESTIÓN DO TRÁMITE

Administración local.

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.

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.

- The installation of greenhouses.
- The placing of posters and advertising panels visible from public view, as long as they are not in enclosed premises.
- The enclosing and fencing of land.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person who is the promoter and, if applicable, of the person representing him or her, as well as an address for 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 this regard, it is necessary to reiterate that in the case that the waste management and treatment facility is located on rural land of special protection in accordance with the provisions of Article 36.2 of Law 2/2016, of February 10, on the land of Galicia, and Article 51.2 of its Regulations, approved by Decree 143/2016, of September 22, on the rural land of special protection it will be necessary to obtain the authorization or favorable report from the body that has the corresponding sectorial competence prior to obtaining the municipal enabling title.

Likewise, since the purpose of the works is the development of an activity, a specific regime³ 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.

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.

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.

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.

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

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	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>
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.

