

CATALOGUE

RESTAURANTS OR CAFETERIAS

XUNTA
DE GALICIA

General Technical Secretariat of the Regional Ministry of the Economy, Industry and Innovation

MAKES

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Gráficas Garabal S.L.

José Pías Sanahuja

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RESTAURANTS
OR CAFETERIAS

Regional Ministry of the Economy, Industry and Innovation
General Technical Secretariat

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1. Introduction

Background. Law on administrative simplification and support for the economic reactivation of Galicia

The [purpose of Law 9/2021, of 25 February, on administrative simplification and support for the economic recovery of Galicia](#), is to establish the necessary measures to facilitate the recovery of economic activity following the crisis generated by the consequences of the Covid-19 pandemic, within the framework of the powers of the Autonomous Community of Galicia, from a perspective of **administrative simplification that favours the establishment 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 Assistance System**, as a key figure to respond to the classic demand of citizens in general, and of groups linked to businesses in particular, regarding the difficulties in obtaining the information and guidance they need to start up their business initiatives, through a service of accompaniment and information that **offers them the possibility of carrying out the administrative procedures at regional level and also at local level in the event of local councils joining the system**.

Catalogues

As a measure to support the implementation of business initiatives, Chapter I refers to the creation of a series of **catalogues** approved by the Consello of the Xunta de Galicia. Point 1 of Article 14 specifies that, through the Investment Assistance System, it will be possible to access, free of charge, the "**catalogues which clearly and chronologically list all the administrative procedures and action required for the implementation of business initiatives, including those of municipal competence of the local councils taking part in the Investment Assistance System**".

These figures, which will have to be constantly updated, greatly simplify matters for companies

and, in particular, for entrepreneurs, who will be able to consult the procedures that will be required of them by the regional Administration, which will make it easier to understand, plan and process the administrative part.

Restaurant or cafeteria. Concept

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

The **object of this document** will be the activity of catering businesses in the form of **restaurant** or **cafeteria**, in accordance with the definition contained in Law 7/2011, of 27 October, on tourism in Galicia, and in Decree 108/2016, of 15 June, which establishes the tourist management of restaurants and cafeterias in the Autonomous Community of Galicia.

Article 27.21 of the Statute of Autonomy grants the Autonomous Community of Galicia exclusive competence for the promotion and organisation of tourism in its territorial area, thus possessing the power to regulate the specific regime of catering establishments. Law 7/2011, of 27 October, on tourism in Galicia, regulates catering companies in Chapter V of Title IV and in Article 75 it refers to catering companies as those dedicated, in a habitual and professional manner, to supplying, in establishments open to the general public, food and drink, for a price, to be consumed on the premises or annexes dependent on the premises. Catering businesses are classified into the following groups:

Group I

- Restaurants

Group II

- Cafeterias

Group III

- Bars

The regulatory development is carried out in Decree 108/2006, of 15 June, which establishes the organisation of restaurants and cafeterias in the Autonomous Community of Galicia.

This catalogue only includes activities belonging to Groups I and II (restaurants and cafeterias).

Restaurants are understood to be those establishments that have a kitchen and dining room for the purpose of offering lunch and dinner, for a price, to be consumed on the premises.

Cafeterias are considered to be those establishments that in the same spatial unit have a bar and table services, without a dining room, the object of which is to offer the public, for a price and at any time during opening hours, ice cream, soft drinks and drinks in general, as well as hot or cold "tapas" (snacks), sandwiches and simple or combined dishes prepared easily and quickly, mainly cold or grilled.

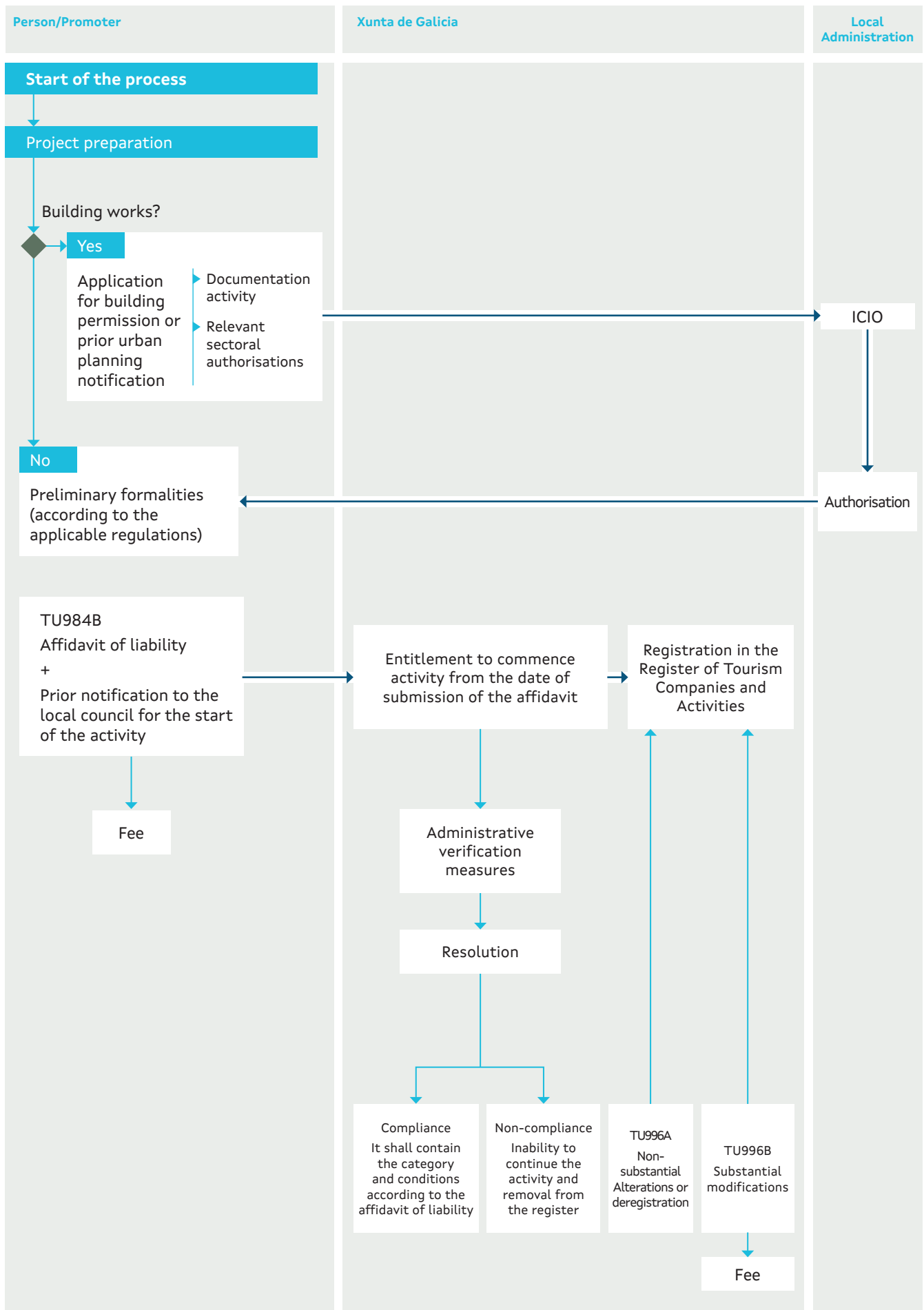
The following are excluded from the object of this catalogue:

- University dining halls, school canteens, work canteens, gastronomic societies, clubs and any others that provide their services only to private contingents and are not open to the general public.
- Establishments which, regardless of their ownership, provide food and drink services free of charge or on a non-profit basis.
- Catering services in tourist accommodation establishments, provided that their operation is not independent on the accommodation; in this case they shall be subject to the provisions of specific rules. However, if, independently of these services, restaurants or cafeterias are operated, whatever their denomination with their own entrances, advertising or category, they will be within the scope of the catalogue.
- Companies that serve food and drinks through vending machines and catering services, and are understood to be those services that supply food and drinks to groups of people.
- Establishments known as bars, café-bars, pubs, nightclubs, discotheques and similar establishments.
- Those companies that provide food and drinks free of charge or on a non-profit basis.
- Companies that provide this service on public transport.
- Businesses that serve food and drinks on an itinerant basis, i.e. outside a commercial establishment, from stands or dismountable installations, as well as in vehicles.

It is important to point out that the management of waste produced in this sector is included in Law 6/2021 of 17 February on waste and contaminated soils in Galicia, and in Law 7/2022 of 8 April on waste and contaminated soils for a circular economy, where it is catalogued under the heading "Commercial waste", which is waste generated by the activity of commerce, wholesale and retail, catering services and bars, offices and markets, as well as the rest of the service sector.

Proper waste management is essential for all catering establishments, not only for their own health and to ensure food safety for their customers, but also to have a lower environmental impact. To this end, the necessary separation measures must be adopted for recycling, in accordance with the provisions of Article 28 of Law 7/2022, and to comply with the provisions of Article 11 of Royal Decree 1055/2022, on packaging and packaging waste.

Scheme of the process



2. Preliminary urban planning formalities

Preliminary formalities

The first step that the promoter should take is to check the urban planning regime that applies to the plot or building on which the activity is to be carried out.

Therefore, in accordance with the provisions of Article 87.2 of Law 2/2016, of 10 February, on Galician land:

“Everyone has the right to be informed in writing by the corresponding local council about the urban planning regime and conditions applicable to a specific plot of land or to the sector, polygon or planning area in which it is included. This information must be provided within a period not exceeding 2 months from the submission of the application to the municipal registry. This information must be provided within a period not exceeding 2 months from the presentation of the request at the municipal registry”.

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

Legal regime of rural land

1. Specific regime in the existing traditional buildings on rural land and land of rural core

Articles 40 of Law 2/2016, of 10 February on Galician land and 63 of the Regulation of Law 2/2016, of 10 February, approved by Decree 143/2016, of 22 September, allow the implementation of the activity of restaurants or cafeterias in existent traditional buildings in any category of rural core land or rural land provided that they existed prior to 25 May 1975 (date of entry into force of Law 19/1975 of 2 May, on the reform of the law on land and urban planning regime).

With regard to any possible works, alterations, rehabilitation, reconstruction and extension, even in independent volume, up to 50% of the original volume of the traditional building, are permitted without the need to comply with the applicable urban planning parameters, except for the height limit, and the necessary municipal planning permission must be obtained.

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

2. Specific regime for buildings constructed on rural land with planning permission

The third transitory provision of Law 2/2016 of 10 February, on Galician land, allows for the maintenance or change, in constructions built on rural land under the protection of planning permission, of the activity of restaurants or cafeterias, and may be executed, with a municipal licence, works of improvement or alterations and extension of the lawfully built surface area, complying with the following requirements.

1. It will be necessary to obtain authorisation or a favourable report from the body with the corresponding sectorial competence, as indicated in the following epigraph, in the case of land included in specially protected rural land.
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.

Sectoral reports or authorisations

Any interested party can consult the information on the sectorial affectations applicable to a plot of land in the **Basic Autonomous Plan of Galicia**, which is an essential dynamic tool to reflect the complex reality of the sectorial regulations on the territory and which allows citizens to have access to all the relevant information from a territorial point of view, updated and universally accessible, throughout the whole of our autonomous community.

The viewer of the Basic Autonomous Plan of Galicia can be consulted through the following link:

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

Establishment in the protection easement zone of the maritime-terrestrial public domain

1. In the case of the establishment of the restaurant or cafeteria in the protection easement zone of the maritime-terrestrial public domain, **authorisation will be required from the Autonomous Community sector in matters of coasts.**

MT701A - Authorisation for works and action in the protection easement area of the maritime-terrestrial public domain 	
Body responsible	Second Vice-Presidency and Regional Ministry of the Environment, Territory and Housing (Directorate-General for Spatial Planning and Town Planning - Provincial Town Planning Service of the corresponding territorial headquarters)
Description	<p>Works, installations and activities promoted by natural and legal persons other than the Administration of the Autonomous Community of Galicia itself and entities of the autonomous public sector which, ordinarily, constitute permitted uses in the area of protection easement of the maritime-terrestrial public domain according to state legislation on coasts, will require sectoral autonomous authorisation in coastal matters.</p> <p>The uses and action referred to must be in accordance with the urban development plan and with the legal regime which, according to the type of land on which they are developed, is established in the urban development legislation and in the sectoral regulations which, where applicable, are applicable.</p>
Documentation	<p>Interested parties must provide the following documentation with the application:</p> <ol style="list-style-type: none">1. Cadastral reference of the plot of land on which the work, installation or activity requested is to be carried out.2. Municipal certification of the urban development qualification of the land.3. Documentation accrediting the ownership or availability of the land, by any means of proof admissible in law.4. Definitive demarcation plan or, where appropriate, provisional definition plan of the demarcation line on a scale of 1/1,000, drawn or authenticated by the corresponding body of the State Administration, which must show the exact location and occupation of the requested action.5. Photographic information, including photographs of the surroundings.6. Proof of payment of the corresponding fee. <p>In the case of major works, the following documentation must be provided, in addition to that indicated in number 1 above:</p> <ol style="list-style-type: none">1. Basic project for the works or installations, signed by competent technical personnel.2. Justifying and descriptive report with attachments, where appropriate, which must include the characteristics of the installation and other relevant data, such as basic project criteria, work execution programme and, where appropriate, the wastewater evacuation system.

Documentation

3. Location plans of an appropriate scale.
4. Topographical plan of the current state, of a scale of no less than 1/1,000.
5. Plans of elevations and characteristic sections.
6. General floor plans, with representation of the boundary, inner limit of the seashore, transit and protection easement.

In the case of minor works, the following documentation must be provided, in addition to that indicated in point 1:

1. Explanatory report of the works, with an expression of their characteristics, intended use and budget of these detailed by item.
2. Definition plans, including elevations and characteristic sections.
3. In the case of enclosures, sketches of the work, indicating measurements.
4. Profile and topographical plan of the plot, scale 1:500, previous state and definitive state.

In the case of events or temporary facilities intended for the holding of public shows and recreational or sporting activities:

1. Descriptive report of the event, of the facilities and their maximum duration.
2. Plans defining the ground plan of the actions, at a minimum scale of 1:5,000.

Mandatory

Yes

In the cases described above

Deadlines

5 months for the resolution of the authorisation

On-line procedure

Yes

Through the electronic headquarters of the Xunta de Galicia

In person

Yes

Through the electronic headquarters of the Xunta de Galicia. Register of the Xunta de Galicia or any other of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.

Regulations

- Law 22/1988, of 28 July 1988, on coasts.
- Royal Decree 876/2014, of 10 October, approving the General Coastal Regulations.
- Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Community of Galicia in the area of protection easement of the maritime-terrestrial public domain.

2. In the event that it is necessary to carry out any intervention or work on existing buildings in a restaurant or cafeteria before the entry into force of the Coastal Law, an affidavit of liability must be submitted before obtaining the municipal planning permission:

MT701B - Affidavit of liability for carrying out works in the protection easement zone of the maritime-terrestrial public domain



Body responsible

Second Vice-Presidency and Regional Ministry of the Environment, Territory and Housing (Directorate-General for Spatial Planning and Town Planning - Provincial Town Planning Service of the corresponding territorial headquarters)

Description

The execution of repair, improvement, consolidation and modernisation works, provided that they do not involve an increase in volume, height or surface area of existing constructions, as provided for in point 2 of the fourth transitional provision and in Article 13 bis of Law 22/1988 of 28 July 1988 on coasts, and in point 2 of Article 4 of Decree 97/2019 of 18 July 2019, which regulates the powers of the Autonomous Community of Galicia in the area of the maritime-terrestrial public domain protection easement:

Descripción

- Works and installations that legitimately occupy the protection easement of the maritime-terrestrial public domain prior to the entry into force of Law 22/1988, of 28 July, on coasts, and which are contrary to the provisions of that law.
- Works and installations that, as a consequence of modification, for any reason, of the maritime-terrestrial public domain protection easement area, become located in it, in accordance with the provisions of Article 44.5 of Royal Decree 876/2014, of 10 October, which approves the General Coastal Regulations.

Contents

In the standard form, the declarant declares the following:

- That the works to be executed are for repair, improvement, consolidation or modernisation.
- That they will not involve an increase in volume, height or surface area of the existing buildings.
- That the work involves an improvement in the energy efficiency of the building, if applicable, in the terms indicated in the fourth transitory provision of Law 22/1988, of 28 July, on coasts.
- That the mechanisms, systems, installations and equipment to be installed involve energy savings in water consumption, where applicable.
- That all the data contained in the application and in the documents provided or of which the applicant declares to be in possession are true.

Furthermore, the declarant declares to be in possession of the following documentation:

- Documentation that accredits the ownership or availability of the property on which it is intended to act, by any means of proof valid in law.
- Documentation for carrying out the works or installations granted prior to the entry into force of Law 22/1988, of 28 July, on coasts, in accordance with the provisions of the fourth transitory provision of this regulation.
- Technical project of the works when required, in accordance with the provisions of the regulations in force, or, if not required, a descriptive report of the works with an expression of their characteristics, intended use, detailed budget and, where appropriate, definition plans, including elevations and characteristic sections; in the case of small works, sketches of these.
- Energy efficiency certificates, where applicable.
- Justification, where applicable, that the mechanisms, systems, installations and equipment used represent effective energy savings in water consumption.

Mandatory

Yes

In cases where regional authorisation is not required for the works to be carried out.

Deadlines

It must be presented prior to the application for the municipal urban planning authorisation and, in any case, within a period of 1 month before the works start.

On-line procedure

Yes

Through the electronic headquarters of the Xunta de Galicia

In person

Yes

Through the electronic headquarters of the Xunta de Galicia. Register of the Xunta de Galicia or any other of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.

Regulations

- Law 22/1988, of 28 July 1988, on coasts.
- Royal Decree 876/2014, of 10 October, approving the General Coastal Regulations.
- Decree 97/2019, of 18 July, which regulates the powers of the Autonomous Community of Galicia in the area of protection easement of the maritime-terrestrial public domain

3. Procedures for the start-up of a restaurant or cafeteria. Summary of the process

This catalogue mainly refers to the procedure for **the opening and start-up of the activity of restaurants or cafeterias** regulated by Decree 108/2006, of 15 June, which establishes the tourist management of restaurants and cafeterias in the Autonomous Community of Galicia.

The scheme of the process also includes other accessory procedures or those linked to the processing of the aforementioned, such as:

- TU996B. Modifications or substantial alterations that affect the conditions of tourist establishments. These are substantial changes or alterations that affect the group, category, speciality, type, capacity or any of the conditions of restaurants or cafeterias.
- TU996A. Deregistration or changes that do not affect classification. This refers to changes of ownership, changes in the company deed and those others that do not entail substantial alterations, as well as those involving the cessation of activity.

Attachment 1 of this catalogue includes a description of the procedures to be carried out by the promotor 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 required.

This catalogue does not include the formalities related to the incorporation of the company, which imply the endowment of legal personality and the capacity to enter into contracts. These formalities, of a general nature for the incorporation 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 develop its activity. Nor are those relating to the area of occupational risk prevention included.

The procedure to be able to carry out the activity involves a series of formalities:

- 1. Submission of affidavit of liability by the promotor.** An affidavit of liability is a prerequisite for the development of the activity which must be submitted before the provincial department of the Tourism Agency of Galicia, and which states the compliance of the requirements foreseen in the tourist regulations for the intended classification and the commitment to maintain them during the duration of the activity.
- 2. Inscription in the Register of Tourism Companies and Activities of the Autonomous Community of Galicia.** On the basis of the affidavit of liability, and provided that it meets the requirements established by law, the Administration will register the restaurant or cafeteria *ex officio* in the Register of Tourism Businesses and Activities of the Autonomous Community of Galicia.
- 3. Administrative verification measures.** The provincial department of the Galician Tourism Agency in which the establishment is located will carry out the necessary verifications, controls and inspections relating to the veracity of the data declared.
- 4. Resolution.** The provincial department of the Galician Tourism Agency in which the establishment is located, once the appropriate file has been processed and after audience with the owner of the restaurant or cafeteria, will submit it together with their report to the Directorate of the Galician Tourism Agency and will issue the corresponding resolution. In the event that a decision is issued in accordance with the declaration, it will expressly state the category and other conditions of the establishment, in accordance with the affidavit of liability submitted by the interested party.

Submittal of the affidavit of liability authorises the development of the tourist activity in which the interested party is self-classified from the day of the submittal, without prejudice to the fulfilment of all the obligations required in other applicable regulations.

4. Preliminary formalities

General requirements

In addition to complying with the obligations deriving from the sectoral provisions, restaurants and cafeterias must comply with different general technical requirements set out in Chapter I of Decree 108/2006, of 15 June 2006.

Restaurants

Restaurants are classified, according to their facilities and services, into the following categories: five-, four-, three-, two- and one-fork restaurants. Five-fork restaurants may, in addition, use the designation of luxury restaurants.

The minimum requirements for each of these categories are as follows:

RESTAURANTES
Cinco garfos ou luxo
Customer entrance separate from staff and goods entrance.
Hotel foyer or waiting room with bar service.
Cloakroom.
Air conditioning.
Public telephone in an isolated booth. In addition, there shall be a telephone service at all tables.
Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins. They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers. They shall have at least the following items: <ul style="list-style-type: none">• Up to 50 places, two washbasins and two toilets each.• More than 50 places: for each additional 25 places or fraction thereof, one additional washbasin and one additional toilet each.
Staff toilets. Lockers and toilets with shower shall be provided for service staff.
Lift. Only when the establishment is located on the second floor or higher in the building.
Service stairway. Only when the establishment has more than one floor.
Uniformed staff.
Dining room manager with knowledge of languages. This person, in addition to being fluent in Galician and Spanish, must have sufficient knowledge to provide good service in at least two foreign languages.
List of dishes and menus in several languages. In addition to Galician and Spanish, it should be available in at least two foreign languages.
High-quality decoration and tableware.
Use of a gueridon or side table and a dish cover for those that require one.
Wine cellar with wines of national and international brands of recognised prestige and all Galician designations of origin.
Drinks service manager.
Own car park or valet service.

Four-fork

Customer entrance separate from staff and goods entrance.

Hotel foyer or waiting room with bar service.

Cloakroom.

Air conditioning.

Public telephone in an isolated booth.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 60 places, two washbasins and two toilets each.
- Over 60 places: for each additional 50 places or fraction thereof, one additional washbasin and one additional toilet each.

Staff toilets. Toilets with showers shall be provided for service staff.

Lift. Only when the establishment is located on the third floor or higher in the building.

Service stairway. Only when the establishment has more than one floor.

Uniformed staff.

Dining room manager with knowledge of languages. This person, in addition to being fluent in Galician and Spanish, must have sufficient knowledge to provide good service in at least two foreign languages.

List of dishes and menus in several languages. In addition to Galician and Spanish, it should be available in at least two foreign languages.

High-quality decoration and tableware.

Use of a gueridon or side table and a dish cover for those that require one.

Wine cellar with wines of national and international brands of recognised prestige and all Galician designations of origin.

Drinks service manager.

Own car park or car park by arrangement.

Three-fork

During hours when the establishment is open to the public, suppliers cannot use the same entrance as clients.

Cloakroom.

Heating and refrigeration.

Telephone available for customers.

Toilet facilities for the clientele shall be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific feminine hygiene containers.

They shall have at least the following items:

- Up to 60 places, two washbasins and two toilets each.
- More than 60 places: for each additional 50 places or fraction thereof, one additional washbasin and one additional toilet each.

Staff toilets.

Uniformed staff.

Dining room manager with knowledge of languages. This person, in addition to being fluent in Galician and Spanish, must have sufficient knowledge to provide good service in at least two foreign languages.

List of dishes and menus in several languages. In addition to Galician and Spanish, it should be available in at least two foreign languages.

High-quality decoration and tableware.

Two-fork

The customer entrance shall not be used during meal service hours as a goods entrance.

Cloakroom.

Heating.

Telephone available for customers.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 75 places, two washbasins and two toilets each.
- More than 75 places: for each additional 50 places or fraction thereof, one additional washbasin and one additional toilet each.

Uniformed staff.

List of dishes and menus at least in Galician and Spanish.

Decoration and basic tableware in good condition.

One-fork

The customer entrance shall not be used during meal service hours as a goods entrance.

Heating.

Telephone available for customers.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 100 places, two washbasins and two toilets each.
- More than 100 places: for each additional 75 places or fraction thereof, one additional washbasin and one additional toilet each.

Decoration and basic tableware in good condition.

List of dishes and menus at least in Galician and Spanish.

Cafeterias

Cafeterias are classified into the following categories: three-cup, two-cup and one-cup cafeterias.

The minimum requirements for each of these categories are as follows:

CAFETERIA

Three-cup

Customer entrance separate from staff and goods entrance.

Hotel foyer or waiting room with bar service.

Cloakroom.

Heating and refrigeration.

Public telephone in an isolated booth.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 50 places, two washbasins and two toilets each.
- For every additional 50 places or fraction thereof, one additional washbasin and one additional toilet each.

Staff toilets.

Uniformed staff.

Two-cup

Customer entrance separate from staff and goods entrance.

Heating.

Public telephone in an isolated booth.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 75 places, two washbasins and two toilets each.
 - For each additional 75 places or fraction thereof, one additional washbasin and one additional toilet each.
-

Staff toilets.

Uniformed staff.

One-cup

Telephone available for customers.

Toilets for the clientele must be separate for men and women, with hot and cold water in the washbasins.

They shall be equipped with toilet paper, soap, hot air hand dryer and single-use towels, hangers, litter bins and specific female hygiene containers.

They shall have at least the following items:

- Up to 100 places, two washbasins and two toilets each.
 - For each additional 75 places or fraction thereof, one additional washbasin and one additional toilet each.
-

5. Affidavit of liability. Start of the activity

Opening restaurants and cafeterias is not subject to prior authorisation, but the owner must submit an affidavit of liability on different aspects indicated by the regulation, and is authorised to start the activity from the day of its submittal, without prejudice to compliance with the rest of the obligations required in other applicable regulations.

This authorisation for the development of the activity does not exempt the entrepreneur from their duty to obtain the authorisations, permits, licences and/or reports established in the different sectorial and municipal regulations.


With a view to administrative simplification, the regional administration provides promoters with a standardised procedure (TU984D) at the electronic headquarters of the Xunta de Galicia for submitting the affidavit of liability for starting the activity.

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

TU984B –Start-up of restaurants or cafeterias		
Body responsible		Provincial department of the Galician Tourism Agency.
Description		Whoever intends to open a cafeteria or restaurant must submit to the provincial department of the Tourism Agency of Galicia in which the establishment is located an affidavit of liability in which they state that they comply with the requirements set out in the tourism regulations for the start of activity and the commitment to maintain them for the duration of the activity.
Documentation		<ul style="list-style-type: none"> • Affidavit of liability (Attachment V of the Order of 19 November 2015 updating the official models of affidavit of liability and notification of commencement of the activity relating to the activity of legal services, available at the electronic headquarters). • Project or report with scaled plans at a minimum of 1:00 showing dimensions of the distribution of floors and surfaces, for all the different units. • Request for exemption, if applicable. • Proof of payment of the corresponding fees.
Mandatory	Yes	
Deadlines		Throughout the year.
Amendment		If the affidavit of liability contains any essential deficiency or omission 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 this is not done, it will be determined that it will be impossible to continue with the activity.
Resolution		6 months.
Silence		Positive.
On-line procedure	Yes	Procedure TU984B https://sede.xunta.gal/detalle-procedemento?codtram=TU984B&ano=2015&numpub=1&lang=gl

In person	Yes
Regulations	<ul style="list-style-type: none"> Order of 19 November 2015 updating the official models of affidavit of liability and notification of the start of activity relating to the activity of legal services.

This procedure is subject to the following fees:

Fees		
Body responsible		Tax Agency of Galicia.
Description		<p>This procedure is subject to the payment of the following fees: Code 31.19.05. Classification and any type of substantial change or alteration with respect to the conditions under which the classification of restaurants and cafeterias was granted.</p> <p>Code 33.01.00. Sale of official books which are compulsory to keep and for which there is no specific fee.</p> <p>Code 30.01.00. Bookkeeping.</p> <p>The amount can be consulted at the following link: http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-2</p>
Body responsible		Form 731 or self-assessment form
Description	Yes	Documentary prerequisite.
Body responsible	Yes	Virtual Tax Office.
Description	Yes	Print the completed form 731 or the blank self-assessment form and complete it in order to make the payment in person at a collaborating financial institution.
Body responsible		<ul style="list-style-type: none"> Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Community of Galicia. Decree 108/2006, of 15 June 2006, establishing the tourist management of restaurants and cafeterias in the Autonomous Community of Galicia.

6. Register of Tourism Companies and Activities

In accordance with the affidavit of liability duly made, the provincial area of the Galician Tourism Agency in which the establishment is located will automatically register the establishment in the Register of Tourism Companies and Activities of the Autonomous Community of Galicia, unless essential data or documents have been omitted or it can be deduced from the declaration that it does not meet the requirements for the classification requested.

7. Administrative verification procedures. Resolution

The provincial department of the Galician Tourism Agency in which the establishment is located will carry out the necessary verifications, controls and inspections relating to the veracity of the data declared, compliance with the requirements established in Law 7/2011, of 27 October, on tourism in Galicia, and in Decree 108/2006, of 15 June, which establishes the tourist planning of the Autonomous Community of Galicia, and to the possession and formal validity of the following documentation:

- Document accrediting the legal status of the interested party.
- Title 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 entity, deed of incorporation of the company and power of attorney of the interested party in the event that it is not clearly deduced from the corporate deed.
- Civil liability insurance that covers the risks of the users of the establishment for bodily injury, material damage and economic damage caused by the development of its activity.
- Prior notification of commencement of activity presented to the local council where the establishment is located and, if applicable, prior notification or building permission.
- Plans of the final state of the building works, at least of quotas and surface areas.

The provincial department, once verified and the appropriate file has been processed and after audience with the owner of the restaurant or cafeteria, will send it together with their report to the Directorate of the Galician Tourism Agency, which will issue the corresponding resolution. If a resolution is issued in accordance with the affidavit, it will expressly state the category and other conditions of the establishment, in accordance with the affidavit of liability submitted by the interested party.

Verification by the competent bodies of the inaccuracy, falsity or omission, of an essential nature, of the data declared, as well as the failure to submit the affidavit of liability, the non-availability of the mandatory documentation or non-compliance with the applicable requirements, will determine the impossibility of continuing with the business activity from the moment that such facts are known, in accordance with the provisions of Article 106 of Law 7/2011, of 27 October, and without prejudice to any criminal, civil or administrative liabilities that may arise.

The Directorate of the Galician Tourism Agency shall issue, after audience with the interested party, the appropriate resolution declaring the inaccuracy, falsity or omission, of an essential nature, of the data declared, as well as the lack of availability of the mandatory documentation or the non-compliance with the applicable requirements, and shall agree the deregistration of the establishment, as well as the cancellation of its registration in the Register of Tourism Companies and Activities of the Autonomous Community of Galicia. Furthermore, the resolution that declares such circumstances may determine the obligation of the establishment to restore the legal situation to the point prior to the exercise of the corresponding activity, and must expressly determine the impossibility of submitting a new affidavit of liability for the same purpose within a minimum period of two months.

Any inaccuracy, falsehood or omission in any data, statement or document included in the affidavit of liability that affects the category, as well as the insurance and complementary documentation that may be required, where applicable, shall be considered to be essential.

The resolution will be issued and notified within a maximum period of 3 months, as from the entry of the complete documentation in the registry of the provincial department of the Galician Tourism Agency where the establishment is located.

Once this period has elapsed without an express resolution being issued and notified, it will be understood that the details of the establishment included in the affidavit of liability that was submitted comply with the requirements of the regulations in force.

8. Dispensation

Exceptionally, at the request of the interested party, which must be stated in the affidavit of liability of the commencement of the activity, the Directorate of the Galician Tourism Agency may consider the possibility of exempting restaurants or cafeterias from the requirement concerning the availability of heating when their opening period is limited to the summer months.

This option may also be used with regard to the requirements relating to telephone and toilet facilities in establishments located in singular buildings where commercial activities are carried out as a whole, in hotels, in fairgrounds or in stations or terminals of public land, sea or air transport services.

Dispensation will be agreed after assessment has been made by the Tourism Administration in the appropriate administrative file of the circumstances of the case with a view to guaranteeing the suitability of the facilities and services to the classification requested.

Restaurants classified in the five-fork or luxury category are excluded from the possibility of any dispensation.

9. Modifications and changes of classification. Cessation of the activity


Restaurants and cafeterias must maintain the conditions listed in the affidavit. In the case of modifications, different procedures are enabled depending on their nature:

1. Substantial modifications or alterations. These comprise all those that affect the group, category, type, capacity and any others that affect the conditions or requirements according to which the tourist classification was granted. They are processed according to standard procedure TU996B.
2. Changes that do not affect tourist classification. This covers all the other cases (changes of ownership, name, changes in the company deed and others that do not affect the classification of the establishments). It is processed by the standardised procedure TU996A. This procedure is also used to process the deregistration of the activity.

Substantial modifications

TU996B - Substantial modifications or alterations	
Body responsible	Galician Tourism Agency.
Description	<p>If the modification affects the group, category, type, capacity and any other that affects the conditions, it will be considered to be substantial and will require submitting the corresponding affidavit of liability to the provincial department of the Tourism Agency of Galicia in which the establishment is located.</p> <p>Once the corresponding file has been processed and the appropriate verifications have been made, and after audience with the owner of the establishment, the process is to submit this, together with the report, to the Directorate of the Galician Tourism Agency, which will issue the corresponding resolution.</p>
Documentation	<ul style="list-style-type: none"> • Application (attachment VIII of the Order of 19 November 2015, which updates the official forms of affidavit of liability and notification of commencement of activity relating to tourist service activities, available at the electronic headquarters). • Project or approved report with scaled plans at a minimum 1:150 showing dimensions of the distribution of floors and surfaces (at a minimum scale of 1:100 if it is a single block), of the modification. • Request for exemption, if applicable, and supporting documentation. • Proof of payment of the corresponding fees
Mandatory	Yes
Submittal deadline	Open throughout the year.
Resolution deadline	3 months.
Silence	Positive.

On-line procedure	Yes	Procedure TU996B https://sede.xunta.gal/detalle-procedemento?codtram=TU996B&ano=2015&numpub=1&lang=gl
In person	Yes	
Regulations		<ul style="list-style-type: none"> Order of 19 November 2015, updating the official models of affidavit of liability and notification of the start of activity related to tourist service activities.

Fee for substantial modifications or alterations		
Body responsible		Galician Tax Agency.
Documentation		<p>This procedure is subject to paying the fee with code 31.19.01. Classification and any type of substantial change or alteration with respect to the conditions under which the classification of tourist establishments was granted.</p> <p>The amount of the fee can be consulted at the following link: http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-2</p>
Mandatory		Form 731 or self-assessment form.
On-line procedure	Yes	Documentary prerequisite.
In person	Yes	Virtual Tax Office.
Regulations	Yes	Print the completed form 731 or the blank self-assessment form and complete it in order to make the payment in person at a collaborating financial institution.
Documentation		<ul style="list-style-type: none"> Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Community of Galicia. Attachment III. 37.01.

Cessation of activity or non-substantial alterations



TU996A – Deregistration or changes not affecting the tourist classification

Body responsible		Galician Tourism Agency.
Description		In those cases in which the modification involves a change of ownership, name, changes in the company deed and those others that do not affect the classification, as well as the cessation of activity, only notification to the provincial area of the Galician Tourism Agency in which the establishment is located will be required.
Documentation		<ul style="list-style-type: none">• Notification (Attachment IX of the Order of 19 November 2015, which updates the official forms of affidavit of liability and notification of commencement of activity relating to tourist service activities).
Mandatory	Yes	
Submittal deadline		10 days after the modification or cessation of the activity.
On-line procedure	Yes	Procedure TU996A. https://sede.xunta.gal/detalle-procedemento?codtram=TU996A&ano=2015&numpub=1&lang=gl
In person	Yes	
Regulations		<ul style="list-style-type: none">• Order of 19 November 2015, updating the official models of affidavit of liability and notification of start of activity relating to tourist service activities.

10. Emblems and publicity

Identification plaques and denomination

Restaurants and cafeterias shall display in a visible place, for information purposes, an identification plaque corresponding to their classification. Its minimum dimensions shall be 200 × 200 mm.

They shall be placed outside the establishment and shall contain at least the following elements:

- a) For restaurants: a capital R and a drawing of the number of forks corresponding to the category.

The design of the forks shall be vertical and with the prongs facing upwards. Furthermore, in the event that they have tourist authorisation to use the designation of an eating house, the corresponding identification shall appear on the plaque.

- b) For cafeterias: a capital C and a drawing of the number of cups corresponding to the category it represents.

Restaurants and cafeterias may not use a name, sign or emblem different from those corresponding to their group and classification, nor may they use any other category or name than the one for which they have tourist authorisation.

It is forbidden to use the name of restaurant, eating house or cafeteria without prior compliance with the requirements established for the exercise of each activity.

Trade name

The trade name of restaurants and cafeterias shall be free, with no limitations other than those established by the legislation in force regarding trade names, and may not use names that are confusing or misleading or that infringe citizens' rights.

Opening hours

The owners of restaurants and cafeterias are obliged to display the opening and closing times, on the outside of the establishments and in a visible manner, specifying the dining hours in the case of restaurants, which shall include, in all cases, a minimum period of two and a half hours for lunch and the same period for dinner.

Capacity and number of seats

The owners of restaurants and cafeterias are obliged to place inside the establishment and in a place that is clearly visible to the public the permitted capacity, which will correspond to that indicated by the town council in the corresponding municipal licence. In whatever case, the maximum number of seats to be authorised for tourism will be the result of dividing the surface area of the dining room or space used for customer service by 1.5 or 1, depending on whether they are restaurants or cafeterias, provided that the evacuation routes are free and without prejudice to the provisions of the applicable sectorial regulations.

11. Attachment 1. Municipal procedures

Possibility of submitting prior consultations to the local council

With regard to the municipal procedures that the promoter will have to carry out, the first thing to bear in mind is the need to consult, in advance, the regulations approved by the local council where the activity is to be carried out, in the exercise of its regulatory powers.

In order to ensure that the necessary documentation for the commencement of the activity is properly presented, the promoters can submit written enquiries to the local council, which must be accompanied by all the data and documents that clearly identify the information required.

Payment of applicable taxes, as the case may be

It is particularly important at this point **to consult the tax by-laws** of the local council in order to pay the taxes related to the establishment of the activity which, if applicable, have been the object of the taxation agreement.

Works intended for the development of an activity

In most cases, starting the activity will require works to enable it to be undertaken, 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 developer should be aware of is that all acts of transformation, construction, building and use of the land and ground require, for their lawful exercise, the granting of a **municipal licence or the submittal of prior notification to the local council**, depending on the act in question.



Application for a municipal licence to carry out building work

Process management

Local Administration.

Description

The following acts shall be subject to a municipal licence, without prejudice to the authorisations that may be required in accordance with the applicable sectorial legislation:

- Acts of building and use of the land and ground which, in accordance with general building regulations, require a building works project.
- Interventions on buildings declared assets 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 levelling.
- Subdivisions of plots, segregation or other acts of division of land in any class of ground, when they do not form part of a reallocation project.
- The implementation 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 is derived 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 ground not mentioned above are subject to the **prior urban planning notification** system.

Documentation

The licence application shall contain the following data and documents:

- Identification details of the natural or legal person who is the developer and, if applicable, of whoever is representing them, as well as an address for notification purposes.
- Sufficient description of the characteristics of the act in question, detailing the basic aspects of it, its location and the building or property it affects, as well as its land registry 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 technical personnel to whom they are entrusted.
- When a technical project is not required, the application will be accompanied by a descriptive and graphic report that defines the general characteristics of its object and of the building in which it is intended to be carried out.
- 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 sectorial authorisations, concessions or reports when legally required.
- Where applicable, certificate issued by the municipal conformity certification bodies.

Licence applications for acts of building or use of land or ground may be accompanied by a certificate of conformity with urban planning law and with the applicable planning, issued by a municipal conformity certification body.

When an application for planning permission is accompanied by a certificate of conformity, the municipal technical and legal reports on the conformity of the application with planning law are optional and not compulsory.

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 documentation required in relation to this must be submitted.

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

Deadline

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

Mandatory

Yes

In those cases in which it is mandatory depending on the act to be carried out.

On-line procedure

Yes

Through 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 by-laws.



Notification prior to carrying out the works

Process management

Local Administration.

Description

All acts of occupation, construction, building and use of land and ground that do not require a licence are subject to the prior urban development notification system. In particular, the following are subject to the prior notification system:

- Execution of minor works or installations.
- Use of land for the development of commercial, industrial, professional, service or other similar activities.
- Use of overhanging over buildings and installations of any kind.
- Modifying 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.
- Extraction of granulates for construction and the exploitation of quarries, although it takes place on public land and is subject to concession or administrative authorisation..
- Extraction of minerals, liquids and any other material, as well as dumping in the ground.
- Installing greenhouses.
- Placing posters and advertising panels visible from the public highway, provided that they are not in enclosed premises.
- Farm/estate closures and fencing.
- The first occupancy of buildings.

Documentation

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person who is the promoter and, where appropriate, of the person who represents them, as well as an address for notifications.
- Technical description of the characteristics of the act in question or, where appropriate, the 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 sectorial reports when they are legally required of the applicant, or proof that their granting has been requested. For these purposes, in the event that the reports have not been issued within the legally established period, this circumstance must be proven.
- Authorisation or environmental assessment document, if required by the use to which the works are to be put.
- Proof of payment of any municipal taxes that may be required.
- Where applicable, certificate issued by the municipal conformity certification bodies provided for in these regulations.
- Document formalising the transfer, if applicable.
- Date of commencement and completion of the works.
- Certificate certifying the effective and complete completion of the works signed by a competent technician, endorsed by the professional association when required by current regulations, in the case of prior notification of first occupancy of buildings covered by a building permit that requires a technical project.
- Documentation proving the commissioning of the installations carried out in the property in accordance with its regulatory regulations and, where applicable, certification issued by the utility companies of the proper execution of the supply network connections, in the case of prior notification of first occupation of buildings.

Documentation

Notifications concerning building works or the use of land or ground can be accompanied by a certificate of conformity with urban planning law and with the applicable planning, issued by a municipal conformity certification body.

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 documentation required in relation to this must be submitted.

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

Deadlines

In the case of prior urban planning notifications, the developer, before executing the act in question, shall notify the town council of their intention to carry out the act at least fifteen working days prior to the date on which they intend to commence its execution.

Within fifteen working days following the communication, the town council, without prejudice to the verification of compliance with the requirements, may declare the documentation presented to be complete or require the remediation of any deficiencies it may contain, adopting in this case, in a reasoned manner, the provisional measures it deems appropriate, communicating them to the interested party by any means that allows accreditation of their receipt.

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

When an urban planning communication is submitted together with a certificate of conformity, it shall be valid with immediate effect from its presentation at the registry of the town council for 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.

Mandatory

Yes

In cases where a licence is not required for carrying out the works.

On-line procedure

Yes

Through 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 by-laws.

Before submitting the licence application or the prior urban development communication, the promoter must take the following aspects into account:

- When the acts of building and use of land and ground are carried out on land in the public domain, the developer will be required to have the prior authorisations or mandatory concessions granted by the owner of the public domain.
- Neither a licence can be granted nor a prior urban development communication be submitted without the prior granting of urban development or sectorial authorisations from other public administrations, where applicable.

In this regard, it is necessary to reiterate that, in the event that the restaurant or cafeteria is located on rustic land of special protection, in accordance with the provisions of Article 36.2 of Law 2/2016 of 10 February, on Galician land, and Articles 51.2 and 63. 3 of the Regulation of Law 2/2016 of 10 February, of the land of Galicia, approved by Decree 143/2016, of 22 September, in the rustic land of special protection it will be necessary to obtain authorisation or a favourable report from the body with corresponding sectorial competence prior to obtaining the municipal authorisation.

Furthermore, in the case of works aimed at the development of an activity, a specific regime is established which determines that the developer **must expressly state this circumstance** and, together with the application for the building permit or with the prior notification, present the following documentation:

- The identification details of the natural or legal person who is the owner of the activity or establishment and, where appropriate, of the person representing them, as well as an address for the purpose of receiving notifications.
- An explanatory report on the activity to be undertaken, detailing its basic aspects, its location and the establishment where it is to be carried out.
- Proof of payment of the mandatory municipal taxes.
- A declaration by the owner of the activity, if applicable, signed by a competent technician, in which they state that all the requirements for the activity are met and that the establishment complies with the safety, health and other conditions stipulated 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 technical person.
- The environmental authorisation or declaration, if applicable.
- Any other sectorial authorisations and reports that may be required.
- Where applicable, the certificate of conformity issued by a municipal conformity certification body

Therefore, in cases in which these two circumstances concur - the carrying out of the activity and the execution of works for the exercise of this 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 all administrative action in relation to this while the interested party does not duly accredit compliance with the legal requirements for the exercise of the activity.

On completion of the work, **prior notification** shall be submitted **for the commencement 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 development licence that covered the work carried out and the final work certificate signed by a competent technical person, as well as, where appropriate, the acoustic certificate.



Prior notification for starting the activity after works have been carried out

Process management

Local Administration.

Description

When the activity requires the execution of works or installations, the activities cannot start or develop until the works or installations are completely finished and the corresponding prior notification is submitted to the local council.

Documentation

- Identification details of the owner.
- Reference of the prior notification or the urban development licence that covered the work carried out.
- Final works certificate signed by a competent technician.
- Acoustic certificate (when applicable).

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

Mandatory

Yes

Submittal of a prior notification that complies with the required conditions authorises starting the activity or the opening of the establishment to which it refers from the moment it is presented, without prejudice to the subsequent verification and control interventions established by the local council.

On-line procedure

Yes

Through the municipal electronic offices.

Regulations

- Decree 144/2016, of 22 September, approving the single regulation of integrated regulation 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 by-laws.

Submission of prior notification of the commencement of the activity without carrying out the works

In cases in which it is not necessary to undertake works to start the activity, after carrying out the appropriate sectorial 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 local council in which the activity is to be carried out or the establishment is to be opened.



Prior notification for commencing the activity without any prior works

Process management

Local Administration.

Description

The installation, implementation or exercise of any economic, business, professional, industrial or commercial activity, as well as the opening of establishments destined for this type of activity, requires the submittal by the owner of the activity of a prior notification with the following exceptions:

- Exercise of activities and the opening of establishments subject to another regime of administrative intervention by the applicable sectorial regulations.
- Exercise of activities that are not linked to a physical establishment.

Documentation

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person who is the owner of the activity or establishment and, where appropriate, of the person representing them, as well as an address for notification purposes.
- An explanatory report on the activity to be carried out, detailing its basic aspects, its location and the establishment or establishments where it is to be carried out.
- Proof of payment of the mandatory municipal taxes.
- A declaration by the owner of the activity or establishment, where applicable, signed by a competent technician, that all the requirements for the activity are met and that the establishment complies with the safety, health and other conditions stipulated in the urban development plan.
- The project and the technical documentation that may be 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 tasks to be developed, with the content and detail that allows the Administration to know the object of them and to determine their adjustment to the applicable town planning and sectorial regulations, as regulated in the applicable regulations. The project and the technical documentation will be drafted and signed by a competent technical person.
- The environmental authorisation or declaration, if applicable.
- Any other sectorial authorisations and reports that may be required.
- Where applicable, the certificate of conformity issued by the municipal conformity certification bodies provided for in these regulations.

If the development of the activity or the opening of the establishment requires building work to be carried out, the above documentation shall be submitted with the prior notification provided for in the urban planning regulations or with the application for a building permit.

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

Mandatory	Yes	In the case of opening establishments, a stamped copy of the prior notification must be displayed in a visible and easily accessible place. In whatever case, the owner of the activity must have a stamped copy of the prior notification and display it when required to do so by an administrative inspection or by any person for whom the activity is carried out.
On-line procedure	Yes	Through the municipal electronic offices.

Presentation of a prior notification, which complies with the requirements, authorises starting the activity or the opening of the establishment to which it refers, or from the date expressly indicated by the interested party, without prejudice to the powers of the local councils to establish and plan the subsequent verification and control action.

Once prior notification has been received, the local council will verify *ex officio*:

- Their own competence.
- If it is the 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 presented with the prior communication is incomplete or has any other amendable deficiency, the town council will grant the person who presented it with a 10-day period with which to remedy it. However, in the event that the deficiencies detected are not amendable or are not amended within the period granted, 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 administrative intervention regime, the procedure for the declaration of ineffectiveness of the prior notification will be initiated *ex officio*.

Changes of ownership of the activity or establishment

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

- Identification details of the new owner
- Reference of the initial authorisation and, where applicable, of those that have been processed for subsequent changes of ownership or modifications of the activity or establishment

Responsibility to comply with the administrative requirements to which the activity or establishment is subject shall 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 is drawn up for purely informative purposes by the General Technical Secretariat of the Regional Ministry of the Economy, Industry and Innovation, as a means of consultation and, therefore, the content is 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 interpreted in accordance with it, so that the catalogue is a document subject to continuous evolution.



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