

CATALOGUE

RETAIL TRADE E-COMMERCE

XUNTA
DE GALICIA

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RETAIL TRADE E-COMMERCE

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1. INTRODUCTION

THE 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 fosters the start-up 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 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 start-up 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.

DEFINITION OF THE SECTOR OF ACTIVITY: RETAIL TRADE. E-COMMERCE

On the basis of the text of the Law, each of the catalogues will be dedicated exclusively to a particular **sector of activity** .

Thus, this catalogue is aimed at describing the administrative procedures necessary to start up a retail **trade** business, although it does not cover the aspects related to the incorporation and start-up of the company or those related to the hiring of personnel and ordinary activity (taxation, social security, etc.), and those related to the area of health and safety and workplace risk prevention.

Law 13/2010, of 17 December, on Galicia's domestic trade, the main regulatory reference regarding the regulation of this sector in the Autonomous Community, defines "retail commercial activity" as "the acquisition of products or goods and their sale to the final consumer", thus excluding the wholesale trade from the scope of this document.

Also, outside the scope of application of this catalogue and subject to specific treatment are the start-up of establishments with a useful exhibition and sales area of more than 2,500 m², the sale of fuel and lubricants, and those commercial activities which, due to their purpose or nature, are subject to specific control by the public authorities or to specific regulations.

On the other hand, reference should be made to the **special types of sales** referred to in Law 13/2010, of 17 December, on Galician domestic trade, considering as such those not carried out in an establishment open to the public on a permanent basis and, in particular, door-to-door sales, distance sales, automatic sales, itinerant sales, sales at public auction and occasional sales.

The emergence of new shopping habits and the digitalisation of the commercial sector make it advisable, among the above, to make special reference to distance sales, especially e-commerce, bearing in mind that many current businesses reach their customers through physical and digital channels.

For the purpose of better understanding and simplification, this catalogue provides the necessary information for the different procedures by means of information sheets in the form of annexes.

START OF THE PROCESS

Drafting of the project

WORKS?

YES

Request for license for works or prior notification for urban planning

- ▶ Documentation activity
- ▶ Relevant sectoral authorisation

ICIO

Authorisation

NO

Request for registration of the corresponding registers of necessary facilities

IN622B REGISTER OF THERMAL FACILITIES IN BUILDINGS
IN622B REGISTER OF THERMAL FACILITIES IN BUILDINGS
IN621A REGISTER OF REFRIGERATION INSTALLATIONS
REGISTER OF OTHER FACILITIES SUBJECT TO INDUSTRIAL SECURITY REGULATION

+ FEES

Communication of commencement of activity (FOOD STORE)

SA550A COMMUNICATION OF COMMENCEMENT OF ACTIVITY FOR ENTRY ON THE GALICIAN HEALTH REGISTER

Prior notification to Local Authority for the commencement of activity

Entry on the REGASA (Galician health register of food companies and establishments)

2. COMMERCIAL ACTIVITY WITH A PHYSICAL SHOP

FORMALITIES TO BE COMPLETED BEFORE STARTING THE ACTIVITY

The formalities required to start up a commercial activity will vary depending on whether it involves **the existence of a physical shop or not.**

COMMERCIAL ACTIVITY WITH A PHYSICAL SHOP

If the business to be started involves the opening of a commercial establishment, the first steps to be taken are:

2.1 PRIOR PROCEDURES

The first step to be taken by the developer for the start-up of an activity is to check the **urban planning regime applicable 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 land in Galicia:

“Any person shall have the right to be informed in writing by the municipality concerned of the planning regime and conditions applicable to a particular piece of land or to the sector, industrial area or planning area in which it is included.

This information must be provided within a period not exceeding two months from the date of submission of the application to 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 development regulations in force, different requirements shall apply, which is why this information must be provided by the respective local authority, prior to any other procedure, in order to **determine the urban planning feasibility and viability of the activity.**

2.1.1 Specific regime for traditional buildings on rural land and rural core land

Article 40 of Law 2/2016, of 10 February, on land in Galicia, and 63 of Decree 143/2016, of 22 September, which approves its implementing regulations, allow **commercial uses** to be **implemented in traditional buildings existing** in any category of **rural core** land or rustic land prior to 25 May 1975 (entry into force of Law 19/1975, of 2 May, on reform of the land and urban planning regime).

With regard to **possible works**, reform, rehabilitation, reconstruction and extension, even in independent volume, up to 50% of the original volume of the traditional building, will be permitted without the need to comply with the applicable urban planning parameters, except for the height limit, and the **mandatory municipal urban planning authorization** 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.

2.1.2 Specific regime for buildings on rural land with planning permission.

The third transitory provision of Law 2/2016, of 10 February, on the land of Galicia, allows the implementation of **commercial uses in the constructions built on rural land under the protection of the urban planning licence**, and works of improvement and reform and extension of the lawfully built surface area may be carried out with a municipal licence, subject to the following requirements:

1. In the case of land included in specially protected rural land, **authorisation or a favourable report** must be obtained **from the body with the corresponding sectoral competence.**
2. Compliance with the **building conditions** stipulated in Article 39 of Law 2/2016 of 10 February and in the corresponding urban planning.
3. The **necessary corrective measures** must be taken to minimise the impact on the territory and the best protection of the landscape.

2.1.3 Sectoral reports or authorisations

Information on the sectoral effects applicable to a plot of land can be consulted by anyone interested in the **Basic Autonomous Plan of Galicia**, which is a dynamic tool that is essential for reflecting the complex reality of sectoral regulations on the territory and which provides citizens with all the relevant information from a territorial point of view, updated and universally accessible, throughout the entire Autonomous Community.

The Basic Autonomous Plan of Galicia viewer is available at the following link:

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

In any case, the most common sectoral authorisations or reports are listed below.

1. Where it is necessary to carry out any intervention or work on the business premises and it is located in a declared property of cultural interest or listed, or in its surroundings or servitude zone, or in the delimited territories of the Pilgrims' Routes to Santiago, authorisation or a regional sectoral report will be required.

Mandatory sectoral authorisations/reports: Cultural Heritage of Galicia

BODY RESPONSIBLE

Regional ministry responsible for cultural heritage
Route of Santiago de Compostela - Directorate General of Cultural Heritage - Regional Ministry of Education and Universities
All other cases: territorial authorities.

DESCRIPTION

- Interventions intended to be carried out on properties of cultural interest or listed properties, and, where appropriate, in their protected environment or in the depreciation zone, must be authorised by the competent regional ministry in matters of cultural heritage, with the exceptions established by law.
- The Routes of Santiago de Compostela included in the UNESCO World Heritage List will be considered assets of cultural interest. The rest of the Routes of Santiago de Compostela will be considered catalogued assets, with the category of historic territories, without prejudice to the request for their declaration as an asset of cultural interest.
- Obtaining the necessary authorisations does not alter the obligation to obtain a municipal licence or any other necessary licences or authorisations.

DOCUMENTATION

Basic and construction design or descriptive report, where applicable.

MANDATORY

Yes

In the cases described.

DEADLINES

3 months

For the issuing of the report¹.

ONLINE PROCESSING

Yes

PR004A - Electronic submission of applications, written submissions and notifications without a specific electronic system or a standardised electronic format.

IN PERSON	Yes	Register of the Regional Government of Galicia or any of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.
LEGISLATION		<ul style="list-style-type: none"> • Law 5/2016, of 4 May, on the cultural heritage of Galicia. Chapter III and IV of Title II - Regime for the protection and conservation of Galicia's cultural heritage. Title VI - Routes of Santiago de Compostela. • Law 9/2021, of 25 February, on administrative simplification and support for the economic regeneration of Galicia. Art. 24.

2. In the case of the start-up of a commercial establishment in the protection easement zone of the maritime-terrestrial public domain, in the cases foreseen in the applicable sectoral regulations, the **regional sectoral authorisation on coasts** will be required.

Mandatory sectoral authorisation: Coastal protection easement - General Directorate of Territorial and Urban Planning

BODY RESPONSIBLE	Regional ministry responsible for coasts (General Directorate of Territorial and Urban Planning - Regional Ministry of the Environment, Territorial and Urban Planning).
DESCRIPTION	<p>The works, installations and activities promoted by natural and legal persons other than the General Administration of the Autonomous Community of Galicia itself and regional public sector entities which, ordinarily, constitute permitted uses in the protection easement zone of the maritime-terrestrial public domain in accordance with state legislation on coasts, will require sectoral regional authorisation for coasts.</p> <p>The uses and actions referred to must comply with the urban development plan and with the legal regime that, according to the type of land to be developed, is established in the applicable urban planning legislation and sectoral regulations.</p>
DOCUMENTATION	<ol style="list-style-type: none"> Interested parties must provide the following documentation with their application: <ul style="list-style-type: none"> • Cadastral reference of the plot of land on which the requested work, installation or activity is to be carried out. • Municipal certification of the zoning of the land. • Documentation proving the ownership or availability of the land, by any legally admissible means of proof. • Definitive demarcation plan or, where applicable, provisional definition plan of the demarcation line at a scale of 1/1,000 drawn or authenticated by the corresponding body of the State Administration, which must show the exact location and occupation of the requested action. • Photographic information including photographs of the surrounding environment. • Proof of payment of the corresponding fee. In the case of major works, the following documentation must be provided in addition to that indicated in point 1: <ul style="list-style-type: none"> • The basic design of the works or installations, signed by the competent technical personnel. • Justifying and descriptive report with annexes, where applicable, which must include the characteristics of the installation and other relevant data, such as basic design criteria, work execution programme and, where applicable, the wastewater disposal system.

- Location plans to an appropriate scale.
- Topographical plan of the current state, at a scale of not less than 1/1,000.
- Elevation plans and characteristic sections.
- General floor plans, with representation of the boundary, inner limit of the seashore, transit and protection easement.

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

- Explanatory report of the works, detailing characteristics, intended use and detailed budget for each item.
- Definition plans, including elevations and characteristic sections.
- In case of closure, sketch of the construction site, including measurements.
- Profile and topographical plan of the plot, scale 1:500, previous state and definitive state.

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

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

MANDATORY	Yes	In the cases described.
DEADLINES		Five months for the resolution of the authorisation
ONLINE PROCESSING	Yes	MT701A - Authorisation of works and actions in the protection easement zones of the maritime-terrestrial public domain.
IN PERSON	Yes	Register of the Regional Government of Galicia or any other of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.
LEGISLATION		<ul style="list-style-type: none"> • Law 22/1988, of 28 July 1988, on coasts • Royal Decree 876/2014, of 10 October, approving the General Coastal Legislation.

3. If it is necessary to carry out any intervention or work on the commercial premises located in the protection easement zone of the public maritime-terrestrial domain, without a change of use, an **affidavit** must be submitted before obtaining the municipal planning permission:

Affidavit for works in coastal protection easement zone - Directorate General of Territorial and Urban Planning

BODY RESPONSIBLE	Regional Ministry of the Environment, Territory and Housing (Directorate General of Territorial and Urban Planning - Provincial Urban Planning Service of the corresponding Territorial Authority).
DESCRIPTION	Execution of repair, improvement, consolidation and modernisation works, provided that they do not involve an increase in volume, height or surface area of existing constructions,

under the terms provided for in the fourth transitional provision of the Coastal Law and in the implementing regulations:

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

CONTENTS

In the standard form, the declarant states:

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

The declarant shall also declare that they are in possession of the following documentation:

- Proof of ownership or availability of the property on which they intend to act, by any legally valid means of proof.
- Technical project of the works when required, in accordance with the provisions of the regulations in force, or, if not required, a descriptive report of the works with an expression of their characteristics, intended use, detailed budget and, where appropriate, definition plans, including elevations and characteristic sections and, in the case of small works, a sketch of the same.
- Energy efficiency certificates, where applicable.
- Justification, where applicable, that the mechanisms, systems, installations and equipment used represent effective energy savings in water consumption.

MANDATORY

Si

In cases where regional authorisation is not required to carry out the works.

DEADLINES

Must be submitted prior to the application for the municipal planning permission and, in any case, within 1 month prior to the start of the works.

ONLINE PROCESSING

Yes

Through the online office of the Regional Government of Galicia.

IN PERSON

Yes

Register of the Regional Government of Galicia or any other of those provided for in Law 39/2015, of 1 October, on the common administrative procedure of public administrations.

LEGISLATION

- Law 22/1988 of 28 July 1988 on coasts.
- Royal Decree 876/2014, of 10 October, approving the General Coastal Regulation
- Decree 97/2019, of 18 July, regulating the competencies of the Autonomous Community of Galicia in the area of the easement protection zone public maritime land domain.

In addition to the above, the execution of works will entail the registration or modification on the registers of the corresponding installations that the premises may have, including the most common ones:

BODY RESPONSIBLE

Directorate General of Energy Planning and Natural Resources - Second Vice-Presidency and the Regional Ministry of the Economy, Enterprise and Innovation. Local head office.

DESCRIPTION

The registration, modification (extension or replacement with different equipment) or relocation of a refrigeration plant shall require an application for registration by the operator of the installation before it is put into service.

Modification by equivalent equipment or decommissioning shall require a notification.

Refrigeration installations are classified into the following categories according to the potential risk:

- **Level 1.** Installations consisting of one or more independent refrigeration systems with an installed electrical power in the compressors for each system not exceeding 30 kW, provided that the total electrical power installed in the refrigeration compressors does not exceed 100 kW, or of compact equipment of any power, provided that in both cases they use high-safety refrigerants (L1) and do not cool chambers or assemblies of artificial atmosphere chambers of any volume.
- **Level 2.** Installations consisting of one or more refrigeration systems independent of each other, with an electrical power installed in the compressors exceeding 30 kW in any one of the systems, or where the total electrical power installed in the refrigeration compressors exceeds 100 kW, or which refrigerate artificial atmosphere chambers, or which use medium and low-safety refrigerants (L2 and L3).

This procedure is subject to a fee.

DOCUMENTATION

For the registration of a Level 1 installation:

- Technical report of the installation executed.
- Certificate of the installation signed by the refrigeration company and, where applicable, by the installation manager.
- Declarations of conformity of pressure equipment and, where appropriate, safety or pressure accessories (RD 769/1999 of 7 May 1999 and RD 1495/1991 of 11 October).
- Certificate of electrical installation.

For the registration of a Level 2 installation:

- Technical design of the installation executed.
- Certificate of installation signed by the refrigeration company and, if applicable, by the person responsible for the installation.
- Declarations of conformity of pressure equipment and, where appropriate, safety or pressure accessories (RD 769/1999 of 7 May 1999 and RD 1495/1991 of 11 October).
- Certificate of electrical installation.
- Copy of the civil liability insurance policy or equivalent guarantee (level 2 installations using medium or low safety refrigerants, L2 and L3).
- Maintenance contract for the refrigeration installation.
- Technical certificate of construction management.

MANDATORY

Yes

In the cases described.

DEADLINES

Open all year round.

ONLINE PROCESSING

Yes

IN621A - Registration of refrigeration installations.
Payment of fees: **Virtual Tax Office. Current rates of fees.**

IN PERSON

No

Online processing Mandatory.

LEGISLATION

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

IN614C - Registration of low-voltage electrical installations

BODY RESPONSIBLE

Local head office of the Second Vice-Presidency of the Economy, Enterprise and Innovation.

DESCRIPTION

The electrical installations subject to Low Voltage Electrotechnical Regulations, approved by Royal Decree 842/2002, of 2 August before being put into service, must be registered in the corresponding local head office of the Second Vice-Presidency and Regional Ministry of the Economy, Business and Innovation.

To do so, they must submit the installation certificate issued by the authorised installer together with the rest of the technical documentation and, where applicable, the works management certificate and the initial inspection certificate at the corresponding local head office (xefatura territorial) and the interested party must receive the necessary certified copies for the record of each interested party and for the application for energy supply.

This procedure is subject to a fee.

DOCUMENTATION

- Application form (Annex I available online).
- Project and the works management certificate signed by the corresponding qualified technical person, in the event that the characteristics of the installations are included in those indicated in point three of Complementary Technical Instruction 04, Low Voltage Electrotechnical Regulations. (ITC-BT-04)
- Certificate of installation issued by an authorised installer (model available at the electronic office).
- Annex of information to the user and sketch of the layout of the installation.
- Initial inspection certificate with a favourable result issued by an inspection body in the cases indicated in section 4 of ITC-BT-05.
- This documentation shall also be submitted electronically, using any digitised copying procedure of the original document.

MANDATORY

Yes In the cases described.

DEADLINES

Previous

ONLINE PROCESSING

Yes IN614C - Registration of Low Voltage Electrical Installations.
Payment of fees: Virtual Tax Office. Current rates of fees.

IN PERSON

No Mandatory online procedure.

LEGISLATION

- Order of 23 July 2003 regulating the application in the Autonomous Community of Galicia of the Low Voltage Electrotechnical Regulations, approved by Royal Decree 842/2002 of 2 August.

BODY RESPONSIBLE

Directorate General of Energy Planning and Natural Resources - Second Vice-Presidency and the Regional Ministry of the Economy, Enterprise and Innovation.

DESCRIPTION

For the commissioning of thermal installations, both new plants and refurbishment of existing ones, as referred to in Article 15.1.a) and b) of the Regulation on thermal installations in buildings, it will be necessary to register the certificate of the installation with the territorial department of the Second Vice-Presidency and Regional Ministry of The Economy, Enterprise and Innovation.

The thermal installations referred to in Article 15.1.c) of this regulation do not need to prove to the corresponding territorial department of the Second Vice-Presidency and Regional Ministry of the Economy, Enterprise and Innovation that they comply with the regulation.

In the annexes of this citizens' guide, you will find the official forms necessary for compliance with the regulation, including the applications for the procedure, and also the models of technical report and installation certificate, as well as the model maintenance certificate, among others.

This procedure is subject to a fee. The list of applicable fees is shown below:

- Registration on official registers. First registration. Changes to the first entry (rate code): 30.02.00).
- Registration on the register of thermal installations in buildings (code rate: 32.19.08).

DOCUMENTATION

Installations with a thermal power greater than 70kW must submit the following documents, once the installation work has been completed and the corresponding tests have been carried out:

- Application for registration, according to Annex I of the Order of 24 February 2010, regulating the application in the Autonomous Community of Galicia, of the Regulation of thermal installations in buildings approved by Royal Decree 1027/2007, of 20 July.
- Design of installation.
- Certificate of the installation signed by the authorised installer, stamped by the authorised installation company, signed by the person responsible for the installation, endorsed by the corresponding official association and accompanied by the results sheets of the tests carried out in accordance with Article 22 of the Regulation, in accordance with Annex II of this order.
- In the event that the installation is made up of a set of thermal installations, as many individual installation certificates as there are thermal generators, according to Annex V of the aforementioned order.
- Initial inspection certificate with acceptable qualification, where required.
- Certificate of the chimney.
- Maintenance contract with authorised maintenance company.

For installations with a thermal power between 5 and 70 kW, the following documents must be submitted after the installation work has been completed and the relevant tests have been carried out:

- Application for registration, according to Annex I of the Order.
- Certificate of installation signed by the authorised installer, stamped by the authorised installation company, and accompanied by the test result sheets of the tests carried out according to Article 22 of the Regulation, in accordance with Annex II of the aforementioned Order.
- In the event that the installation is made up of a set of thermal installations, as many individual installation certificates as there are thermal generators, in accordance with Annex V of this order.
- Technical report, according to Annex III of this order.
- Location map.
- Floor plan showing the location of the emitters and the layout of the pipelines.

- Scheme of principle of the installation.
- Calculation annexes.

Documentation for the deduction for investment in air conditioning and/or domestic hot water installations that use renewable energies in the home².

- Itemised estimate of the installation.
- Invoice(s) issued by the authorised installer.
- Proof of payment(s) for the total cost of the installation.
- If the investment is made by a residents' association: certificate, issued by the legal representative, of the financial contributions corresponding to each member of the association.
- Open hearth heat generator installations shall not be subject to registration except where they are connected to pipe networks and/or to the duct and shall comply with point 6 of IT.1.3.4.4.1.1 of the Regulation. In the case of ventilation installations without heat treatment, the administrative procedure is applicable if their rated electrical power exceeds 5 kW.

MANDATORY	Yes	In the cases described.
DEADLINES		-
ONLINE PROCESSING	Yes	IN622B - Registration/modification on the Register of thermal installations in buildings. Payment of fees: Virtual Tax Office. Current rates of fees.
IN PERSON	No	Mandatory online procedure.
LEGISLATION		<ul style="list-style-type: none"> • Order of 24 February 2010 regulating the application, in the Autonomous Community of Galicia, of the Regulation on thermal installations in buildings, approved by Royal Decree 1027/2007, of 20 July. • Royal Decree 1027/2007 of 20 July 2007, approving the Regulation on thermal installations in buildings.

2.2 MUNICIPAL PROCEDURES

Once the sectoral authorisations have been obtained, if necessary, the municipal procedures will be initiated.

Possibility of submitting prior consultations to the local authority

With regard to the municipal formalities to be carried out by the developer, the first thing to bear in mind, as mentioned at the beginning, is the need to consult, in advance, the regulations that have been approved by the local authority 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 start of the activity is presented correctly, the developers have the opportunity to make written enquiries to the local authority, which must be accompanied by all the data and documents that allow them to clearly identify the information they require.

² /This information refers to the deduction from the gross personal income tax liability provided for in Article 5. Thirteen of the Consolidated Text of the Legal Provisions of the Autonomous Community in relation to tax granted by the state approved by Legislative Decree 1/2011, of 28 July. Similarly, reference should be made to the existence of a deduction in the regional personal income tax for works to improve energy efficiency in residential buildings or single-family dwellings, regulated in Article 5. Eighteen of the Consolidated Text of the Legal Provisions of the Autonomous Community in relation to tax granted by the State approved by Legislative Decree 1/2011, of 28 July.

Payment of taxes, where applicable

It is particularly relevant at this point to consult the tax by-laws of the local authority in order to satisfy the taxes related to the establishment of the activity which, if applicable, would have been subject to the taxation agreement, and the following must be highlighted:

Payment of the fee for granting a licence/presentation of prior notification

PROCESSED BY

Local government.

DESCRIPTION

Local entities may establish fees for any provision of services or administrative activities of local competence, and in particular for the following:

- Granting of urban planning licences required by land and urban planning legislation or carrying out administrative control activities in cases where the licence requirement is replaced by the presentation of an affidavit or prior notification.
- Granting of licences for the opening of establishments or the performance of administrative control activities in those cases in which the requirement for a licence is replaced by the presentation of a responsible declaration or prior notification.
- Other cases linked to the provision of services or the performance of administrative activities of local competence.

In any case, it will be necessary to consult the applicable local regulations.

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, where applicable).

LEGISLATION

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

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

PROCESSED BY

Local government.

DESCRIPTION

- The ICIO is an indirect tax, which may be levied at the discretion of the taxpayer. The taxable event is constituted by the carrying out, 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 a responsible declaration 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.

The applicable local regulations should be consulted in all cases.

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 2004, approving the revised text of the Law regulating local finances.
- Tax ordinance of the municipality concerned.

However, the promoter must 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 business tax or property tax, among others.

Works intended for the development of an activity

In many cases, the commencement of commercial 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 itself. In this case, the first thing the developer should know is that all acts of transformation, construction, building and use of land and subsoil require, for their lawful exercise, **the granting of a municipal licence or the presentation of a prior notification to the local authority**, depending on the act in question.

Application for a municipal building permit

PROCESSED BY

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, 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, and 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 it has been 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.

Further information is required by consulting the local regulations applicable in each case.

DEADLINES

Yes

Licence applications will be resolved within **3 months** of the submission of the application with complete documentation at the town hall register. However, when an application for planning permission is accompanied by a certificate of conformity, **the deadline 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 with the local authority register. This period may be reduced to 15 calendar days in certain cases³.

MANDATORY

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 land in Galicia.
- Decree 143/2016, of 22 September, approving the Regulations of Law 2/2016, of 10 February, on land in 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

PROCESSED BY

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.

DOCUMENTATION

The notification must be accompanied by the following documentation:

- Identification details of the natural or legal person developing the project and, where applicable, the person representing it, and an address for the purpose of notifications.
- Technical description of the characteristics of the event in question or, where applicable, a 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.

3 / Articles 54.3 and 55.2 of Law 9/2021, of 25 February, on administrative simplification and support for the economic regeneration of Galicia.

- Authorisation or environmental assessment document, if required by 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 this regulation.
- Document formalising the transfer, if applicable.
- Date of commencement and completion of works.

Given that the purpose of the work is the development of an activity, this circumstance 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 authority⁴.

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

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.

⁴ / Article 54.5 of Law 9/2021, of 25 February, on administrative simplification and support for the economic regeneration of Galicia.

- A licence may not be granted or a prior notification of urban development may not be submitted without the prior concession of urban development or sectoral authorisations from other public administrations where applicable.

At the same time, as the purpose of the works is the development of an activity, a specific regime is established⁵, which determines that the developer must expressly state this circumstance and, together with the application for the building permit or with the prior notification, the following documentation must be submitted:

- 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 the exercise of the activity - the municipal powers of verification, control and inspection will be exercised, in the first instance, in relation to the activity for which the work is intended, suspending all administrative action in relation to it until the interested party duly accredits compliance with the legal requirements for the exercise of the activity.

Once the work has been completed, **prior notification shall be submitted for the commencement of the activity or the opening of the establishment** with no further requirements other than the identification details of the owner and the reference of the prior notification or the urban development licence for the work carried out and the final works certificate signed by a competent technical person and, where applicable, the acoustic certificate⁶.

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

PROCESSED BY	Local government.
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5 / 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.
 6 / Article 11 of Decree 106/2015, of July 9, on noise pollution in Galicia.

DESCRIPTION		When the activity requires the execution of works or installations, the activities may not begin or develop until the works or installations are completely finished and the corresponding prior notification is presented to the local authority.
DOCUMENTATION		<ul style="list-style-type: none"> • Identifying data of the holder. • Reference of the prior notification or planning permission that covered the work carried out. • Final work certificate signed by a competent technical person. • Acoustic certificate (where applicable). <p>This information should be supplemented by consulting the local regulations applicable in each case.</p>
MANDATORY	Yes	The presentation of a prior notification that complies with the necessary requirements authorises 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 local authority.
ONLINE PROCESSING	Yes	Through the municipal electronic offices.
LEGISLATION		<ul style="list-style-type: none"> • Decree 144/2016, of 22 September, approving the single regulation on the 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. • Applicable municipal by-laws.

Submission of prior notification prior to the start of the activity in cases where no works are required

In cases where it is not necessary to carry out works to start the activity, after completing the appropriate sectoral procedures depending on the type of activity in question, the developer should be aware that, in general, the installation, implementation or execution of any economic, business or professional activity **requires the submission on the part of the owner of the activity of a prior notification** to the local authority where the activity is to be carried out or the establishment is to be opened.

Prior notification for the commencement of the activity without prior construction work

PROCESSED BY

Local government.

DESCRIPTION

The installation, implementation or exercise of any economic, business, professional, industrial or commercial activity, and the opening of establishments destined for this type of activity, requires the submission on the part of the owner of the activity of a prior notification with the following exceptions:

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

DOCUMENTATION

The notification must be accompanied by the following documentation:

- The identifying details of the natural or legal person who owns the activity or establishment and, if 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 or establishments where it is to be carried out.
- Proof of payment of the compulsory municipal taxes.
- A declaration by the owner of the activity or establishment, where applicable, signed by competent technical personnel, that all the requirements for the exercise of the activity are met and that the establishment complies with the health and safety and other conditions set out in the urban development plan.
- The design and the technical documentation required according to the nature of the activity or installation. For these purposes, design is defined the set of documents that define the actions to be developed, with the content and detail that allows the Administration to ascertain its purpose and determine its suitability for the applicable town planning and sectoral regulations, as regulated in the applicable regulations. The design and the technical documentation shall be drawn up and signed by a competent technical person.
- The environmental authorisation or declaration, where applicable.
- Any other sectoral authorisations and reports that may be required.
- If applicable, the certificate of conformity issued by the municipal conformity assessment bodies provided for in this regulation.

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 supplemented by consulting the local regulations applicable in each case.

MANDATORY

Yes

In case of opening of establishments, a stamped copy of the prior notice shall 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

Through the municipal electronic offices.

The presentation 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 that the interested party expressly indicates therein, without prejudice to the powers of the local councils for the establishment and planning of the subsequent verification and control actions.

Upon receipt of a prior notification, the municipality shall verify ex officio:

- Their own competence.
- If it is the means of intervention legally indicated for the activity or establishment.
- Whether 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 deficiency that can be rectified the local authority will grant the person who submitted it a period of 10 days to amend it. However, in the event that the deficiencies detected cannot be rectified or are not rectified within the period granted, or when the local authority 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 ex officio.

This verification action will be optional for the local authority in those cases in which the documentation provided includes a **certificate of conformity issued by a municipal conformity assessment body**, without prejudice to the possibility of conducting, at any time, ex officio 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 in the applicable regulations.

Certificates issued by municipal conformity assessment bodies

BODY RESPONSIBLE		Municipal Conformity Certification Bodies (Eccom, as per its Galician acronym).
DESCRIPTION		<p>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.</p> <p>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.</p>
MANDATORY	No	<p>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.</p> <p>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.</p>
CONSULT	Yes	Register of Municipal Conformity Certification Bodies of the Autonomous Community of Galicia.
ONLINE PROCESSING	Yes	<ul style="list-style-type: none"> Decree 144/2016, of 22 September, approving the single regulation on the 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.

Change of ownership of the activity or establishment

The change of ownership of the activity or establishment must be communicated in writing to the local authority, 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 identifying details of the new owner.
- The reference of the initial authorisation and, where applicable, of those 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 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.

2.3 OTHER PROCEDURES AND ACTIONS

Prior to the start-up of the activity or facilities or at the time of its commencement, the developer must carry out a series of procedures and actions associated with the specific subsector in which the new business is framed.

Given the high number of such cases that can occur, it is advisable to consult the specific procedures for the activity to be carried out, as only those considered the most frequent or relevant have been taken into account in this catalogue, related in most cases to FOOD STORES, which require **justification of having received training in food hygiene related to the type of activity to be carried out**, and registration in the following registers:

SA550A - Galician Health Register of Food Companies and Establishments (REGASA, as per its Galician acronym).

BODY RESPONSIBLE

Local head office - Regional Ministry of Health.

DESCRIPTION

The purpose of the Galician Health Register of Food Businesses and Establishments (REGASA) is to protect public health and the interests of consumers, facilitating the official control of food companies and establishments subject to registration.

The REGASA will be complementary to the General Health Register of Foods and Food Businesses. It will include all those food businesses or establishments that are exempted from registration on the national health register.

Requirements:

- The economic operator must have its head office, domicile or agency or carry out commercial activity in the Autonomous Community of Galicia.
- The activity carried out consists exclusively of handling, transforming, packaging, storing or serving food for sale or delivery on site to the final consumer, with or without home delivery, or for groups, and when supplying other establishments of the same characteristics and it is a marginal activity in both economic and production terms with respect to that carried out by the former, which is carried out in the Autonomous Community of Galicia.

The following businesses shall not be subject to registration with REGASA:

- Food businesses and establishments that are obliged to be registered in the General Health Register of Foods and Food Businesses, regulated by Royal Decree 191/2011, of 18 February.
- Premises or establishments for street or non-sedentary vending Street or non-sedentary vending, in accordance with Article 70.1 of Law 13/2010, of 17 September, on Galician domestic trade, are defined as those carried out by traders outside a permanent commercial establishment on a regular, occasional, periodic or continuous basis, in duly authorised perimeters or places in disassemble or transportable commercial installations, including tent trucks.
- Premises used occasionally to serve meals.
- Food vending machines.
- Pharmaceutical and health care centres, establishments and services.

DOCUMENTATION

- Standard form duly completed.
- Proof of payment of the registration fee.
- Copy of the document accrediting representation, where acting through a representative.
- Complementary documentation.

MANDATORY Yes

In the cases described.

DEADLINES

Open all year round.

ONLINE PROCESSING Yes

SA550A - Communication of commencement of activity for registration in the Galician Health Register of Food Businesses and Establishments (REGASA).
Payment of the fee: Virtual Tax Office. Current rates of fees.

IN PERSON No

Article 7 of Decree 204/2012

LEGISLATION

- Decree 173/2019, of 26 December, amending Decree 204/2012, of 4 October, which creates the Galician Health Register of Food Businesses and Establishments.
 - Decree 204/2012, of 4 October, creating the Galician Health Register of Food Businesses and Establishments.
 - Royal Decree 191/2011, of 18 February, on the General Health Register of Food Businesses and Foods.
-

3. COMMERCIAL ACTIVITY WITH ONLINE SALES. E-COMMERCE

The procedure for online sales is more simplified, as the formalities linked to the physical shop and the opening licence or prior notification are not necessary.

If the online shop to be set up is to complement an existing physical shop, with a different activity, it will be necessary to register under a new business tax category. If, on the other hand, it is the first time that the commercial activity is being carried out, it is necessary to register with the tax authorities using form 036 and registering with the corresponding Social Security regime.

In order to register as a company, it is necessary to register with the Company Register and apply for a VAT number within 30 days of registration as a company.

As a general rule, the legal requirements for selling on the Internet are the same as for a physical shop, but there are a number of specific features and legal obligations in relation to online sales specified in the following sheets.

In addition, for guidance purposes only, different templates of legal texts for e-commerce are included as an annex, which should be reviewed, processed and customised for each specific case.

CHECK-LIST OF LEGAL OBLIGATIONS IN E-COMMERCE

According to Law 34/2002, of 11 July, on information society services and e-commerce (LSSIC, as per its Galician acronym):

INCLUDE ON THE WEBSITE THE IDENTIFICATION DETAILS OF THE HOLDER

- Name or company name, residence or domicile, address of one of the establishments in Spain, email address or any other means of identification.
- NIF/CIF
- Details of the entry in the company register or in the relevant register.
- Details of administrative authorisation, if applicable.
- Adherence to codes of conduct, if applicable.
- Details of your regulated profession (e.g., registration number or administrative authorisation), if applicable.

INCLUDE A LEGAL NOTICE SECTION ON THE WEBSITE

- Access and use of the website.
- To regulate the obligations and responsibilities of the website owner.
- To regulate obligations and responsibilities of the user.
- Establish measures to protect the owner of the website from the incorrect use of its contents by users.
- Inclusion on all pages of the website.

OBLIGATIONS IN COMMERCIAL COMMUNICATIONS

- Inclusion of the word "advertising" or "ad" in the subject line of advertising, promotional communications or competitions (not mandatory, merely recommended).
- Use of specific software to send email marketing campaigns (recommended).
- Adoption of the opt-in/opt-out system in mailing lists.
- Acceptance of the possible sending of commercial communications concerning products or services similar to those contracted during the purchase process.
- Make it possible to revoke consent in every communication easily, quickly and free of charge (e.g., "Return this email with the word "CANCEL in the subject line").

CONTRACTUAL OBLIGATIONS PRIOR TO RECRUITMENT

- Clear, understandable and unambiguous information.
- Description of formalities that need to be carried out in order to contract.
- Inform whether the contract or proof of purchase will be kept on file and whether it will be made available to the customer.
- Technical resources available to the consumer to rectify possible errors in data entry.
- Language(s) in which the contract will be formally executed.

DISTANCE SELLING REQUIREMENTS

- Identity of the seller and their address.
- Essential product characteristics.
- Price of the product/service (including all taxes).
- Delivery and transport costs, if applicable.
- Form of payment and methods of delivery or performance.
- Right of withdrawal and termination.
- Period of validity of the offer and the price.
- Replacement goods (in case the same good cannot be delivered due to lack of stock).
- Detailed information on out-of-court dispute resolution, if any, and membership of such bodies (e.g., Consumer Arbitration System).
- Minimum duration of the contract (specify whether it is a one-off, repeated or permanent contract).
- Attention to excluded products (no right of return due to hygiene, personalised, etc.).

- Inclusion and regulation of the right of withdrawal within 14 calendar days of receipt of the goods.
- Provide a document for the exercise of the right of withdrawal or indicate the means of exercising it.
- Inclusion of clauses: after-sales, guarantees, complaints.
- Information on quality marks in e-commerce.

ONCE THE GOODS/ SERVICES HAVE BEEN CONTRACTED

- Sending acknowledgement of receipt (e.g., email; it is sufficient to prove that it was deposited on the customer's mail server).
-

Law 17/2001 of 7 December 2001 on trademarks **(LM)** Royal Legislative Decree 1/1996, of 12 April 1996, approving the revised text of the Intellectual Property Law, regularising, clarifying and harmonising the legal provisions in force on the subject **(TRLPI); and legislation on advertising.**

INTELLECTUAL AND INDUSTRIAL PROPERTY ON THE INTERNET

- Drawing up the conditions of use of the e-commerce website.
 - Legally register the brand or trade name of the business.
 - Legally register the content (texts, images, videos) created.
 - Legally register the company's domain name.
 - To take action to defend our trademark once it is registered.
-

ADVERTISING AND COMMERCIAL COMMUNICATIONS

- Clearly identify the advertising content and its sender.
 - Guarantee the possibility of unsubscribing from the sending of notifications in a simple, free and direct way with each sending.
 - Drafting the website's cookie policy.
 - Drafting the legal bases for competitions and sponsorships.
 - Respect the legal provisions regarding surreptitious, illicit or subliminal advertising.
 - Include specific legal protection clauses in contracts with advertising and digital marketing providers.
-

Organic Law 3/2018, of 5 December, on the protection of personal data and guarantee of digital rights (LOPDGDD, as per its Galician acronym); and Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016 (GDPR, as per its English acronym).

IDENTIFICATION OF PROCESSING INVENTORY

- Analysing the processing of data collected in the activity, carrying out a complete identification of the files where they are located (physical and digital) and keeping a record of the activities carried out with them.
-

DUTY TO INFORM INTERESTED PARTIES

- Inform of the existence of data files, their purpose and processing, and whether automated profiles and/or decisions are going to be made on the basis of this data.
- Indicate the identity and address of the person responsible for the file, and of the data controller, if any.
- To inform of the obligatory or optional nature of the responses to the data requests made, of the consequences of obtaining or refusing to provide data and the possibility of exercising the ARSOPL rights and the means to do so (email): cancellation, modification, cancellation of consent, complaint, etc., and the right to complain to the supervisory authority.
- Inform about the origin of the data (when they do not come directly from the data subject), about the recipients of the data (possible transfers and the period of conservation of the data).

TRANSPARENCY, QUALITY AND DATA PROCESSING

- Have policies and forms adapted to comply with the information obligations of Articles 13 and 14 of the GDPR.
- Have the means to ensure the collection of relevant data and to prevent technical or organisational errors affecting the integrity of the data.
- Have contracts regulating the tasks of the persons in charge of the processing.
- Diligent management of the selection of processors and sub-processors.
- Have compliance mechanisms in place in case of international data transfers.

RISK AND PRIVACY IMPACT ANALYSIS

- Implement measures to control access to personal data.
- Carry out the analysis of compliance and organisational risks and, where applicable, the appropriate privacy impact assessment (Art. 33 GDPR).
- Have procedures in place to guarantee the exercise of the rights of access, rectification, deletion, portability, opposition and limitation.
- Implement the technical and organisational measures arising from the risk analysis.

SPECIFIC ASPECTS TO BE CHECKED

- Image capture by video surveillance systems.
 - Control in case of marketing processing (e.g., Email marketing).
 - Verify compliance with terms and GDPR using services such as cloud services.
 - Have confidentiality and trade secret protection commitments.
 - Recommended: have contractual regulation of information management policies and ICT resources in the company.
-

Roadmap for compliance with obligations under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of personal data.

In general, in order to adapt to compliance with the obligations established by the GDPR, private sector organisations must undertake a series of essential measures:

- Adapt forms and policies to the duty to report.
- Adapt mechanisms and procedures to the exercise of rights.
- Assess the suitability of the data processors.
- Adapt the organisation's privacy policies.

In a complementary manner, the Spanish Data Protection Agency made available to small and medium-sized companies the “*Facilita RGDP*” application, available at <https://www.aepd.es/es/guias-e-herramientas/herramientas>, and the list of regulatory compliance: <https://www.aepd.es/sites/default/files/2019-11/guia-listado-de-cumplimiento-del-rgpd.pdf>, which offers an exhaustive checklist in relation to the control of compliance with the requirements established in the regulations applicable to the processing of personal data and which is applicable in the field of e-commerce.

4. ANNEX.
LEGAL TEXTS TO INCLUDE ON THE WEBSITE

As a guideline only and taking into account the need for adaptation to the particular case and the specific requirements and conditions of each online retailer, see the following templates:

LEGAL NOTICE⁷

The legal notice is a set of informative data about the entrepreneur/company that must appear on the website as required by Article 10 of the LSSICE and whose function is to be a guarantee and form of protection for the consumer in the case of distance sales.

Failure to comply with them will lead to the imposition of sanctions for infringements that may be minor, serious or very serious according to the LSSICE, under which the maximum sanction is € 600,000.

LEGAL NOTICE

"In compliance with the provisions of Article 10 of Law 34/2002, of 11 July, on information society services and e-commerce, the following legal information is made available to the users of this website:

[Name of the company, S. XX.] is a mercantile entity of Spanish nationality registered in the Company Register of XXXXXXXXXXXX (volume XXX, book X, folio XX, section X, page X, sheet X-XXXXXX), with Tax Identification Number (CIF) XXXXXXXXX.

[Name of autonomous person, company or community of assets association], with VAT number XXXXX.

Registered office:

Email:

Telephone:

Fax:

Codes of conduct or quality seals:

The user, by virtue of this legal notice, is fully informed for the purposes described in Article 10 of the aforementioned Law 34/2002, of 11 July, on information society services and e-commerce, and may contact XXXXX free of charge, quickly and directly by any of the means indicated above".

PRIVACY POLICY⁸

The privacy policy is a document that must appear on the website and must be shown to and accepted by the user prior to providing any personal data.

The aim is to inform users of the use that will be made of their personal data, the purposes, possible transfers to third parties, and to inform them of their rights of access, rectification, deletion, opposition, portability and limitation of processing.

Non-compliance with the LOPD, as per its Galician acronym, entails being subject to the regime of infringements of the LOPD, which refers to the GDPR, as per its English acronym, and which, in the case of an administrative fine, can be up to €10 million or 2% of the company's overall turnover (relatively minor) or up to €20 million or 4 % of the company's overall turnover (relatively serious).

⁷ / Law 34/2002, of July 11, on services of the information society and electronic commerce (LSSICE).

⁸ / Organic Law 34/2018, of December 5, on the protection of personal data and guarantee of digital rights (LOPDGDD) and Regulation (EU) 2016/679 (RGPD).

IMPORTANT NOTICE:

As a user of this website, we invite you to read the following legal text carefully before providing any personal data.

[COMPANY], as owner of the website [WEBSITE ADDRESS], and in compliance with the obligations established in Article 11 and concordant Articles of Organic Law 3/2018, of 5 December, on the protection of personal data and the guarantee of digital rights, hereby informs you, in relation to its personal data protection policy, so that, expressly, freely, voluntarily and by means of an affirmative action, you may decide whether you wish to provide [SELF-EMPLOYED WORKER/COMPANY] with the personal data that may be requested on the website for the provision of the services or the sale of the products offered therein and any other purpose of the data controller.

WHO IS THE DATA CONTROLLER?

The data controller is [SELF-EMPLOYED WORKER/COMPANY], with registered office for these purposes at, website: <http://www.xxxxx.xt> telephone: (+34) and email:@.....

1. WHAT ARE THE PURPOSES OF THE PROCESSING OF MY DATA? THEY ARE AS FOLLOWS:

- Manage the orders requested by users.
- To deal with complaints, queries or suggestions through the web form provided for this purpose.
- To send commercial communications in relation to the services provided by [SELF-EMPLOYED WORKER/COMPANY].

2. ON WHAT LEGAL BASIS ARE MY PERSONAL DATA PROCESSED?

[SELF-EMPLOYED WORKER/COMPANY] is legitimised, in general, on the basis of the maintenance of a pre-contractual or contractual relationship between the user (client) and the owner of the website (seller), without prejudice to the application of other legal bases such as the consent of the person concerned when sending their request or purchase order (for example, for sending commercial communications), compliance with legal obligations (in the case of tax and administrative obligations), or the legitimate interest of the owner of the website. The user is also informed that, in the event that the basis of legitimisation of a processing operation is that corresponding to his or her consent, he or she has the possibility of withdrawing it at any time.

3. HOW LONG WILL MY DATA BE KEPT?

The personal data requested will be kept as long as they are necessary for the provision of the appropriate services to [SELF-EMPLOYED WORKER/COMPANY] in relation to the e-commerce services provided through this website. Specifically, they shall be extended for the periods legally established for the fulfilment of the corresponding legal obligations, in particular in the fiscal and administrative fields.

This is without prejudice to the possibility of exercising the rights provided for in Articles 15 to 22 of the GDPR that the user enjoys.

4. WHO WILL BE THE RECIPIENTS OF THE DATA?

In general, the personal data requested through this website will not be transferred to third parties without the prior and express consent of their owners. Notwithstanding the above, this data may be transferred to third parties for the development, control and fulfilment of the purposes expressed above, and in cases where there is a legal obligation to do so.

5. WHAT ARE MY RIGHTS AS A USER AND HOW CAN I EXERCISE THEM?

The user of the website, as the owner of personal data, may in any case exercise the rights to which they are entitled in application of Articles 15 to 22 of the GDPR, which are:

- Right to request access to personal data.
- Right to request rectification.
- Right to request erasure ("right to be forgotten").
- Right to request the restriction of processing.

- Right to oppose processing.
- Right to data portability.

The interested party may exercise the aforementioned rights by means of a request to the person responsible for the website through the contact channels indicated above. A photocopy of the National Identification Card must be provided. More information in relation to these rights is available on the website of the Spanish Data Protection Agency: <https://www.aepd.es/reglamento/derechos/index.html>, notwithstanding the fact that we remain available for any question relating to these rights.

6. WHAT ARE THE SECURITY MEASURES TAKEN?

[SELF-EMPLOYED WORKER/COMPANY] has implemented the technical and organisational measures legally required to guarantee the integrity, authenticity and confidentiality of the information it holds, preventing its alteration, loss, processing or access by unauthorised third parties.

7. HOW TO PROCEED IN CASE OF COMPLAINTS AND/OR DISPUTES

If the user considers that their rights have been violated, they may file a complaint with the supervisory authority (Spanish Data Protection Agency), without prejudice to which we invite them to contact those responsible for this website in advance in order to find an amicable solution.

Update data: XX/XXXXXXXX/XXXXXX

(R) Copyright 2021, [SELF-EMPLOYED WORKER/COMPANY]

COOKIES POLICY⁹

The cookies policy is a document that must appear on the website, always available on all its pages, and via which the consent of the user, previously informed, must be requested in relation to the installation on their device of text files that may have different functions: technical, analytical, advertising. This is a legal guarantee available to the user in relation to the obligation to be informed and to be asked for consent prior to the installation of tools that allow analysis their behaviour or to find out their preferences or browsing habits.

Failure to comply will result in the imposition of penalties for infringements that may be minor, serious or very serious according to the LSSICE and under which the maximum sanction is 600,000 €.

"On this website we use our own and third-party cookies to facilitate browsing, obtain statistical information on the use of our visitors and offer integrated multimedia content [ADD OTHER POSSIBLE PURPOSES THAT MAY APPLY, SUCH AS DISPLAYING CUSTOM ADVERTISING]. ACCEPT [BUTTON] you can also REJECT [BUTTON] the installation of cookies by clicking on "Configure cookies". By continuing to browse the site, you are agreeing to our use of cookies. For more information, please see our COOKIES POLICY. [INSERT LINK TO A SPECIFIC PAGE WHERE THE COOKIE POLICY IS DISPLAYED]."

GENERAL TERMS AND CONDITIONS¹⁰

The general terms and conditions are the contract that the owner of the e-commerce website enters into with the user. As this is a distance contract, there are a number of formal and substantive requirements that must be fulfilled. The main function is to act as a guarantee both for the user who purchases a good or requests a service from a trader he does not know and is not physically in the same location, and for the trader, who can regulate the purchasing process, the terms of payment and other aspects governing the legal relationship.

The consequences of inadequate drafting of general terms and conditions can be as far-reaching as the stipulation being considered null and void or abusive and being subject to a claim before the courts of justice; for this reason, and despite providing a model, it is recommended that these be drafted in a customised manner according to the business model and the specific needs of the particular website.

GENERAL TERMS AND CONDITIONS¹¹

IMPORTANT WARNING:

We advise you to read the content of this contract carefully as it will regulate the legal relationship established between the users of the website and [SELF-EMPLOYED WORKER/COMPANY].

ONE.

RECRUITMENT INFORMATION.

These general contracting conditions shall expressly regulate the relations arising between [SELF-EMPLOYED WORKER/COMPANY] and third parties (hereinafter "users") who contract or access the services or products marketed by [SELF-EMPLOYED WORKER/COMPANY] through its website. Similarly, the particular conditions and any other specific agreement or contract that, if applicable, may be established between both parties shall also apply.

These general conditions were drawn up in accordance with the provisions of Law 34/2002, on information society services and e-commerce; in Law 7/1998, of 13 April, on general contracting conditions; in Royal Legislative Decree 1/2007, of 16 November, approving the revised text of the General Law for the defence of consumers and users and other complementary laws; and in the rest of the applicable regulations on e-commerce.

By accessing and requesting any of the services offered by [SELF-EMPLOYED WORKER/COMPANY], the user expressly accepts, without reservations of any kind, each and every one of the general contracting conditions, the general conditions of use of the website, the privacy policy, as well as the specific conditions which, where applicable, govern the provision of the services.

[SELF-EMPLOYED WORKER/COMPANY] informs that the formalities necessary to access the services offered by it will be those described in these general conditions, as well as those specific ones that are indicated on the screen while browsing the website, so that the user, with their action on the website, declares to know and accept these formalities as necessary to access the services offered therein.

The user undertakes to provide truthful, accurate and appropriate identification information at all times when accessing to the services offered by [SELF-EMPLOYED WORKER/COMPANY], the authenticity and accuracy of same being their sole and exclusive responsibility.

Any modification or correction of the data provided by the user during browsing must be carried out in accordance with the indications that, where appropriate, are included on the website for this purpose.

¹⁰ / Law 7/1998, of April 13, on general contracting conditions (LCGC).

¹¹ / Law 7/1998, of April 13, on general contracting conditions (LCGC).

TWO.

PRODUCTS/SERVICES OFFERED AND PURCHASE PROCESS.

[SELF-EMPLOYED WORKER/COMPANY] offers users the following products/services [INDICATE PRODUCTS/SERVICES OFFERED IN DETAIL] (hereinafter, indistinctly, "the products/services").

The products/services offered by [SELF-EMPLOYED WORKER/COMPANY] will appear on the website, with an indication of their characteristics and final price (indirect taxes, expenses and price of additional services included), being, therefore, available to the user prior to their request for services.

The contracting of any of the products/services offered by [SELF-EMPLOYED WORKER/COMPANY] will imply that it will only be obliged to comply with the general contracting conditions established herein, in accordance with the products/services described.

[SELF EMPLOYED WORKER/COMPANY] will only be liable for, or in relation to, the provision of the products or services if the defects or irregularities are a direct consequence of any wilful, culpable or negligent act directly and exclusively attributable to [SELF EMPLOYED WORKER/COMPANY].

The territorial scope of provision of the services shall coincide with the territorial scope described on the [SELF-EMPLOYED WORKER/COMPANY] website. With regard to the scope of application, the contracting of the services provided by [SELF-EMPLOYED WORKER/COMPANY] through the website is exclusively aimed at persons over 18 years of age.

The description of the products/services will be available to the user on the [SELF-EMPLOYED WORKER/COMPANY] website.

The data provided in the registration process will be included in the files of [SELF-EMPLOYED WORKER/COMPANY] and will be governed and processed in accordance with the provisions of the privacy policy available on the website.

Once the registration process has been completed, the user will receive a username and password, which they must retain in their custody, and can then access the registered users' area, where they can manage their personal data.

Once the registration process has been satisfactorily completed, the corresponding confirmation will be sent by email/SMS, or any other means of communication enabled by [SELF-EMPLOYED WORKER/COMPANY] and accepted by the user.

In this regard, the user hereby expressly consents to receive communications from [SELF-EMPLOYED WORKER/COMPANY] related to its services, promotions and advantages that are necessary for the provision of these services or their management, by electronic means (email, SMS, electronic messaging).

THREE.

ENTRY INTO FORCE OF THE GENERAL TERMS AND CONDITIONS.

This document of general contracting conditions will come into force from the moment the user accesses the [SELF-EMPLOYED WORKER/COMPANY] website.

From that moment, these users declare that they accept and adhere fully and unconditionally to the conditions contained in these general terms and conditions.

In accordance with Article 5.3 of Law 7/1998, of 13 April, on general contracting conditions, [SELF-EMPLOYED WORKER/COMPANY] guarantees that they previously made these general conditions available to all possible users of the service before they could contract any goods or services, regardless of the fact that, in order to carry out any registration or service request, prior acceptance of these conditions will be necessary.

FOUR.

OBLIGATIONS OF [SELF-EMPLOYED WORKER/COMPANY].

[SELF-EMPLOYED WORKER/COMPANY], by virtue of these general contracting conditions, assumes the following obligations before the users:

- To provide the user, both before and after registration, with the information required in relation to the provision of the specific products sold/services provided by [SELF-EMPLOYED WORKER/COMPANY] within the framework of the conditions of the applicable regulations and these general terms and conditions of contract.
- To diligently perform the tasks necessary for the provision of the products or the provision of the services.
- To observe due diligence and care in the provision of [SELF-EMPLOYED WORKER/COMPANY]'s own services and in its relationship with its clients, as well as to look after their interests.

- To provide the user with communication channels so that they can contact [SELF-EMPLOYED WORKER/COMPANY] in relation to any incident or query related to the products/services provided by [SELF-EMPLOYED WORKER/COMPANY].
- To be responsible for the quality and features of the specific products/services provided by [SELF-EMPLOYED WORKER/COMPANY] and which are within its exclusive capacity of control and/or management.
- [OTHER SPECIFIC OBLIGATIONS ACCORDING TO THE TYPE OF ONLINE BUSINESS].

FIVE.

OBLIGATIONS OF THE USER.

The user of the website in general, and any client or person accessing it, registering or requesting services provided by [SELF-EMPLOYED WORKER/COMPANY], in application of these general contracting conditions, undertakes to comply with the following obligations:

- To provide all the information and data necessary for registration or for the request or provision of the services provided by [SELF-EMPLOYED WORKER/COMPANY], undertaking to provide accurate, up-to-date and true information.
- Pay the price for the products/services provided by [SELF-EMPLOYED WORKER/COMPANY] in accordance with the conditions of the corresponding section of these general contracting conditions and on the website.
- To keep their identification data up to date at all times and, in particular, the information necessary for processing the payment to [SELF-EMPLOYED WORKER/COMPANY].
- [OTHER SPECIFIC OBLIGATIONS ACCORDING TO THE TYPE OF ONLINE BUSINESS].

SIX.

PRICES, PAYMENT METHODS, DELIVERY OF GOODS, WARRANTY AND WITHDRAWAL.

The price of the products/services of [SELF-EMPLOYED WORKER/COMPANY] will be that established in the section of the website intended for this purpose and will be expressed in euros (€). This price will be available to the user at all times through their access to the [SELF-EMPLOYED WORKER/COMPANY] website. In any case, the user, prior to the formalisation of the contract, will have access to all of the services, delivery costs, applicable taxes and any other concept that may be included. The price of the product/service may be modified unilaterally and at any time by [SELF-EMPLOYED WORKER/COMPANY], proceeding to publish its update on the website in the products/services section of the website. The prices in force for each purchase process through the website will be those published at that time in the section of the website relating to it.

Users may proceed to pay the price of the services using any of the following payment methods included on the [SELF-EMPLOYED WORKER/COMPANY] website:

- Bank transfer: to the account number indicated to the user during the purchase process.
- Direct debit: in favour of the account number indicated to the user during the purchase process.
- Credit/debit card via virtual POS, as per its English acronym, of [SELF-EMPLOYED WORKER/COMPANY] provided during the purchase process.
- Electronic payment platform: [INDICATE IF APPLICABLE].

With regard to the delivery of goods, the goods contracted by the user through the [SELF-EMPLOYED WORKER/COMPANY] website will be made available to them at the place indicated by them for this purpose. This provision shall be made through [INDICATE THE PROCEDURE AND DEADLINE FOR MAKING THE PRODUCT AVAILABLE].

Guarantee: The seller is obliged to deliver to the consumer and user products that are in conformity with the contract and is liable to the consumer and user for any lack of compliance that exists at the time of delivery of the product. Products shall be deemed compliant when the requirements set out in Article 116 of the TRLGDCU, as per its Spanish acronym, are met. The liability regime of the seller and the rights of the consumer shall be governed by the provisions of Chapter II of Title V of the TRLGDCU (Consolidated Text of the General Law for the Defence of Consumers and Users). In accordance with the provisions of current legislation, the seller is liable for any instance of non-compliance for a period of two years from the date of delivery, under the conditions stipulated in Articles 123 and 124 of the TRLGDCU.

[OPTIONAL IN CASE OF EXISTING COMMERCIAL GUARANTEE] The commercial guarantee shall be governed by the provisions of Articles 125 et seq. of the TRLGDCU, as an additional and independent guarantee of the aforementioned legal guarantee.

[WARNING] The legal guarantee regime established is that provided for in the regulations in general. In the case of non-durable goods (e.g., food) or services such as tourist services, water, electricity and electricity supplies, it will be necessary to comply with sectoral regulations in this respect.

The person's right of withdrawal: In accordance with Article 71 and the corresponding Articles of the General Law for the defence of consumers and users and other complementary laws, approved by Royal Legislative Decree 1/2007, of 16

November, in the wording given by Law 3/2014, of 27 March, the user has a period of fourteen (14) calendar days to freely exercise the right of withdrawal of the services subject to these general contracting conditions.

Similarly, the user will be informed that [SELF-EMPLOYED WORKER/COMPANY] provides its users with a cancellation document so that they can exercise their right of withdrawal.

[SELF-EMPLOYED WORKER/COMPANY], being a contract concluded at a distance and in accordance with Article 108 of the General Law for the defence of consumers and users, may pass on to the customer who exercises the right of withdrawal the sum of the direct costs of returning the goods [SPECIFY WHAT THESE COSTS ARE IN THE SPECIFIC CASE].

Exceptions to the right of withdrawal: Article 103 of Royal Legislative Decree 1/2007, of 16 November, establishes a series of cases of exceptions to the application of the right of withdrawal that must be analysed by the company in order to determine whether its product/service falls within these exceptions.

For the case of food e-commerce: In accordance with the provisions of Article 103 of Royal Legislative Decree 1/2007 of 16 November 2007, section d), as food products are supplied which are likely to deteriorate or expire quickly, the option of the right of withdrawal provided for in general terms is not foreseen. However, product returns may be accepted when they are based on damage caused by the carrier, for which it is essential to note the defect at the time of delivery of the package, since, otherwise, it will be understood as accepted. In any case, it must be brought to the attention of [SELF-EMPLOYED WORKER/COMPANY].

SEVEN. DURATION OF THE CONTRACT.

The contract shall be valid for a period of [INDICATE DURATION ACCORDING TO TYPE OF BUSINESS] from the date of effective confirmation of the user as a registered customer of [SELF-EMPLOYED WORKER/COMPANY].

[ONLY WHERE APPLICABLE] The contract shall be extended for periods of equal duration to the first, successively and automatically, unless notice to the contrary is given by either party with thirty (30) days' notice prior to the scheduled expiry date of the initial contract or any of its extension periods.

For the purposes of the communication referred to in this clause, the communication may be carried out by any of the means set out in these general contracting conditions.

EIGHT. RESPONSIBILITIES.

The user shall be solely and exclusively responsible for the truthfulness, adequacy and accuracy of all data and statements included in the forms sent to [SELF-EMPLOYED WORKER/COMPANY] in order to process their registration as a client or any other communication issued for any purpose, and which is addressed to [SELF-EMPLOYED WORKER/COMPANY].

Thus, the user will be solely responsible for any omission, inaccuracy or error made when completing the data required for the provision of the services offered by [SELF-EMPLOYED WORKER/COMPANY].

The mere sending by the user of an application form for the services does not necessarily imply the acceptance of this by [SELF-EMPLOYED WORKER/COMPANY] as long as the accuracy of the information and any other information required for its provision is not confirmed by [SELF-EMPLOYED WORKER/COMPANY].

[SELF-EMPLOYED WORKER/COMPANY] shall not be responsible for the content, quality, qualities or performance of third-party professionals or companies.

[SELF-EMPLOYED WORKER/COMPANY] will make its best efforts to ensure the technical availability of the services and the adequate transmission of the information, always to the best of their abilities. Notwithstanding the above, due to the nature of the Internet, it is not possible to guarantee this absolutely.

[SELF-EMPLOYED WORKER/COMPANY] shall not be liable for damages and losses of any nature whatsoever that may arise from: the interruption or unavailability of its website; the privacy and security of the website in terms of its use by the user, and/or unauthorised access by unauthorised third parties; the accuracy, updating and completeness of the contents of the website; the possible transmission of software or other elements that adversely affect computer systems; any other indirect loss or damage or consequence that was not reasonably foreseeable by both parties at the time the user requested the services of [SELF-EMPLOYED WORKER/COMPANY]; delay in the provision of the services offered, provided that such delay or failure is due to circumstances beyond the control of [SELF-EMPLOYED WORKER/COMPANY].

NINE.

GUARANTEE OF [SELF-EMPLOYED WORKER/COMPANY].

[SELF-EMPLOYED WORKER/COMPANY] undertakes to respect the legal guarantee of the products and services offered on its website in accordance with the provisions of the applicable legislation. Shipping costs will be handled in accordance with the provisions of the sixth clause on price, payment methods, delivery of the goods and withdrawal, as well as with the applicable legislation.

[SELF-EMPLOYED WORKER/COMPANY] undertakes to provide clients with their best efforts in order to achieve excellence in the provision of the services/products.

In this regard, [SELF-EMPLOYED WORKER/COMPANY] undertakes to diligently process any claims or complaints from its customers, as well as, where appropriate, to pass them on to the suppliers that may be involved in any type of irregularity in the provision of the service, although the latter will be responsible for failing to comply with their own duty of business diligence.

TEN.

CONFIDENTIALITY.

Neither [SELF-EMPLOYED WORKER/COMPANY] nor the user shall disclose to a third party any confidential information, trade secrets, economic data, know-how, working methods, personal data or any document that either of the two parties indicate as confidential, or whose confidentiality may be deduced from its nature, that is received from the other party in relation to the provision of the intermediation services covered by these general contracting conditions.

This prohibition shall have no effect where a party has received the prior written consent of the other party.

The parties undertake to take the necessary precautions to preserve the secrecy of each other's confidential information as they normally take for their own confidential communications. They are also obliged to disclose such information only to employees or persons who, due to their position and function, require such information in order to perform their work. In any case, they will be warned of the confidential nature of this information and of their liability in the event of unlawful disclosure thereof.

The limitations set out in the previous paragraph shall not apply to information which: (i) is common knowledge without being of a confidential nature or was published on [SELF-EMPLOYED WORKER/COMPANY]'s website without restricted access; (ii) was in the public domain or generally accessible to the public, for a reason other than breach of this clause; (iii) was obtained from a third party who is not bound by confidentiality; (iv) was legally required to be disclosed by the recipient.

The parties undertake to respect the obligations arising from this provision during the term of this contract, and during the [INSERT TERM] years following its termination or cancellation.

ELEVEN.

PRIVACY AND COMMERCIAL COMMUNICATIONS.

[SELF-EMPLOYED WORKER/COMPANY], in its commitment to guarantee the confidentiality of the information of users and customers, complies with the obligations established in Organic Law 3/2018, of 5 December, on the protection of personal data and guarantee of digital rights, as well as Regulation (EU) 2016/679, on the protection of personal data.

The user can access all the information relating to the management of their personal data, the rights to which they are entitled under the aforementioned regulations and the data processing that [SELF-EMPLOYED WORKER/COMPANY] may carry out on the privacy policy page of the [SELF-EMPLOYED WORKER/COMPANY] website.

Commercial communications: [SELF-EMPLOYED WORKER/COMPANY] may send the user communications related to its products/services, promotions and advantages, both by post and by electronic means (email, SMS, electronic messaging) in order to inform the user in relation to these aspects.

By accepting these conditions, the user gives their consent to receive these communications. Notwithstanding the above, users may at any time, simply and free of charge, express their opposition to continuing to receive communications of a commercial nature, for which they should simply send [SELF-EMPLOYED WORKER/COMPANY] a communication indicating their wish to unsubscribe from receiving these communications, by post, to the address given in the legal notice or by email or through the private area of the [SELF-EMPLOYED WORKER/COMPANY] website, previously accrediting their identity by means of their national identification document or equivalent.

TWELVE.
SECURITY MEASURES.

[SELF-EMPLOYED WORKER/COMPANY] is aware of the impossibility of guaranteeing the absolute invulnerability of computer systems and communication networks but undertakes to make its best efforts available to users in order to guarantee the security and availability of the information hosted on its servers.

Thus, among other measures, [SELF-EMPLOYED WORKER/COMPANY] undertakes to provide a username and password to all customers who register on the website, thus guaranteeing the encryption of the information provided in relation to the services required due to their nature [CHECK ACCORDING TO THE SPECIFIC CASE]. For this purpose, the information encryption security protocol ("https:") shall be implemented, to which additional security measures and guarantees may be added through third parties, depending on the requirements of the service [CHECK BY CASE].

THIRTEENTH.
ASSIGNMENT AND/OR SUBROGATION OF SERVICES.

[SELF-EMPLOYED WORKER/COMPANY] may contract or collaborate with subcontractors, professionals or external agents, and assign all or part of the contracts or rights formalised to third parties, to carry out the provision of all or part of the services governed by these general contracting conditions.

[SELF-EMPLOYED WORKER/COMPANY] undertakes to communicate, through the communication channels set up for its relations with customers and described in these general conditions, the aforementioned assignment of contracts or rights to third parties.

FOURTEEN.
END OF SERVICE.

Termination of the contract. The service is understood to be provided when [SELF-EMPLOYED WORKER/COMPANY] proceeds to send the product/provide the service subject to these general contracting conditions.

Similarly, in the event that the service is not provided, or the product is not sent, either due to circumstances attributable to [SELF-EMPLOYED WORKER/COMPANY], for commercial reasons or for any other reason not attributable to the user, it will be understood that said service has ended, with the refund of the amount that the user, if applicable, previously paid to [SELF-EMPLOYED WORKER/COMPANY].

The contract will be terminated when both parties fulfil the obligations to which they commit themselves therein, exhausting its purpose, or where it is terminated by one of the parties if any of the grounds for termination provided for in the Civil Code occur.

This general terms and conditions contract may be terminated by either party if the other party is in serious breach of any of the obligations set out in this contract.

FIFTEEN.
NOTIFICATIONS AND COMMUNICATIONS BETWEEN THE PARTIES.

Notifications, communications and advance notices between the parties to these general contracting conditions must be sent by any means (post, fax, email, telephone, etc.) that allows the identification of the sender and the integrity and authenticity of the information provided. In this regard, prior identification of the user will be required by means of their national identification card or similar.

In particular, the user may send their communications and/or incidents in relation to any aspect relating to the provision of the services provided by [SELF-EMPLOYED WORKER/COMPANY] to the email address, postal address and/or telephone number provided on the "Legal Notice" page; using the contact form available on the [SELF-EMPLOYED WORKER/COMPANY] website; or through the customer area of the [SELF-EMPLOYED WORKER/COMPANY] website.

SIXTEEN.
RELATIONSHIP WITH OTHER CONTRACTS AND SPECIAL CONTRACTS.

The relationship between the user and [SELF-EMPLOYER/BUSINESS] is governed by these general conditions, regardless of the validity of the legal notice and any other legal text that regulates the conditions of use of the [SELF-EMPLOYER/

BUSINESS] website, which will be applied on a supplementary basis, and insofar as it does not contradict these general conditions.

Without prejudice to the provisions of the previous section, for the provision of certain services, the approval by the user of other specific or particular general conditions for this service may be established.

In such case, the aforementioned general conditions or specific agreements will apply in preference to the relationship between the user and [SELF-EMPLOYED WORKER/COMPANY], and only in a supplementary manner and insofar as they do not contradict them will these general conditions be applicable.

SEVENTEEN.

INVALIDITY AND PARTIAL INVALIDITY.

In the event that any of the conditions of these general contracting conditions should be considered null and void or inapplicable, in whole or in part, by any court or tribunal or competent administrative body, such nullity or inapplicability shall not affect the remaining conditions of these general contracting conditions, which shall remain in full force and effect and binding for the parties.

EIGHTEEN.

QUALITY MARKS AND SUBMISSION TO THE CONSUMER ARBITRATION BOARD AND ALTERNATIVE DISPUTE RESOLUTION IN THE AREA OF E-COMMERCE.

[SELF-EMPLOYED WORKER/COMPANY] provides users with the necessary consumer complaint forms. Similarly, the website of [SELF-EMPLOYED WORKER/COMPANY] will state of its adherence to the relevant consumer codes and quality marks in order to guarantee the highest quality in the provision of its services and the safety of its customers.

[SELF-EMPLOYED WORKER/COMPANY], in compliance with Article 14 of Regulation (EU) 524/2013, provides users with access to the European Consumer Dispute Resolution Platform in order to manage the resolution of possible disputes arising in the legal relationship between the parties.

[EXAMPLE]: Mention of whether it has the CECARM e-commerce quality mark and/or others.

NINETEEN.

APPLICABLE LAW AND JURISDICTION OF COURTS.

The user undertakes to make correct and appropriate use of the services and the [SELF-EMPLOYED WORKER/COMPANY] website in accordance with the law, with these general conditions, with the legal notice and with the conditions of use of the website, and with any other applicable conditions, regulations and instructions.

These general contracting conditions are governed by Spanish law, and the Spanish courts and tribunals are competent to hear any questions that may arise in relation to their interpretation, application and fulfilment. The user expressly renounces any other forum which, by application of the Law in force, may correspond to them and voluntarily submits to the jurisdiction of the courts and tribunals of the city of [INDICATE CITY OF SELF-EMPLOYED WORKER/COMPANY].

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.

