

CATALOGUE

NURSERY PLANT AND SEED PRODUCERS



XUNTA
DE GALICIA

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1. INTRODUCTION

LAW ON ADMINISTRATIVE SIMPLIFICATION AND SUPPORT FOR THE ECONOMIC REGENERATION OF GALICIA

The Galician Parliament has recently approved **Law 9/2021, of 25 February, on administrative simplification and support for the economic regeneration of Galicia.**

The **purpose** of this law is to establish the necessary measures to facilitate the regeneration 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 promotes the establishment and operation of business initiatives in Galicia.**

Title II of the Law regulates the administrative support systems for the start-up of business initiatives and is divided into three chapters. Chapter I creates the **Investment Assistance System**, as a key element to respond to the classic demand of citizens in general, and of groups linked to business in particular, regarding the existing difficulties in obtaining the information and guidance they need to start up their business initiatives, through a mentoring and information service that **offers the possibility of carrying out the administrative procedures at regional and even local level, in the cases of sign-up of the local authorities to this initiative.**

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 Council of the Regional Government of Galicia (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 that clearly and chronologically list all the administrative procedures and actions required for the undertaking of business initiatives, including those of municipal competence of the local authorities that sign up to the Investment Assistance System"**.

These elements, which will need to be updated constantly, represent a great simplification for companies and, in particular, for entrepreneurs, who will be able to consult the processes required of them by the regional administration, which will make it easier to understand, plan and process the administrative part.

NURSERY PLANT AND SEED PRODUCERS. CONCEPT

The purpose of this document is to detail the procedures necessary to start up a **nursery plant and seed production business**. Article 3 of Law 30/2006, of 26 July, on nursery plants and seeds and on plant genetic resources, defines the concept of nursery plants and seeds.

Thus, **seeds** are the elements that are botanically or commonly designated by this name and whose purpose is to reproduce the species or establish crops, as well as tubers, bulbs and other organs and living material used for such purposes. Nursery plants are whole plants and/or parts of plants intended for the establishment of plantations, as well as plant material not included in the definition of seeds and used for multiplication or propagation, including clones.

On the other hand, nursery plant and seed producers are natural persons or legal entities that professionally carry out, in relation to nursery plants and seeds, some of the activities of production, storage, importation and marketing or placing on the market.

Article 3 of Royal Decree 1891/2008 of 14 November 2008, which approves the Regulation for the authorisation and registration of nursery plant and seed producers and their inclusion in the National Register of Producers, sets out the following classification of producers:

- Growers. Those who produce parental or initial material of the varieties or clones obtained by them or of those of which they are assignees, after the selection work, and whose destination is their multiplication. They may also produce basic and, where appropriate, pre-basic nursery plants and seeds.
- Breeders. Those who produce initial, basic or, if necessary, pre-basic nursery plants or seeds. This production may be carried out by themselves or by grouping or agreement with other producers. Likewise, they may produce nursery plants and seeds of the other categories.
- Multipliers. Those who produce:
 - Nursery plants or seeds of a certified category as a result of the multiplication of basic nursery plants or seeds or, if applicable, of certified seed.

- For species where the technical regulations allow three categories of certified seed, these producers may only produce seed of the latter two categories.

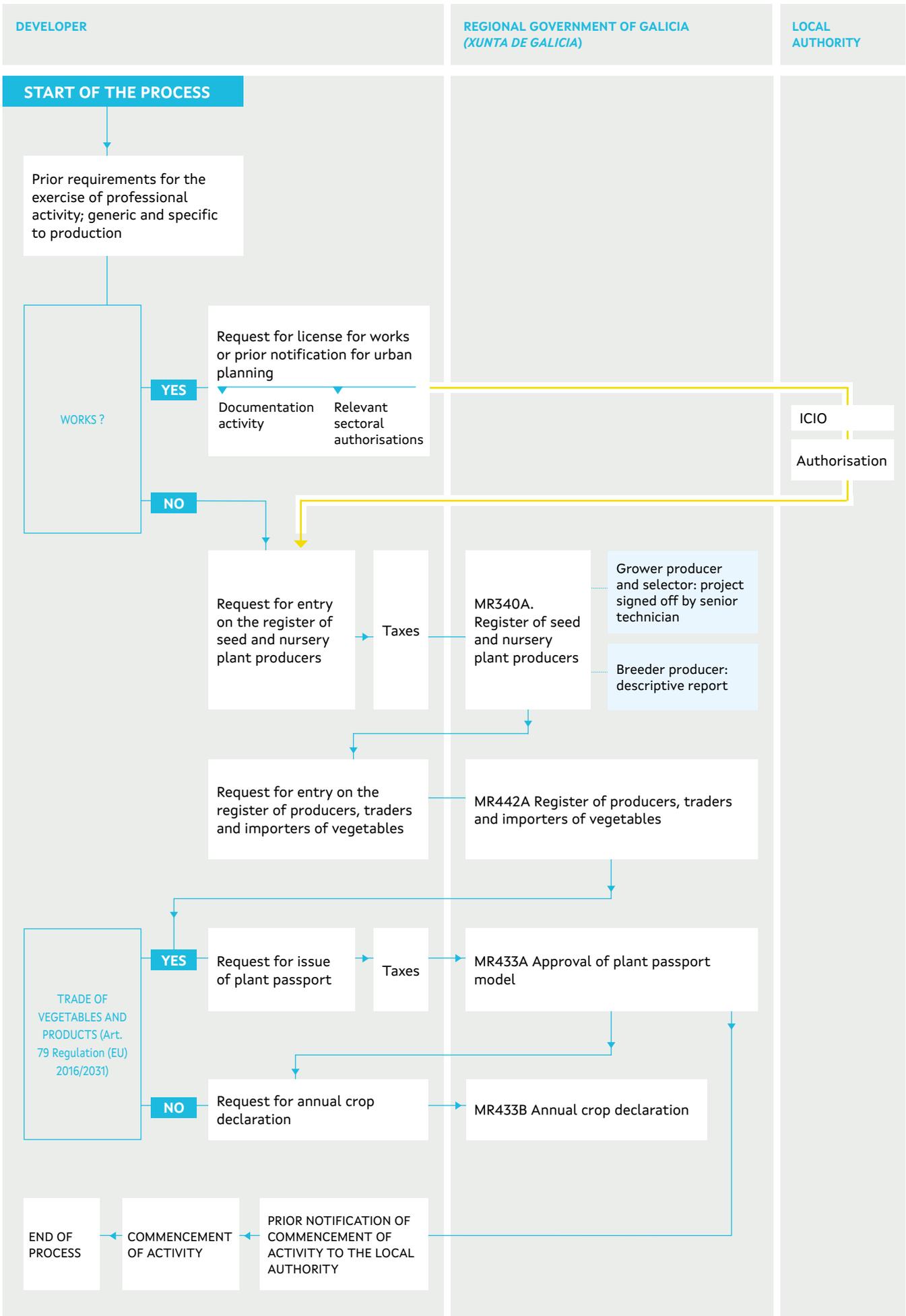
- Nursery plants or seeds of standard, CAC (*conformitas agraria comunitatis*) or commercial categories, if these categories exist for the species.

Another important concept for the nursery plant and seed production activity is that of species or group of species. In accordance with Article 3 of the Law, it is defined as the group of plants of a single botanical taxon of the lowest known rank that:

- a. May be defined by the expression of certain morphological, physiological, cytological, chemical, biochemical or other characters of an agricultural or economic nature, resulting from a certain genotype or a specific combination of genotypes.

- b. May be distinguished from any other plant grouping by the expression of at least one of such characters.

- c. May be considered as a unit, having regard to its suitability for being propagated without any changes.



2. FORMALITIES FOR SETTING UP A NURSERY PLANT AND SEED PRODUCTION BUSINESS

PRELIMINARY FORMALITIES

The first step to be taken by the promoter is to **check the urban planning regime that applies to the plot or building on which the activity is to be implemented.**

Thus, in accordance with the provisions of article 87.2.a) of Law 2/2016, of 10 February, on Galician land:

“Every person has the right to be informed in writing by the corresponding town council about the urban planning regime and conditions applicable to a specific plot of land or to the sector, estate or planning area in which it is included.

This information must be provided in a term that may not exceed two months from the submission of the request in the municipal register.”

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

SECTORAL REPORTS OR AUTHORISATIONS

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

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

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

SETTING UP ON RURAL LAND: LEGAL REGIME

1. General legal regime of rural land

In the event that the establishment producing nursery plants and seeds is intended to be located on rural land, the provisions of Article 35.1.g) of Law 2/2016, of 10 February, on Galician land, and 50.1. g) of Decree 143/2016, of 22 September, which approves its implementing Regulations, including among the admissible uses on rural land agricultural buildings and facilities in general, such as those intended to support horticultural holdings, agricultural warehouses, nurseries and greenhouses, must be taken into consideration.

The implementation of the aforementioned activities is admissible on rural land after obtaining the municipal urban planning permit.

Land classified as specially protected rural land must request authorisation or a favourable report from the body with the corresponding sectoral competence prior to obtaining the municipal urban planning permit.

The building conditions stipulated in article 39 of Law 2/2016, of 10 February, and in the corresponding urban planning must be complied with.

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

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

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

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

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

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

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

4. Specific regime applicable to constructions and installations destined for activities linked to the exploitation and support of agricultural activity or the first transformation of agricultural, livestock or forestry products.

The fourth transitional provision of Law 2/2016, of 10 February, on Galician land, developed by the third transitional provision of Decree 143/2016, of 22 September, which approves the Regulation of Law 2/2016, of 10 February, on Galician land, allows the constructions and facilities, which being intended for activities linked to the exploitation and support for agricultural activities and first processing of agricultural, livestock and forestry products activities that existed at the time of entry into force of Law 9/2002, of 30 December, of urban planning and protection of the rural environment in Galicia, regardless of whether or not they were licensed at that time, or proceeded or not

to the regularisation provided for in the eleventh transitional provision of Law 9/2002, of 30 December, of urban planning and protection of the rural environment in Galicia, to maintain their activity.

In these constructions, conservation and reform works, as well as extensions not exceeding 50% of the original size of the building may be authorised after obtaining a planning permit, without the need to comply with the parameters set out in article 39 of Law 2/2016, of 10 February, on Galician land, except for the height limit, and provided that they maintain the activity of exploitation or support to the agricultural or forestry activity and that the necessary corrective measures are adopted to ensure the health conditions, to minimise the impact on the territory and for the better protection of the landscape.

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

SUMMARY OF THE PROCESS

This catalogue refers to the procedure for the authorisation of the operation of a seed and plant production company, as set out in articles 36 and 38 of Law 30/2006, of 26 July, on nursery plants and seeds and on plant genetic resources.

This process consists of a procedure linked to the authorisation to operate as a producer and marketer:

- MR430A. Nursery plant and seed producers register. Registration in the register of the autonomous regions will be carried out for the species or group of species requested by the producer company, according to the established groups and the corresponding category of producer (growers, breeders or multipliers). All producers must be authorised.

We also consider other procedures linked to the above, which are:

- MR442A. Official register of plant producers, traders and importers. This basically includes the provisions of the Order of 17 May 1993, which establishes the obligations to which plant producers, traders and importers, plant products and other objects are subject, as well as the detailed rules for their registration in an official register. This procedure is previous to MR433A and MR433B; a passport may not be applied for if not previously entered in this register. It is now compulsory for any species if a plant or plant part is produced and/or traded, and is compulsory for many but not all seeds, although it is mandatory for all seeds that are legally traded on the Internet.
- MR433A. Approval of the plant model passport. Regulation (EU) 2016/2031 on protective measures against pests of plants defined a new plant passport format required for the movement of plants, plant products and other objects within the territory of the European Union. It is required for all types of plants but not for all types of seeds, according

to the regulation. There are different models, standard or combined with certification labels, including the variant for specific zones.

- MR433B. Annual crop declaration. This is one of the obligations undertaken by producers when they register in the Nursery plant and seed producers register. In this declaration, the producer states the number of plant species to be directly marketed or re-dispatched, and their destination.

It should be noted that, depending on the amount of investment in the project, job creation, and whether the project is a driving force or complements the value chain in strategic sectors, these may be classified as priority business initiatives (IG300D), meaning that the procedure may be speeded up.

This catalogue does not include the formalities relating to the establishment of the company, which imply the endowment of legal personality and the capacity to contract. These procedures, customary for the establishment of any company, refer to the legal form of the company and its legal, commercial, tax and labour security, in order to be able to carry out its activity. Those relating to the area of occupational risk prevention are not included either.

The procedure for the operating authorisation of a seed and plant production company involves a number of steps:

- **1. Fulfilment of prior requirements.** Companies that wish to be authorised as nursery plant and seed producers must comply with a series of generic requirements depending on the category of producer they wish to access. In the case of growers: they must be growers, co-growers or assignees of varieties; they must have initial, parental material; and they must have trained technical personnel. In the case of breeders: they must have specialised technical personnel in the field and in laboratories, they must have sufficient fields to obtain basic plant material or seeds, fields for pre-control and post-control of production and facilities according to the volume of production. In the case of multipliers: they must have sufficient fields for multiplication, as well as technical and human resources in line with the production. In addition, the companies must meet the specific requirements according to the technical regulations of the different species or groups of species. There are general regulations for all species and specific regulations for nursery plants and seeds.
- **2. Application for registration with the Nursery plant and seed producers register.** This procedure is managed by the Regional Ministry of Rural Affairs. All companies that produce nursery plants and seeds must be authorised by the Autonomous Region where they have their registered office. In exceptional circumstances, a provisional authorisation valid for up to two years may be granted if all the requirements established in the legislation are not fulfilled. As mentioned above, in order to be authorised, each producer or production company must meet certain requirements, which will be verified by the Administration. Registration implies the assignment of an individual registration code, which will facilitate knowledge of the producer. The Autonomous Administration manages the procedure and immediately notifies the State Administration of the registration data.

It should be noted that those nurseries that produce or multiply seeds or plants of the pre-basic, basic or certified category must apply for labels for certification and sealing. This complementary procedure is subject to an inspection and control of the nursery, the production capacity and its sealing by means of a mandatory control report and a previous report by the inspector authorising the issuing of the numbered labels in relation to the batches requested and approved.

- **3. Registration with the official register of plant producers, traders and importers.** Producers or importers of plant species within the territory of the Autonomous Region of Galicia must apply for registration with this register. Only an application form is required to carry out this procedure.

- **4. Issue of the plant passport.** In order to be issued, you must first be registered with the Nursery plant and seed producers register. There is a standardised model for the plant passport. Technical personnel from the Administration will carry out the official inspection for the authorisation to issue plant passports and, within a maximum period of 10 working days after the inspection date, the relevant fee must be paid in order to obtain it. Registration implies the assignment of an individual registration code that must be stated on the seal and health passport labels when combined.
- **5. Annual crop declaration.** This declaration is mandatory from the time of registration with the aforementioned register. In this declaration, the producer states the number of plant species to be directly marketed or re-dispatched, and their destination.

In the event that **hazardous waste** is produced, they must apply for the corresponding registration with the register of waste producers and managers of Galicia prior to the start of the activity, in accordance with the procedure established in the following link:

https://sirga.xunta.gal/c/document_library/get_file?file_path=/portal-sirga/Tramites/Autorizacions/Ficha_PP-RP_2021.pdf

There is a complementary procedure carried out at state level which is relevant if own commercial varieties are produced and marketed. In this case, the producer must be registered with the **Register of commercial varieties**, which depends on the Ministry of Agriculture, Fisheries and Food. Such registration authorises the marketing of plant varieties in Spain for all the species for which a list of commercial varieties has been opened and in the European Union for the species included in the common catalogues of agricultural and horticultural plant species. Together with the application, the information detailed in the technical regulations of the register will be provided. In this catalogue, this procedure will be expressly referred to as supplementary information.

3. REQUIREMENTS FOR PRODUCERS

Companies that wish to be authorised as nursery plant and seed producers must comply with a series of generic requirements depending on the category of producer they wish to access. They must also meet the specific requirements according to the technical regulations of the different species or groups of species.

As stated in Law 30/2006 and Royal Decree 1891/2008, if these conditions are not fulfilled according to subsequent inspections and/or checks, the authorisation granted may be revoked, therefore it is important to fulfil them before applying for registration and subsequent authorisation.

GENERIC

Generic requirements for nursery plant and seed producers are defined in article 4 of Royal Decree 1891/2008, which establishes the following:

Type	Requirements
GROWERS	<ul style="list-style-type: none">• To be a grower, co-grower or assignee of varieties.• To have the initial or parental material, or that corresponding to the first generation of these varieties.• To have technicians specialised in the area, with the appropriate official qualifications, as well as the laboratory equipment and facilities required to carry out their work and to control the quality of the material obtained, its management and production.
BREEDERS	<ul style="list-style-type: none">• To have technical personnel specialised in the area, with the appropriate official qualifications, field inspectors and laboratory personnel at different levels, in a number corresponding to their production plans for the species for which they are authorised and whose functions will be, depending on the case, to direct or carry out selection and multiplication works, inspection of fields, handling of nursery plants and seeds, and laboratory analysis and tests.• To have sufficient fields available for the production of basic seed or plant material and, where appropriate, of generations prior to the basic generation. The obtaining of basic seed and basic plant material may be carried out by farmers-collaborators, or by means of a partnership with other breeders, with the exceptions laid down in the technical regulations.• To have sufficient fields for pre-control and post-control of their production, in accordance with the specific technical regulations.• To have facilities suitable for their production volume. In the case of seeds, these facilities must be completely separate from those for grains for uses other than seed. The facilities will comprise:<ol style="list-style-type: none">1. Those for the reception, selection, preparation, processing and packaging of nursery plants or seeds.2. Suitable stores for the preservation of the nursery plants or seeds produced.3. Sufficiently equipped laboratories for the analysis and control of nursery plants or seeds.
MULTIPLIERS	<ul style="list-style-type: none">• In case of seed production, they must have sufficient fields for seed multiplication, and sufficient field technicians or inspectors for their production volume. Additionally, they must fulfil the last two requirements stated for breeders.• In the case of nursery plant production, they must have the technical and human resources required for their production process, as well as a quality control system for the material produced or marketed, according to the report submitted.

In addition to that established in Royal Decree 1891/2008, the regulation that technically regulates all nursery plant and seed production activities is the General technical regulation for the control and certification of nursery plants and seeds.

SPECIFIC REQUIREMENTS

Apart from the generic requirements, producers must comply with those specifically established for each species or group of species.

With the aim of synthesising this catalogue, a link to the specific technical regulation is included where the different elements that the producer must take into consideration if he or she decides to produce/market that group of species are listed:

Type	Technical regulation by group
FOR ALL GROUPS	<ul style="list-style-type: none">• General regulation
SEEDS	<ul style="list-style-type: none">• Grain• Seed potato• Corn• Oil plants• Sugar beet• Sorghum• Forage• Vegetable plants• Textile• Vegetable seedlings
NURSERY PLANTS	<ul style="list-style-type: none">• Fruit trees• Ornamental plants• Grape• Cultivated mushrooms• Forestry breeding

4. REGISTRATION WITH THE NURSERY PLANT AND SEED PRODUCER

All producers of nursery plants and seeds must be authorised by the Autonomous Region of Galicia if they have their registered office in this territory, as set out in article 2 of Royal Decree 1891/2008. This authorisation may be obtained through registration with the Nursery plant and seed producers register. It should be noted that through this authorisation, registered varieties may be produced and marketed. If such varieties are protected, they must be licensed by the grower or breeder who registered them so they may be produced.

Among the duties that must be fulfilled in order to be included in this register are the following:

- Producers are obliged to ensure that their technical personnel are duly trained.
- The keeping of documents, labels, purchase or sales invoices, and records in writing or by other means that ensure the long-term preservation of the data corresponding to:
 1. Nursery plants and seeds purchased or imported for production, storage or marketing or recording of entries.
 2. Nursery plants and seeds being produced.
 3. Nursery plants and seeds dispatched to third parties or register of dispatches.
 4. Controls and sampling carried out on produced material.
- They will allow access to the persons carrying out inspection and sampling work, as well as access to the aforementioned documents and registers.
- The annual cultivation and marketing declarations must be made in accordance with the specific technical regulations.
- To have the cultivation fields, personnel and facilities under the conditions stated in the corresponding specific technical regulations.

In addition, nurseries that are going to produce or multiply nursery plants and seeds, in the case of pre-basic, basic or certified category, must apply for the numbering of labels for sealing and certification.

A standardised procedure (MR430A) is available for this purpose.

MR430A. Nursery plant and seed producers register

RESPONSIBLE BODY	Territorial Offices of the Regional Ministry of Rural Affairs.
DESCRIPTION	In order to obtain authorisation as a producer of nursery plants and seeds, there must be an entry in the Register set up by the corresponding autonomous region.
DOCUMENTATION	<ul style="list-style-type: none">• Application according to Annex I.• Project signed by a senior technician for the title of grower or breeder• Descriptive report for the multiplier producer application.• In the case of companies, the application must be submitted by a duly authorised person, and the documentation accrediting that the company is legally constituted and registered with the corresponding register must be attached.• Photocopy of the DNI/NIF/CIF.• Photocopy of the company's articles of association.• Fee self-assessment form.
MANDATORY	Yes
DEADLINES	Open all year round.
RESOLUTION	One month.
NO RESPONSE	Positive.
ONLINE PROCESSING	Yes Procedure MR430A.
IN PERSON	Yes Territorial Offices of the Regional Ministry of Rural Affairs
LEGISLATION	<ul style="list-style-type: none">• Order of 22 April 2015 adapting and incorporating the open-term administrative procedures of the Regional Ministry of the Rural and Marine Environment into the electronic office of the Xunta de Galicia.• Royal Decree 1891/2008, of 14 November, which approves the Regulation for the authorisation and registration of nursery plant and seed producers and their inclusion in the National Register of Producers. Articles 5 and 6.• Law 30/2006, of 26 July, on nursery plants and seeds and on plant genetic resources.. Articles 36 and 38.• General regulations for the production of nursery plants and seeds.• Specific regulations for the production of nursery plants and seeds.

MR430A PROCEDURE FEE

RESPONSIBLE BODY	Galician Tax Agency.
DESCRIPTION	This procedure is subject to the payment of the fee. (Code 31.04.03.03) Registration with the Provisional register of nursery plant producers. Current fees.
DOCUMENTATION	Form 731 or self-assessment form.

MANDATORY

Yes

ONLINE PROCESSING

Yes

Virtual Tax Office.

The procedure may be carried out through the electronic office once the registration in the Register has been completed.

PRESENCIAL

Yes

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

LEGISLATION

- Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Region of Galicia.
-

5. MUNICIPAL PROCEDURES

POSSIBILITY OF SUBMITTING PRIOR CONSULTATIONS TO THE TOWN COUNCIL

With regard to the municipal procedures that the promoter will have to carry out, the first aspect that must be taken into account, as mentioned at the beginning, is the need to consult, in advance, the regulations approved by the town council where the activity is to be carried out, in the exercise of its regulatory powers.

In order to guarantee the appropriate submission of the necessary documentation for the start of the activity, the promoters have the possibility of making written enquiries to the town council, which must be accompanied by all the data and documents that allow the information required to be clearly identified.

PAYMENT OF TAXES, IF APPLICABLE

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

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

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

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

RESPONSIBLE BODY

Local government.

DESCRIPTION

- The ICIO is an indirect tax, which may be levied at the discretion of the local authority, on the completion, within the municipality, of any construction, installation or work for which the corresponding building or urban planning licence must be obtained, whether or not said licence has been obtained, or for which the presentation of an affidavit or prior notification is required, provided that the issuing of the licence or the control activity corresponds to the local authority concerned.
- The tax is payable by the owners of the construction, installation or work, whether or not they are the owners of the property on which the construction, installation or work is carried out, i.e., whoever bears the expenses or the cost of carrying out the construction, installation or work.
- The taxable base of the tax is constituted by the real and effective cost of the construction, installation or work (material execution cost), in the terms set out in the local finance regulations, and the tax rate will be set by each local authority, although this rate may not exceed 4 %.
- The municipality may establish optional rebates on the rate of this tax, including, if so regulated in the municipal tax by-laws, of a rebate of up to 95% of the tax in favour of construction, installations or works that are declared to be of special municipal interest or utility due to circumstances linked, among other factors, to the creation of employment.
- The municipality may require self-assessment by the taxable person or substitute person.

In any case, the applicable local regulations should be consulted

DOCUMENTATION

Settlement document or self-assessment (if applicable).

MANDATORY

Yes

In those municipalities where its imposition is agreed.

ONLINE PROCESSING

Yes

Through the municipal electronic offices (or those of the Provincial Council, if applicable).

LEGISLATION

- Royal Legislative Decree 2/2004, of 5 March, approving the revised text of the Law regulating local finance.
- Tax ordinance of the municipality concerned.

However, the developer should consult, for his knowledge, the elements of other municipal taxes related to the subsequent exercise of the activity, which are not addressed in this catalogue, such as the tax on economic activities or the tax on real estate, among others.

WORKS INTENDED FOR THE DEVELOPMENT OF AN ACTIVITY

In most cases, the start of the activity will require works to enable it to be carried out, or to adapt the physical establishment where it is to be carried out to the characteristics of the activity. In this case, the first thing the promoter should be aware of is that all acts of transformation, construction, building and use of the land and subsoil

require, for their lawful exercise, **the granting of a municipal licence or the submission of a prior notification to the town council**, depending on the act.

Application for a municipal building permit

RESPONSIBLE BODY

Local government.

DESCRIPTION

The following acts shall be subject to **municipal licensing**, without prejudice to the authorisations arising from the applicable sectoral legislation:

- The acts of construction and use of land and subsoil which, in accordance with the general building regulations, requires a construction design.
- Interventions on properties declared to be of cultural interest or listed due to their unique cultural, historical, artistic, architectural or landscape characteristics or value.
- Demolitions, except those arising 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.
- Major earthworks and levelling works.
- Parcelling, segregation or other acts of division of land on any class of land, when they do not form part of a reparcelling project.
- The first occupation of buildings.
- The establishment of any installation for residential use, whether temporary or permanent.
- The cutting of tree masses or shrub vegetation on land incorporated into urban transformation processes and, in any case, when such cutting arises from legislation for the protection of the public domain, except for those authorised on rural land by the competent forestry bodies.

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

DOCUMENTATION

The licence application shall contain the following information and documents:

- Identification details of the natural or legal person developing the project and, where applicable, of the person representing it, as well as an address for the purpose of notifications.
- Sufficient description of the characteristics of the act in question, detailing the basic aspects of the act, its location and the building or property concerned, as well as its cadastral reference.
- Proof of payment of municipal taxes.
- Applications for licences referring to the execution of works or installations must be accompanied by a complete design drawn up by a competent technician, in the form and with the content indicated in the applicable regulations.
- Designs shall be accompanied by the corresponding design management document, which shall identify the technical personnel to whom they were entrusted.
- Where technical design is not required, the application shall be accompanied by a descriptive and graphic report defining the general characteristics of the work and the building on which it is intended to be carried out.
- In the case of applications for a licence for first occupation of buildings, a certificate of completion from a competent technician stating that the works have been fully completed and comply with the licence granted.
- Environmental assessment document, if required for the intended use of the works.
- Copy of the environmental authorisation or report, along with other sectoral authorisations, concessions or reports where legally required.
- If applicable, the certificate issued by the municipal conformity assessment bodies.

Given that the purpose of the work is the development of an activity, this circumstance shall be expressly stated and, together with the application for the licence, the documentation required in relation to this shall be submitted.

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

DEADLINES

Licence applications will be resolved within **3 months** of submission of the application with complete documentation at the local authority register. 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, to the local authority register. This period may be reduced to 15 calendar days in certain cases¹.

MANDATORY

Yes

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

ONLINE PROCESSING

Yes

Through the municipal electronic offices.

LEGISLATION

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

Prior notification for completion of works

RESPONSIBLE BODY

Local government.

DESCRIPTION

All acts of occupation, construction, building and use of the land and subsoil that are not subject to a licence are subject to the prior urban planning notification system. In particular, they are subject to the prior notification regime:

- The execution of minor works or installations.
- The use of land for the development of commercial, industrial, professional activities or services or other similar activities.
- The use of air rights over buildings and installations of any kind.
- Modification of the use of part of the buildings and installations, in general, when they are not intended to change the characteristic uses of the building or to introduce a residential use
- The extraction of granulates for construction and quarrying, even if it takes place on public land and is subject to concession or administrative authorisation.
- Extraction of minerals, liquids and any other matter, as well as discharges into the subsoil.
- The installation of greenhouses.
- The placing of posters and billboards visible from the public highway, provided they are not in enclosed premises.
- Property enclosures and fences.

^{1/} Articles 54.3 and 55.2 of Law 9/2021, of February 25, on administrative simplification and support for the economic reactivation of Galicia.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person promoting the project and, where applicable, of the person representing it, as well as an address for the purpose of notifications.
- Technical description of the characteristics of the act in question or, where applicable, legally required technical design.
- Express manifestation that the prior notification submitted complies in all its terms with the applicable urban planning regulations.
- Copy of the authorisations, administrative concessions or sectoral reports when they are legally required of the applicant, or accreditation that their concession was requested. For these purposes, in the event that the reports have not been issued within the legally established period, this circumstance shall be accredited.
- Authorisation or environmental assessment document if required under the intended use of the works.
- Proof of payment of the compulsory municipal taxes.
- If applicable, certificate issued by the municipal conformity assessment bodies provided for in these regulations.
- Document formalising the transfer, where applicable.
- Start and completion date of works

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

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

DEADLINES

In the case of prior urban planning notifications, the developer, prior to the execution of the act in question, shall notify the local authority of their intention to carry out the act at least 15 working days before the date on which they intend to commence execution.

Within 15 working days following the notification, the local authority, without prejudice to the verification of compliance with the requirements, may declare the documentation submitted to be complete or require that any deficiencies be remedied, adopting in this case, in a reasoned manner, the provisional measures deemed appropriate, communicating them to the interested party by any means that allows acknowledgement of receipt.

In general terms, once the 15 working day period has elapsed, the presentation of the prior notification, complying with all the necessary requirements, constitutes authorisation for the commencement of the acts of use of the land and subsoil subject to this, without prejudice to the subsequent powers of verification, control and inspection by the respective local authority.

When an urban planning notification is presented together with a certificate of conformity, it will enable, with immediate effect from its submission to the register of the local authority, the performance of the act that constitutes the purpose, without prejudice to the subsequent powers of verification, control and inspection by the respective local authority².

MANDATORY

Yes

In cases where a licence is not required for the works to be carried out.

ONLINE PROCESSING

Yes

Through the municipal electronic offices.

LEGISLATION

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

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

Before submitting the application for the planning permission or the prior urban planning notification, the developer must take into account the following aspects:

- When the acts of building and use of land and subsoil are carried out on land in the public domain, the developer will be required to have the prior authorisations or mandatory concessions granted by the owner of the public domain.
- A licence may not be granted, or a prior urban development communication may not be presented without the prior granting of urban development or sectoral authorisations from other public administrations when applicable.

In this regard it is necessary to reiterate that in the event that the activity of nursery plant and seed producers is located **on rural land subject to special protection**, could be implemented under Article 36.2 of Law 2/2016, of 10 February, of the land of Galicia, in accordance with the provisions of Articles 51.2 and 63.3 of Decree 143/2016, of 22 September, approving its Regulations on specially protected rural land, it will be necessary **to obtain the authorisation or favourable report from the body with the corresponding sectoral competence prior to obtaining the municipal authorisation.**

In addition, as the purpose of the works is the development of an activity, a specific regime is established³, which determines that the developer **must expressly state this circumstance** and, together with the application for the building permit or with the prior notification, submit the following documentation:

- The identifying details of the natural or legal person developing the activity or establishment and, where applicable, the person representing that person, and an address for the purpose of notifications.
- An explanatory report on the activity to be carried out, detailing its basic aspects, its location and the establishment where it is to be carried out.
- Proof of payment of the compulsory municipal taxes.
- A declaration by the owner of the activity, where applicable, signed by competent technical personnel, stating that all the requirements for the activity are met and that the establishment complies with the health and safety and other conditions established in the urban development plan
- The design and the technical documentation required by the nature of the activity or installation, drawn up and signed by the competent technical person.
- The environmental authorisation or declaration, where applicable.
- Any other sectoral authorisations and reports that may be required.
- If applicable, the certificate issued by a municipal conformity assessment body.

Thus, in cases in which these two circumstances concur - the carrying out of the activity and the execution of works for its exercise - 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, until the interested party duly provides proof compliance with the legal requirements for the exercise of the activity.

Once the work has been completed, the **prior notification for the commencement of the activity or the opening of the establishment** shall be submitted, with no further requirements other than the identifying details of the

³ / Article 24.2 of Law 9/2013, of 19 December, on entrepreneurship and economic competitiveness in Galicia; Article 11.2 of Decree 144/2016, of 22 September, approving the single regulation of integrated regulation of economic activities and opening of establishments; and Article 364 of Decree 143/2016, of 22 September, approving the Regulation of Law 2/2016, of 10 February, on land in Galicia.

owner and the reference of the prior notification or the urban planning licence that covered the work carried out and the certificate of completion of the work signed by the competent technician, and, where appropriate, the acoustic certificate⁴.

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

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

SUBMISSION OF PRIOR NOTIFICATION OF THE START OF THE ACTIVITY WITHOUT CARRYING OUT WORKS

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

⁴/Article 11 of Decree 106/2015, of July 9, on noise pollution in Galicia.

Prior notification for the start of the activity without prior works

RESPONSIBLE BODY

Local administration.

DESCRIPTION

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

- Execution of activities and the opening of establishments subject to another system of administrative intervention by the applicable sectoral regulations.
- Execution of activities that are not related to a physical establishment.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- The identification details of the natural person or legal entity owning the activity or establishment and, if applicable, of the person representing them, as well as an address for receiving notifications.
- An explanatory report of the activity to be carried out, detailing its basic aspects, its location and the establishment(s) where it is to be executed.
- Proof of payment of the applicable municipal taxes.
- A declaration by the owner of the activity or establishment, if applicable, signed by a competent technician, stating that all the requirements for the activity are met and that the establishment meets the safety, health and other conditions laid down in the urban development plan.
- The project and the technical documentation required according to the nature of the activity or installation. For these purposes, the project is understood to be the set of documents that define the actions to be carried out, with the content and detail that allows the administration to know their purpose and determine their compliance with the applicable urban planning and sectoral regulations, in accordance with the applicable regulations. The project and the technical documentation will be drafted and signed by a competent technician.
- The environmental authorisation or declaration, if applicable.
- Any other sectoral authorisations and reports that may be required.
- Where applicable, the certificate of conformity issued by the municipal conformity certification bodies set out in these regulations.

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

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

MANDATORY

Yes

In the case of the opening of establishments, a stamped copy of the prior notification must be displayed in a visible and easily accessible place.

In any case, the owner of the activity must have a stamped copy of the prior notification and show it when required to do so by an administrative inspection or by any person for whom the activity is carried out.

ONLINE PROCESSING

Yes

Via the municipal electronic offices.

The submission of a prior notification which complies with the requirements authorises the start of the activity or the opening of the establishment to which it refers, or from the date expressly stated by the person interested in it,

without prejudice to the powers of the town councils for the establishment and planning of subsequent verification and control actions.

Once a prior notification has been received, the town council will automatically verify:

- Its own competence.
- If it is a legally indicated means of intervention for the activity or establishment.
- If the prior notification contains the required data and documentation.

If the data or documentation submitted with the prior notification is incomplete or has any other amendable deficiency, the town council will grant the person who submitted it a period of 10 days to repair it. However, in the event that the deficiencies detected are not amendable or are not rectified within the period established, or when the town council determines that it is not competent to receive the prior notification or that the activity or establishment to which it refers is subject to another system of administrative intervention, the procedure for declaring the prior notification ineffective will be initiated automatically.

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

Certificates issued by municipal conformity assessment bodies

RESPONSIBLE BODY

Municipal Conformity Certification Bodies (Eccom).

DESCRIPTION

These are private law entities that, after being authorised by the autonomous administration, with full capacity to act and acting under its responsibility, are set up for the purpose of carrying out certification, verification, inspection and control activities throughout the territory of the Autonomous Community of Galicia to ensure the conformity of installations, establishments and activities with the applicable regulations at the municipal level.

The contents of certificates of conformity are not binding for the municipal technical services or for the municipal bodies with competence in the matter, and under no circumstances do they replace the public powers of inspection, verification, control and sanction.

MANDATORY

No

Persons interested in submitting a prior notification or a licence application to the municipal administration may contact the entity of their choice from among those authorised to carry out municipal conformity assessment activities in the territory of the Autonomous Community of Galicia, in order to request the conformity assessment function with regard to the installation, establishment, activity or work that is to be the subject of the prior notification or licence application.

The relationship between the persons requesting the performance of the conformity assessment function and the municipal conformity assessment bodies shall be subject to private law.

CONSULT

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

LEGISLATION

- 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 regeneration of Galicia.
-

CHANGES OF OWNERSHIP OF THE ACTIVITY OR ESTABLISHMENT

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

- The identification details of the new owner.
- The reference of the initial authorisation and, if applicable, of those to be processed for subsequent changes of ownership or modifications of the activity or establishment.

Responsibility for compliance with the administrative requirements to which the activity or establishment was subject will be transferred to the new owner from the moment the change of ownership becomes effective, regardless of the date on which the change of ownership is notified.

6. OTHER PROCEDURES RELATED TO THE ACTIVITY OF PRODUCERS

OFFICIAL REGISTRATION OF PLANT PRODUCERS, TRADERS AND IMPORTERS; PLANT PASSPORT AND ANNUAL CROP DECLARATION

There are three procedures related to the production of nursery plants and seeds that are important for a standardised activity: the registration of plant producers, traders and importers; the plant passport and the annual crop declaration.

1. The register of plant producers, traders and importers allows the production and marketing of different species of plants and seeds within the autonomous region. This registration will facilitate monitoring and periodic inspections that favour the quality of production.
2. The plant passport is the official mark that is attached to plants, plant products and other objects in their movement within the EU and, if applicable, for their introduction and movement through protected areas, whose purpose is to demonstrate that the consignment is free from quarantine pests and complies with the tolerance levels required for RNQP (regulated non-quarantine pests). If the consignment is not for commercial use, this passport is not required. This passport may be applied for through the annual crop declaration procedure.
3. The annual crop declaration procedure is one of the obligations undertaken by producers when they register with the Nursery plant and seed producers register. In this declaration, the producer states the number of plant species to be directly marketed or re-dispatched, and their destination.

Registration with the Register of plant producers, traders and importers has a standardised procedure (MR442A) which is summarised in the following table:

MR442A. Official register of plant producers, traders and importers

RESPONSIBLE BODY		Territorial Offices of the Regional Ministry of Rural Affairs
DESCRIPTION		Procedure to register as a producer or importer of vegetable species within the territory of the Autonomous Region of Galicia.
DOCUMENTATION		Application form (according to the model in Annex I).
MANDATORY	Yes	
DEADLINES		Open all year round.
ONLINE PROCESSING	Yes	Procedure MR442A.
PRESENCIAL	Yes	Territorial Offices of the Regional Ministry of Rural Affairs.
LEGISLATION		<ul style="list-style-type: none"> • Order of 22 April 2015 adapting and incorporating the open-term administrative procedures of the Regional Ministry of the Rural and Marine Environment into the electronic office of the Xunta de Galicia. • Order of 17 May 1993, which establishes the obligations to which plant producers, traders and importers, plant products and other objects are subject, as well as the detailed rules for their registration in an official register.

- Royal Decree 58/2005, of 21 January, adopting protective measures against the introduction and spread of organisms harmful to plants or plant products within the national territory and the European Community, as well as for export and transit to third countries.

Once the plant passport has been requested, a provincial technician will carry out an official inspection for the authorisation to issue plant passports. The relevant fee must be paid within a maximum of 10 working days after the inspection date.

OFFICIAL INSPECTION FEE FOR AUTHORISATION TO ISSUE PLANT PASSPORTS

RESPONSIBLE BODY		Galician Tax Agency.
DESCRIPTION		This procedure is subject to the payment of the fee. Code 310409. (Official inspection for authorisation to issue plant passports). Current fees.
DOCUMENTATION		Form 731 or self-assessment form.
MANDATORY	Yes	
ONLINE PROCESSING	Yes	Virtual Tax Office. The procedure may be carried out through the electronic office once the registration in the Register has been completed.
PRESENCIAL	Yes	Print out form 731 completed or a blank self-assessment form and fill it in to make the payment in person at a collaborating financial institution.
LEGISLATION		<ul style="list-style-type: none"> • Law 6/2003, of 9 December, on fees, prices and regulatory levies of the Autonomous Region of Galicia.

Regulation (EU) 2016/2031 on protective measures against pests of plants, published on 23 November 2016, defined a new plant passport format required for the movement of plants, plant products and other objects within the territory of the European Union.

At present, plants and plant products subject to the passport requirement must be issued with the new passport model. The authorised models are those set out in Implementing Regulation (EU) 2017/2313, which establishes four models:

- Model of standard plant passport label (model A).
- Model of plant passport label for protected zones (model B).

- Model of plant passport label combined with certification label (model C).
- Model of plant passport label combined with certification label for protected zones (model D).

Operators may apply for authorisation for the issuance of the new passport through the electronic office, using model MR433A.

MR433A. Approval of the plant model passport

RESPONSIBLE BODY		Territorial Offices of the Regional Ministry of Rural Affairs.
DESCRIPTION		Authorised producers must submit the annual crop declaration. In this declaration, the species to be marketed are detailed.
DOCUMENTATION		<ul style="list-style-type: none"> • Application form (according to the model in Annex I). • Model of passport label to be used (tick all that apply): <ul style="list-style-type: none"> ... Model of standard plant passport label (model A). ... Model of plant passport label for protected zones (model B). ... Model of plant passport label combined with certification label (model C). ... Model of plant passport label combined with certification label for protected zones (model D).
MANDATORY	Yes	
DEADLINES		Open all year round.
RESOLUTION		One month.
NO RESPONSE		Positive.
ONLINE PROCESSING	Yes	Procedure MR433A
PRESENCIAL	Yes	Territorial Offices of the Regional Ministry of Rural Affairs.
LEGISLATION		<ul style="list-style-type: none"> • Order of 22 April 2015 adapting and incorporating the open-term administrative procedures of the Regional Ministry of the Rural and Marine Environment into the electronic office of the Xunta de Galicia. • Regulation (EU) 2016/2031 on protective measures against pests of plants. • Regulation (EU) 2017/2313: plant passport format.

There is a standardised procedure (MR433B) to submit the annual crop declaration, where the corresponding formalities may be carried out. A summary of the procedure is set out in the table below:

RESPONSIBLE BODY		Territorial Offices of the Regional Ministry of Rural Affairs
DESCRIPTION		Authorised producers must submit the annual crop declaration. In this declaration, the species to be marketed are detailed. In addition to issuing the corresponding plant passport (standard, for protected zones, replacement), together with the goods.
DOCUMENTATION		<ul style="list-style-type: none"> • Application form (according to the model in Annex I). • Crop declaration.
MANDATORY	Yes	
DEADLINES		Open all year round.
RESOLUTION		One month.
NO RESPONSE		Positive.
ONLINE PROCESSING	Yes	Procedure MR433B.
PRESENCIAL	Yes	Territorial Offices of the Regional Ministry of Rural Affairs.
LEGISLATION		<ul style="list-style-type: none"> • Order of 22 April 2015 adapting and incorporating the open-term administrative procedures of the Regional Ministry of the Rural and Marine Environment into the electronic office of the Xunta de Galicia. • Royal Decree 1891/2008, of 14 November, which approves the Regulation for the authorisation and registration of nursery plant and seed producers and their inclusion in the National Register of Producers. Article 6.

REGISTRATION WITH THE REGISTER OF COMMERCIAL VARIETIES

If the producer intends to register a variety, it is necessary to check whether it has any agronomic or use value, which will be carried out by the Spanish Plant Varieties Office (OEVV, as per its Galician acronym), which reports to the Ministry of Agriculture, Fisheries and Food. This occurs if, in comparison with other varieties accepted in the Register of commercial varieties, its overall qualities when grown in a specific area imply a clear improvement, either in relation to its cultivation, its productivity, its use or that of the products derived from it. Article 4 of Royal Decree 170/2011, of 11 February, which approves the General regulations of the Register of commercial varieties, sets out some exceptions to this principle.

Therefore, if a producer wishes to market an unregistered variety, he or she will be obliged to register it with the Register of commercial varieties. This register is the responsibility of the State and has an online procedure for its processing.

RESPONSIBLE BODY

Subdirectorato General for Agricultural Production Resources and the Spanish Plant Varieties Office. Ministry of Agriculture, Fisheries and Food.

DESCRIPTION

Authorise the marketing of plant varieties in Spain for all the species for which a list of commercial varieties has been opened and in the European Union for the species included in the common catalogues of agricultural and horticultural plant species.

DOCUMENTATION

- Application.
- Detailed description of the variety, in accordance with that set out in the corresponding Technical regulations for the registration of varieties, stating its components.
- The method of variety conservation proposed by the breeder or by the applicant when the breeder has no interest in the application.
- Indications of the most suitable ecological conditions for cultivation.
- If the applicant is an assignee of the breeder, a reliable document of his or her status.
- If the applicant is neither the breeder nor an assignee, a document certifying the authorisation granted by them.
- Proof of payment of the processing and decision fee.

Where the variety applied for is the subject of a national or regional plant variety right or is requested for this purpose, the documents relating to the ownership of the variety or to the assignee title must be submitted. It will not be necessary to submit the documents relating to the breeder's authorisation if the breeder is unknown or in the case of applications for conservation varieties.

In the case of genetically modified varieties, the following documents must also be submitted:

- Authorisation granted by the competent body for voluntary release or marketing authorisation.
- Information concerning the genetic modification, as well as information relating to the genetically modified variety and any precautions proposed by the applicant in the application to the competent body.

Plant material must also be submitted for technical assessment, which must fulfil the requirements specified in the procedure.

MANDATORY Yes

DEADLINES

Open all year round.

RESOLUTION

6 months.

NO RESPONSE

Negative.

ONLINE PROCESSING Yes

Register of commercial varieties.

PRESENCIAL Yes

Subdirectorato General for Agricultural Production Resources and the Spanish Plant Varieties Office. Ministry of Agriculture, Fisheries and Food.

LEGISLATION

- Law 30/2006, of 26 July, on nursery plants and seeds and on plant genetic resources.. Articles 4-23.
- Royal Decree 170/2011, of 11 February, which approves the General regulations for the Register of commercial varieties and modifies the general technical regulations for the control and certification of nursery plants and seeds, which includes as annexes the Technical regulations for the Register of varieties of different plant species.

7. ANNEX. SPECIALISED TRAINING FOR NURSERY PLANT AND SEED PRODUCTION

This section contains information on some professional training that allows to obtain a qualification to carry out the professional activity of nursery plant and seed production:

- Certificate of competence in the production of nursery plants and seeds.
- Certificate of competence in the management of nursery plant and seed production.
- Handling and application of plant products.

CERTIFICATE OF COMPETENCE IN THE PRODUCTION OF NURSERY PLANTS AND SEEDS (AGAU0110)

This level 2 certificate establishes the training required to obtain it; it enables the holder to carry out the operations of propagation and cultivation of nursery plants, as well as the production of seeds.

The associated training lasts 580 hours, distributed in the following training modules and units:

- MF1479_2: Propagation of plants in a nursery (80 hours).
- MF1480_2: Cultivation of plants and turf in a nursery (100 hours).
UF1596: Cultivation of plant material and turf in a nursery (70 hours).
UF1597: Management of facilities and shipment of nursery plants (30 hours).
- MF1481_2: seed production (80 hours).
- MF0525_2: plant control (120 hours).
UF0006: Determination of the health of plants, soil and facilities and choice of control methods (60 hours).
UF0007: Implementation of health control methods on plants, soil and facilities (60 hours).
- MF0526_2: Agricultural mechanisation and installations (120 hours).
UF0008: Installations and their conditioning, cleaning and disinfection (70 hours).
UF0009: Tractor handling, preparation and operation (50 hours).
- MP0372: Module of non-occupational professional practices in the production of seeds and plants in nurseries (80 hours).

CERTIFICATE OF COMPETENCE IN THE MANAGEMENT OF NURSERY PLANT AND SEED PRODUCTION (AGAU0210)

This level 3 certificate covers the training that enables to organise and supervise the production of nursery plants and seeds, managing the available material and human resources, applying quality and economic profitability criteria.

The associated training lasts 540 hours and distributed in the following training modules and units:

- MF1492_3: Management of plant propagation operations in a nursery (90 hours).
- MF1493_3: Management of plant and turf cultivation in a nursery (140 hours).
UF1371: Management of plant and turf production in a nursery (80 hours).
UF1372: coordination of the management of facilities and dispatch of plants and grass in the nursery (60 hours).
- MF1494_3: Management of seed production operations (90 hours).
- MF1132_3: Management of agricultural machinery, equipment and facilities (180 hours).
UF0390: Agricultural installations, machinery and equipment (50 hours).
UF0391: Basic repairs, supervision and organisation of a workshop (50 hours).
UF0392: Organisation and management of an agricultural company (80 hours).
- MP0373: Module of non-occupational professional practices in management of nursery plant and seed production (40 hours).

HANDLING AND APPLICATION OF PLANT PRODUCTS

Royal Decree 1311/2012 stipulates that, as of 26 November 2015, professional users and sellers of plant products must hold a licence accrediting appropriate knowledge to carry out their activity according to the following qualification levels:

- **Basic:** auxiliary personnel for ground and aerial treatments, including non-agricultural treatments, and farmers who carry them out on the farm without employing auxiliary personnel and using plant protection products that are not and do not generate toxic, very toxic or lethal gases. They will also be issued for distribution auxiliary personnel handling plant protection products.
- **Qualified:** for professional users responsible for ground treatments, including non-agricultural treatments, and for farmers carrying out treatments using auxiliary personnel. They will also be issued to personnel directly involved in the sale of plant protection products for professional use, enabling them to provide adequate information on the use, its health and environmental risks and instructions to mitigate these risks. The qualified level does not provide training to carry out treatments requiring fumigator or aerial pilot applicator levels.
- **Fumigator:** for applicators who carry out treatments with plant protection products that are classified as toxic, very toxic or lethal gases, or that generate gases of this nature. In order to obtain the fumigator's licence, it is necessary to have previously completed the training corresponding to the basic or qualified levels according to their requirements.
- **Aerial pilot applicator:** for personnel who carry out plant protection treatments from or by means of aircraft, without prejudice to compliance with the specific regulations governing the granting of licences in the air navigation area.

In accordance with the provisions of Royal Decree 1311/2012, from 26 November of this year, any person who initiates the necessary procedure to obtain a professional user licence for plant protection products must be registered with the ROPO (Official Register of Producers and Operators) according to the following specifications:

a) Applications for training as professional users of plant protection products.

In general, those persons who apply for training at any level to the Regional Ministry of Rural Affairs must be registered with the ROPO. Likewise, those persons who apply for training as applicators-handlers of plant protection products at the basic level to the collaborating entities of this Regional Ministry will only be able to take the assessment test if their registration with the ROPO as professional users is verified. For this reason, the collaborating entities must accredit that they have informed all the applicants of this circumstance prior to delivering the training.

b) Repetition of the assessment test.

Persons who do not pass the assessment test in the first instance may sit another assessment test during the two years following the date on which they received the training. Due to possible updates in the regulations, once this period has elapsed, they will have to take the training course again.

In the event that a person proves to have received the necessary training in a period of less than two years and is already registered with the ROPO, he or she may also take the assessment tests under the same conditions.

c) Renewal of the licence.

Persons applying for renewal of their licence must first prove that they are registered with the ROPO and then meet the requirement to update their training based on the qualification level. In particular, for the updating of knowledge at the qualified level, a theoretical-practical training course lasting 10 hours will be required, the training content

of which will mainly consist of the modified aspects of the applicable regulations. Such update will be accredited by means of specific assessment tests, which will be developed based on different assessment models.

d) Assessment models.

In order to ensure the objectivity of the assessments carried out, an instruction will be published on the website of the regional ministry regarding the tests that will be carried out according to whether they correspond to the basic or qualified level, as well as the tests corresponding to the training updates.

e) Announcement of the assessment tests for the renewal of licences.

The Regional Ministry of Rural Affairs will call the assessment tests in the places and on the dates indicated on its website. Those wishing to renew their licence must register electronically in the Virtual Agricultural Office. To access the tests, they must submit a reliable identification document and proof of payment of the fee.

The results of the assessment tests, which will specify the suitable and unsuitable persons, will be sent to the Subdirector General for Technology Training and Transfer in line with the established procedure. Once the documentation has been submitted, the corresponding licence will be issued to all those who have been qualified as suitable and whose registration with the ROPO has been accredited. In no case may the licence be issued upon submission of a responsible declaration or a similar document.

There is a list of qualifications that allow the direct obtaining of the basic level licence for the use of plant protection products:

- AGAJ0109 Management and keeping of ornamental trees and palms.
- AGAO0108 Auxiliary activities in nurseries, gardens and garden centres.
- AGAR0309 Auxiliary activities in forest conservation and improvement.
- AGAU0108 Ecological agriculture.
- AGAX0208 Auxiliary activities in agriculture.
- AGAU0111 Handling and operation of agricultural machinery.
- AGAU0208 Agricultural production management.
- SEAG0311 Control and protection of the natural environment.

There are other qualifications that allow the direct obtaining of the qualified level licence for the use of plant protection products:

- AGAC0108 "Herbaceous crops".
- AGAF0108 Fruit growing.
- AGAH0108 Horticulture and floriculture.
- AGAO0208 Installation and maintenance of gardens and green areas.
- AGAO0308 Gardening and landscape restoration.
- AGAR0109 Forest management and reforestation and silvicultural treatments.
- AGAR0208 Reforestation and silvicultural treatments.

- AGAU0112 Production and harvesting of mushrooms and truffles.
- AGAU0210 Production of seeds and plants in nurseries.
- SEAG0110 Pest control services.
- SEAG0311 Management of services for the control of harmful organisms.

In the case of the fumigator and aerial pilot applicator licences, there is no related occupational training speciality.

This document was drawn up, for purely informative purposes, by the General Vice-Secretariat for Business Support of the Second Vice-Presidency and Regional Ministry of Economy, Enterprise and Innovation, as a means of consultation and simplification of the applicable regulations, and its content is therefore not binding.

All the information contained in this catalogue is taken from the legislation in force at the time of its publication, and must always be construed in accordance with it, therefore the catalogue is a document subject to continuous evolution.

