

Environmental communications, authorisations and licences



CONCEPTION



MODELLING



PLANNING



IMPLEMENTATION



Ajuntament de
Barcelona



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01

What does communicating or requesting an environmental licence or authorisation mean?

This is a mandatory procedure prior to the start of any business activity which needs to be located in any particular premises, facility or office, through which the local authority and/or the Generalitat of Catalunya's Department of Territory and Sustainability ensures compliance with the established regulations allowing a specific activity to start in a specific location.

This will depend on the activity and the objective elements it involves (surface area of the premises, workshop or storeroom, potential capacity of visiting public, production capacity, power of the machinery, etc.). This is regulated by Act 20/2009, of 4 December, concerning the environmental prevention and control of activities, published in the DOGC on 11 December 2009 and in force since 11 August 2010. This led to Barcelona City Council creating instructions for interpreting and updating the OMAIIA (municipal byelaw for activities and the comprehensive intervention of the environmental administration) published in the BOP on 12 January 2011. It informs us about the time, costs and the various accredited professions or organisations that have to intervene in the process of gaining administrative approval for starting an activity.

The possibilities are as follows:

- Prior communication
- Municipal environmental licence
- Environmental authorisation

The OMAIIA may be consulted at:

<http://w3.bcn.cat/fixters/ajuntament/consolidadescast/activitatsestabliments.455.pdf>

You can also request personalised advice from licensing specialists at the **Business Advice Office (OAE)**, by means of a prior appointment on the website

<https://empreses.barcelonactiva.cat/es/web/es/informacio-i-tramits-municipals>

02

Where do I ask for it?

You must distinguish between three types of processes:

QUERIES ABOUT ACTIVITIES AND POSSIBLE EFFECTS ON THE LAND-USE PLAN

The OAE (Business Advice Office), requesting an appointment with licensing specialists:

<https://empreses.barcelonactiva.cat/es/web/es/informacio-i-tramits-municipals>

OBTAINING DOCUMENTS AND QUERIES ABOUT THE TYPE OF LICENCE TO BE PROCESSED

City Council Procedures Portal

<https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/es>

Information about permits for starting an activity or a facility: licence, communication or authorisation.

PROCESSING PERMITS FOR STARTING AN ACTIVITY

Network of Citizen Help and Information Offices. In-person assistance. There is no telephonic assistance.

The offices in Barcelona are as follows:

CIUTAT VELLA: Ramelleres, 17.
<https://ajuntament.barcelona.cat/ciutatvella/es>

L'EIXAMPLE: Aragó, 328.
<https://ajuntament.barcelona.cat/eixample/es>

GRÀCIA: Pl. Vila de Gràcia, 2.
<https://ajuntament.barcelona.cat/gracia/es>

HORTA-GUINARDÓ: Lepant, 387.
<https://ajuntament.barcelona.cat/horta-guinardo/es>

LES CORTS: Pl. Comas, 18.
<https://ajuntament.barcelona.cat/lescorts/es>

SANTS-MONTJUÏC: Creu Coberta, 104.
<https://ajuntament.barcelona.cat/sants-montjuic/es>

NOU BARRIS: Pl. Major de Nou Barris, 1.
<https://ajuntament.barcelona.cat/noubarris/es>

SANT ANDREU: Segre, 24.

<https://ajuntament.barcelona.cat/santandreu/es>

SANT MARTÍ: Pl. Valentí Almirall, 1.

<https://ajuntament.barcelona.cat/santmarti/es>

SARRIÀ -SANT GERVASI: Anglí, 31.

<https://ajuntament.barcelona.cat/sarria-santgervasi/es>

IT IS ESSENTIAL TO REQUEST AN APPOINTMENT THROUGH THE FOLLOWING CHANNELS:

→ By phoning 010

→ Through Barcelona City Council's Procedures Portal:

<https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/ca/tramit/20100001515>

→ Through the OAE, by requesting services from the technical staff:

<https://empreses.barcelonactiva.cat/web/es/serveis>

03

Type of activity licence

COMMUNICATION REGIME (APPENDICES III.3 AND III.2)

The OMAIIA establishes a communication regime for those activities or facilities that have a low or very low environmental impact, set out in Appendices III.2 and III.3. In this regime, you must ask for a works licence (where necessary) and once finished, communicate the start of the activity. There are two categories in the communication regime: communication prior to the start of the activity, without a technical project and with a technical project.

PRIOR COMMUNICATION OF INITIATING ACTIVITY WITHOUT A TECHNICAL PROJECT

This is the easiest category and is applicable to the activities listed in Appendix III.3 of the OMAIIA. You simply have to communicate the start of the activity, providing the required documents on the premises and the organisation carrying out the activity.

For example, this communication regime applies to:

- Image and beauty clinics with a surface area of more than 200 m²
- Offices, agencies or services for administrative use with or without customer services, with a surface area for administrative use of less than 500 m²
- Bakery of 35 m²

It should be remembered that the premises you use must also comply with the conditions set out in the Building Technical Code.

PRIOR COMMUNICATION OF INITIATING ACTIVITY WITH A TECHNICAL PROJECT

In the case of activities or facilities listed in Appendix III.2 a and b of the OMAIIA, these are included in the **communication regime with technical certification**. In this case, the work or installations needed for performing the activity must be carried out beforehand, requesting the required works licence where this is necessary. Once the work or installations are completed, it is necessary to apply for technical certification from an environmental control organisation (ECO) for this project and its physical construction. The ECO technical certificate must be provided when communicating the start of the activity, along with the technical project (approved by the corresponding professional body). If the activity is to be initiated in a district with a current land-use plan, it is necessary to apply for a preliminary urban-planning report beforehand.

PROCESSING COMMUNICATIONS

WHERE DO I CARRY OUT THE PROCEDURE?

The district OAC and OAE.

HOW LONG DOES THE PROCEDURE TAKE?

An online reply and a month for providing the documents.

WHEN CAN I START THE ACTIVITY?

The day after handing in all the completed documentation.

ARE THERE ANY MUNICIPAL ADMINISTRATION CONTROLS?

The activities listed in Appendix III.3 are not subject to any control regime or periodic review, without prejudice to the municipal administration demanding, at any time, their right to inspection. The activities listed in Appendix III.2 are subject to periodic controls every ten years, carried out in accordance with Articles 73 and 82 of the OMAIIA.

HOW MUCH DOES IT COST?

- Communication application charge: **230 € approximately**.
- Construction, installation and works tax: **3.35%** of the cost of the works or installations.
- In the case of activities listed in Appendix III.2, it is necessary to add the cost of the technical project, which may vary enormously according to the specifications of the premises and the modifications to be carried out.

Further information at:

<https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/es/tramit/20020001365>

<https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/es/tramit/20010001235>

ENVIRONMENTAL LICENCE REGIME (APPENDIX II)

The environmental licence may or may not require a prior consultation. If it does, this refers to an urban planning accountancy report issued by the Generalitat's Department of Territory and Sustainability. Once the certificate has been issued or if a month has transpired and no certificate has been issued, the licence procedure will commence with the municipal technical officers, who will grant a period of one year for starting work on the installations and an indeterminate period of time for completing them.

The activities listed in Appendices II.1 and II.2. are subject to the environmental licence regime. Appendix II.2 of the Act concerning the comprehensive intervention of the environmental administration lists activities such as:

- Hospitals, clinics and healthcare establishments with fewer than 100 in-patient beds
- Education centres
- Hotels and restaurants
- Discotheques, gyms, telephone-booth centres, cybercafes

Appendix II.1 contains activities with greater urban-planning and environmental impacts. In order to obtain the licence, in addition to the urban-planning compatibility certificate, you need to obtain a binding report from the Generalitat de Catalunya on the environmental and public-health impacts that the activity may have. For example, the following activities are included in this regime:

- Ice factory
- Hospitals, clinics and healthcare establishments with more than 100 in-patient beds

PROCESSING THE LICENCE

WHERE DO I CARRY OUT THE PROCEDURE?

The district OAC.

HOW LONG DOES THE PROCEDURE TAKE?

The resolution period is six months, although this may vary

ARE THERE ANY MUNICIPAL ADMINISTRATION CONTROLS?

The activities listed in Appendix II are subject to periodic controls every five years, carried out in accordance with Articles 73 and 80 of the OMAIIA. The activities listed in Appendix II.1 are subject to periodic controls every four years, carried out in accordance with Articles 73 and 78 of the OMAIIA.

HOW MUCH DOES IT COST?

- Municipal authorisation procedure charge for Appendix II activities: **€ 1.600 approximately.**
- Construction, installation and works tax **3,35 %** of the cost of the installations.

Furthermore, the cost of drafting a technical report (approximately €1,800) and the certificate or positive report from the EAC (between €800 and €1,100) should be taken into account.

ENVIRONMENTAL AUTHORISATION REGIME (APPENDIX I)

This regime is applicable to activities listed in Appendix I (Activities with a large environmental impact) of the Act concerning the comprehensive intervention of the environmental administration. For example, the following:

- Chemical installations
- Installations for transforming ferrous metals

PROCESSING THE AUTHORISATION

WHERE DO I CARRY OUT THE PROCEDURE?

The concession of authorisation is the responsibility of the Generalitat de Catalunya; the procedure is carried out in the district OAC.

HOW LONG DOES THE PROCEDURE TAKE?

The resolution period is six months, although this may vary.

HOW MUCH DOES IT COST?

- Simultaneous processing of the municipal authorisation and the binding municipal report for Appendix I activities: **€2,300 approximately.**
- Construction, installation and works tax: **3.35%** of the cost of the installations

Furthermore, the cost of drafting a technical report (approximately €1,800) and the certificate or positive report from the EAC (between €800 and €1,100) should be taken into account.

ARE THERE ANY MUNICIPAL ADMINISTRATION CONTROLS?

The activities under the environmental authorisation regime are subject to periodic controls every two years and a review of the authorisation every eight years.

The classification of the corresponding procedure and the type of procedure can be found at <https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/es/tramit/19990001985>

04

Other regulations to take into account

ACCORDING TO DISTRICT

LAND-USE PLAN

Furthermore, under the land-use plan, Barcelona's districts can limit the allocation of licences for publicly-used establishments and therefore establish a regime of maximum distances and concentration of premises used to house the same activity. Most land-use plans classify zones according to the width of streets and the activity to be carried out

The following districts have land-use plans:

- | | |
|-------------------------|------------------|
| • Ciutat Vella | • Horta Guinardó |
| • Les Corts | • Sant Martí |
| • Sarrià - Sant Gervasi | • L'Eixample |
| • Gràcia | • Sant Andreu |

Los planos de usos se pueden encontrar en el apartado de normativa de la web <https://ajuntament.barcelona.cat/comerc/es/>

ACCORDING TO SECTOR

01. Food commerce
02. Non-food commerce
03. Publicly-used establishments

01. FOOD COMMERCE

This is regulated by the Barcelona's byelaw on food commerce and by PECAB (special plan for Barcelona food-commerce establishments). The former defines the characteristics of the premises and the products that they may sell. PECAB defines the areas of Barcelona and the conditions of the various zones.

With regard to the byelaw, food commerce is divided into various specialities and in accordance with the types of sales carried out.

1.1 PERSONALISED SALES SYSTEM:

Commercial establishments, usually located in the urban part of the city, where the salesperson attends to each customer individually.

1.1.1 Specialised establishment:

Specialised establishments are those that sell a single group of food speciality.

Specialised establishments can sell pre-cooked and cooked items that use some of the food products the establishment sells as their basic ingredients. They may also sell the products in their speciality in frozen form, where that form of conservation is suitable for those products. The specialities and groups of specialities are listed at the end of this document, indicating what each speciality may sell and how many square metres are required.

1.1.2 Polyvalent establishment:

Polyvalent establishments are those that combine the sale of two or more groups of specialities.

They need to have a net sales surface area of at least 60 m². They may sell the products that form part of the following specialities without any need to increase the surface area:

- 1.1. Food in general
- 1.2. Dairy products
- 1.4. Alcohol
- 1.5. Diet and supplement products
- 5.2. Confectionery and ice-cream (only if packaged)

They may also sell products from the following specialities if they add the following surface area to the 60 m²:

- 1.3. Frozen food (with an additional 15 m²)
- 2.2. Butcher's/charcuterie: they may only sell charcuterie products in their own speciality (with an additional 15 m²)
- 3.1. Fruit and vegetables (with an additional 20 m²)
- Pharmacy products (with an additional 10 m²)

1.2 SALES SYSTEM UNDER A SELF-SERVICE REGIME:

Establishments dedicated to the sale of everyday products, basically food, which the customer selects directly; they may also include sections that employ a personalised sales system. They may sell various specialities, according to how big they are.

1.2.1 Self-service establishments:

Establishments that offer everyday products, mainly food, and which have a net sales surface area of up to 149 m².

1.2.2 Super-service establishments:

Establishments that have similar characteristics to self-service establishments, with a net sales surface area of between 150 and 399 m².

1.2.3 Supermarkets:

Establishments that offer everyday products and other household products. They are classified into two groups:

- Small: with net sales surface areas of between 400 and 1,299 m².
- Large: with net sales surface areas of between 1,300 and 2,500 m².

Although not explained in this section, this same byelaw also affects:

2. POLYVALENT ESTABLISHMENTS:**2.1 HYPERMARKETS:**

Establishments that offer, under a self-service regime, a wide range of everyday products and other products, with a net sales surface area of more than 2,500 m². They have a large parking area of their own.

2.2 DEPARTMENT STORES:

An establishment organised by sections, with cash registers that are independent from the exits, with a wide assortment of goods for sale, using personalised and self-service sales systems, a variety of personal and household products, various articles and services; they may also sell food products. The net sales surface area is usually 10,000 m² or more.

2.3 EQUIPAMIENTOS COMERCIALES ALIMENTARIOS DE CARÁCTER COLECTIVO:

Groups of independent sales points in, or related to, the food sector, installed in a single enclosure, in varying number, laid out in the form of separate compartments, grouped by speciality, according to their activity, but which constitute a functional unit, with communal services.

FURTHER INFORMATION:

[http://w3.bcn.es/fitxers/ajuntament/ordenancescat\(1fase\)/comeralimentari.023.pdf](http://w3.bcn.es/fitxers/ajuntament/ordenancescat(1fase)/comeralimentari.023.pdf)

http://ajuntament.barcelona.cat/comerc/sites/default/files/arxiu/pecab15_normativa_0.pdf

02. NON-FOOD COMMERCE

Non-food commerce is, as its name suggests, all commerce where the main activity is not the sale of food products. Its regulation is established by the PECNAB (Special plan for non-food commerce in Barcelona).

The non-food commerce regulated by the PECNAB is classified according to the following:

- The products that are sold. In cases where something that is sold is above 20% of the total, this is considered to be a speciality. The establishment is considered to be polyvalent when it sells more than one speciality.
- The surface area it occupies.
- The areas of the city.

The PECNAB regulates where large establishments may or may not be located (such as department stores, etc.).

In most commercial establishments, the procedure is carried out through a communication, without any technical project. We can run a simulation:

- In any OAC.
- On the website www.bcn.cat/tramits/es in the 'Business' section, click on 'Information about permits for starting an activity'. Once there, click on 'Information on non-food activities', run the simulation and, once finished, the programme tells you the appendix you need to use for the procedure.
- Consulting the OMAIIA appendices.

THINGS TO BE AWARE OF:

The size of the premises are explained in the Building Technical Code. This document speaks about the dimensions of the premises and the conditions it must have (if there is a fire load, what measures have to be taken into account, etc.). In regard to dimensions, it should be remembered that the shop must be at least 2.5 m high, and the storeroom 2.1 m high. And the surface area must be at least 10 m².

There are specific regulations, according to what is being sold (Souvenirs plan, wholesalers plan, etc.). These regulations can be found at <http://comerc.bcn.cat/es> in the section on regulations.

Business hours. This can be consulted at <http://comerc.bcn.cat/es>, in the section on business hours.

Customer service, labelling, prices, sales receipts, refunds, complaints, signs, waste management, etc. Further information is available at <http://comerc.bcn.cat/es> eat the link on good practices.

https://ajuntament.barcelona.cat/comerc/sites/default/files/arxiu/%5BPDF%5D%20PECNAB_Exposici%C3%B3%20de%20motius_CAT.pdf

03. PUBLICLY-USED ESTABLISHMENTS

Those establishments defined by the Municipal byelaw on publicly-used establishments in Barcelona. In a broad definition, these establishments are as follows:

- Shows
- Recreational activities

Description of the activity	Code	Old nomenclature
Sports activities	2.1	D
Music activities (discotheques, nightclubs, prostitution premises)	2.2	F
Catering activities (bars, restaurants, etc.)	2.3	C
Gambling activities and attractions (bingos, casinos, toy libraries, etc.)	2.4	B
Social and cultural activities (museums, associations, etc.)	2.5	A
Audiovisual activities (telephone booth centres, karaoke bars, etc.)	2.6	O
Zoological activities	2.7	And

Those activities that have business-hours conditions and specific procedures due to their capacity and their impact on the surrounding area. The business hours of these activities are regulated by specific Generalitat de Catalunya regulations.

In this case, the conditions indicated in the byelaw for publicly-used establishments in Barcelona must be taken into account. On a territorial level, it should be remembered that each district may have a land-use plan that regulates the conditions for locating establishments in that area.

The land-use plans are an urban-planning tool that define the streets and conditions in which an activity may or may not be located.

<http://w3.bcn.es/fixers/ajuntament/consolidadescat/activitatsestabliments.824.pdf>

LICENCES FOR OCCUPYING CITY STREETS

It should be noted that the licences for occupying city streets are discretionary, i.e. they come under the jurisdiction of the Mayor and may or may not be awarded. In any event, there are applicable regulations, but when the licences are used inappropriately, they can be withdrawn.

CLASSIFICATION OF LICENCES

- Activities connected to an activity that is carried out in an establishment (terraces, driveways, loading and unloading).
- Activities not connected to an activity that is carried out in an establishment (kiosks, 'administrative concession, next concession 2030', advertising, fairs and stalls).

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- For profit: they are subject to charges every year (bar terraces, driveways, ice-cream stalls, churros stalls, advertising distribution, etc.).
- Non-profit: they are not subject to charges (neighbourhood annual festivals, blood-bank buses, etc.).

All the regulations and the procedures can be consulted on the website:

<https://seuelectronica.ajuntament.barcelona.cat/oficinavirtual/es/search-result?keyword=permisos%20ocupacio%20via%20publica>

and you can make an appointment with an OAE specialist:

<https://empreses.barcelonactiva.cat/web/es/serveis>

EXCEPTIONS

TEMPORARY LICENCES

Temporary licences are awarded for a certain period of time (mostly due to encountering an establishment affected by urban planning), after which the licence is null and void and the activity must cease.

These licences are not awarded for residential or industrial activities, and a waiver must be formulated concerning any future compensation.

05

Information on opening establishments in Barcelona and the possibility of carrying out some procedures through the City Council website

Through its website, Barcelona City Council offers the general public information relating to applying for, processing and starting economic activities in Barcelona city, as well as the possibility of carrying out some procedures online.

The web page has a series of related themes or aspects on which you can **seek information** or **carry out online procedures**.

N.B.:

- Prior communication of starting an activity without a technical project: information relating to the required documents, where to go, prices, etc.
- Prior communication of starting an activity with a technical project: information relating to the required documents, where to go, prices, etc.
- Processing municipal licences for opening establishments: information relating to the preliminary processing of licences for the installation of an activity or establishment, or for executing complementary installations, in the suppositions contained in Appendix III.1 of the municipal regulations for activities and the comprehensive intervention of the environmental administration.
- Processing environmental authorisations or licences: information relating to the processing of environmental authorisations or licences for the installation of an activity or establishment or for executing complementary installations, in the suppositions contained in Appendix I II of the municipal regulations for activities and the comprehensive intervention of the environmental administration.

Written by the technical team at **Barcelona Activa**

Entrepreneurship, using the following sources of information:

- Act 20/2009, of 4 December, on the environmental protection and control of activities
- Municipal byelaw concerning activities and the comprehensive intervention of the environmental administration (OMAIIA)
- PECAB (Barcelona Special Plan for Commercial Food Facilities)
- PECNAB (Special plan for non-food commerce in Barcelona)
- <https://www.barcelona.cat>

Produced by the **Barcelona Activa Entrepreneurship's** technical team:

<https://emprenedoria.barcelonactiva.cat/>

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