

CATALOGUE

# TOURIST HOSTELS

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## TOURIST HOSTELS

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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 accompaniment and information that offers them **the possibility of carrying out administrative procedures at regional and local level, in cases of adhesion of municipalities to this system.**

### CATALOGUES

As a measure to support the implementation of business initiatives, chapter I includes a reference to the creation of a series of **catalogues** approved by the Council of the Xunta de Galicia. In point 1 of article 14 it is specified that, through the Investment Support System, it will be possible to access 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.

### TOURIST HOSTELS. 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 **subject of this document** is the activity of **tourist hostel**, in accordance with the definition contained in Law 7/2011, of October 27th, on tourism in Galicia, and in Decree 48/2016, of April 21th, which establishes the regulation of tourist hostels.

Article 27.21 of the Statute of Autonomy of Galicia grants the Autonomous Region of Galicia exclusive competence for the promotion and organisation of tourism in its territory. Law 7/2011, of October 27th, on tourism in Galicia, regulates tourist accommodation companies in chapter IV of title IV and refers, in article 55, to tourist hostels as one of the types of establishment in which the tourist accommodation activity may be carried out.

Article 74 of the aforementioned law states that tourist hostels are establishments that offer accommodation on a per-place basis, mostly in shared rooms, with or without complementary services, referring the requirements that may serve as criteria for their classification to regulatory development.

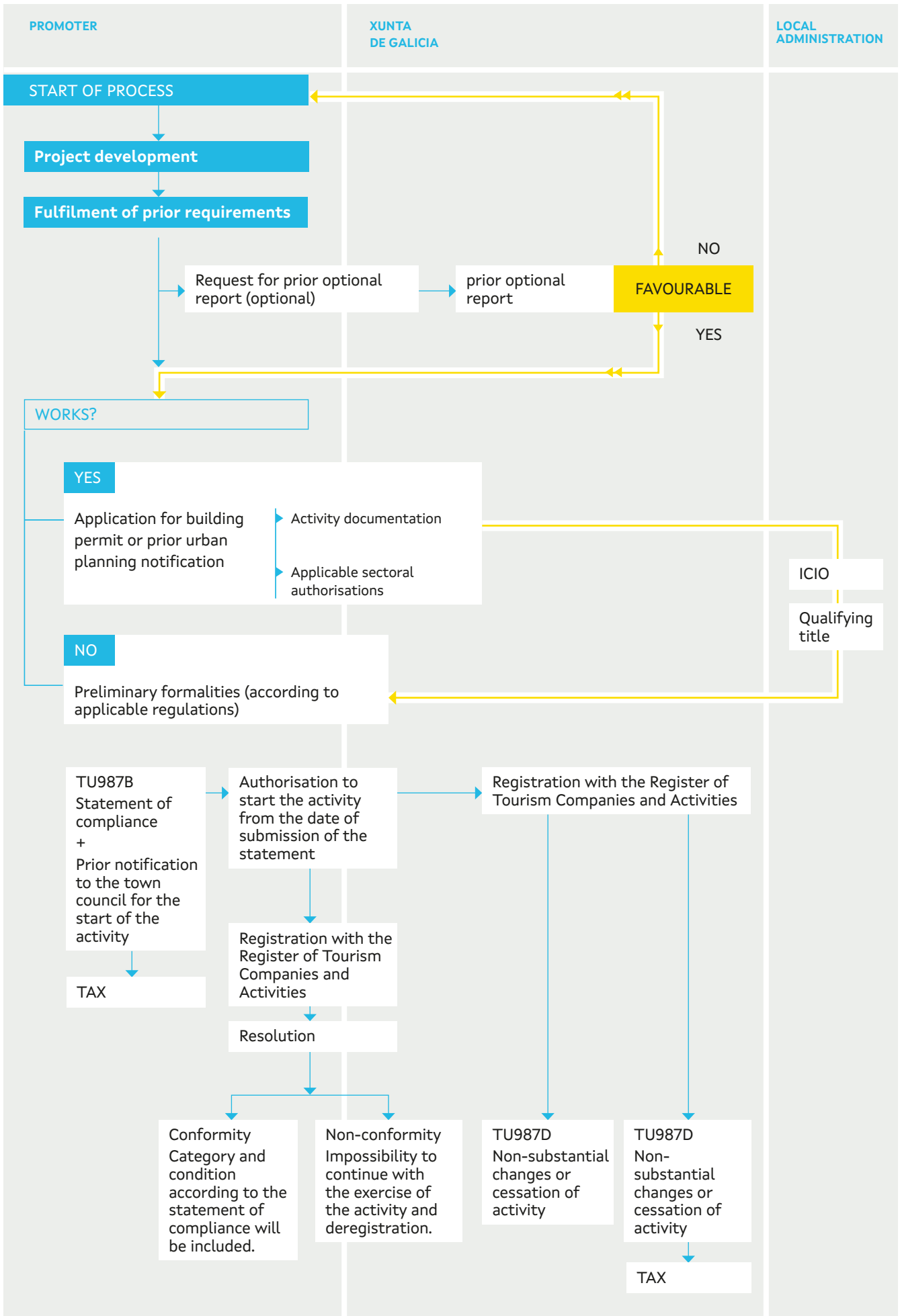
Regulatory development is carried out in Decree 48/2016, of April 21th, which establishes the management of tourist hostels, literally reflecting the concept of the law and classifying the hostels in first-category tourist hostels, second-category tourist hostels and pilgrims' hostels on the Way of Saint James.

The pilgrims' hostels on the Way of Saint James are a special category of tourist hostels. In order to have this status recognised, they must:

- Meet the minimum requirements for a second-category tourist hostel.
- Be located in an area of 3 km around the Way of Saint James.
- Be managed by non-profit organisations.
- Have hospitality to the pilgrim as an essential element in the development of its activity.

The following establishments are excluded from the scope of Decree 48/2016 of April 21th:

- Publicly owned pilgrims' hostels, which are governed by their specific regulations.
- Youth hostels integrated in the network of youth hostels, which are governed by their specific regulations.
- Establishments providing accommodation in collective rooms for school, educational or social purposes, such as temporary areas dedicated to cultural, sporting or recreational events, which are governed by their specific regulations.



## 2. 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**.

## Sectoral reports or authorisations

The information on the sectoral effects applicable to a plot may be consulted by anyone interested in the **Basic Regional Plan of Galicia**, which is a dynamic tool that is essential to reflect the complex reality of sectoral regulations on the territory and which allows the public to have access to all relevant information from a territorial point of view, updated and universally accessible, throughout our Autonomous Region.

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

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

## Setting up on rural land: legal regime

### 1.- General legal regime of rural land

In the event that the pilgrims' hostel is intended to be located on rural land, the provisions of article 35.1 of Law 2/2016, of 10 February, on Galician land, and article 50.1 of Decree 143/2016, of 22 September, which approves its implementing regulations, which include “constructions and rehabilitations intended for tourism that are enhancers of the environment where they are located” among the admissible uses on rural land in letter o) should be taken into account.

Article 54 of Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land, states that, for the purposes of article 50.1.o), the following activities are considered to be enhancers of the environment where they are located:

“c) Publicly owned pilgrims' hostels, pilgrims' hostels of the Way of Saint James and tourist hostels that are located in an area declared an asset of cultural interest, in the protection areas and buffer zones of the ways that have a delimitation definitively approved in accordance with the specific procedure and those that are located in the 30-metre strip of rustic land of any nature, in the case of the Ways of Saint James that do not yet have the said delimitation definitively approved. All the above-mentioned hostels must have outdoor recreational areas with a minimum plot area of 5,000 square metres”.

Pilgrims' hostels are considered as a tourist activity which enhances the environment, so that, in the framework of the requirements contained in the current urban regulations for rural land, these would be admissible after the approval of a special infrastructure and facilities plan, unless the action can be included in the provisions of article 40 for existing buildings of traditional nature or in the third transitional provision relating to buildings built on rural land with planning permission, as stated in article 35.4. of Law 2/2016, of 10 February.

The special infrastructure and facilities plan is a planning instrument provided for in article 73 of Law 2/2016, of 10 February, and in article 183 of Decree 143/2016, of 22 September, whose preparation and approval procedure is regulated in articles 74, 75 and 76 of Law 2/2016, of 10 February, and in articles 185, 186 and 187 of its Regulations.

Likewise, it should be taken into account that, in the event that it is to be set up on land classified as specially protected rural land in accordance with the provisions of article 36.2. of Law 2 /2016, of 10 February, and in articles 51.2. and 63.3 of Decree 143/2016, of 22 September, authorisation or a favourable report must be requested from the body with the corresponding sectoral competence.

## **2.- Specific regime for existing traditional buildings on rural land and rural settlement land**

Article 40 of Law 2/2016, of 10 February, on Galician land, and article 63 of Decree 143/2016, of 22 September, which approves its implementing regulations, allow the implementation of tourist activities in existing traditional buildings in any category of rural settlement land or rural land provided that they existed before 25 May 1975 (entry into force of Law 19/1975, of 2 May, of reform on the land and urban planning regime).

With regard to the possible works, it is permitted, without the need to comply with the applicable urban planning parameters except for the height limit, to reform, rehabilitate, rebuild and extend, even in independent size, up to 50% of the original size of the traditional building, and the necessary municipal urban planning permit must be obtained.

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

## **3.- Specific regime in the buildings executed on rural land with urban planning permission**

The third transitional provision of Law 2/2016, of 10 February, on Galician land allows the implementation of tourist activities in the buildings built on rural land under planning permission, and, subject to a municipal licence, works of improvement and reform and extension of the lawfully built surface area may be carried out, subject to the following requirements:

1. In the case of land included in the specially protected rural land, the authorisation or favourable report must be obtained from the body with the corresponding sectoral competence, as indicated in number 2 of this document.
2. The building conditions stipulated in article 39 of Law 2/2016, of 10 February, and in the corresponding urban planning must be complied with.



### 3. FORMALITIES FOR THE START-UP OF TOURIST HOSTEL. SUMMARY OF THE PROCESS

This catalogue refers mainly to the procedure for the **opening and start of activity of tourist hostels** referred to in article 74 of Law 7/2011, of October 27th, on tourism in Galicia, and regulated by Decree 48/2016, of April 21th, which establishes the management of tourist hostels.

The process flowchart also includes other procedures that are accessory or linked to the processing of the aforementioned process, such as:

- TU987A. Prior optional report. This refers to a report on the minimum infrastructure and service requirements necessary for the opening, construction or modification of a tourist hostel.
- TU987C. Substantial changes in tourist hostels. These are substantial changes that affect the category or capacity or any of the conditions or requirements under which the tourist classification was granted.
- TU987D. Cessation of activity or non-substantial changes in tourist hostels. This refers to changes in ownership, changes in the corporate deed and other changes that do not entail substantial modifications, as well as those of cessation of activity.

**Annex 2** to this catalogue includes a description of the procedures to be carried out by the promoter before the corresponding local administration depending on the location of the physical establishment where the activity is to be carried out and whether or not prior works are necessary.

In particular, the need for the approval of a **special infrastructure and facilities plan** must be taken into account prior to obtaining the municipal licence in the event that the tourist hostel is located on rural land, and the action does not fit in with the provisions of article 40 of Law 2/2016, of 10 February, on Galician land, for traditional buildings, or in the third transitory provision, relating to buildings built on rural land with urban planning licence.

This catalogue does not include the formalities relating to the establishment of the company, which imply the endowment of legal personality and the capacity to contract. 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.

The procedure required to carry out the activity involves various formalities:

1. **Application for a prior optional report** that guarantees compliance with the minimum infrastructure and service requirements. This must be submitted to the provincial area of the Galician Tourism Agency (Axencia de Turismo de Galicia) where the establishment is located. This is a voluntary procedure and its issuing is not sufficient for the tourist classification or for the start of the activity. It is recommended, as it will guarantee that the requirements demanded by the regulation are met before submitting the statement of compliance.
2. **Submission of the statement of compliance by the promoter.** A statement of compliance must be submitted to the provincial area of the Galician Tourism Agency before the activity can be carried out, stating that the requirements laid down in the tourism regulations for the intended classification have been met and the commitment to maintain them for the duration of the activity.



3. **Registration with the Register of Tourism Companies and Activities of the Autonomous Region of Galicia (Rexistro de empresas e actividades turísticas da Comunidade Autónoma de Galicia).** In accordance with the statement of compliance, and provided that it meets the requirements established by law, the administration will register the hostel in the Register of Tourism Companies and Activities of the Autonomous Region of Galicia and will issue a document accrediting this registration.
4. **Administrative verification.** The provincial area of the Galician Tourism Agency in which the hostel is located will carry out the necessary checks, controls and inspections relating to the veracity of the data declared.
5. **Resolution.** The provincial area of the Galician Tourism Agency in which the establishment is located, once the appropriate file has been processed and after a hearing with the owner of the tourist hostel, will submit it together with its report to the Directorate of the Galician Tourism Agency, which will issue its decision. In the event that a decision is issued in conformity with the statement, it will expressly state the category and other conditions of the establishment, in accordance with the statement of compliance submitted by the person responsible.

The submission of the statement of compliance under the conditions set out in Decree 48/2016, of April 21th, authorises the execution of the tourist activity in which the interested party self-classified from the day of its submission, without prejudice to compliance with the other obligations required in other applicable regulations.

This authorisation for the execution of the tourist activity does not exempt the promoter of the duty to obtain any authorisations, permissions, licenses and/or reports required by the different applicable sectoral and municipal regulations. Among these, special mention must be made of the obligatory registration with the Galician Health Register of Food Companies and Establishments (Rexistro Galego Sanitario de Empresas e Establecementos Alimentarios, Regasa) of those establishments that offer catering services.



## 4. PRELIMINARY ACTIONS

## GENERAL REQUIREMENTS

In addition to complying with the duties deriving from the sectoral provisions, tourist hostels have to comply with different technical requirements set out in chapter IV (articles 16 to 28) of Decree 48/2016, of April 21th:

Elements	Characteristics
<b>CAPACITY (ART. 16)</b>	<ul style="list-style-type: none"><li>• The maximum capacity of the establishment will be determined by the number of double beds, single beds or bunk beds in the rooms.</li><li>• The capacity of the hostel must be publicly displayed in an easily visible place.</li></ul>
<b>MINIMUM FACILITIES AND SERVICES, REGARDLESS OF CATEGORY (ART. 17)</b>	<ul style="list-style-type: none"><li>• 24-hour hot and cold running water supply and guaranteed electricity supply, with light points and sockets in all rooms and communal areas, the number of which must be adapted to the technical regulations in force.</li><li>• Heating, both in the rooms for general use by the customers and in the bedrooms, which must achieve and maintain a minimum ambient temperature of 19 degrees Celsius during use.</li><li>• Reception area for customers, with 24-hour telephone service. Hostels with more than 20 beds must also have an 8-hour reception desk.</li><li>• The establishments must have a contact telephone number and telephone available to the customers, without additional charges to the cost of the rate.</li><li>• First aid kit.</li><li>• Sufficient lockers or compartments for the luggage of each user, as well as space to store footwear.</li><li>• Daily cleaning of facilities and rooms.</li><li>• Facilities for washing and drying clothes, and machine(s) necessary for washing and drying in the following proportion: one machine for every 30 beds or fraction thereof.</li><li>• Internet access service via Wi-Fi in common areas for the customers of the establishment, unless technically impossible.</li><li>• Hostels that establish closing and opening times in the internal rules may restrict entry in accordance with the established timetable. However, they must allow exit at all times.</li></ul>
<b>ROOMS (ART. 18)</b>	<ul style="list-style-type: none"><li>• Rooms are defined as sleeping areas for the customers. Rooms may be single, double or shared. At least 50% of the bed spaces will be allocated to multi-purpose rooms.</li><li>• They must have natural light and direct ventilation to the outside or to an uncovered courtyard by means of a window or balcony that can be opened.</li><li>• In the case of rooms opening onto a covered interior courtyard, it must comply with the requirements laid down in Decree 29/2010, of 4 March, approving the rules for the habitability of dwellings in Galicia, in order to ensure adequate lighting and ventilation.</li><li>• The surface area of the window openings, including the frames, will be 10% of the surface area of the room with a minimum of 1.20 square metres in rooms with a maximum depth of 7.50 metres. In the case of rooms with a greater depth, the area of the window openings, including the frames, must be at least 1/6 of the area of the room.</li><li>• They must be fitted with a shading system to prevent the passage of light at the will of the customers.</li><li>• The minimum height of the rooms and the rest of the areas for general use, as well as the regulation of the rooms in roofed areas, must be that established in Decree 29/2010, of 4 March.</li><li>• The minimum furniture will consist of beds or bunk beds, bedside tables and wardrobes or storage compartments and light points.</li><li>• Beds or bunk beds must be equipped with the necessary items for their use; as a minimum, a complete set of linen, blanket or duvet and pillow.</li><li>• The minimum dimensions for double beds will be 1.90 metres long by 1.35 metres wide; 1.90 metres long by 0.90 metres wide for single beds, and 1.90 metres long by 0.80 metres wide for bunk beds.</li></ul>

- Bunk beds may be a maximum of two storeys high and must have the appropriate safety measures to prevent falls.
- Bunk bed furniture must not exceed two storeys in height. The distance between bunk beds or beds must be at least 0,80 metres and must be so arranged that there is an exit corridor at least 1 metre wide. In no case may bunk beds or double berths be placed side by side.
- The capacity of each room will be indicated at its entrance.

#### TOILET FACILITIES (ART. 19)

- Toilet facilities, which may be individual or collective, must be provided with sufficient direct or assisted ventilation and fresh air. Walls, floors and ceilings must be covered with easily cleanable materials.
- Floors must be made of non-slip material. They must have at least washbasins, showers and toilets, mirrors and shelves or hangers for the proper storage of personal belongings, as well as shower screens. A bath towel must also be provided for each guest.
- A power socket must be provided at the side of each washbasin.
- Hot and cold running water must be available at all times in the showers and toilets.
- Regardless of whether the toilet facilities are located in the rooms or not, they must have at least the following elements: shower, washbasin and toilet.
- In collective toilets there must be a floor to ceiling separation between the toilet and shower areas and the two areas may be communicated through a lockable door.
- Access doors to toilets must be fitted with a system allowing them to be self-closing or a system preventing vision into them.

#### CANTEEN SERVICE (ART. 20)

- Hostels may or may not provide a canteen service (breakfast, lunch and dinner).
- The provision of the canteen service must take place within the timetable indicated by the management of the hostel, which, in any case, must include a minimum period of two hours and a half for lunch and dinner, and three hours for breakfast.
- Those establishments that offer a canteen service may provide it by having a canteen in the hostel, which must have a minimum surface area of 1.5 square metres per bed and, in any case, a minimum of 15 square metres or, if applicable, by means of a restaurant.
- Hostels with fewer than eight beds may provide a dining room service in the living room.
- In the case of hostels offering a dining room service, kitchens must be equipped with the necessary facilities for the preservation and processing of food, and must have the necessary equipment according to the maximum accommodation capacity.
- Kitchens must have direct or assisted ventilation to the outside, as well as air renewal and smoke extraction equipment.
- The floors and walls must be covered with non-porous and easily cleanable materials.

#### LIVING ROOM (ART. 21)

- They must have a living room equipped with adequate and sufficient furniture for its intended use, with a surface area of 1 square metre per bed place for second-category hostels and 1.5 square metres for first-category hostels; the minimum required surface area will be 15 square metres.
- Tourist hostels that do not have a kitchen for tourist users must have a refrigerator, a microwave oven and a rubbish bin in the living room for every 50 beds or fraction thereof.

#### CATERING SERVICES (ART. 22)

- If the tourist activity of a restaurant is authorised in the same building in the name of the owner of the tourist hostel, the dining area of the restaurant may be considered as the dining area of the hostel. In the event that it is necessary to share certain common areas of the tourist hostel, the rights of the customers of the hostel and the restaurant must not be prejudiced.

It should be noted that these general requirements must be complemented by the specific requirements stipulated for classification as a first- or second-category tourist hostel (see Annex I).

## PRIOR OPTIONAL REPORT

### TU987A - Preliminary report on compliance with the minimum infrastructure and services requirements for tourist hostels

<b>RESPONSIBLE BODY</b>		Provincial area of the Galician Tourism Agency.
<b>DESCRIPTION</b>		Anyone who intends to open, build or modify a tourist hostel, before initiating any action or procedure before the corresponding town council, may request a report from the Galician Tourism Agency regarding compliance with the minimum infrastructure and service requirements.
<b>DOCUMENTATION</b>		<ul style="list-style-type: none"> <li>• Application form (Annex II of Decree 48/2016, of 21 March, available in electronic office).</li> <li>• Report detailing and justifying the requirements set out in the decree regarding the minimum infrastructure and services, as well as dimensioned plans of the scale of the distribution of floors and sections.</li> </ul> <p>This documentation may also be submitted electronically, using any procedure of digitalised copy of the original document.</p>
<b>COMPULSORY</b>	No	
<b>DEADLINES</b>		Open all year round.
<b>RESOLUTION</b>		<p>2 months. It must expressly include the statement corresponding to the classification requested.</p> <p>In no case will this report be sufficient for the classification of the establishment.</p>
<b>SILENCE</b>		Not specified.
<b>VALIDITY</b>		The report will be valid for one year, as long as the tourism regulations in respect of which the report is issued remain in force.
<b>ON-LINE PROCESSING</b>	Yes	<p>Procedure TU987A</p> <p><a href="https://sede.xunta.gal/detalle-procedemento?codtram=TU987A&amp;ano=2016&amp;numpub=1&amp;lang=es">https://sede.xunta.gal/detalle-procedemento?codtram=TU987A&amp;ano=2016&amp;numpub=1&amp;lang=es</a></p>
<b>ON-SITE</b>	Yes	
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Decree 48/2016, of April 21th, which establishes the management of tourist hostels. Article 31.</li> </ul>

5. STATEMENT OF COMPLIANCE.  
START OF ACTIVITY

The opening of tourist hostels is not subject to prior authorisation, but the owner must submit a statement of compliance on different matters specified in the regulation, being authorised to start the activity from the day of its submission, without prejudice to compliance with the other obligations required in other applicable regulations.

This authorisation for the execution of the tourist activity does not exempt the entrepreneur of the duty to obtain any authorisations, permissions, licenses and/or reports required by the different sectoral and municipal regulations.

With a view to simplifying administrative procedures, the regional administration has made a standardised procedure (TU987B) available to promoters on the Xunta de Galicia's electronic office for submitting the statement of compliance regarding the start of the activity.

Below is an explanatory sheet with the most relevant characteristics of said procedure.

### TU987B - Start of activity of tourist hostels or pilgrims' hostels on the Way of Saint James

<b>RESPONSIBLE BODY</b>	Provincial area of the Galician Tourism Agency.
<b>DESCRIPTION</b>	Anyone who intends to carry out the tourist accommodation activity in the tourist hostel modality regulated in this decree must submit to the provincial area of the Galician Tourism Agency in which the establishment is located a statement of compliance in which they state their compliance with the requirements set out in the tourism regulations for the intended classification and their commitment to comply with them for the duration of the activity.
<b>DOCUMENTATION</b>	<ul style="list-style-type: none"> <li>• Statement of compliance (Annex III of Decree 48/2016, of 21 March, available in electronic office).</li> <li>• Legally required technical project, signed by a competent technician, which served as the basis for the submission of the corresponding prior notification or, if applicable, application for a building permit to the town council in which the tourist hostel is located.</li> <li>• Application for exemption, if applicable, and related supporting documentation (vid. section 8).</li> <li>• Proof of payment of the corresponding fees.</li> </ul> <p>This documentation may also be submitted electronically, using any procedure of digitalised copy of the original document.</p>
<b>COMPULSORY</b>	Yes
<b>DEADLINES</b>	Open all year round.
<b>AMENDMENT</b>	Should the statement of compliance contain any deficiency or omission of an essential nature in the data or statements, or if the required documentation is not provided, the interested party will be required to correct the deficiency within a period of 10 days, stating that, if he or she fails to do so, it will be impossible to continue carrying out the activity.
<b>RESOLUTION</b>	3 months.
<b>SILENCE</b>	Positive.
<b>ON-LINE PROCESSING</b>	Yes Procedure TU987B <a href="https://sede.xunta.gal/detalle-procedemento?codtram=TU987B&amp;ano=2016&amp;numpub=1&amp;lang=es">https://sede.xunta.gal/detalle-procedemento?codtram=TU987B&amp;ano=2016&amp;numpub=1&amp;lang=es</a>



<b>ON-SITE</b>	Yes	
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>Decree 48/2016, of April 21th, which establishes the management of tourist hostels. Article 32.</li> </ul>

## TOURIST CLASSIFICATION FEE

<b>RESPONSIBLE BODY</b>		Galician Tax Agency.
<b>DESCRIPTION</b>		<p>This procedure is subject to the payment of the fee coded 31.19.01.</p> <p>Classification and any kind of substantial change with respect to the conditions under which the classification of tourist hostels was granted.</p> <p>You may check the amount by clicking on the following link:</p> <p><a href="http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-2">http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-2</a></p>
<b>DOCUMENTATION</b>		Form 731 or self-assessment form.
<b>COMPULSORY</b>	Yes	Prior document requirement.
<b>ON-LINE PROCESSING</b>	Yes	Virtual Tax Office.
<b>ON-SITE</b>	Yes	Print out form 731 completed or a blank self-assessment form and fill it in to make the payment in person at a collaborating financial institution.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Region of Galicia. Annex III. 37.01.</li> <li>Decree 48/2016, of April 21th, which establishes the management of tourist hostels. Articles 29 and 32.</li> </ul>



## 6. REGISTER OF TOURISM COMPANIES AND ACTIVITIES

In accordance with the statement of compliance duly submitted in accordance with the provisions of Decree 48/2016, of April 21th, which establishes the management of tourist hostels, the provincial area of the Galician Tourism Agency in which the hostel is located will automatically register the establishment with the Register of Tourism Companies and Activities of the Autonomous Region of Galicia and will issue a document certifying such registration, unless essential data or documents have been omitted or it can be deduced from the statement that it does not meet the requirements for the classification requested.

The interested party will be notified of the aforementioned registration within a maximum period of 15 days from the date of entry of the statement of compliance in the register of the corresponding provincial area of the Galician Tourism Agency.

## 7. ADMINISTRATIVE VERIFICATION. RESOLUTION

The provincial area of the Galician Tourism Agency in which the establishment is located will carry out the necessary checks, controls and inspections relating to the veracity of the data declared, compliance with the requirements established in Law 7/2011, of October 27th, on tourism in Galicia, and in Decree 48/2016, of April 21th, and the possession and formal validity of the following documents:

- Document accrediting the legal personality of the interested party.
- Document or contract that proves the free availability by the owner of the establishment where the activity is carried out. If the ownership corresponds to a legal person, deed of incorporation of the company and power of attorney of the interested party in the event that it is not clearly indicated in the deed of incorporation.
- Civil liability insurance covering the risks of the establishment's users for bodily injury, material damage and economic damage caused by the development of its activity.
- Prior notification of start of activity submitted to the town council where the establishment is located and, if applicable, prior notification or building licence.

The provincial area, once the checks have been carried out, the appropriate file has been processed and after a hearing with the owner of the tourist hostel, will submit it together with its report to the Directorate of the Galician Tourism Agency, which will issue its decision. In the event that a decision is issued in conformity with the statement, it will expressly state the category and other conditions of the establishment, in accordance with the statement of compliance submitted by the interested party.

The verification by the competent bodies of any inaccuracy, falsehood or omission, of an essential nature, of the declared data, as well as the failure to submit the statement of compliance, the non-availability of the mandatory documentation or non-compliance with the applicable requirements, will determine the impossibility of continuing to carry out the activity from the moment in which such facts become known, in accordance with the provisions of article 106 of Law 7/2011, of October 27th, notwithstanding any criminal, civil or administrative liability that may arise.

After hearing the interested party, the Directorate of the Galician Tourism Agency will issue the appropriate decision declaring the inaccuracy, falsehood or omission, of an essential nature, of the declared data, as well as the non-availability of the mandatory documentation or non-compliance with the applicable requirements, and will agree to the deregistration of the tourist hostel, as well as the cancellation of its registration in the Register of Tourism Companies and Activities of the Autonomous Region of Galicia.

Any inaccuracy, falsehood or omission in any data, statement or document included in the statement of compliance that affects the tourist classification in terms of the category, as well as the insurance and complementary documentation that, if applicable, may be required, will be considered to be of an essential nature.

The decision will be issued and notified within a maximum period of 3 months, starting from the receipt of the complete documentation at the registry of the provincial area of the Galician Tourism Agency where the establishment is located.

If this period has elapsed without an express decision being issued and notified, it will be understood that the details of the establishment included in the statement of compliance submitted comply with the requirements of the regulations in force.





## 8. EXEMPTION

Exceptionally, after the request of the interested party, which must be stated in the statement of compliance of start of the activity, the Directorate of the Galician Tourism Agency may, in view of the special circumstances that may arise, taking into account the conditions required of the tourist hostels and the number and quality of the services offered, and after the technical report of the tourism inspection, exempt tourist hostels from the following relative requirements, by means of a justified decision:

- The minimum surface areas required for each category, provided that, in compliance with the specific regulations on the matter, it does not account for more than 10% of the minimum surface area required for each category.
- The minimum surface area required for the living room, provided that it complies with the minimum of 15 square metres and does not account for more than 10% of the required surface area.
- The lift, provided that competent technician or administration justifies the technical impossibility of its installation.

Buildings installed in buildings that, in whole or in part, are protected for their architectural, historical or artistic values, or located in natural spaces, may be exempted from any requirement established as compulsory when competent technicians or the competent administration justifies the impossibility of complying with such requirement due to the technical or structural conditions of the buildings or environmental limitations.

The decision on the requested exemption will be issued and notified within a period of 2 months from the receipt of the statement of compliance at the register of the provincial area of the Galician Tourism Agency in which the establishment is located.

If this period has elapsed without an express decision being issued and notified, it will be understood that the request has been rejected.

9. CLASSIFICATION CHANGES.  
CESSATION OF ACTIVITY

Tourist hostels must maintain the conditions listed in the statement. In the case of changes, different procedures are available depending on their nature:

1. Substantial changes. Those that affect the category or capacity or any of the conditions or requirements under which the tourist classification was granted. These are processed according to the standardised procedure TU987C.
2. Non-substantial changes. These cover the rest of the cases (changes of ownership, changes in the deed of incorporation and other changes that do not involve substantial modifications). These are processed according to the standardised procedure TU987D. This procedure is also used to process the cessation of activity.

## SUBSTANTIAL CHANGES

### TU987C - Substantial changes

<b>RESPONSIBLE BODY</b>	Galician Tax Agency.
<b>DESCRIPTION</b>	<p>If a change affects the category or capacity or any of the conditions or requirements under which the tourist classification was granted, it will be considered substantial and will require the submission of the corresponding statement of compliance to the provincial area of the Galician Tourism Agency in which the hostel is located.</p> <p>Once the corresponding file has been processed and the appropriate verifications have been made, after hearing the owner of the hostel, this will be forwarded, together with the report, to the Directorate of the Galician Tourism Agency, which will issue its decision.</p>
<b>DOCUMENTATION</b>	<ul style="list-style-type: none"> <li>• Application form (Annex IV of Decree 48/2016, of April 21th, available in electronic office).</li> <li>• Legally required technical project, signed by a competent technician, which served as the basis for the submission of the corresponding prior notification or, if applicable, application for a building permit to the town council.</li> <li>• Application for exemption, if applicable, and related supporting documentation.</li> <li>• Proof of payment of the corresponding fees.</li> </ul> <p>This documentation may also be submitted electronically, using any procedure of digitalised copy of the original document.</p>
<b>COMPULSORY</b>	Yes
<b>APPLICATION DEADLINE</b>	Open all year round.
<b>RESOLUTION DEADLINE</b>	3 months.
<b>SILENCE</b>	Positive.
<b>ON-LINE PROCESSING</b>	Yes Procedure TU987C <a href="https://sede.xunta.gal/detalle-procedemento?codtram=TU987C&amp;ano=2016&amp;numpub=1&amp;lang=es">https://sede.xunta.gal/detalle-procedemento?codtram=TU987C&amp;ano=2016&amp;numpub=1&amp;lang=es</a>
<b>ON-SITE</b>	Yes
<b>REGULATIONS</b>	<ul style="list-style-type: none"> <li>• Decree 48/2016, of April 21th, which establishes the management of tourist hostels. Article 37.</li> </ul>

### SUBSTANTIAL CHANGE FEE

<b>RESPONSIBLE BODY</b>	Galician Tax Agency.
<b>DESCRIPTION</b>	<p>This procedure is subject to the payment of the fee coded 31.19.01. Classification and any kind of substantial change with respect to the conditions under which the classification of tourist hostels was granted.</p>

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

<http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-2>

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**DOCUMENTATION**

Form 731 or self-assessment form.

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**COMPULSORY** Yes

Prior document requirement.

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**ON-LINE PROCESSING** Yes

Virtual Tax Office.

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**ON-SITE** Yes

Print out form 731 completed or a blank self-assessment form and fill it in to make the payment in person at a collaborating financial institution.

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**REGULATIONS**

- Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Region of Galicia. Annex III. 37.01.
  - Decree 48/2016,a of April 21th, which establishes the management of tourist hostels. Article 32.
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## CESSATION OF ACTIVITY OR NON-SUBSTANTIAL CHANGES

### TU987D – Cessation of activity or non-substantial changes of tourist hostels

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**RESPONSIBLE BODY**

Galician Tax Agency.

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**DESCRIPTION**

In those cases in which the change involves a transfer of ownership, changes in the deed of incorporation and any other changes that do not involve substantial changes, as well as the cessation of activity, only the provincial area of the Galician Tourism Agency in which the hostel is located must be notified.

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**DOCUMENTATION**

- Notification (annex V of Decree 48/2016, of April 21th, available in electronic office).

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**COMPULSORY** Yes

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**APPLICATION DEADLINE**

10 days after the change or cessation of the activity.

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**ON-LINE PROCESSING** Yes

Procedure TU987D.

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**ON-SITE** Yes

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**REGULATIONS**

- Decree 48/2016, of April 21th, which establishes the management of tourist hostels. Article 38.
-

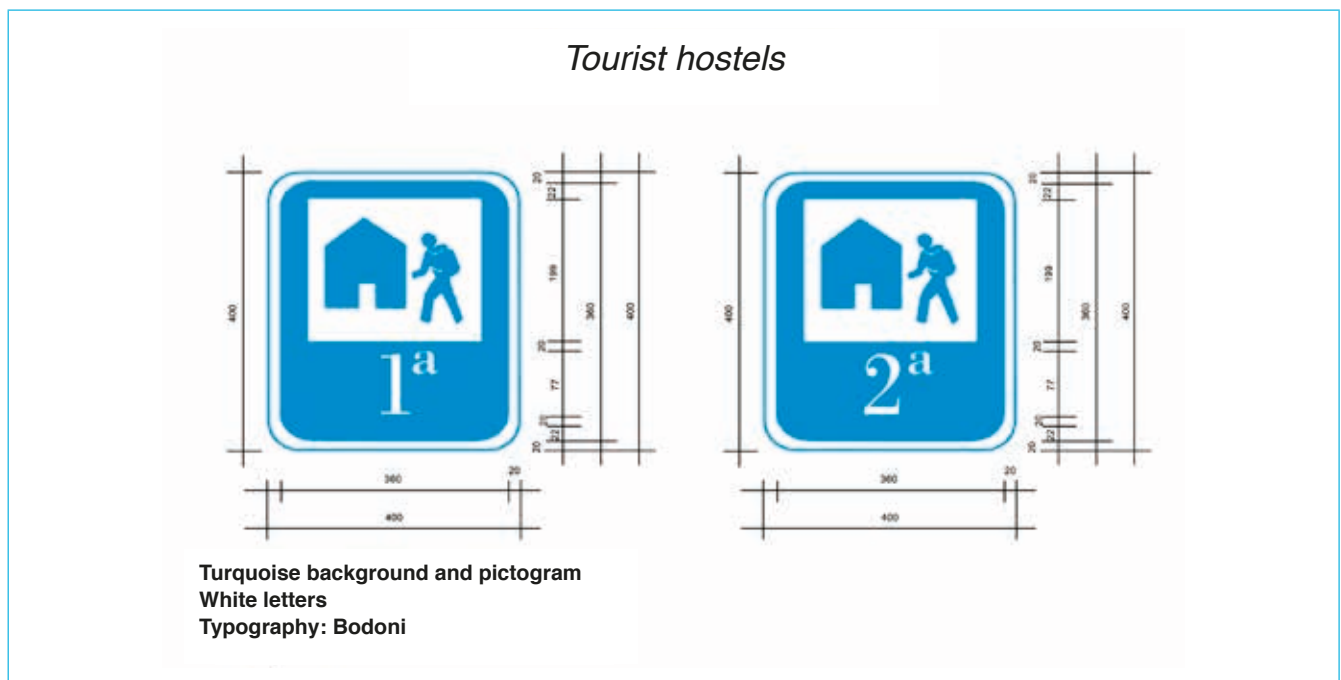
## 10. OPERATIONAL REQUIREMENTS

Tourist hostels must have the following items as part of their day-to-day operations:

**1. Public nature.** Tourist hostels are establishments open to the public, and therefore access to them must be free under the conditions set out in the specific applicable laws, regulations and provisions.

**2. Distinctive sign.** A standardised identification plaque must be displayed on the outside of the main entrance, in a highly visible place, with the distinctive sign corresponding to the category in which the establishment has been classified.

The distinctive plaques are as follows:



Likewise, in all establishments, the space and facilities permanently used for tourist operations must be identified. Such identification must appear on the outside of the rooms and may be numerical or nominal. Where rooms are located on more than one floor, the first digit(s) of the number identifying the room will indicate the floor and the remaining digits will identify the room.

Tourist hostels are not allowed to use a different name, label or distinctive sign from those corresponding to their category, or to display a category other than the one in which they have been classified.

The use of the word "turismo", as well as the word "Parador", reserved for the State Tourist Administration, and the word "posada", reserved for the Galician Tourist Administration, as a title or subtitle of tourist establishments is prohibited, in accordance with the regulations in force.

**3. Internal regulations.** Tourist hostels may have internal regulations establishing mandatory rules for users during their stay, which in no case may involve discrimination on grounds of race, place of origin, sex, sexual orientation, religion, opinion, disability or any personal or social circumstance, in accordance with the provisions of the Spanish Constitution and other specific regulations on these matters. These regulations may establish the conditions of



admission, the rules of coexistence and operation, as well as everything that allows and favours the normal enjoyment of the facilities, equipment and services, without contravening the provisions of the legislation in force.

They must be available to users in a visible place in the most frequented area, and in such a way that they are legible, at least in Galician, Spanish and English. Disabled users will be guaranteed accessibility to the internal regulations, as well as any other type of information necessary to enjoy the services of the establishment.

The owner of the tourist hostel may request the approval of these regulations from the Tourist Administration to ensure that they are consistent with tourist regulations.

**4. Operational period.** It must be communicated through the statement of compliance of the start of the activity, and any changes made in this regard must be notified.

**5. Civil liability insurance.** The owners of tourist hostels must take out a civil liability insurance that covers the risks of the users of the establishment for bodily injury, property damage and economic damages, which must be permanently in force.

**6. Price and booking system.** Notwithstanding that established on prices, advertising and bookings included in the specific regulations in force, tourist hostels must comply with the requirements set out in the regional regulations in force on the matter.

**7. Tourist inspection books and complaint forms.** All tourist hostels must have a tourist inspection book at the disposal of the persons in charge of the tourist inspection.

**8. Complaint form.** All tourist hostels must have tourist complaint forms available to users, which will be provided immediately upon request, and must permanently display a sign announcing the existence of the aforementioned complaint forms available to users, in accordance with the provisions of the applicable sectoral regulations.



11. ANNEX 1. REQUIREMENTS ACCORDING  
TO THE CLASSIFICATION FOR FIRST- AND  
SECOND-CATEGORY TOURIST HOSTELS

		First category	Second category
Rooms	Minimum area per single room (excluding area occupied by toilet facilities).	7 m <sup>2</sup>	6 m <sup>2</sup>
	Minimum area per double room (excluding area occupied by toilet facilities).	12 m <sup>2</sup>	10 m <sup>2</sup>
	Minimum area per shared room.	Per place in a bunk bed: 4 m <sup>2</sup>  Per place in a single bed: 4.5 m <sup>2</sup>	Per place in a bunk bed: 3 m <sup>2</sup>  Per place in a single bed: 3.5 m <sup>2</sup>
Change of linen	Change of linen in rooms.	Every three days.	Every four days.
	Change of linen in toilets.	Every two days.	Every three days.
Toilet facilities	Shared toilet facilities.	Minimum proportion of one for every eight bed places or fraction thereof.	Minimum proportion of one for every ten bed places or fraction thereof.
Kitchen facilities	Equipped with crockery, worktops, sinks with running water taps, cupboards or cabinets, crockery drainer, refrigerator and oven or microwave, as well as space available for use of own cooker.		
Lifts	Lifts must be installed according to the number of beds.	In the case of having ground floor plus two floors.	In the case of having ground floor plus three floors.
Other services		PC with Internet connection in the reception area, unless technically not possible.  Kitchen available to customers.	

## 12. ANNEX 2. 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.

## Special infrastructure and facilities plan for pilgrims' hostels on rural land

As already stated in the section on "Regime of rural land" in point 2 "Prior administrative procedures", in order to set up a pilgrims' hostel it will be necessary to process a special infrastructure and facilities plan prior to applying for municipal authorisation.

## Approval of a special infrastructure and facilities plan

<b>MANAGEMENT OF THE PROCEDURE</b>	Local administration
<b>DESCRIPTION</b>	<ul style="list-style-type: none"><li>• The purpose of the special infrastructure and facilities plan is the establishment and planning of infrastructures relating to the system of communications, transport, public open spaces, community facilities, installations for public services and energy and water supply, water drainage and purification and the implementation of the uses foreseen in sections o) and p) of article 35.1, in accordance with the provisions of article 36.4.</li><li>• With regard to the procedure for approval, in accordance with article 75 of the LSG, it is as follows:<ul style="list-style-type: none"><li>a) The competent municipal body will proceed to its initial approval and will submit it to public information for at least two months, by means of a notice to be published in the <i>Diario Oficial de Galicia</i> and in one of the newspapers with the widest circulation in the province. Likewise, all cadastral titleholders of the land affected will be notified individually.</li><li>b) During the same period in which the public information procedure is being carried out, the municipal administration will request from the competent public administrations the necessary sectoral reports and consultations. The regional sectoral reports must be issued within a maximum period of three months, after which time they will be understood to be favourable.</li><li>c) When, after the public information procedure, modifications are intended to be introduced that entail a substantial change to the initially approved document, a new public information procedure must be opened.</li><li>d) The municipal legal and technical services must issue a report on the completeness of the documents in the file, the administrative actions carried out, the technical quality of the planned development and the conformity of the plan with the applicable legislation.</li><li>e) The approval of special plans not provided for in the general plan and special protection plans containing the detailed planning of consolidated urban land will require, in all cases, the prior issue of a mandatory and binding report stating the legal control and the protection of supramunicipal interests, as well as compliance with the determinations established in the territorial planning guidelines and territorial and sectoral plans.</li></ul></li></ul> <p>For these effects, once the formalities indicated in the preceding paragraphs have been completed, the competent municipal body will provisionally approve the content of the plan with the relevant modifications and will submit it, with the complete file duly certified, to the competent body in matters of town planning for its mandatory report, which must be issued within two months from the entry of the complete file in the register of the Regional Ministry. Once this period has elapsed without the requested report being communicated, the processing of the plan may continue.</p>

The competent body in matters of town planning must examine the completeness of the draft plan within a period of one month. Should any deficiencies be found, it will require that they be amended. The legal time limit for issuing the report will not begin to run until the requirement has been complied with.

f) Once the formalities indicated in the preceding paragraphs have been completed, the town council will proceed to its final approval.

In the case of special plans that must undergo the common strategic environmental assessment, by virtue of the provisions of article 46.1, the procedure established in article 60, sections 2, 3, 4, 5, 8, 9, 10, 11 and 12 must be complied with.

In the case of special plans that must undergo a simplified strategic environmental assessment, by virtue of the provisions of article 46.2, prior to the initial approval of the document, the following steps must be taken:

a) The promoter will submit to the environmental body a request to initiate the simplified strategic environmental assessment, to which it will attach the draft plan and the strategic environmental document, with the content established in the legislation in force.

b) The environmental body, within two months of receiving the complete documentation, will issue the strategic environmental report, after identifying and consulting the affected public administrations and interested parties for a period of two months.

In the case of special plans not provided for in the general plan and special protection plans containing the detailed planning of consolidated urban land, the bodies to be consulted will include the competent urban planning body.

The environmental body, considering the results of the consultations, will determine in the strategic environmental report whether or not the plan has significant effects on the environment. In the event that no significant effects are foreseen, the plan may be approved subject to the conditions established in such report.

The strategic environmental report will be sent within fifteen working days for publication in the Diario Oficial de Galicia and on the electronic office of the environmental body.

- Competence for final approval: competent municipal body.
- Entry into force: Once definitively approved, for its entry into force the plan must be published in accordance with the provisions of article 82 of Law 2/2016, of 10 February.

#### DOCUMENTATION

- Application for approval of the special plan containing the 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.
- Proof of payment of the applicable municipal taxes.
- Technical document containing the determinations specified in article 184 of Decree 143/2016 of 22 September.

#### COMPULSORY

Yes

In the cases described.

#### DEADLINES FOR APPROVAL

3 months  
6 months

For initial approval, starting from its presentation in the general register of the town council.  
For final approval, starting from the initial approval of the plan.

#### TRÁMITE EN LIÑA

Yes

Via the municipal electronic offices.

#### NORMATIVA

- Law 2/2016, of 10 February, on Galician land (Official Journal of Galicia no. 34, 19 February 2016).
- Decree 143/2016, of 22 February, approving the Regulations of Law 2/2016, of 10 February, on Galician land (Official Journal of Galicia no. 213, 9 November 2016).

## Payment of taxes, if applicable

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

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

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

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

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		<ul style="list-style-type: none"> <li>• The ICIO is an indirect tax, imposed at the discretion of the taxpayer, whose taxable event is constituted by the execution, within the municipality, of any construction, installation or work for which the corresponding building or urban planning licence is required, whether or not the said licence has been obtained, or for which the submission of a statement of compliance or prior notification is required, provided that the issuing of such licence or the control activity corresponds to the town council responsible for the imposition of the tax.</li> <li>• The persons subject to this tax are the owners of the construction, installation or work, whether or not they are the owners of the property on which it is carried out, i.e. whoever bears the expenses or the cost incurred in such execution.</li> <li>• The taxable base is constituted by the real and effective cost of the construction, installation or work (cost of material execution), as set out in the local taxation regulations, and the tax rate will be set by each town council, without it exceeding 4%.</li> <li>• The town council may establish optional reductions on the tax rate, including the possible existence, if so regulated in the municipal tax ordinances, of a reduction of up to 95%</li> </ul>



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

#### 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 cases<sup>1</sup>.

## COMPULSORY

Si

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

## ON-LINE PROCESSING

Si

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.

### 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.

### 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 council <sup>2</sup> .
<b>COMPULSORY</b>	Yes	In cases where a licence is not required to carry out the works.
<b>ON-LINE PROCESSING</b>	Yes	Via the municipal electronic offices.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Law 2/2016, of 10 February, on Galician land.</li> <li>• Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.</li> <li>• Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.</li> <li>• Applicable municipal ordinances.</li> </ul>

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.

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

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

Thus, in cases in which these two circumstances are present (the performance of the activity and the execution of works for the exercise of such activity) the municipal powers of verification, control and inspection will be exercised, at first, in relation to the activity for which the work is intended, suspending any administrative actions

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

related to this, while the interested party does not duly prove compliance with the legal requirements for the exercise of such activity.

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

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

<b>MANAGEMENT OF THE PROCEDURE</b>		Local administration.
<b>DESCRIPTION</b>		When the activity requires the execution of works or installations, activities may not be started or developed until the works or installations have been fully completed and the corresponding prior notification has been submitted to the town council.
<b>DOCUMENTATION</b>		<ul style="list-style-type: none"> <li>• Identification details of the owner.</li> <li>• Reference of the prior notification or planning permission that covered the work carried out.</li> <li>• Final works certificate signed by competent technician.</li> <li>• Acoustic certificate (where applicable).</li> </ul> <p>This information should be supplemented by consulting the local regulations applicable in each case.</p>
<b>COMPULSORY</b>	Yes	The submission of a prior notification that complies with the requirements authorises from the moment of its submission the start of the activity or the opening of the establishment to which it refers, without prejudice to the subsequent verification and control actions established by the town council.
<b>ON-LINE PROCESSING</b>	Yes	Via the municipal electronic offices.
<b>REGULATIONS</b>		<ul style="list-style-type: none"> <li>• Decree 144/2016, of 22 September, which approves the single regulation of integrated control of economic activities and opening of establishments</li> <li>• Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia.</li> <li>• Law 9/ 2021, of 25 February, on administrative simplification and support for the economic reactivation of Galicia.</li> <li>• Applicable municipal ordinances.</li> </ul>

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

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

<sup>4</sup> / 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

<b>MANAGEMENT OF THE PROCEDURE</b>	Local administration.
<b>DESCRIPTION</b>	<p>The installation, implementation or exercise of any economic, business, professional, industrial or commercial activity, as well as the opening of establishments intended for this type of activity, requires the submission by the owner of the activity of a prior notification, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• execution of activities and the opening of establishments subject to another system of administrative intervention by the applicable sectoral regulations.</li> <li>• execution of activities that are not related to a physical establishment.</li> </ul>
<b>DOCUMENTATION</b>	<p>The notification must be accompanied by the following documentation:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Proof of payment of the applicable municipal taxes.</li> <li>• 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.</li> <li>• 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.</li> <li>• The environmental authorisation or declaration, if applicable.</li> <li>• Any other sectoral authorisations and reports that may be required.</li> <li>• Where applicable, the certificate of conformity issued by the municipal conformity certification bodies set out in these regulations.</li> </ul> <p>If the development of the activity or the opening of the establishment requires works to be carried out, the above documentation must be submitted with the prior notification set out in the urban planning regulations or with the application for a building permit. This information should be supplemented by consulting the local regulations applicable in each case.</p>
<b>COMPULSORY</b>	<p>Yes</p> <p>In the case of the opening of establishments, a stamped copy of the prior notification must be displayed in a visible and easily accessible place.</p> <p>In any case, the owner of the activity must have a stamped copy of the prior notification and show it when required to do so by an administrative inspection or by any person for whom the activity is carried out.</p>
<b>ON-LINE PROCESSING</b>	<p>Yes</p> <p>Via the municipal electronic offices.</p>

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

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.

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.

#### COMPULSORY

No

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.

The relationship between the persons requesting the conformity certification service and the municipal conformity certification bodies will be subject to personal law.

#### CONSULTATION

Register of Municipal Conformity Certification Bodies of the Autonomous Region of Galicia.

#### REGULATIONS

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

## 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.

