

CATALOGUE

HOTEL ESTABLISHMENTS

XUNTA
DE GALICIA

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

MAKES

General Technical Secretariat

DESIGN / LAYOUT

Gráficas Garabal S.L.

José Pías Sanahuja

YEAR OF EDITION

2023

PLACE

Santiago de Compostela

HOTEL ESTABLISHMENTS

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

Index

1. Introduction	07
Background. Law on administrative simplification and support for the economic reactivation of Galicia.....	08
Catalogues.....	08
Hotel establishments. Concept.....	08
Scheme of the process	11
2. Preliminary urban planning formalities	13
3. Procedures for the start-up of a hotel establishment. Summary of the process.....	17
4. Preliminary formalities	21
General requirements	22
Prior optional report.....	24
5. Affidavit of liability. Start of the activity.....	25
6. Register of tourism companies and activities.....	29
7. Administrative verification procedures. Resolution	31
8. Dispensation	33
9. Modifications and changes of classification. Cessation of the activity.....	35
Substantial modifications.....	36
Cessation of activity or non-substantial alterations.....	38
10. Emblems and publicity.....	39
11. Attachment 1. Capacity and specific requirements of accommodations units	43
12. Attachment 2. Municipal procedures.....	47
Possibility of submitting prior consultation to the local council	48
Payment of applicable taxes, as the case may be.....	50
Works intended for the development of an activity.....	50
Submission of prior notification of the commencement of the activity without carrying out the works	55
Changes of ownership of the activity or establishment	57

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.

Hotel establishments. Concept

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

The **object of this document** will be the activity of tourist accommodation companies in the form of **hotel establishments**, in accordance with the definition contained in Law 7/2011, of 27 October, on tourism in Galicia,

and in Decree 57/2016, of 12 May, regulating the management of hotel establishments.

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. Law 7/2011, of 27 October, on tourism in Galicia, regulates tourist accommodation companies in Chapter IV of Title IV and refers, in Article 55, to hotel establishments as one of the types of establishments in which the tourist accommodation activity may be carried out.

Tourist accommodation companies are those which, from an establishment open to the public, are dedicated, in a professional and habitual manner and in return for an economic consideration, to providing temporary accommodation to people, with or without the provision of other services.

Article 56 of the aforementioned law establishes that hotel establishments are those that provide tourist accommodation located in one or several nearby buildings, or in part of these, dividing them into two groups:

Grupo I

- Hotels

Grupo II

- Guesthouses

The regulatory development is carried out in Decree 57/2016, of 12 May, which establishes the organisation of hotel establishments, including the classification into two groups determined by law and dividing the hotel groups into the following types:

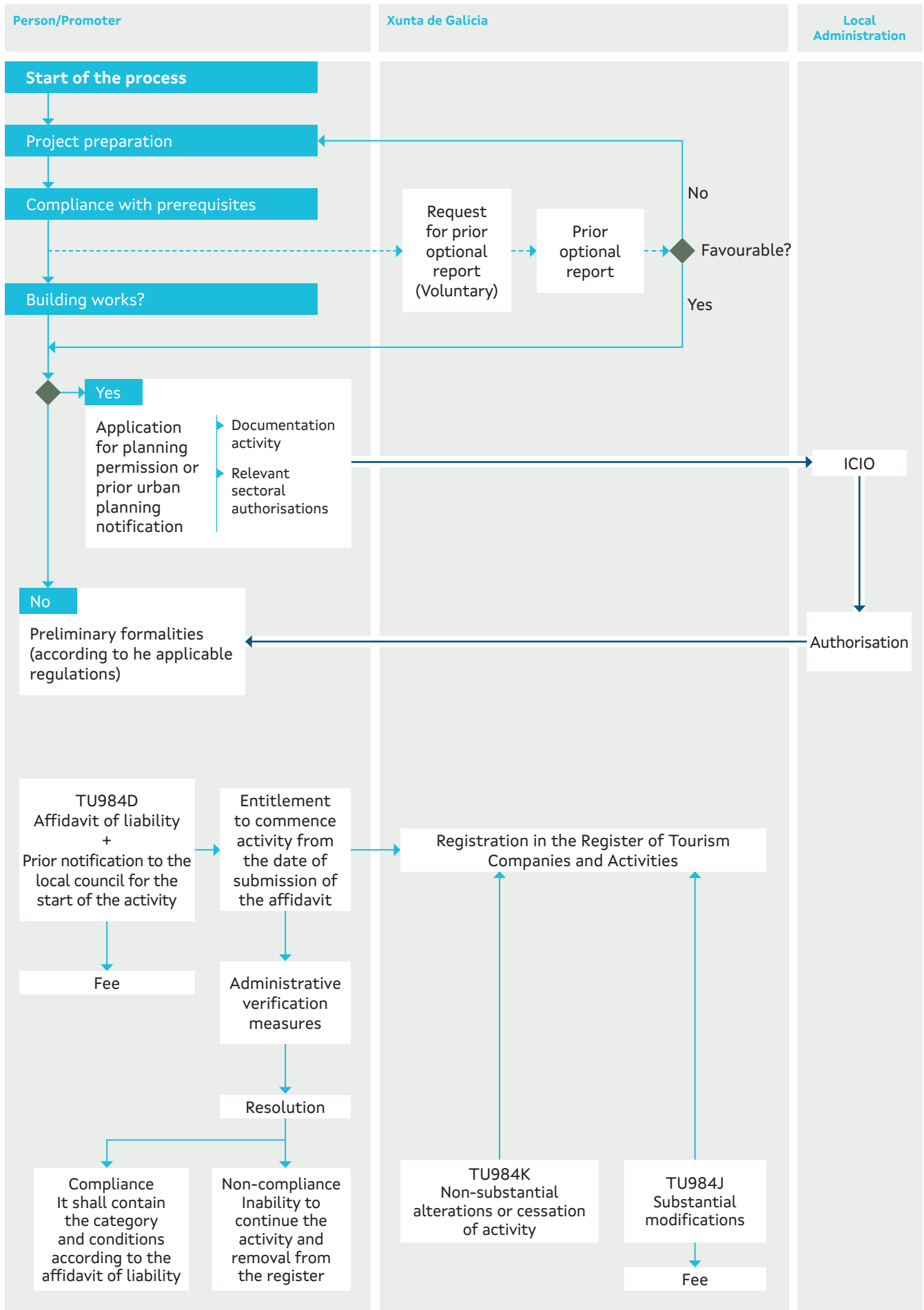
- Hotels
- Apartment hotels
- Spa hotels
- Thalasso hotels
- Any other that may be established by regulation (motels).

Excluded from the application of this catalogue are those accommodation activities that have institutional, social, welfare, labour, educational purposes or that are carried out within the framework of government programmes aimed at children and young people, senior citizens, women or groups in situations of need or social exclusion or victims of gender violence, in particular:

- Publicly owned pilgrim hostels, which will be governed by their specific regulations.
- Youth hostels integrated in the youth hostel network, which shall be governed by their specific regulations.
- Establishments dedicated to accommodation in collective rooms for school, educational or social reasons, such as temporary areas dedicated to cultural, sporting or recreational events, which shall be governed by their specific regulations.

Tourist accommodation companies shall not be considered to be those which, having as their apparent purpose the temporary accommodation of people, have the purpose of inducing, promoting, favouring or facilitating sexual exploitation or commercialisation, which shall be accredited by the means of proof that are appropriate by law.

Scheme of the process



2. Preliminary urban planning 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**.

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 on rural land: legal regime

1. General legal status of rural land

If it is intended for the hotel establishment to be located on rural land, the provisions of Article 35.1 of Law 2/2016, of 10 February, on Galician land, and Article 50.1 of Decree 143/2016, of 22 September, approving the regulations that develop it, which includes among the admissible uses on rural land in letter o) *“constructions and rehabilitations intended for tourism that enhance the environment in which they are located”*, must be taken into account.

Article 54 of Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land, states that:

“For the purposes of Article 50.1.o), the following activities are understood to be enhancers of the environment in which they are located:

- 1. Rural tourism establishments under the terms of the tourism legislation and in the determination 3.1.13 of the guidelines for spatial planning in Galicia.*
- 2. The inns, in the terms of the Law of tourism in Galicia, spa hotels, linked to the use of thermal waters, thalasso hotels, linked to the use of sea waters and tourist hostels linked to the network of the Ways of St. James to Santiago de Compostela.*
- 3. Publicly owned pilgrim hostels, pilgrim hostels on the Ways of St. James and tourist hostels that are located in an area declared a site of cultural interest, in the protection areas and buffer zone of the ways that have a delimitation definitively approved in accordance with the specific procedure and those that are located in the 30-metre strip of rural land of any nature, in the case of the Ways of St. James that do not yet have this delimitation definitively approved. All the aforementioned hostels must have outdoor open spaces for leisure, with a minimum plot area measuring 5,000 sqm.*
- 4. Other tourist facilities in rural areas that must be located in that specific environment, such as those located in mountain environments or environments with outstanding natural values, in such a way that it is precisely the nature of the service provided by the tourist facility in that location that determines the need for its implementation in that specific environment. In these cases, the following conditions will be required:*
 - The suitability of the chosen location must be fully justified.*
 - It must be located in an open and natural area, in a place that allows for activities in contact with nature.*
 - The establishment must have open outdoor leisure areas, with a minimum plot surface area of 10,000 sqm, and its architecture must be respectful and integrated into the environment.*
- 5. The accommodation establishments of the agrotourism type, in the terms established in tourism legislation, including wine tourism, must fulfil the same requirements as in the case of dwellings linked to agricultural and livestock farms”.*

These establishments are considered to be a tourist activity that enhances the environment, and therefore, within the framework of the requirements set out in the current urban planning regulations for rural land, they would be admissible following approval of a special infrastructure and facilities plan, unless the action can be included in the provisions of Article 40 for existing traditional buildings or in the third transitional provision relating to buildings constructed on rural land with planning permission, as indicated in Article 35.4 of Law 2/2016, of 10 February.

The special plan for infrastructures and facilities is a planning instrument provided for in Article 73 of Law 2/2016, of 10 February, and in Article 183 of Decree 143/2016, of 22 September, whose preparation and approval procedure are regulated in Articles 74, 75 and 76 of Law 2/2016, of 10 February, and in Articles 185, 186 and 187 of their regulations.

It should also be taken into account that, in the event that it is to be implemented on land classified as rural land of special protection, in accordance with the provisions of Article 36.2 of Law 2/2016, of 10 February, and Articles 51.2. and 63.3 of Decree 143/2016, of 22 September, authorisation or a favourable report must be requested from the body with the corresponding sectorial competence.

2. Specific regime for traditional buildings on rural land and on rural central land

Articles 40 of Law 2/2016, of 10 February, on Galician land, and 63 of Decree 143/2016, of 22 September, which approves their development regulations, allow tourism activities to be implemented in existing traditional buildings in any category of rural central land or rustic land, provided that they existed prior to 25 May 1975 (effective date of Law 19/1975, of 2 May, on the reform of the land and urban planning regime).

With regard to possible works, alterations, rehabilitation, reconstruction and extensions, even in independent volume, up to 50% of the original volume of the traditional building, will be permitted without the need to comply with the applicable urban planning parameters, except for the height limit, obtaining the necessary municipal planning authorisation.

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.

3. 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 the implementation of tourist activities on rural land under the protection of the urban planning permission, and may be executed, with a municipal licence, works of improvement and alterations and extension of the lawfully built surface area, complying with the following requirements:

1. In the case of land included in specially protected rural land, it will be necessary to obtain authorisation or a favourable report from the body with the corresponding sectorial competence, as indicated in number 2 of this document. C.
2. Compliance is required of the building conditions stipulated in Article 39 of Law 2/2016, of 10 February, and in the corresponding urban planning.

3. Procedures for the start-up of a hotel establishment. Summary of the process

This catalogue mainly refers to the procedure for the **opening and start-up of activity of hotel establishments** referred to in Article 56 of Law 7/2011, of 27 October, on tourism in Galicia, and regulated by Decree 57/2016, of 12 May, which establishes the management of hotel establishments.

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

- TU984I. Prior optional report. This refers to a report on the minimum infrastructure and service requirements required for the opening, construction or modification of a hotel establishment.
- TU984J. Substantial modifications or alterations of hotel establishments. These are substantial changes or alterations that affect the group, category, type, capacity or any of the conditions or requirements according to which the tourist classification was granted.
- TU984K. Cessation of activity or non-substantial alterations to hotel establishments. This refers to changes of ownership, changes in the corporate deed and others that do not entail substantial alterations, as well as those of cessation of activity.

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

Specifically, it should be taken into account the need for the approval of a **Special Plan for infrastructures and facilities**, prior to obtaining the municipal licence, in the event that the hotel establishment is located on rural land and the activity does not fit into the provisions of Article 40 of Law 2/2016, of 10 February, on Galician land, for traditional buildings, or in the third transitory provision, relating to buildings constructed on rural land with urban planning permission.

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. Request for a prior optional report** that guarantees compliance with the minimum requirements needed for infrastructure and services. This will be made to the provincial department of the Galician Tourism Agency where the establishment is located. This is a voluntary procedure and its issuance is not sufficient for the classification of the establishment or for starting the activity. It is advisable to request it, as it will guarantee that the requirements of the regulation are met before submitting the responsible declaration. This report is valid for one year as long as the regulation does not change.
- 2. Submission of the responsible declaration by the promoter.** 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 fulfilment of the requirements foreseen in the tourist regulations for the intended classification and the commitment to maintain them during the duration of the activity. Together with the affidavit of liability, the FACHO (Herramienta para la Autoevaluación y Clasificación de los Hoteles; Hotel Self-Assessment and Classification Tool). (https://www.turismo.gal/espazo-profesional/promocion-do-sector/facho?langId=es_ES)

- 3. Registration 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 hotel establishment *ex officio* in the Register of Tourism Companies and Activities of the Autonomous Community of Galicia and will issue a document proving this registration.
- 4. 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.
- 5. 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 hotel establishment (if applicable), will send it together with their report to the Directorate of the Galician Tourism Agency, which will issue the corresponding resolution. In the event that a decision is issued in accordance with the declaration, they 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 under the conditions set out in Decree 57/2016, of 12 May, authorises the development of the tourist activity in which the interested party is self-classified from the day it was submitted, without prejudice to the fulfilment of the other obligations required in other applicable regulations.

4. Preliminary formalities

General requirements

In addition to complying with the obligations deriving from the sectoral provisions, hotel establishments must comply with different general technical requirements set out in Chapter III (Arts. 12 to 22) of Decree 57/2016, of 12 May:



Elements	Characteristics
Public character (Art. 12)	Hotel establishments are establishments open to the public, and access to them is free under the conditions established in the applicable laws, regulations and specific prescriptions.
Quality and condition of facilities and room (Art. 13)	<ul style="list-style-type: none">• The quality of the facilities must be directly related to the category of the establishment that is displayed and the owner shall ensure that they are in perfect condition, taking special care of the order and the hygienic and safety conditions of all the premises.• The rooms must be handed over to the users in perfect condition for their use. The furniture, decorative elements, appliances and kitchenware shall, at all times, be of a quality in accordance with the category of the establishment and shall be kept in proper conditions of conservation and cleanliness.
Lighting, ventilation and soundproofing (Art. 14)	<ul style="list-style-type: none">• The rooms shall have natural lighting and ventilation to the outside or to an open courtyard, by means of a window, balcony or gallery that can be opened. In the case of rooms that open onto a covered interior courtyard, they must comply with the requirements established in Decree 29/2010, of 4 March, approving the rules for the habitability of dwellings in Galicia, in order to guarantee adequate lighting and ventilation. The surface area of the window openings, including the frames, shall be 10% of the surface area of the room, measuring a minimum of 1.20 metres. The living/dining room in the flats referred to in Article 23(e) shall have natural lighting and ventilation as stated.• The bathrooms, kitchen and communal areas shall have direct or assisted ventilation to the outside, provided that it is sufficient for adequate renewal of the air.• Hotel establishments shall have a darkening system in their rooms that prevents the passage of light at the will of the customer.• The installation of noise-generating machinery and, in particular, lifts, service lifts and air-conditioning systems must work with adequate soundproofing systems that guarantee noise insulation with respect to the users of the accommodation units.
Calculation of surface areas (Art. 15)	<ul style="list-style-type: none">• The calculation of the surface areas of the rooms will include those corresponding to bathrooms, access areas and built-in wardrobes or otherwise.• The minimum height of the rooms and the other rooms for general use will be as established in Decree 29/2012, of 4 March, which approves the standards for the habitability of dwellings in Galicia.• In rooms under the roof, the height required for at least 60% of the floor area, excluding areas the height of which are less than 1.80 metres.
Heating (Art. 16)	All hotel establishments shall ensure that the establishment reaches and maintains a minimum temperature of 19° C.

Civil liability insurance (Art. 17)

The owners of the hotel establishments must have contracted and hold permanently in force a civil liability insurance policy that covers the risks of the users of the establishment for bodily injury, material damage and economic damage caused as a result of the development of their activity. To this end, they must have the policy and the corresponding receipt of payment available for the tourist inspection in order to accredit its validity.

Internal rules (Art. 18)

- Hotel establishments may have internal rules that establish mandatory rules for users during their stay, and in no case can they involve discrimination on grounds of race, place of origin, sex, sexual orientation, religion, opinion, disability or any other personal or social circumstance, in accordance with the provisions of the Spanish Constitution and other specific regulations on the matter.
- Internal rules can determine the conditions of admission, rules of coexistence and operation, as well as everything that allows and favours the normal enjoyment of the facilities, equipment and services, without contravening the provisions of the legislation in force.
- The owner of the establishment can request the approval of these rules from the Galician Tourism Agency to ensure that they are consistent with town planning regulations.
- These rules shall be available to users in the most frequented area of the establishment, in a visible place and in such a way that they are legible for them, at least in Galician, Spanish and English.
- Accessibility to the internal rules shall be guaranteed for disabled users, as well as any other type of information necessary for the enjoyment of the establishments.

Pricing and reservation system (Art. 19)

Notwithstanding the provisions on prices, advertising and reservations set out in current state and regional regulations on the protection and defence of consumers and users, hotel establishments shall comply with the requirements set out in Law 7/2011, of 27 October, and Decree 179/2011, of 8 September, which regulates the system of prices and reservations of tourist accommodation and catering establishments in the Autonomous Community of Galicia.

Length of stay (Art. 20)

- The length of stay shall be that freely agreed between the parties at the time of contracting.
- Unless otherwise agreed in the admission document, the right to occupancy of the accommodation unit by the user shall begin at 15.00 hours on the first day of the contracted period and shall end at 12.00 hours on the day indicated as the date of departure.
- Extending the length of established in the admission document shall be subject to mutual agreement between the owner and the user.

Tourist Inspection Visitor's Book and Tourist Complaint Form (Art. 21)

- All hotel establishments must have a tourist inspection visitors' book at the disposal of the tourist inspectors.
- Likewise, hotel establishments must have tourist complaint forms available to tourist users, which will be provided immediately upon request, and they must permanently display a sign announcing the existence of these complaint forms available to users, in accordance with the provisions of the applicable sectorial regulations.

Registration books and entry forms for travellers (Art. 22)

Hotel establishments must comply with the regulations in force regarding register books and check-in forms for travellers.

It should be noted that these general requirements need to be complemented by specific requirements for accommodation units (see Attachment I).

TU984I Preliminary report on compliance with minimum infrastructure and services requirements for hotel establishments



Body responsible		Provincial department of the Galician Tourism Agency.
Description		Whoever intends to open, build or modify a hotel establishment, before initiating any type of action or procedure before the corresponding local council, may request a report from the Galician Tourism Agency regarding compliance with the minimum infrastructure and service requirements.
Documentation		<ul style="list-style-type: none"> • Application form (Attachment III of Decree 57/2016, of 12 May, available on the website). • Report describing and justifying the requirements set out in the decree regarding the minimum infrastructure and services, as well as scaled plans showing dimensions of the distribution of floors and cross-sections.
Mandatory	No	
Deadlines		Throughout the year.
Resolution		<p>2 months. It must expressly include the statement corresponding to the classification requested. 2 meses.</p> <p>In no case shall this report be sufficient for the classification of the establishment.</p>
Silence		Not specified.
Validity		The validity of the report will be for one year, provided the tourism regulation for which the report is issued remains in force.
On-line procedure	Yes	<p>Procedure TU984I</p> <p>https://sede.xunta.gal/detalle-procedemento?codtram=TU984I&ano=2016&numpub=1&lang=gl</p>
In person	Yes	
Regulations		<ul style="list-style-type: none"> • Decree 57/2016, of 12 May, establishing the management of hotel establishments. Article 41.


5. Affidavit of liability. Start of the activity

Opening hotel establishments 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 other obligations required in other applicable regulations.


This authorisation for the development of the tourist 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.

TU984D – Start-up of hotel establishments		
Body responsible	Provincial department of the Galician Tourism Agency.	
Description	Whoever intends to develop the activity of tourist accommodation in the form of a hotel establishment must submit to the provincial department of the Galician Tourism Agency 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 intended classification and the commitment to maintain them for the duration of the activity.	
Documentation	<ul style="list-style-type: none"> • Affidavit of liability (Attachment IV of Decree 57/2016, of 12 May, available on the website). • Legally required technical project, signed by competent technical personnel, which served as the basis for submitting the corresponding prior notification or, where applicable, the application for building permission to the local council in which the hotel establishment is located. • Request for exemption, if applicable, and supporting documentation in this respect (see section 8). • 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	3 months.	

On-line procedure	Yes	Procedure TU984D https://sede.xunta.gal/detalle-procedemento?codtram=TU984D&ano=2016&numpub=1&lang=gl
In person	No	
Regulations		<ul style="list-style-type: none"> Decree 57/2016, of 12 May, establishing the management of hotel establishments. Article 42.

Tourist classification fee		
Body responsible		Provincial department of the Galician Tourism Agency.
Description		<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 hotel establishment classification 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>
Documentation		Form 731 or self-assessment form
Mandatory	Yes	Documentary prerequisite.
On-line procedure	Yes	Virtual Tax Office.
In person	Yes	Print the covered form 731 or the blank self-assessment form and cover it in order to make the payment in person at a collaborating financial institution.
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. Decree 57/2016, of 12 May, which establishes the regulation of hotel establishments.

6. Register of tourism companies and activities

In accordance with the affidavit of liability duly made in accordance with the provisions of Decree 57/2016, of 12 May, which establishes the management of hotel establishments, the provincial department 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 and will issue a document accrediting such registration, unless essential data or documents have been omitted or it can be deduced from the affidavit that it does not meet the requirements for the classification requested.

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

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 57/2016, of 12 May, and 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 submitted 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, the appropriate file has been processed and after audience with the owner of the hotel establishment, will send it together with its 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 declared data, as well as the failure to submit the affidavit of liability, the non-availability of the mandatory documentation or the non-compliance with the applicable requirements, will determine the impossibility of continuing with the exercise of the 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 apply.

The Directorate of the Galician Tourism Agency shall issue, after audience with the interested party, the appropriate resolution declaring the inaccuracy, falsehood or omission, of an essential nature, of the data declared, as well as the lack of availability of the mandatory documentation or non-compliance with the applicable requirements, and shall agree the cancellation of the hotel establishment, as well as the cancellation of its registration in the Register of Tourism Companies and Activities of the Autonomous Community of Galicia.

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

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, in view of the special circumstances that may arise, taking into account the conditions required of hotel establishments and the number and quality of the services offered, and following a technical report from the tourism inspectorate, exempt hotel establishments, by means of a reasoned resolution, of the following relative requirements:

- The minimum surface areas and widths required for each category, provided that, in compliance with the specific regulations on the matter, they do not represent more than 10% of the minimum surface area required for each category.
- The availability of the lift, provided that competent technical personnel or the competent administration justifies the technical impossibility of its installation.
- The availability of a service lift or freight lift for all accommodation units, with a maximum of 10 accommodation units without service.
- The garage or car park service when the same percentage of garage or car park spaces have been agreed, located at a distance equal to or greater than 200 metres from the establishment.
- The minimum height required for the calculation of the surface area in the rooms under the roof, provided that it reaches 1.50 metres.

Buildings installed within buildings that, in whole or in part, are protected for their architectural, historical or artistic values, are located in natural areas or are affected by urban protection regulations or plans, may be exempted from any requirement established as mandatory when competent technical personnel or the competent Administration justify the impossibility of complying with it due to the technical or structural conditions of the buildings or environmental limitations.

The decision on the requested exemption will be issued and notified within 2 months from the date of entry of the affidavit of liability in the register of the provincial department of the Galician Tourism Agency in which the establishment is located.

Once this period has elapsed without an express decision being issued and notified, the application will be deemed to have been rejected.

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


Hotel establishments 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 TU984J.
2. Non-substantial alterations. This covers all other cases (changes of ownership, name, changes in the corporate deed and others that do not involve substantial alterations). They are processed using standard procedure TU984K. This procedure will also be used to process the cessation of activity.

Substantial modifications

TU984J - 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 or requirements according to which the tourist classification was granted, 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 hotel 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 V of Decree 57/2016, of 12 May, available at the electronic headquarters). • Legally required technical project, signed by a competent technician, which served as the basis for the submittal of the corresponding prior notification or, if applicable, application for building permission to the local council. • 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 TU984J https://sede.xunta.gal/detalle-procedemento?codtram=TU984J&ano=2016&numpub=1&lang=gl
In person	No	
Regulations		<ul style="list-style-type: none"> Decree 57/2016, of 12 May, which establishes the management of hotel establishments. Article 47.

Fee for substantial modifications or alterations		
Body responsible		Galician Tourism Agency.
Description		<p>This procedure is subject to paying the fee with code 31.19.01.</p> <p>Classification and any type of substantial change or alteration with respect to the conditions under which the hotel establishment classification 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>
Documentation		Form 731 or self-assessment form.
Mandatory	Yes	Documentary prerequisite.
On-line procedure	Yes	Virtual Tax Office.
In person	Yes	Print the covered form 731 or the blank self-assessment form and cover it in order to make the payment in person at a collaborating financial institution.
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. Attachment III. 37.01. Decree 57/2016, of 12 May, which establishes the regulation of hotel establishments.

Cessation of activity or non-substantial alterations

TU984K - Cessation of activity or non-substantial alterations of hotel establishments



Body responsible		Galician Tourism Agency.
Description		In such cases in which the modification involves a change of ownership, name, changes in the company deed and those others that do not involve substantial alterations, as well as the cessation of activity, only the provincial department of the Galician Tourism Agency in which the establishment is located will be required to be notified..
Documentation		<ul style="list-style-type: none">• Notification (Attachment V of Decree 57/2016, of 12 May, available on the website)
Mandatory	Yes	
Submittal deadline		10 days after the modification or cessation of the activity.
On-line procedure	Yes	Procedure TU984K.
In person	No	
Regulations		<ul style="list-style-type: none">• Decree 57/2016, of 12 May, establishing the management of hotel establishments. Article 48.

10. Emblems and publicity

Emblems

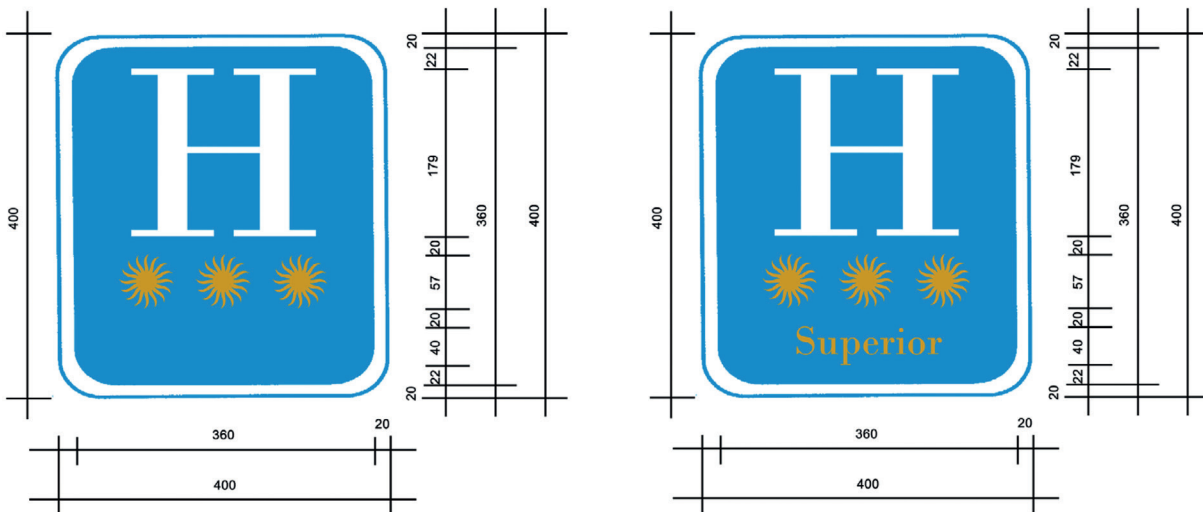
It is mandatory for all hotel establishments to display on the outside of the main entrance, in a highly visible place, a standardised identification plaque stating the group, type or category of the establishment. The distinguishing plaques are as follows:

ATTACHMENT II

Sample of the distinguishing plaques referred to in Article 31 of the Decree

Hotels - Group 1

Superior category hotels

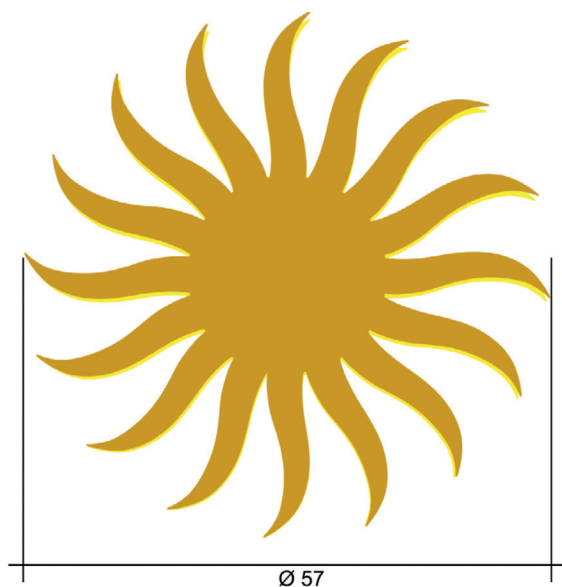
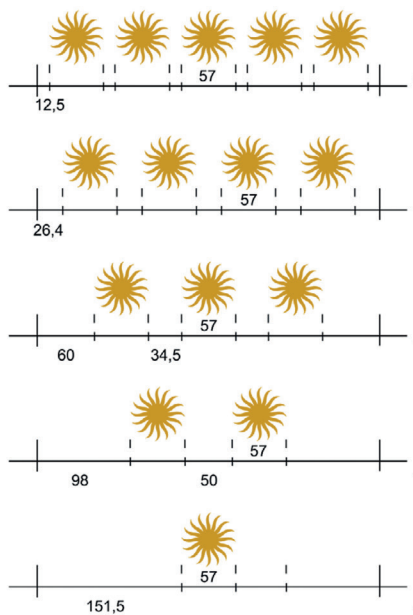


White letters on a turquoise blue background

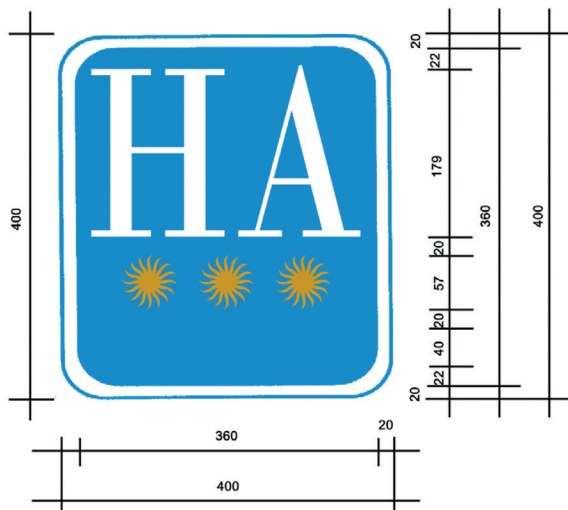
Gold stars

Typeface: Bodoni

Placement of the stars



Apartment hotel

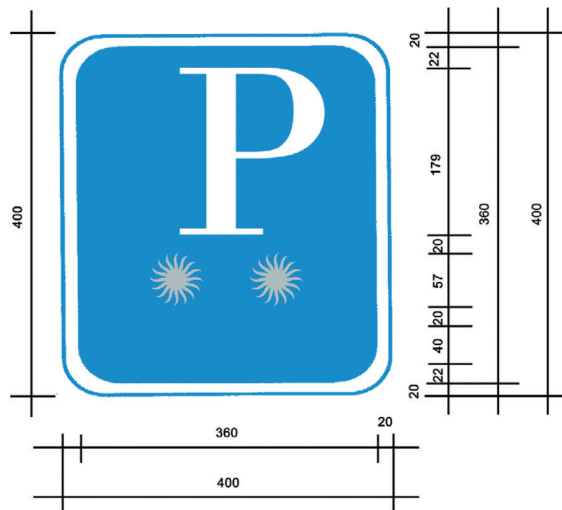


White letters on a turquoise blue background

Gold stars

Typeface: Bodoni

Guesthouses-Second group



White letters on a turquoise blue background

Silver stars

Typeface: Bodoni



Spa Hotel



Thalasso Hotel



Motel

The identification plaque shall contain, on a turquoise blue background, the letters corresponding to the group and type, as well as the stars corresponding to their category. The stars shall be gold for hotel establishments in Group I (hotels) and silver for Group II (guesthouses).

For Group I, the rating of "superior" shall appear below the stars if obtained.

The space and facilities permanently dedicated to the tourist operation shall also be identified. In particular, such identification shall appear on the outside of the accommodation units and may be numerical or nominal, in the latter case associated with a number. Where accommodation units are located on more than one floor, the first digit or digits of the number identifying the accommodation unit shall indicate the floor and the remaining numbers or designations shall identify the room.

Publicity

In printed advertising or publicity, invoices and other documentation, the group, category and, where applicable, the type and qualification as superior granted by the Tourist Administration must be indicated in a way that does not lead to confusion.

No hotel establishment can use a different name, sign or emblem from that which corresponds to its group or category, or use a category other than the one in which it is classified.

The names stemming from or composed of the term hotel or guesthouse may only be used by establishments classified in Groups I and II respectively.

It is prohibited to use of the word "turismo", as well as the word "parador" reserved for the State Administration, or the word "posada" reserved for the Autonomous Administration, as the title or subtitle of tourist establishments.

The use of initials, abbreviations or terms that may lead to confusion is prohibited.

11. Attachment 1. Capacity and specific requirements of accommodation units

The following are accommodation units:

Rooms or bedrooms	<p>Units used as sleeping quarters for users of the hotel establishment. They may be for double or single use, depending on whether they are single or double occupancy rooms.</p> <p>They must have a surface area in accordance with the ratio established for group and category in Decree 57/2016, of 12 May.</p>
Suites	<p>Sets of one or more rooms, double or single, with one or more bathrooms and at least one independent living room, equipped according to each category, which stand out for their size, decoration or infrastructure from the rest of the rooms.</p>
Family bedrooms	<p>Accommodation units for up to a maximum of four people, in double, single or bunk beds, sharing a bathroom and with a surface area according to the ratio established for group and category in Decree 57/2016, of 12 May.</p>
Communicating rooms	<p>Double or single rooms, fully equipped and communicating with each other through an interior door that allows them to be marketed together or independently.</p>
Apartments	<p>Accommodation units that must have, as a minimum, a double or single bedroom, living-dining room, bathroom and kitchen, which may or may not be incorporated into the living-dining room, and which have adequate facilities for the preservation, preparation and consumption of food.</p> <p>The maximum capacity of the flat is 6 people. In no case is it allowed for the installation of more than 2 places, both in each of the bedrooms and in the living-dining room. In the case of hotels, the rooms shall have the minimum surface area as established in Attachment I.</p> <p>A studio flat is understood to be an accommodation unit in which the living-dining room and the bedroom are located in a common room, and the kitchen may also be integrated in this common room. Its maximum capacity shall be 2 places.</p>

The specific requirements for accommodation units are outlined below:



Specific requirements

Capacity

The maximum capacity of the hotel establishment shall be determined by the bed capacity, double or single, in the rooms and by the number of convertible beds available in the living/dining room of the accommodation units in such a room.

The capacity of the hotel establishment shall be publicly displayed in an easily visible place.

Convertible beds

Up to two convertible beds for individual use of the living room may be installed in hotel establishments where the accommodation units are apartments or have a living room attached to the room.

In order for the living room to be provided with these, each bed shall exceed 25% of the minimum required floor area.

Bunk beds

The use of bunk beds shall be permitted only in family rooms, which shall have a maximum of two storeys high and shall be fitted with appropriate safety measures to prevent falls.

Extra beds

All hotel establishments may install in the rooms, at the request of the customer, a maximum of two extra beds for individual use. For this purpose, the surface area of the rooms shall exceed the minimum required for each extra bed used by 25%, and the installation of these beds shall not interrupt the free circulation of the guests towards the exit of the rooms and the entrances to the bathrooms.

Bathrooms and toilets

The bathroom shall have at least a bath with shower and/or shower tray, washbasin and toilet. The toilet shall have at least a washbasin and toilet.

Catering

When, independently of the establishment's own services, restaurant, cafeteria or bar services are offered to the general public as part of the same operating unit, these shall be governed by the specific rules applicable to these establishments and require tourist classification independently of that of the accommodation. In the event that it is necessary to share certain communal areas of the establishment, the rights of the customer of the accommodation and of the restaurant, cafeteria or bar shall not be prejudiced.

Reception

The reception desk shall be responsible for, among other functions, dealing with accommodation bookings; formalising the accommodation; receiving the customer and ensuring their identity, in view of the corresponding documents; registering them in the register book; dealing with complaints; handing out complaint forms; issuing invoices and collecting the amount thereof.

Hotel establishments in the hotel group and, in the case of guesthouses, those with more than 15 rooms, shall have a physical reception room.

The physical reception area shall be the centre for customer relations for administrative, assistance and information purposes.

Furthermore, the physical reception area is where the keys to the rooms are kept; it receives, stores and delivers correspondence to the guests, as well as any notices or messages they receive; it takes care of the reception and delivery of luggage and, as far as possible, fulfils the orders of the customer.

12. Attachment 2. 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.

Special infrastructure and facilities plan for hotel establishment

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

Approval of the special infrastructure and facilities plan	
Process management	Local Administration.
Description	<ul style="list-style-type: none">• The purpose of the special plans for infrastructures and facilities is the establishment and planning of infrastructures relating to the communications system, transport, public open spaces, community facilities, installations for public services and energy supplies and water supply, evacuation and purification and the implementation of the uses foreseen in points o) and p) of Article 35.1, in accordance with the provisions of Article 36.4.• The procedure for approval, in accordance with Article 75 of the Law on Galician land (LSG; Ley del suelo de Galicia), is as follows:<ol style="list-style-type: none">a) The competent municipal body will proceed to its initial approval and will submit it to public information for at least two months, by means of a notice published in the <i>Galician Official Gazette (Diario Oficial de Galicia; DOG)</i> and in one of the most widely circulated newspapers in the province. Furthermore, all cadastral titleholders of the affected land will be notified individually.b) During the same period in which the public information procedure is being carried out, the municipal Administration must request the necessary sectoral reports and consultations from the competent public administrations. The regional sectoral reports must be issued within a maximum period of three months, after which time they will be understood to be favourable.c) When, after the public information procedure, modifications are intended to be introduced that entail a substantial change to the initially approved document, a new public information procedure will be opened.d) The municipal legal and technical services must issue a report on the completeness of the documents in the file, the administrative action carried out, the technical quality of the planned development and the conformity of the plan with the legislation in force.e) Approval of special plans not provided for in the general plan and special protection plans containing the detailed planning of consolidated urban land shall require, in all cases, the prior issue of a mandatory and binding report on the control of legality and the protection of supra-municipal interests, as well as compliance with the determinations established in the land-use planning guidelines and territorial and sectoral plans.



Description

For these purposes, once the formalities indicated in the preceding sections have been completed, the competent municipal body shall provisionally approve the content of the plan with the relevant modifications and shall submit it, with the complete file duly recorded, to the competent body in matters of town planning for its mandatory report, which must be issued within a period of two months, as from the entry of the complete file in the registry of the regional ministry. Once this period has elapsed without the requested report being notified, processing the plan may continue.

The competent body in matters of town planning shall, within a period of one month, examine the completeness of the draft plan. If any deficiencies are found, it shall request that they be amended. The legal time limit for issuing the report does not begin to run until the requirement has been met.

f) Once the formalities indicated in the preceding sections have been completed, the town council will proceed with the definitive approval.

In the case of special plans which must be subject to ordinary strategic environmental assessment in accordance with Article 46(1), the procedure laid down in Article 60(2), (3), (4), (5), (8), (9), (10), (11) and (12) shall be followed.

In the case of special plans that must be submitted to simplified strategic environmental assessment, by virtue of the provisions of Article 46.2, prior to the initial approval of the document, the following procedures shall be carried out:

- a) The promoter shall submit to the environmental body the request to initiate the simplified strategic environmental assessment, to which it shall provide the draft plan and the strategic environmental document, with the content established in the legislation in force.
- b) The environmental body, within two months of receiving the complete documentation, will formulate the strategic environmental report, after identifying and consulting the affected public administrations and interested parties for a period of two months.

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

The environmental body, taking into account the result of the consultations, will determine in the strategic environmental report whether or not the plan has significant effects on the environment. If no significant effects are foreseen, the plan may be approved under the terms established in the report itself.

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

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

Documentation

- Application for approval of the special plan, containing the identification details of the natural or legal person promoting the project and, if applicable, of the person representing them, as well as an address for notifications.
- Proof of payment of municipal taxes, if applicable.
- Technical document containing the determinations required by Article 184 of Decree 143/2016, of 22 September.

Mandatory

Yes

In the cases described.

Approval deadlines	3 months	For initial approval, as from its submittal in the general registry of the town council.
	6 months	For final approval, as from the initial approval of the plan.
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 (DOG no. 34, of 19 February 2016). • Decree 143/2016, of 22 February, approving the Regulations of Law 2/2016, of 10 February, on the land of Galicia (DOG no. 213, of 9 November 2016).


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 promoter 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 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	<p>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:</p> <ul style="list-style-type: none"> • 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.

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.

Description

- 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		<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 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:</p> <ul style="list-style-type: none"> • 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		<p>The notification must be accompanied by the following documentation:</p> <ul style="list-style-type: none"> • 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.

Documentation

- 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.

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		<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 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 mining operation is located on rural land of special protection, in accordance with the provisions of Article 36.2 of Law 2/2016, of 10 February, on the land of Galicia, 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 the authorisation or 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	<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	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	<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 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



XUNTA
DE GALICIA

CONSELLERÍA DE
ECONOMÍA, INDUSTRIA
E INNOVACIÓN