

CATALOGUE

USE OF MINING RESOURCES

XUNTA
DE GALICIA

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

MAKES

General Technical Secretariat

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USE OF MINING RESOURCES

Regional Ministry of the Economy, Industry and Innovation
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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 participating 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.

Use of mining resources. Concepts

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

The legal regime of mineral and other geological resources is regulated by Law 22/1973, of 21 July 1973, on mining, and by Royal Decree 2857/1978, of 25 August 1978, approving the General Regulations for the mining regime.

The 1973 Mining Law, together with its implementing regulations, establishes that all deposits of natural origin and other geological resources existing in the national territory, territorial sea and continental shelf are public property, and regulates the conditions under which research and use be carried out.

Therefore, it is this same 1973 Law that initially classifies mineral deposits and geological resources into three sections: A, B and C. Sections A) and C) respond to economic classification criteria, while Section B) is a classification based on the physical properties of the resources, or the origin of the deposits. Subsequently, with the entry into force of Law 54/1980, of 5 November 1980, amending the Mining Law, with special attention to energy mineral resources, a new Section D) was introduced to include resources of this nature in this classification.

Article 28 of the Statute of Autonomy of Galicia establishes that Galicia is competent for the legislative development and execution of State legislation on the mining and energy regime, and therefore, by virtue of this Article, Law 3/2008, of 23 May, on the organisation of mining in Galicia, is approved, which aims to develop the legal regime for mining activities in Galicia under conditions of sustainability and safety, promoting rational use compatible with environmental protection.

Law 3/2008, on the regulation of mining, establishes a unitary and integrated procedure for granting mining rights throughout the territory of the Autonomous Community, regardless of the type of resource and the mining activity to be carried out.

Therefore, the purpose of this document is to describe the necessary procedures to start a business activity for exploiting mineral and other geological resources within the territory of the Autonomous Community of Galicia.

Classification of mineral deposits and other geological resources. Mineral resources

According to mining legislation, mineral deposits and other geological resources are classified into the following sections:

- A) Mineral deposits and geological resources of low economic value and geographically restricted commercialisation, as well as those whose only use is to obtain fragments of appropriate size and shape for direct use in infrastructure works, construction and other uses that do not require operations other than grubbing, breaking and calibration.
- B) Include mineral waters, thermal waters, underground structures and deposits formed as a result of operations regulated by Law 22/1973 of 21 July 1973 on mines.
- C) Mineral deposits and geological resources not included in the previous sections and which are subject to exploitation in accordance with the law.
- D) Coal, radioactive minerals, geothermal resources, bituminous rocks and any other mineral deposit or geological resource of energy interest.

The following is a list, by way of example, of some of the resources that integrate each section:

Section A): Aggregates for construction.

Section B):

- Waters.
- Deposits of non-natural origin (ponds and rubble dumps).
- Underground storage structures.

Section C): all those not included in Sections A), B) or D):

- Metallic minerals for the iron and steel industry.
- Minerals for agricultural and chemical industries.
- Minerals for the glass and ceramics industry.
- Minerals for coatings.
- Precious metals.
- Ornamental rock.

Section D): those of energy interest (coals, radioactive minerals, geothermal exploitation).

Taking into consideration the scope of application of Law 3/2008, on the regulation of mining in Galicia, the following activities would be excluded from this catalogue:

- Exploration, research, exploitation and underground storage of liquid and gaseous hydrocarbons.
- The occasional and insignificant extraction of mineral resources, whatever their classification, provided that it is carried out by the owner of the land for their exclusive use and it does not require the application of any mining technique.
- The waters regulated by Law 5/1995, of 7 June 1995, regulating mineral, thermal and spring waters and spa establishments in the Autonomous Community of Galicia.
- Any use of geothermal resources of little economic importance, in particular those used for heating, domestic or industrial air conditioning and/or domestic hot water, based on very low enthalpy geothermal systems, with closed circuit heat exchangers, up to 200 metres deep, provided that it is carried out by the owner of the land for their exclusive use and that its use does not require the application of any mining technique.
- The recreational use of thermal waters, which will be governed by the provisions of Law 8/2019, of 23 December, regulating the recreational use of the thermal waters of Galicia.

Mining rights

The exercise by any natural or legal person of activities related to the mineral and geological resources described requires a prior administrative authorization, granted by the competent regional council for mines, without prejudice to the permits, licences and authorisations that may be granted to other bodies pursuant to their powers.

For the granting such authorisation, a unitary and integrated procedure is established throughout the territory of the Autonomous Community, regardless of the type of resource and the mining activity carried out, the IN307A procedure.

Once authorisation has been obtained from the Autonomous Community Administration, the appropriate municipal procedures for building the installations, where applicable, will be initiated. These procedures are listed in Attachment 2.

For the purposes of this catalogue, it is important to define the types of mining rights that exist and the different types of resources on which they can be exercised, with special mention of the fact that, although the procedure for their authorisation is the same, the contents of each of these rights are substantially different.

These are mining rights regulated by specific mining legislation:

- Authorisations to exploit resources in Section A).
- Resource authorisations under Section B).
- Exploration permits, research permits and exploitation concessions for the resources in Section C) and D).

Authorisations to exploit resources in Sections A) and B) grant the right to exploit the resources to which they refer. These authorisations shall be requested and granted for a defined area per hectare, with the following priorities their use:

Section A):

- Private land: its owner or to whoever its rights have been assigned.
- Land of public domain and use: they will be of common use.

Section B): Waste originating as a consequence of activities regulated in the Mining Law.

- By the holder of the mining right that originated the waste.
- In the case of waste in expired mining rights, by the owner or legal holder of the land.

These preferential rights will expire, if not exercised, within 6 months of the holder being notified that an application for exploitation was submitted by a third party and qualified as a Section B) resource.

Exploration permits under Sections C and D shall confer on their holders

- The right to carry out studies and surveys in specific areas, by applying techniques of any type that do not substantially alter the configuration of the land and with the limitations established by the applicable regulations.
- Priority in the request for research permits or direct exploitation concessions on the land included in its perimeter, which is free and registrable.

Research permits in Sections C and D are granted to their holders

The right to carry out, within the demarcated perimeter and during a determined period of time, the surveys and works aimed at revealing or defining one or several resources and, once defined and proven to be susceptible of rational exploitation, the corresponding exploitation concession is granted.

Concessions for exploiting resources in Sections C) and D) grant their holders the following exploitation rights

- Concessions for the exploitation of resources in Section C): the right to use all the resources in Section C) that are within its perimeter, without prejudice to the fact that, in the case of interest in the exploitation of a resource in that section, other than whatever motivated the application for the exploitation concession, prior authorisation must be obtained from the competent mining Administration.
- Concessions to exploit resources in Section D): the right to exploit only the resource or resources in Section D) that were the subject of the application.

Depending on the knowledge of the resource to be used, exploitation concessions may be

- **Direct exploitation concessions:** those applied for directly on free and registerable land without the need to obtain a prior research permit. Such concessions may be applied for in the following cases:
 - a) When a resource of Sections C) or D) is manifest in such a way that it is considered sufficiently well-known and its rational exploitation is considered feasible.
 - b) When, on resources sufficiently recognised in expired mining rights, there is data and evidence to define their exploitation, as a consequence of technological improvements or new market prospects.
 - **Exploitation concessions derived from a research permit:** these will be applied for as soon as the research sufficiently demonstrates the existence of a resource or resources of Sections C) or D), always within the period of validity of the research permit.
-

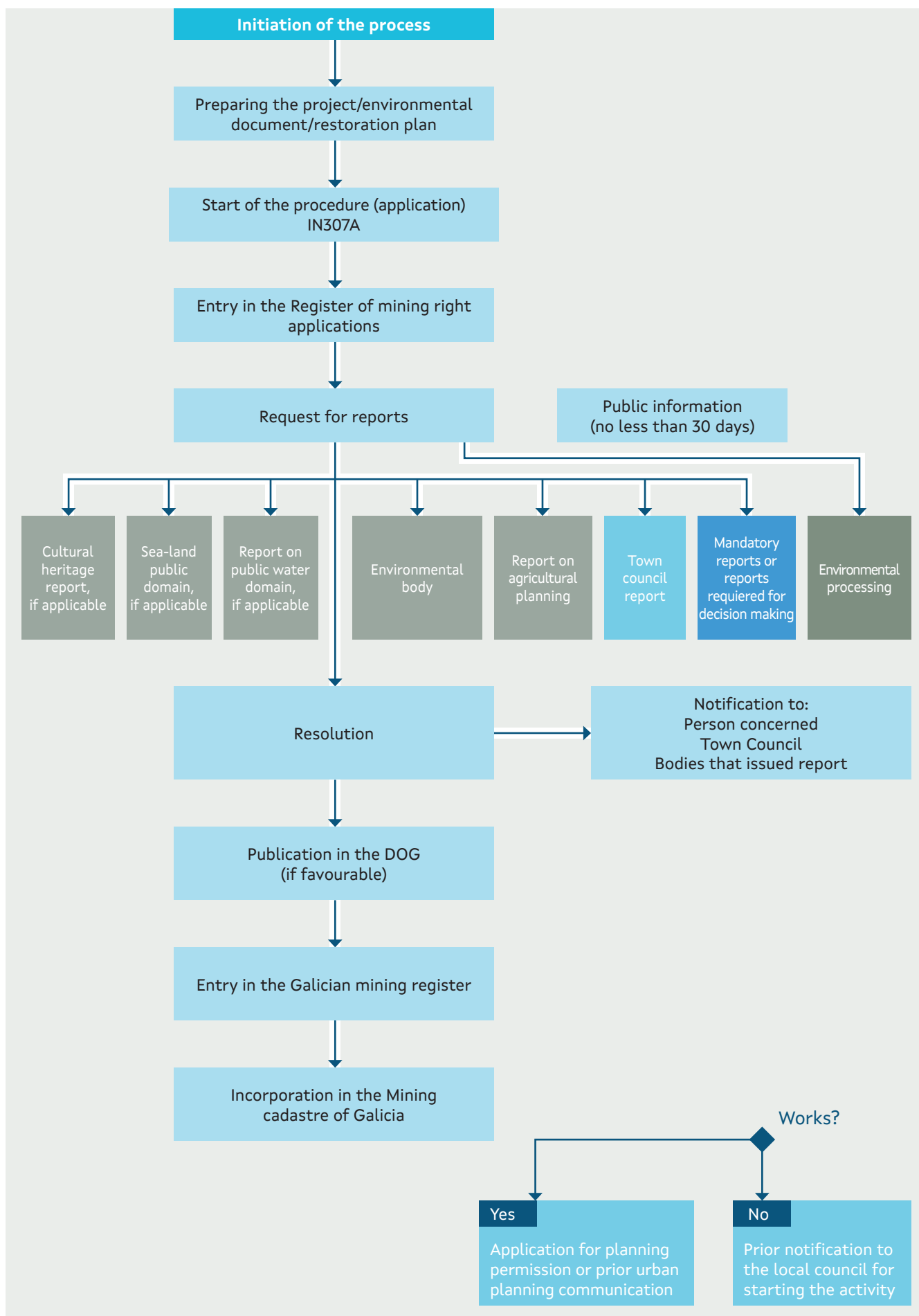
Applications for Section C and D rights

Exploration permits, research permits and concessions for the exploitation of resources in Sections C and D shall be applied for and granted for an area determined and measured in mining grids, grouped in such a way that those with a common point are joined along the entire length of one of their sides.

The mining grid shall be indivisible, except in cases of excess.

Mining grid: a volume of indefinite depth, the surface base of which lies between two parallels and two meridians 20 sexagesimal seconds apart, and must coincide with whole degrees and minutes and, where appropriate, with a number of seconds, which must necessarily be twenty or forty.

Scheme of the process



2. Sectorial requirements

1. Urban planning regime

Depending on the specific location of the activity and the urban planning classification of the land on which the mining right is to be developed, 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 local council, prior to any other procedure being carried out, in order to determine the urban planning viability of the action.

Thus, 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 the conditions applicable to a specific plot of land or to the sector, plot or planning area in which it is included.

This information must be provided within a period not exceeding 2 months from the presentation of the application at the municipal registry”.

2. Sectoral reports or authorisations

Any interested party can consult the information on the sectorial effects 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 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/>

3. Legal regime for rural land

Article 35.1.k) of Law 2/2016, of 10 February, on Galician land (LSG; Ley del suelo de Galicia), establishes as admissible use on rural land the activities and installations included in the scope of mining legislation, including mineral processing plants.

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

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

4. Prior consultation on landscape issues

The developer of the activity included in this catalogue must carry out a prior consultation with the Institute of Territorial Studies on the need to draw up a landscape integration impact study.

In this catalogue, due to the nature of the activity and in the event that the technical project has to be submitted to the procedure of Law 21/2013, of 9 December, on environmental assessment, the provisions of this law on the procedure to be followed in landscape matters must be complied with, so that prior consultation on landscape matters with the Institute of Territorial Studies is not considered a mandatory procedure.

Due to the nature of the activity and in order that the project, due to its singular activity, contains the most appropriate criteria, we recommend consulting the contents of the guide of the Galician landscape collection **"Guía de buenas prácticas para la integración paisajística de las actividades extractivas (2020)"** [Guide of good practices for the landscape integration of extractive activities (2020)].

This document offers criteria and recommendations for application in the successive processes involved in the extractive activities of mineral resources, from the exploration or research phase, the project and exploitation, to the final restoration. It also provides an analysis and understanding of the importance of mineral resources and the procedures for obtaining them, as well as the impact they normally have on the landscape, in order to offer the corresponding guidelines and criteria. This guide serves as a basis for future mineral resource developments to include consideration of the landscape and can be downloaded from the EIT website free of charge.

The applicable legislation is Law 7/2008, of 7 July, on the protection of the Galician landscape; Decree 96/2020, of 29 May, approving its regulations; and Decree 238/2020, of 29 December, approving the Galician Landscape Guidelines.

3. Preliminary formalities

Prior to applying for a mining right, the developer must:

- Prove, together with the application, to be in possession of the legal, technical and economic capacity required by mining legislation.
- In the case of Section A) rights: prove that the land is available.
- In the case of Section B) rights: obtain prior declaration of the resource as such.

4. Procedures for obtaining mining rights

Summary of the process

The aim of this catalogue is to provide those interested in starting up an activity related to the exploration, research, use or exploitation of a mineral or geological resource with a clear and chronological guide to all the procedures and actions required for authorisation. All the procedures related to the constitution and start-up of the company and employing personnel, those linked to its ordinary activity (taxation, social security, etc.), as well as those related to the field of occupational risk prevention, are outside the scope of this catalogue.

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

The administrative procedure to apply for a mining right starts with the submission of application form IN307A, in application of Article 18 of Law 3/2008, of 23 May, on the regulation of mining in Galicia.

This is a single, integrated administrative procedure for all mining rights in the territory of the Autonomous Community, regardless of the type of resource and the mining activity to be carried out. The integrated procedure shifts the burden of the requests for reports from the administrator to the substantive body, thus substantially simplifying the administrative procedure for the developer.

Once the application for the activity permit has been submitted, and after the appropriate requests for amendment of the documentation required by the regulation, and which appears in the explanatory sheet of the procedure, the substantive body will proceed to request the reports listed below.

According to Law 3/2008, of 23 May, the following reports shall be requested:

- Report from the local council or councils that have the mining right within their municipal boundaries.
- Report from the body responsible for environmental issues.
- Report on cultural heritage, where applicable.
- Report from the body responsible for the public water domain, where appropriate.
- Report from the body responsible for the maritime-terrestrial public domain, where appropriate.
- Report from the body responsible for agricultural planning.
- Report from the body responsible for the prevention and extinction of forest fires.
- Any other reports that are mandatory according to the applicable legal provisions and those that are deemed necessary to reach a decision, citing the precept that requires them or the grounds, where appropriate, for the convenience of requesting them.

These reports will be issued within one month after receipt of the complete dossier.

It is very important to point out that **the issuing of the relevant report** by the competent sectorial body **will replace**, for all purposes, **the corresponding authorisations** which, in accordance with the applicable sectorial legislation, the applicant is obliged to request from the bodies consulted in the exercise of their competences, and the content of the report must be adapted to the provisions of the sectorial regulations for the corresponding authorisation.

At the same time, a public information period of no less than thirty days will be opened for the presentation of any possible allegations.

The following explanatory sheets summarise the information on the authorisation procedure and the corresponding fees.



Responsible body

Directorate-General for Energy Planning and Natural Resources (Dirección General de Planificación Energética y Recursos Naturales)

Description

Authorisations to exploit resources in Sections A) and B).
 Exploration permits for resources in Sections C) and D).
 Investigation permits for resources in Sections C) and D).
 Concessions for exploitation of Sections C) and D).

Documentation

- Authorisation application form (Attachment I of the Order).
- Report including the exploration, research or exploitation project and projects for mining facilities and production processes.
- [Feasibility and solvency report*](#), which certifies that the applicant meets the requirements, especially economic and technical solvency, in accordance with the provisions of Article 18 of Law 3/2008, of 23 May.
- In the event that the document is subject to environmental assessment, the corresponding document in accordance with Law 21/2013, of 9 December, on environmental assessment, as detailed in Attachment 1.
- Occupational health and safety plan.
- Restoration plan for the area affected by the mining activities.
- Execution timetable and budget.
- Plans.
- Attachments.
- Documentation required by the corresponding sectorial regulations for the authorisations required from other public administrations, if applicable.
- Municipal certificate on the urban situation of the site where the exploitation is to be carried out.
- Other documentation and information certifying compliance with the requirements established in the applicable sectorial legislation.
- Non-technical summary of all the documentation listed above, to facilitate public information.
- Responsible declaration from the technical designer.
- Payment of the fee corresponding to the mining right application.
- Identification of the data which, in the opinion of the applicant, is subject to professional secrecy and intellectual and industrial property, as well as those which are subject to personal protection and confidentiality, in accordance with the provisions in force.
- In the case of natural person applicants, a copy of the DNI (National ID Number) or NIE (Foreign Resident Number), only in the case of not authorising the consultation.
- If the developer is a legal entity:
 - Copy of the NIF (Tax Identification Number), only in the case of not authorising the consultation.
 - Copy of the deed or document of incorporation or modification of the articles of association or founding act.
- In the case of acting through a representative, documentation certifying such representation.
- Documentation required for the declaration of public utility or social interest, specifically, and the need for occupation, if applicable. (As detailed in Attachment 2).

In the case of applying for **mining rights of Section A:**

- When the deposit is located on **privately owned land:** documentation proving the right to use it.
- When the deposit is located on **public land:** authorisation of the Administration holding the title deed of the deposit.

Documentation

In the case of applying for **mining rights of Section B:**

- Prior declaration of qualification of the resource to be exploited as a Section B resource).

In the case of applying for a direct operating concession:

- Justification of the origin of the application as a direct concession.

In the case of an exploitation concession derived from a research permit:

- Detailed description of the geological nature of the deposit or nursery, investigations carried out and results obtained, including resources and reserves.

Registration of applications for mining rights

Applications for permits, authorisations and concessions for mining rights shall be entered in the Register of applications for mining rights, which is an independent section of the Galician mining register.

Priority for processing mining rights will be determined by the order of registration in the Register of applications for mining rights.

Amendment of applications

If the application does not meet the aforementioned requirements, the interested party will be required to amend the lack thereof or provide the necessary documents within ten days, indicating that, if they fail to do so, they will be considered to have withdrawn their application, following the corresponding reasoned decision.

Request for reports

- Reports from the different bodies that must pronounce on the different matters within their competence.
- Mandatory reports in the environmental impact assessment process.

Public information

Publication in the *Galician Official Gazette (Diario Oficial de Galicia, DOG)*. No less than 30 days for the presentation of any possible allegations.

Environmental impact assessment

Issuance of the corresponding environmental impact assessment document:

- Environmental Impact Statement (EIS) (Declaración de impacto ambiental, DIA).
- Environmental Impact Report (EIR) (Informe de impacto ambiental, IIA).

*Mining rights may not be granted without the prior issuance of the environmental statement, when necessary in accordance with current legislation (Art. 37 L. 3/2008).

Technical report and proposed resolution

Issuance of the final technical report by the processing body and proposed resolution. It will then be sent to the Directorate General responsible for mining matters for its resolution.

Resolution.
Minimum content

The resolution granting a mining right shall have the following **minimum content**:

- Conditions imposed by the competent mining body for the exercise of exploration, research and exploitation activities, as well as for mineral processing plants.
- Their extension and delimitation:
 - In **exploration permits**: The competent mining body shall assess that, within the limits set by the specific mining legislation, their extension does not exceed four hundred mining squares, taking into account the peculiarities of the territory of the Autonomous Community, for environmental, agrarian, town planning or other reasons within their competence.
 - In **research permits**, the mining authority will not grant extensions of more than fifteen mining squares, except in exceptional cases duly justified and motivated by the type of resource to be investigated, the best available techniques, its strategic nature or its interest for the Galician economy.
- Term of validity and renewal conditions, if applicable.
- The constitution of [compulsory guarantees and civil liability insurance](#)*.
- The requirements guaranteeing, where appropriate, the protection of natural resources.
- Measures relating to the definitive closure and abandonment of the operation.
- Any other measures required by the applicable sectoral legislation.

When required by the applicable regulations, it must contain:

- Environmental impact statement or other environmental impact figures.
- The necessary preventive and control conditions regarding serious accidents involving hazardous substances.
- The management of waste from extractive activities and its transport, when carried out within the operation itself.
- The conditions of activity of the processing establishments linked to mining activities..
- The relevant sectoral authorisations.

Compatibility with mining rights and public interest uses

If the application for a mining right affects a pre-existing mining right or other rights of public interest, the substantive body shall rule on their compatibility or incompatibility, as well as on their prevalence.

Duration

Mining authorisations for Section A and B resources:

Duration foreseen in the corresponding exploitation project, with a **maximum review limit of the conditions of its granting every ten years**.

In the case of Section A, the duration of the authorisation may not exceed the period for which the applicant has proved the right of use.

Exploration permits: Maximum of one year, with the possibility of extension for a maximum of another year.

Research permits: Maximum of three years. They may be extended up to a maximum of three years, by means of a single extension or several successive partial extensions, and exceptionally for successive periods not exceeding three years.

Mining authorisation concessions: 30 years, which can be extended up to a maximum of seventy-five years..

Deadlines		Open all year round.
On-line procedure	Yes	https://sede.xunta.gal/detalle-procedemento?codtram=IN307A&ano=2015&numpub=1&lang=es
In person	No	
Deadline for resolution		Twelve months.
Effects of silence		Rejection.
Notification and publicity		<p>The processing body shall notify the decision:</p> <ul style="list-style-type: none"> • to the persons concerned • the local council where the mining project is to be located • to the different bodies that issued the binding report. <p>If the resolution is favourable, it will be published in the <i>Galician Official Gazette (Diario Oficial de Galicia, DOG)</i>.</p>
Regulations		<ul style="list-style-type: none"> • Law 22/1973 of 21 July 1973 on mines. • Royal Decree 2857/1978, of 25 August, approving the General Regulations for the mining regime. • Law 3/2008 of 23 May 2008 on the regulation of mining in Galicia. • Royal Decree 975/2009 of 12 June 2009 on the management of waste from extractive industries and the protection and rehabilitation of areas affected by mining activities. • Law 21/2013, of 9 December, on environmental assessment. • Royal Decree 1000/2010, of 5 August, on compulsory collegiate approval. • Order of 22 October 2015 adapting and incorporating into the electronic headquarters of the Xunta de Galicia the open-term administrative procedures of the Regional Ministry of Economy, Employment and Industry.

*Feasibility or solvency report

Proof of the applicant's **financial solvency** may be provided by one or more of the following mean:

- Submission of the annual accounts or an extract from them (legal entity).
- Statement of the applicant's overall turnover and of the mining work carried out by the applicant over the last five years.
- Any other documentation considered sufficient by the competent mining body.

The **technical solvency** of the applicant may be proven by one or more of the following means:

- Academic and professional qualifications and experience of the company's personnel.
- A declaration of the material means and technical equipment available to the applicant for the execution of their mining programme.
- A statement on the company's personnel, indicating, where applicable, the degree of stability in their employment and the importance of their management teams over the last five years.
- Any other documentation established by regulations.

* Financial guarantees

1. The holder of a mining right shall provide a sufficient financial guarantee or equivalent prior to the required notification of the commencement of work, and shall be responsible for its maintenance in accordance with the terms set out below.
 2. The **forms of constitution of the financial guarantees** or equivalent may include the following:
 - Internal provision funds constituted by deposit in financial institutions.
 - Financial guarantees in the custody of a third party (such as bonds and guarantees issued by banking institutions).
 - Insurance contracts covering the operator's civil liability arising from non-compliance with the provisions of the authorised restoration plan.
 3. The **amount** of the guarantee **shall correspond to the sum of two concepts**:
 - One shall cover compliance with the obligations of financing and viability of the mining works. Its amount shall be 4% of the investment budget, in the case of an authorisation for use or an exploitation concession, and 20% for exploration or research permits. It must be revised at the request of the mining owner when justifying the total or partial implementation of the approved exploitation project.
 - Another shall be responsible for compliance with the environmental restoration plan, which shall be reviewed annually, taking into account the rehabilitation work already carried out and the new areas affected, in accordance with the provisions of the annual work plan. The amount shall be determined according to the following criteria:
 - Actual cost of all restoration works in accordance with the approved restoration project.
 - Area affected in each year of research or exploitation.
 - Timetable and execution programme.
 - Current and planned use of the land.
 4. The financial guarantee or equivalent **shall be established in such a way as to ensure that funds are readily available at any time** from the competent authority for the remediation of the land concerned.
 5. **On completion of the implementation** of the restoration plan, the operator shall apply to the competent authority, in writing, for **the release of the corresponding financial security**. The competent authority shall issue a reasoned report within two months.
-


Civil liability insurance

The holder of any mining right must take out civil liability insurance within **thirty days of notification of the granting decision** in order to cover any damage that may be caused to people, animals, property or the environment.

If the holder of a right commissions the work involved, in whole or in part, to a third party, they can subrogate all or part of the civil liability insurance contract to the operator, informing the Mining Administration.

The amount of the insurance shall be fixed and reviewed by the competent mining authority in accordance with the risks arising from exploration, research or exploitation work and, in particular, from the management of the waste generated by the exploitation.

The submission and processing of the application shall entail the payment of the following fees:

Registration fee in the Register of applications for mining rights		
Responsible body	Tax Agency of Galicia.	
Description	<ul style="list-style-type: none"> Registration in the Register of applications of mining rights: code 32.29.18 <p>The amount of the fee can be consulted in the following link:</p> <p>Current rates of fees:</p> <p>http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3</p>	
Mandatory	Yes	
On-line procedure	Yes	<p>The procedure must be carried out through the electronic headquarters at the time of submission of the application. Payment of the fee is integrated in the IN307A procedure.</p> <p>Payment can be made by debiting the bank card, by debiting the bank account or by payment in person at a collaborating financial institution using a payment letter with NRC (Complete Reference Number) that is generated from the same procedure.</p>
Regulations	<ul style="list-style-type: none"> Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Community of Galicia. 	



Fee for the processing of mining right applications

Responsible body		Tax Agency of Galicia.
Description		<ul style="list-style-type: none">Processing of files concerning mining rights, excluding expenditure relating to public information: code 32.29.00. <p>The amount of the fee can be consulted in the following link:</p> <p>Current rates of fees:</p> <p>http://www.atriga.gal/es/tributos-da-comunidade-autonoma/taxas-e-prezos/tarifas-vixentes-de-taxas/anexo-3</p>
Mandatory	Yes	
On-line procedure	Yes	<p>Payment of the fee is integrated in IN307A procedure, which must be made at the time it is required by the body responsible for such processing.</p> <p>The procedure shall be carried out through the electronic headquarters, accessing the file previously created in the said IN307A procedure and completing the action "Payment of processing fee" (Pago de tasa por tramitación).</p> <p>Payment can be made by debiting the bank card, by debiting the bank account or by payment in person at a collaborating financial institution using a payment letter with NRC (Complete Reference Number) that is generated from the same procedure.</p>
Regulations		<ul style="list-style-type: none">Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Community of Galicia.

5. Entry in the Galician mining register

Entry in the Register of
mining right
applications

The application to initiate the procedure for the authorisation or concession of a mining right shall be entered in the Register of applications for mining rights, which is an independent section of the Galician mining register.

Authorization of
Mining Rights



Entry in the Galician
mining register



Mining cadastre
of Galicia

Once the procedure has been completed, all mining rights authorised or granted in the territory of the Autonomous Community of Galicia shall be entered ex officio in the Galician mining register, which shall be public.

The entry shall include data relating to:

- Type of mining right.
- Holder.
- Extension.
- Delimitation.
- Period of validity.

This data will be included in the Galician mining cadastre, which is managed by the Official Galician chamber of mines.

6. Post-granting formalities

Once the granting decision has been notified, the title holder must complete the following formalities:

- Notify, prior to commencing the work, the appointment of the project management. Notification must be submitted electronically using the standard form available for this purpose at the Xunta Galicia's electronic headquarters <https://sede.xunta.gal>.
- Constitute the financial guarantee or sufficient equivalent prior to the mandatory notification of the commencement of the works.
- Take out civil liability insurance within thirty days of notification of the granting resolution, to cover any damage that may be caused to people, animals, property or the environment.
- Notify the start of the works to the mining authority, which should begin within the following deadlines:
 - Authorisation to exploit Section A): within 6 months from notification of granting the authorisation.
 - Authorisation to exploit Section B): within 1 year from the notification of granting the authorisation.
 - Research permits: within 6 months of being in a position to occupy the land.
 - Exploitation concessions: within 1 year of being granted the concession.


Attachment 1.
Environmental processing

The environmental processing of the project required to carry out the exploitation of a mining resource, as well as the restoration plan for the area affected by the mining activity, will be undertaken within the procedure for the granting of the relevant mining right.

The procedures relating to public information and consultation of the affected public administrations and interested parties, which must be undertaken in the environmental assessment procedure, shall be performed simultaneously with the similar procedures to be carried out in the substantive procedure for the approval of the project and the restoration plan.

This environmental procedure varies depending on the characteristics of the project and restoration plan to be approved:

- a. Projects listed in Attachment I of Law 21/2013 (Group 2. Extractive industries; Groups 9 to 15) or those which, having to undergo simplified environmental assessment, are so decided on a case-by-case basis by the environmental body. They will be subject to **ordinary environmental assessment**.
- b. Projects considered in Attachment II of Law 21/2013, of 9 December, on environmental assessment (Group 3. Drilling, dredging and other mining and industrial facilities). They will be subject to **simplified environmental assessment**.

Ordinary environmental assessment 	
Description	In the case of projects subject to the ordinary environmental assessment procedure, the developer shall prepare the environmental impact survey .
Documentation	<ul style="list-style-type: none"> • Prior to starting the ordinary environmental impact assessment procedure, the developer may request the environmental body to prepare a scope document for the environmental impact assessment. To do so, they must submit a request to the substantive body to determine the scope of the environmental impact study, accompanied by the initial project document. • The environmental impact study shall contain, at least, the information contained in Article 35 of Law 21/2013, of 9 December, on environmental assessment, in the terms set out in Attachment VI of the same regulation. • When the environmental body has drawn up the scope document in accordance with the provisions of Article 34, the developer shall draw up the environmental impact survey in accordance with the information required in this document.
Regulations	<ul style="list-style-type: none"> • Law 21/2013, of 9 December, on environmental assessment; Article 35, attachments I and VI.

Simplified environmental assessment 	
Description	In the case of projects subject to the simplified environmental assessment procedure, a request to initiate the simplified environmental impact assessment, accompanied by the environmental document, must be submitted to the substantive body, together with the documentation required by sectoral legislation.
Documentation	<ul style="list-style-type: none"> • The environmental document shall include the information contained in Article 45 of Law 21/2013, of 9 December, on environmental assessment.
Regulations	<ul style="list-style-type: none"> • Law 21/2013, of 9 December, on environmental assessment; Article 45, attachment II.

Attachment 2.
Special conditions for the declaration
of public utility or social interest.
Need for occupation

In relation to the expropriation procedure regulated by the Law of 16 December 1954 on compulsory expropriation, Law 3/2008, of 23 May, on the regulation of mining in Galicia, establishes some special conditions that are of interest to developers and which are listed below:

- 1) In cases in which Law 22/1973, of 21 July, on mines, or the regulation that replaces it, declares the public utility implicit in the granting of the mining right, the person promoting this may request the need to occupy the assets or rights that are essential for starting the project, without prejudice to the possibility of future expropriation proceedings for the development of the entire project.

To do so, the developer must submit, when applying for the corresponding mining right, a specific and individualised list describing, in all material and legal aspects, the assets deemed to require occupation.

- 2) In those cases in which Law 22/1973, of 21 July 1973, on mines, or the regulation that replaces it, provides for the possibility of declaring the public utility, the person promoting the mining right may request the declaration of public utility or social interest, specifically, and the need to occupy the property or rights that are essential for the start of the project or the construction of the installation, without prejudice to the possibility of future expropriation proceedings for the development of the entire project.

In this case, the developer must submit, together with the application, a justification of the importance and reasons for the declaration of public utility, including a specific and individualised list of the assets and rights that the applicant considers necessary to occupy, justifying the reasons why it was not possible to reach an agreement to avoid it.

- 3) The mining body shall publish the list of assets and rights in the Spanish Official State Gazette (*Boletín Oficial del Estado*), in that of the respective province and in one of the newspapers with the largest circulation in the province, and shall also notify the town councils in whose municipal district the asset or right subject to occupation is located, so that within fifteen days of the last publication, the interested parties may make representations on the appropriateness of the occupation or disposal of the assets and their material or legal status.

Each titleholder of the rights or property affected shall be notified individually, who may, during the period established in the previous paragraph, provide such information as may allow for the rectification of any possible errors deemed to have been committed in the list that was made public.

- 4) The resolution granting the mining right processed in this way shall declare, where appropriate, the public utility or social interest, specifically, and the need to occupy the land for the purposes of the Law of 16 December 1954 on compulsory expropriation, or the regulation that replaces it, initiating the expropriation proceedings, without prejudice to the possibility of agreeing to the acquisition of the assets or rights that are the object of this freely and by mutual agreement. In the latter case, once the terms of the amicable acquisition have been agreed, the expropriation proceedings shall be concluded.

Attachment 3.
Municipal procedures

Possibility of submitting prior consultations to the local council

With regard to the municipal procedures that the developer 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 their regulatory powers.

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

In the event that the buildings or installations of the project are located in areas bordering two or more municipalities, it would be appropriate for the developer to ensure that they know the municipal boundaries by consulting the National Geographic Institute for the current boundary line¹.

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 a taxation agreement.

Works 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 subsoil require, for their lawful exercise, the granting of a **municipal licence or the presentation of prior notification to the local council**, depending on the act in question.

1 / The graphic representations presented by the IGN are not always updated with modern techniques that allow a precise determination of the existing legal boundary line between some municipalities. In this case, the developer could request that an action be taken on this boundary line, which will be registered on their own initiative, as permitted by Article 17.2 of Royal Decree 1545/2007, of 23 November, which regulates the National Cartographic System.



Application for a municipal licence to carry out building work

Process management

Local Administration.

Description

The following acts shall be subject to **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 subsoil 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 land, 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 subsoil 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 have been entrusted.
- When a technical project is not required, the application shall be accompanied by a descriptive and graphic report defining the general characteristics of its object and of the building on which it is to be carried out.
- Environmental assessment document, if required for 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, a certificate issued by the municipal conformity certification bodies.

Licence applications for building or land or subsoil use acts 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 mandatory.

Documentation		Given that the purpose of the works 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 after 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, as from the submission of the application with the complete documentation, including the certificate of conformity, at the registry of the town council. 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		<ul style="list-style-type: none"> • 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		<p>All acts of occupation, construction, building and use of land and subsoil 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:</p> <ul style="list-style-type: none"> • 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 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. • The 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.. • The extraction of minerals, liquids and any other material, as well as dumping in the subsoil. • 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 developer 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 accreditation 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 justifying 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.

Notifications concerning building works or the use of land or subsoil 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 the 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 subsoil 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 presented 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 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		<ul style="list-style-type: none"> • 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 developer must take the following aspects into account:

- When the acts of building and use of land and subsoil 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 mining operation 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, on Galician land, approved by Decree 143/2016, of 22 September, in rustic land of special protection it will be necessary to obtain the authorisation or favourable report from the body with the 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 carried out, 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	<ul style="list-style-type: none"> • 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). <p>This information should be expanded by consulting the local regulations applicable in each case.</p>	
Mandatory	Yes	The presentation 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	<ul style="list-style-type: none"> • 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 carry out works to start the activity, after carrying out the appropriate sectorial procedures depending on the type of activity in question, the developer 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 presentation 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:

- 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 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 obligatory 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 actions to be developed, with the content and detail that allows the Administration to know the object of these 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.

The 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*.

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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