

CATALOGUE

# REFRIGERATION COMPANIES

XUNTA  
DE GALICIA

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

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**YEAR OF EDITION**

2023

**PLACE**

Santiago de Compostela

## REFRIGERATION COMPANIES

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



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## 1. Introduction

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

The **purpose of Law 9/2021, of 25 February, on administrative simplification and support for the economic recovery of Galicia**, is to establish the necessary measures to facilitate the recovery of economic activity following the crisis generated by the consequences of the Covid-19 pandemic, within the framework of the powers of the Autonomous Community of Galicia, from a perspective of **administrative simplification that favours the establishment and operation of business initiatives in Galicia**.

Title II of the law regulates the administrative support systems for the implementation of business initiatives, and is divided into three chapters. Chapter I creates the **Investment Assistance System**, as a key figure to respond to the classic demand of citizens in general, and of groups linked to businesses in particular, regarding the difficulties in obtaining the information and guidance they need to start up their business initiatives, through a service of accompaniment and information that **offers them the possibility of carrying out the administrative procedures at regional level and also at local level in the event of local councils joining the system**.

### Catalogues

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

These figures, which will have to be constantly updated, greatly simplify matters for companies and, in particular, for entrepreneurs, who will be able to consult the procedures that will be required of them by the regional Administration, which will make it easier to understand, plan and process the administrative part.

### Refrigeration installations. Concept

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

The **purpose of this document** is to indicate the necessary procedures to prove before the competent Administration that they are a professional who is qualified as a **refrigeration fitter** and the requirements needed to carry out the business activity of a **refrigeration company**, in the modality included in



Royal Decree 552/2019, of 27 September, which approves the safety regulations for refrigeration installations and their complementary technical instructions.

In this catalogue, a refrigeration plant is defined as such in Article 8 of the above-mentioned regulation.

**The regulation will be applied to newly built refrigeration installations, as well as to extensions, modifications and maintenance of them and of the existing ones.**

The following installations are excluded from the application of this regulation, and therefore from the procedure included in this catalogue:

- Refrigeration installations corresponding to air, sea and land means of transport, which shall be governed by the provisions of the international and national safety standards applicable to them and their complementary technical standards.
- Secondary systems used in air-conditioning installations for the thermal comfort of people in buildings, which shall be governed by the provisions of the Regulation on thermal installations in buildings.
- Compact refrigeration systems (portable air-conditioning systems, domestic refrigerators and freezers, etc.) with a refrigerant charge of less than:
  - 2.5 kg of refrigerant from group L1
  - 0.5 kg of refrigerant from groups L2 and L3

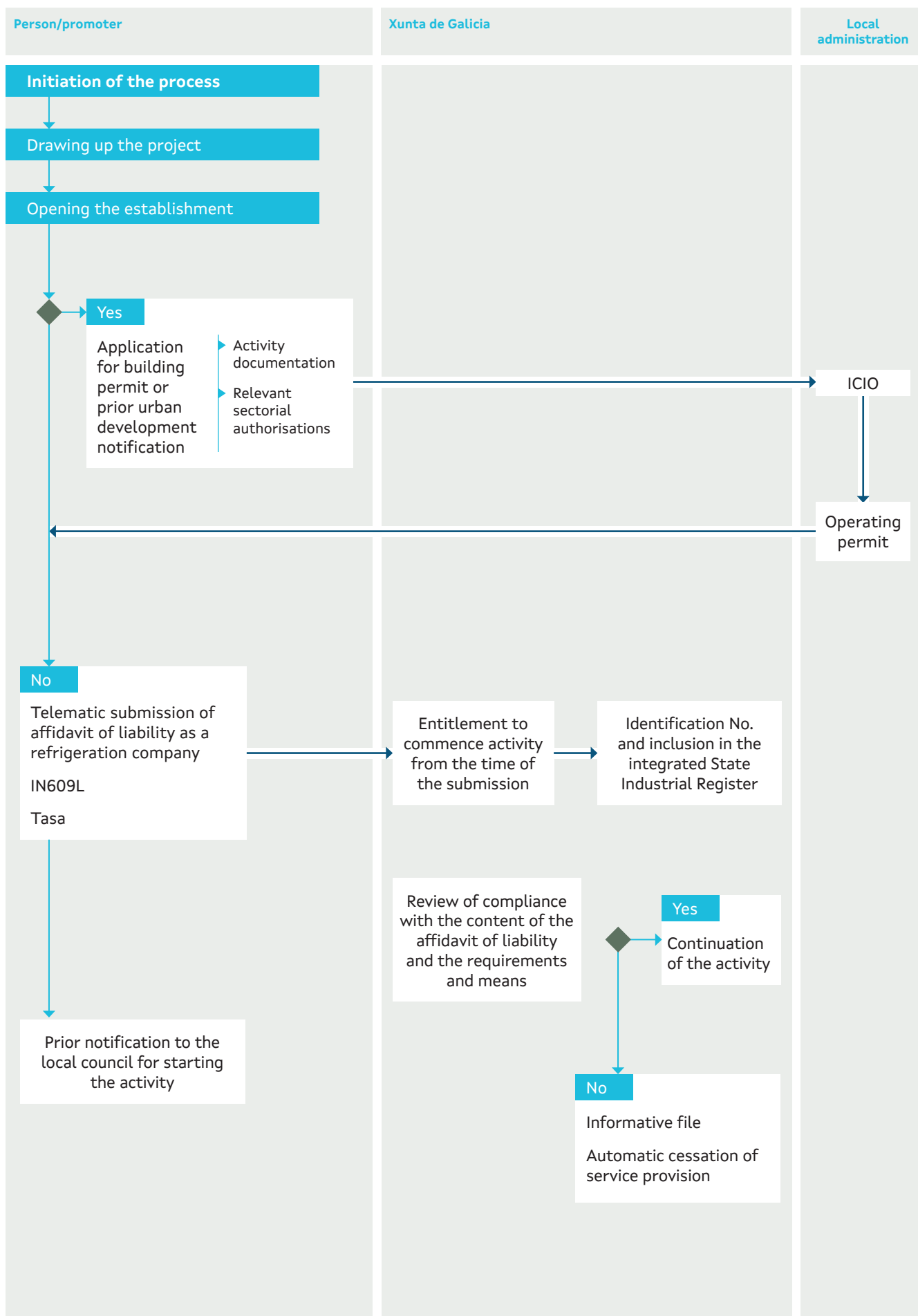
## Refrigeration companies. Concept

A refrigeration company is the natural or legal person who, as an organised economic activity, carries out the execution, commissioning, maintenance, repair, modification and dismantling of refrigeration installations within the scope of the safety regulations for refrigeration installations and their complementary technical instructions, approved by Royal Decree 552/2019, of 27 September, and have submitted the corresponding affidavit of commencement, through the **IN609L** electronic headquarters procedure.

## Classification of refrigeration companies

Refrigeration companies may be level 1 or 2, depending on the level to which the installations they carry out correspond.

# Scheme of the process



## 2. Formalities for setting up a refrigeration company

## Summary of the process

This catalogue refers to the procedure for the authorisation of companies in the **refrigeration company** activity referred to in the safety regulations for refrigeration installations approved by Royal Decree 552/2019, of 27 September.

The formalities related to the incorporation of the company or registration as a self-employed person, which imply the endowment of legal personality and the capacity to contract, are not included. 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. Those relating to the field of occupational risk prevention are not included either.

**Attachment 2** of this catalogue includes a description of the formalities 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.

**The procedure for obtaining authorisation to operate as a refrigeration company involves a single procedure:**

**1. Submission of an affidavit of liability in accordance with the IN609L procedure.**

Both natural and legal persons who wish to start their activity in Spain and establish themselves or start their activity under the freedom to provide services in Galicia are obliged to submit this affidavit of liability. At the beginning of the declaration, they must choose the modality under which they will carry out their activity, which may be under the regime of establishment (for companies that will habitually carry out their activity in Spanish territory) or under the regime of free provision of services (companies authorised in another EU Member State and that will carry out their activity on an occasional basis in this State).

### 3. Preliminary formalities

As stated in Article 10 of Royal Decree 552/2019, of 27 September, which approves the safety regulations for refrigeration installations, such refrigeration installations shall be carried out by installation companies, which will be those individuals or legal entities that have submitted the affidavit of commencement of the activity.

In accordance with Law 21/1992, of 16 July, on industry, the affidavit of liability authorises the installation company for an indefinite period of time, from the moment it is submitted to the competent Administration, to carry out the activity throughout Spanish territory, without the imposition of any additional requirements or conditions.

## Generic requirements

Before starting their activities as refrigeration installation companies, natural or legal persons wishing to establish themselves in Spain must submit to the competent body of the Autonomous Community where they establish themselves, an affidavit of liability in which the owner of the company or its legal representative declares the category for which the activity is to be carried out, that they comply with the requirements stated in the safety regulations for refrigeration installations, that they have the documentation proving this, that they shall undertake to maintain them for the duration of the activity and that they are responsible for ensuring that the execution or repair of the installations will be carried out in accordance with the standards and requirements established in these regulations and in their respective complementary technical instructions.

Refrigeration companies legally established for implementing this activity in any other Member State of the European Union that wish to carry out the activity under the free provision of services in Spanish territory must submit, prior to commencement of the activity, an affidavit of liability with the requirements detailed in the previous paragraph to the competent body of the autonomous community where they wish to commence their activity.

Any event that entails a modification of some of the data in the original affidavit, as well as the cessation of the activity, must be notified within one month by the interested party to the competent body of the Autonomous Community where the affidavit of liability was submitted.

In the event that a modification has occurred that has meant ceasing to comply with the necessary requirements for authorisation, the notification must be made within 15 days immediately following the occurrence of the incident, so that the competent body of the autonomous community, in view of the circumstances, can determine, where appropriate, the suspension or temporary disqualification of the activity while the requirements are re-established.

Furthermore, if you want to obtain accreditation to operate as a **refrigeration company**, you must meet the following requirements, which vary according to the level in which the company is classified, and have the documentation proving it.

### Level 1 refrigeration companies

- Have the documentation identifying it as a refrigeration company. In the case of a legal entity, it must be in good legal standing.
- Have the necessary personnel to carry out the activity in safe conditions, in sufficient numbers to attend to the installations contracted, with a minimum of one full-time contracted refrigeration fitter (unless it is proven that the company's opening hours are shorter, in which case it will be accepted that they are contracted part-time to provide services for a number of hours equivalent to the hours during which the company carries out its activity). The requirement of having a qualified professional person on the staff shall also be deemed to be met if any of the following conditions are fulfilled:
  - In the case of legal persons, the individual qualification is held by one of the partners of the organisation, provided that they work for the company on a full-time basis or during the company's opening hours.

- In the event that the company is a natural person registered in the special scheme for self-employed workers, this person must be qualified as a refrigeration fitter. The figure of the fitter may be replaced by two or more people whose working hours allow them to cover the full working day or during the company's working hours.
- Have taken out professional liability insurance or another equivalent guarantee covering damage arising from their activity, for a minimum 300,000 euros per claim.
- Have a waste management plan that takes into consideration the diversity of waste that may be generated in the activity and the forecasts and agreements for its correct environmental management, and which will provide for registration as a small producer of hazardous waste with the competent body of the autonomous community.
- Have the necessary technical means to carry out the activity in safe conditions, which, as a minimum, will be those specified in Complementary Technical Instruction IF-13.

## Level 2 refrigeration companies

- Have the documentation identifying it as a refrigeration company. In the case of a legal entity, it must be in good legal standing.
- Have the necessary personnel to carry out the activity in safe conditions, in sufficient numbers to attend to the installations contracted, with a minimum of:
  - A technical person with a university degree with specific skills in the subject matter of the safety regulation for refrigeration installations hired on a full-time basis (unless it is proven that the company's opening hours are shorter, in which case it will be accepted that they are hired on a part-time basis to provide services for a number of hours equivalent to the hours during which the company carries out its activity). The requirement for having a technical person with a university degree on the staff shall also be deemed to be met if any of the following conditions are fulfilled:
    - o In the case of legal persons, that the university degree is held by one of the partners of the organisation, provided that they work for the company on a full-time basis or during the company's opening hours.
    - o If the company is a natural person registered in the special scheme for self-employed workers, that person must have a university degree with specific skills in the areas covered by the regulation. The figure of the fitter may be replaced by two or more people whose working hours allow them to cover the full working day or during the company's working hours.
- A refrigeration fitter contracted on a full-time basis (unless it is proven that the company's opening hours are shorter, in which case it will be accepted that they are contracted on a part-time basis to provide services for a number of hours equivalent to the hours during which the company carries out its activity). The requirement for having a qualified professional person on the staff shall also be deemed to be met if any of the following conditions are fulfilled:
  - In the case of legal persons, the individual qualification is held by one of the partners of the organisation, provided that they work for the company on a full-time basis or during the company's opening hours.
  - In the event that the company is a natural person registered in the special scheme for self-employed workers, this person must be qualified as a refrigeration fitter. The figure of the fitter may be replaced by two or more people whose working hours allow them to cover the full working day or during the company's working hours.
- Have taken out professional liability insurance or another equivalent guarantee covering damage arising from their activity, for a minimum 900,000 euros per claim.

- Have a waste management plan that takes into consideration the diversity of waste that may be generated in the activity and the forecasts and agreements for its correct environmental management, and which will provide for registration as a small producer of hazardous waste with the competent body of the autonomous community.
- Have the necessary technical means to carry out the activity in safe conditions, which, as a minimum, will be those specified in Complementary Technical Instruction IF-13.

## Refrigeration fitter

This profession is regulated, insofar as the competent Administration establishes some condition that makes the practice of the profession or the provision of the service subject to the fulfilment of some requirement in relation to the qualification of the persons.

The refrigeration fitter is the natural person who, by virtue of possessing theoretical and practical knowledge of refrigeration industry technology and its regulations, is qualified to carry out, start up, maintain, repair, modify and dismantle refrigeration installations. They must carry out their activity in a qualified refrigeration company and must comply with and be able to prove to the competent Administration, when so required by the latter in the exercise of its powers of inspection, verification and control, one of the following situations:

- Hold a university degree whose field of skills includes the subjects covered by the Regulation on the safety of refrigeration installations.
- Hold a vocational training qualification or a certificate of professionalism included in the National Directory of Certificates of Professionalism, whose field of skills includes the subjects covered by the Regulation on safety for refrigeration installations.
- Have recognised professional skills acquired through work experience, in accordance with the stipulations of Royal Decree 1224/2009, of 17 July, on the recognition of professional skills acquired through work experience, in the subjects covered by the Safety Regulations for Refrigeration Installations.
- Have a recognised professional qualification as a refrigeration fitter acquired in another or other Member States of the European Union, in accordance with the provisions of Royal Decree 581/2017, of 9 June, which transposes into Spanish law Directive 2013/55/EU of the European Parliament and of the Council, of 20 November 2013, amending Directive 2005/36/EC on the recognition of professional qualifications, and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).
- Hold a certification granted by an accredited entity for the certification of persons, as established in Royal Decree 2200/1996, of 28 December, which approves the Regulation of the infrastructure for quality and industrial safety. All entities accredited for the certification of persons wishing to grant these certifications must include in their certification scheme an evaluation system that includes the minimum contents indicated in the IF-19 of the Safety Regulations for Refrigeration Installations.

In accordance with Law 17/2009, of 23 November, on free access to service activities and the exercise thereof, personnel authorised by an autonomous community can carry out this activity within an installation company throughout Spanish territory, without the imposition of any additional requirements or conditions.

It is important to point out that people with professional qualifications in thermal installations in buildings can carry out the activities of the installation, maintenance, repair and dismantling of refrigeration installations that form part of a thermal installation included in the scope of Regulations for thermal installations in buildings (Reglamento de Instalaciones Térmicas en los Edificios; RITE).



In cases where installations use or are planned to use fluorinated refrigerants, personnel performing the activities provided for in Article 3 of Royal Decree 115/2017, of 17 February, which regulates the marketing and handling of fluorinated gases and equipment based on them, as well as the certification of professionals who use them, and which establishes the technical requirements for installations that carry out activities that emit fluorinated gases, must be in possession of the necessary certification in accordance with that standard (procedure IN610A). However, welding joints in installations with fluorinated refrigerants can be performed by personnel who do not hold the certifications provided for in the aforementioned royal decree, provided they are accredited for welding such joints and the necessary working methods and controls are established to ensure compliance with the applicable regulations and that they are under the supervision of a person holding the certificate provided for in the previous paragraph.

## Physical establishment to perform the activity

In the event that it is necessary to have physical premises or an establishment to carry out the activity of refrigeration companies, 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.

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.

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 presentation of the request at the municipal registry”.

## 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 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/>



#### 4. Description of the affidavit of liability process and registration in the Register of refrigeration installation companies

This affidavit, which will be in accordance with the model in Attachments XII and XIII of Decree 51/2011, of 17 March, which updates the regulations on industrial safety in the Autonomous Community of Galicia, modified by the Order of 15 September 2011 for its adaptation to Directive 2006/123/EC of the European Parliament and of the Council, of 12 November 2003, on services in the internal market, must be submitted on-line to the competent regional ministry for industry. The owner or legal representative of the company must declare in it that it complies with the relevant requirements in the governing regulations, that they have the documentation proving this, that they are committed to maintain them for the duration of the activity and that they are liable for executing the installations being carried out in accordance with the standards and requirements established in the applicable regulations.

Submittal of the documentation proving compliance with the requirements may not be required together with the affidavit of liability. However, this documentation must be available for immediate submittal to the competent Administration when so required for inspection and investigation powers.

For proving compliance with the requirement of qualified personnel, the affidavit must state that the company has the documentation that accredits the training of the personnel concerned, in accordance with the regulations of the country of establishment and in accordance with European Union regulations on the recognition of professional qualifications.

The regional ministry responsible for industry shall assign, *ex officio*, an identification number to the company that submitted an affidavit of liability.

Once this process has been completed, the company is authorised and can carry out the activity immediately and indefinitely, although it may be subject to the corresponding inspection tasks to verify the veracity of the affidavit by providing the documentation supporting it.

If a company based in Galicia wishes to register, it must submit the affidavit under the right of establishment.

If a company established in an EU Member State wants to carry out this activity under the free provision of services, they must submit the affidavit of liability under the free provision regime.

By means of these affidavits, companies indicate that they comply with the requirements established in the applicable legislation and that they are responsible for ensuring that the execution of the installations will be carried out in accordance with the standards and requirements established in the applicable legislation.

In order to carry this out, the Galician Autonomous Administration has a standardised procedure (IN609L), which is summarised in the following tables:



## IN609L Register of refrigeration companies

<b>Responsible body</b>		Territorial Headquarters of the Regional Ministry of Economy, Industry and Innovation.
<b>Description</b>		Natural and legal persons, before starting their activity under the free provision of services, must enrol in this register.
<b>Documentation</b>		<ul style="list-style-type: none"> <li>• Affidavit of liability (according to the model in Attachment XII/XIII). This affidavit must contain the following information: <ul style="list-style-type: none"> <li>– Details of the person declaring in the affidavit and the company.</li> <li>– Category of the company.</li> <li>– Compliance with the requirements of the regulations.</li> <li>– That they have the documentation proving this.</li> <li>– That they are committed to maintain compliance throughout the duration of the activity.</li> <li>– That they are liable for ensuring that the installations are carried out in accordance with the standards and requirements established in the regulations.</li> </ul> </li> <li>• Document indicating proof of payment of the relevant fees. The fee payment process is initiated from the same form of the affidavit of liability, which connects with the payment platform of the Galician Tax Agency.</li> </ul>
<b>Mandatory</b>	Yes	Procedure IN609L.
<b>Deadline</b>		Throughout the year.
<b>Resolution</b>		Automatic
<b>On-line procedure</b>	Yes	<a href="https://sede.xunta.gal/detalle-procedemento?codtram=IN609L&amp;ano=2010&amp;numpub=1&amp;lang=gl">https://sede.xunta.gal/detalle-procedemento?codtram=IN609L&amp;ano=2010&amp;numpub=1&amp;lang=gl</a>
<b>In person</b>	No	
<b>Regulations</b>		<ul style="list-style-type: none"> <li>• Decree 51/2011, of 17 March, updating the regulations on industrial safety in the Autonomous Community of Galicia to adapt them to Directive 2006/123/EC (Article 12).</li> <li>• Resolution of 12 December 2011, of the Directorate General for Industry, Energy and Mines, informing on the exclusively telematic processing of various procedures.</li> <li>• Order of 15 September 2011 amending Attachments XII and XIII of Decree 51/2011 of 17 March 2011.</li> </ul>

It is important to point out that the IN609L procedure is also used for submitting affidavits of liability modifying a previous affidavit or cessation of the activity.



## Tasa

### Body responsible

Tax Agency of Galicia.

### Description

This procedure is subject to paying the fee:

- Submission of affidavits of liability of the commencement of the activity: code 32.07.22.
- Submission of affidavits of liability of modification or cessation of the activity: code 32.07.23.

The amount of the fee can be consulted in the following link:

Current rates of fees:

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

### Documentation

Form 731 or self-assessment form.

### Mandatory

Yes

### On-line procedure

Yes

Virtual Tax Office.

**The procedure must be carried out through the electronic office when submitting the affidavit of liability. Payment of the fee is integrated in the IN609L procedure.**

Payment can be made by debiting the bank card, by debiting a bank account or by paying in person at a collaborating financial institution using a payment letter with NRC that can be generated from the same procedure.

### In person

No

### Regulations

- [Law 6/2003 of 9 December on fees](#), prices and regulatory levies of the Autonomous Community of Galicia.

Once form IN609L has been completed and the fees have been paid, the affidavit of liability is signed electronically and submitted to the Administration. The company is immediately authorised to carry out the activity with the assignment of an identification number.

The company is automatically registered in the Galician Industrial Register and the details of it will be notified to the Integrated Industrial Register.

## 5. Procedure for checking the affidavit of liability

The Administration can at any time verify compliance of the content of the affidavit of liability required for commencement of the activity.

The Regional Ministry of Economy, Industry and Innovation will be in charge of verifying *a posteriori* what has been declared by the promoter. This verification is carried out by means of the inspection function. Verification will refer to those aspects implicit in the application submitted, aimed at verifying what has been declared about the promoter and the company itself.



### Procedure for verifying compliance with the requirements

<b>Body responsible</b>	Territorial Headquarters of the Regional Ministry of Economy, Industry and Innovation (inspection function).
<b>Description</b>	Failure to comply with the requirements will result in the automatic cessation of providing services, unless an error amendment procedure can be initiated, without prejudice to the penalties that may derive from the seriousness of the actions carried out. An informative file will be opened against the owner of the establishment.
<b>Deadlines</b>	The person concerned has fifteen calendar days from the date of the communication to provide the corresponding evidence or disclaimers.
<b>Effects</b>	<ul style="list-style-type: none"> <li>• Temporary disqualification and/or cessation of the activity.</li> <li>• Removal from the Galician Industrial Register and notification to the Ministry of Industry, Tourism and Trade for updating the data in the Integrated Industrial Register.</li> </ul>
<b>Regulation</b>	Title V of <a href="#">Law 21/1992, of 16 July</a> , on industry.



## Attachment 1. Training requirements for qualifying as a refrigeration technician

## 1. University degree

Hold a university degree the skills of which include the subjects covered by the Safety Regulation and its complementary technical instructions approved by Royal Decree 552/2019, of 27 September.

## 2. Vocational training qualifications

Hold a vocational training qualification the skills of which include the subjects covered by the Security Regulation and its complementary technical instructions approved by Royal Decree 552/2019, of 27 September.

The Vocational Training qualifications and Certificates of Professionalism that presume compliance with the situation indicated in Article 9.1.b) of the aforementioned Regulation in order to carry out the activity as a **"qualified refrigeration professional"** are listed on the website of the Ministry of Industry, Trade and Tourism:

[https://industria.gob.es/Calidad-industrial/seguridadindustrial/instalacionesindustriales/instalaciones-frigorificas/Documents/Instalaciones\\_Frigorificas\\_2023\\_01\\_30\\_v1.pdf](https://industria.gob.es/Calidad-industrial/seguridadindustrial/instalacionesindustriales/instalaciones-frigorificas/Documents/Instalaciones_Frigorificas_2023_01_30_v1.pdf)

At the moment, the vocational training diplomas that presume compliance of the necessary requirements to carry out the activity of "refrigeration technician" are as follows:

### Degrees derived from Organic Law 2/2006, of 3 May (Organic Law on Education (Ley Orgánica de Educación; LOE))

- *Higher Technician in maintenance of thermal installations and fluids*
- *Specialist technician in heat, cold, air conditioning, electricity and electronics branch*
- *Specialist technician in industrial refrigeration, electricity and electronics branch*
- *Technician in refrigeration and air-conditioning installations*

### Degrees derived from Organic Law 1/1990, of 3 October (Organic Law on the General Organisation of the Education System; LOGSE)

- *Higher technician in maintenance and assembly of building and process installations*
- *Auxiliary technician in installation and maintenance of heating and cooling equipment, electricity and electronics branch*
- *Technician in the assembly and maintenance of refrigeration, air conditioning and heat production installations*

### Degrees derived from Law 14/1970 of 4 August (General Education Law) (Ley General de Educación; LGE)

- *Technician specialising in refrigeration and air-conditioning installations, electricity and electronics branch*
- *Technician specialising in auxiliary thermal process installations, electricity and electronics branch*
- *Specialist technician in the installation and maintenance of heating and cooling equipment, electricity and electronics branch*

### Qualifications prior to the LGE (industrial vocational training)

- *Industrial officer*
- *Industrial master*

### 3. Certificate of professionalism or certificate of professional competence acquired through work experience

Hold a certificate of professionalism included in the National Directory of Certificates of Professionalism, the skills of which include the subjects covered by the Safety Regulations for refrigeration installations.

The professional certificates listed are considered valid to prove compliance with the requirements required by the aforementioned regulations:

- IMAR0309 Certificate of professionalism of Planning, management and implementation of maintenance and supervision of the assembly of refrigeration installations
- IMAR0108 Certificate of professionalism in the assembly and maintenance of refrigeration installation
- Certificate of professionalism in the occupation of refrigeration operator (Royal Decree 942/1997, of 20 June)

### 4. Professional qualification of refrigeration technician acquired in another European Union State

Have the professional qualification as a recognised refrigeration technician acquired in another or other Member States of the European Union, in accordance with the provisions of Royal Decree 581/2017, of 9 June, which transposes into Spanish law Directive 2013/55/EU of the European Parliament and of the Council, of 20 November 2013, amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).

### 5. Certification granted by an accredited body for the certification of persons

Hold a certification granted by a body accredited for the certification of persons, by National Accreditation Entity (Entidad Nacional de Acreditación; ENAC) or any other national accreditation body designated in accordance with the provisions of Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 laying down the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93, in accordance with standard UNE-EN ISO/IEC 17024.

An accredited entity of the State can be used to obtain a certification of persons. The list of accredited entities can be consulted at the following link on the ENAC website:

<https://www.enac.es/web/enac/entidades-acreditadas/buscador-de-acreditados>



## Attachment 2. Municipal procedures

The company does not need to obtain a municipal licence for its refrigeration installation activities, as the company carries them out *in situ* on a plot of land, in a building or home owned by a developer or by an individual homeowner, and is covered by the building permit of the developer or of the homeowner in the case of a new installation.

However, a municipal activity licence must be applied for if the company needs to refurbish premises such as an office for administrative work, storage of materials or for the management of equipment, tools, utensils, etc. that will be used in its main activity.

## 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.

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 line<sup>1</sup>.

## 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, and the following should be highlighted:

## 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.

<sup>1</sup> 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.



## Process management

Local Administration.

## Description

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

- Acts of building and use of the land and ground which, in accordance with general building regulations, require a building works project.
- Interventions on buildings declared assets of cultural interest or listed due to their unique cultural, historical, artistic, architectural or landscape characteristics or values.
- Demolitions, except those derived from resolutions of proceedings for the restoration of urban planning legality.
- Earth retaining walls, when their height is equal to or greater than one and a half metres.
- Large earthworks and levelling.
- Subdivisions of plots, segregation or other acts of division of land in any class of ground, when they do not form part of a reallocation project.
- The implementation of any installation for residential use, whether provisional or permanent.
- The felling of trees or shrub vegetation on land incorporated into urban transformation processes and, in any case, when such felling is derived from legislation for the protection of the public domain, except those authorised on rural land by the competent bodies in forestry matters.

All acts of occupation, construction, building and use of the land and ground not mentioned above are subject to the **prior urban planning notification** system.

## Documentation

The licence application shall contain the following data and documents:

- Identification details of the natural or legal person who is the developer and, if applicable, of whoever is representing them, as well as an address for notification purposes.
- Sufficient description of the characteristics of the act in question, detailing the basic aspects of it, its location and the building or property it affects, as well as its land registry reference.
- Proof of payment of municipal taxes.
- Applications for licences referring to the execution of works or installations must be accompanied by a complete project drawn up by a competent technician, in the form and with the content indicated in the applicable regulations.
- The works projects will be accompanied by the corresponding works management document, which will identify the technical personnel to whom they are entrusted.
- When a technical project is not required, the application will be accompanied by a descriptive and graphic report that defines the general characteristics of its object and of the building in which it is intended to be carried out.
- Environmental assessment document, if required by the use for which the works are intended.
- Copy of the environmental authorisation or report, as well as the remaining sectorial authorisations, concessions or reports when legally required.
- Where applicable, certificate issued by the municipal conformity certification bodies.

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## Documentation

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.

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## 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.

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## Mandatory

Yes

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

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## On-line procedure

Yes

Through the municipal electronic offices.

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## Regulations

- [Law 2/2016, of 10 February](#), on Galician land.
- Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.
- [Law 9/2021, of 25 February](#), on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal by-laws.





## Notification prior to carrying out the works

### Process management

Local Administration.

### Description

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

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

### Documentation

The notification must be accompanied by the following documentation:

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

## Documentation

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

Given that the purpose of the work is the development of an activity, this circumstance must be expressly stated and, together with the prior notification, the documentation required in relation to this must be submitted.

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

## Deadlines

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

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

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

When an urban planning communication is submitted together with a certificate of conformity, it shall be valid with immediate effect from its presentation at the registry of the town council for the performance of the act that constitutes its object, without prejudice to the subsequent powers of verification, control and inspection by the respective town council.

## Mandatory

Yes

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

## On-line procedure

Yes

Through the municipal electronic offices.

## Regulations

- [Law 2/2016, of 10 February](#), on Galician land.
- Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on Galician land.
- [Law 9/2021, of 25 February](#), on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal by-laws.

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

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

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<sup>2</sup>.



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

### Process management

Local Administration.

### Description

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

### Documentation

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

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

### Mandatory

Yes

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

### On-line procedure

Yes

Through the municipal electronic offices.

### Regulations

- Decree 144/2016, of 22 September, approving the single regulation of integrated regulation of economic activities and opening of establishments.
- [Law 9/2013, of 19 December](#), on entrepreneurship and economic competitiveness in Galicia.
- [Law 9/2021, of 25 February](#), on administrative simplification and support for the economic reactivation of Galicia.
- Applicable municipal by-laws.

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

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



### Prior notification for commencing the activity without any prior works

#### Process management

Local Administration.

#### Description

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

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

#### Documentation

The notification must be accompanied by the following documentation:

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

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

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

<b>Mandatory</b>	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.
<b>On-line procedure</b>	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*.

This verification action will be optional for the local council in those cases in which the documentation provided includes a **certificate of conformity issued by a municipal conformity certification body**, without prejudice to the possibility of carrying out at any time, *ex officio* or at the request of the interested party, the inspection and control action of the activity or establishment that are necessary to verify compliance with the requirements established by the applicable regulations.



## Certificates issued by municipal conformity certification bodies

<b>Body responsible</b>		Municipal conformity certification bodies (Entidades de certificación de conformidad municipal; Ecom)
<b>Description</b>		<p>These are private law entities that, after being authorised by the Autonomous Community Administration, having full capacity to act and proceeding under their responsibility, are set up for the purpose of carrying out, throughout the territory of the Autonomous Community of Galicia, certification, verification, inspection and control of the conformity of installations, establishments and activities with the applicable regulations at municipal level.</p> <p>The content of the certificates of conformity is not binding for the municipal technical services or for the municipal bodies with competence in the matter, and in no case will it replace the public powers of inspection, verification, control and sanction.</p>
<b>Mandatory</b>	No	<p>Persons interested in submitting a prior notification or a licence application to the municipal Administration can contact the entity of their choice, among those authorised to carry out municipal conformity certification activities in the territory of the Autonomous Community of Galicia, in order to request the performance of the conformity certification function with regard to the installation, establishment, activity or work that is to be the subject of the prior notification or licence application.</p> <p>The relationship between the persons requesting the performance of the conformity certification function and the municipal conformity certification bodies shall be subject to private law.</p>
<b>Consultation</b>		Register of Municipal Conformity Certification Bodies of the Autonomous Community of Galicia
<b>Regulations</b>		<ul style="list-style-type: none"><li>• Decree 144/2016, of 22 September, approving the single regulation of integrated regulation of economic activities and opening of establishments.</li><li>• <a href="#">Law 9/2013, of 19 December</a>, on entrepreneurship and economic competitiveness in Galicia.</li><li>• <a href="#">Law 9/2021, of 25 February</a>, on administrative simplification and support for the economic reactivation of Galicia.</li></ul>

## 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.





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