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Article

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Diez años de la Ley 9/2013 de emprendimiento en Galicia: el reparto de responsabilidades en la nueva actividad

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Resumen

Hasta el siglo XXI, el emprendimiento empresarial en España requería de un acto positivo del ayuntamiento llamado licencia de actividad, que era imprescindible para el inicio de la actividad. En Galicia, este trámite previo se sustituye en la Ley 9/2013 de Emprendimiento por la declaración responsable, en la que el emprendedor comunica que cumple con la normativa aplicable y aporta la documentación acreditativa sin tener que esperar a la respuesta municipal. Esta nueva modalidad administrativa cambia el régimen de responsabilidad. Con la licencia de actividad el municipio realizaba un análisis de la documentación para asegurar el cumplimiento de la normativa y, en su caso, se emitía la licencia de actividad, pero en esta nueva situación la responsabilidad pasa a ser enteramente del empresario, con la única excepción de situaciones en las que exista negligencia grave por parte de la administración local, y el empresario podría incluso exigir al ayuntamiento una responsabilidad compartida en caso de irregularidades considerables. Diez años después de su aprobación, este artículo analiza los efectos de la Ley 9/2013 en el contexto gallego, centrándose en las implicaciones de este cambio en términos de seguridad jurídica, capacidad de supervisión municipal y los desafíos prácticos a los que se enfrentan los emprendedores. El análisis combina una revisión normativa y jurídica con jurisprudencia y datos sobre emprendimiento, con el fin de evaluar el impacto real del modelo de declaración responsable en el ecosistema emprendedor de Galicia.

Palabras clave: Ley 9/2013 del Emprendimiento, declaración responsable, autorización previa y normativa medioambiental

Abstract

Until the 21st century, starting a business in Spain required a positive act by the local government known as an activity license, which was essential to initiate operations. In Galicia, this procedure was replaced by Law 9/2013 on Entrepreneurship, introducing the responsible declaration, a mechanism whereby the entrepreneur declares compliance with applicable regulations and submits supporting documentation, without having to wait for municipal approval. This shift fundamentally altered the liability regime. Under the previous system, municipalities reviewed documentation and issued the license, assuming part of the legal responsibility. Under the new regime, however, the responsibility lies almost entirely with the entrepreneur, except in cases of gross negligence by the administration. In such cases, shared responsibility may be demanded. Ten years after its implementation, this article analyses the effects of Law 9/2013 in the Galician context, focusing on the implications of this shift for legal certainty, municipal oversight capacity, and the practical challenges faced by entrepreneurs. The analysis combines a legal and regulatory review with case law and entrepreneurship data to assess the real impact of the responsible declaration model on the entrepreneurial ecosystem in Galicia.

Keywords: Law 9/2013 on Entrepreneurship, responsible declaration, prior authorisation and environmental regulations.

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1. Introduction

In Europe, and in the vast majority of developed countries, the prevailing political model is liberal democracy, which is characterized by a series of democratic rights in the hands of the citizen, among which is the initiation of economic activities according to their choice. This possibility of starting an economic activity is one of the main features of modern capitalist economies (See & Garza, 1992; Del Río, 2010). In Spain, Article 38 of the Spanish Constitution establishes the "freedom of enterprise within the framework of the market economy", which enables both individuals and legal entities to undertake economic initiatives, within a framework of constitutional guarantees and administrative obligations (Paniagua Zurera, 2017).

However, citizens who wish to start a business activity must comply with a series of obligations, such as administrative requirements (capacity to act in the case of natural persons and to be legally constituted in the case of legal entities), tax obligations (payment of fees and taxes associated with these activities), and, depending on the sector, other urban, environmental, sanitary or industrial procedures established by the competent authorities. Another significant aspect in this field is the principle of Market Unity. Article 2 of Law 20/2013, of December 9, guarantees that Market Unity is based on "the free movement and establishment of economic operators, on the free circulation of goods and services throughout Spanish territory, without any authority being able to hinder this directly or indirectly, and on the equality of basic conditions for the exercise of economic activity."

As with other areas of administrative powers, the control of compliance with regulations is shared between state, regional and local administrations, although the regional administration usually plays a predominant role (Sola Teyssiere, 2015). Within this context, the aim of this paper is to analyse the weaknesses of the current procedure in Galicia for starting a business activity (and its subsequent development) by the promoter, due to the fact that most of the responsibilities fall on him, being in many cases a major risk because it does not guarantee that the administration allows this activity.

The methodology employed in this article combines a descriptive legal analysis with a contextual and illustrative use of empirical data. On the one hand, a systematic review of the regulatory framework is carried out, focusing on national and regional legislation, particularly Law 9/2013 on Entrepreneurship in Galicia, and its implications for administrative procedures related to business activity. This legal analysis is complemented by a selection of jurisprudential cases that highlight the interpretative tensions, administrative challenges, and legal uncertainties arising from the implementation of the responsible declaration model. On the other hand, although this is not an empirical study in the strict quantitative sense, the paper incorporates entrepreneurship indicators and official data, such as the number of operating businesses and the Total Early-stage Entrepreneurial Activity (TEA) in Galicia, to provide context and to explore the evolution of the regional entrepreneurial ecosystem over the past decade. These data, drawn from the Instituto Galego de Estatística and the GEM Galicia reports, are used not to establish causal relationships, but to assess whether observable trends align with the regulatory changes introduced by the law. This methodological approach allows for a holistic examination of both the legal architecture and the practical effects of Law 9/2013. It is particularly suitable for

identifying institutional gaps, regulatory ambiguities, and challenges in the distribution of responsibilities among public authorities and entrepreneurs in Galicia.

From this point, the document is structured in four sections. The first section introduces the competence framework; the second discusses the promotion of prior communication from a European perspective; the third analyses the content of Law 9/2013 and its environmental implications; and the fourth assesses the outcomes of its implementation. The article concludes with a final section of conclusions.

2. The entrepreneurial competency framework and the relevance of community-driven entrepreneurship.

2.1 *The competence framework at Spanish level*

Article 131 of the Spanish Constitution, reserves to the central administration the right to *"plan general economic activity in order to satisfy collective needs, balance and harmonise regional and sectoral development and stimulate the growth of income and wealth and their fair distribution"*. In addition to this general planning, the central administration reserves the right to regulate a series of economic sectors such as banking, insurance, mining and energy, supra-community transport, foreign trade and maritime fishing.

Economic activities that are not taken over by the State will be the responsibility of the autonomous communities within their statutes. Thus, Carrasco Durán (2005) cites the assumption of exclusive regional powers in the areas of tourism, inland fishing, shell fishing, aquaculture, river fishing, crafts and casinos, gaming and betting (with the exception of charitable mutual sports betting), agriculture, livestock, domestic trade, savings banks... Moreover, the autonomous communities may supplement state regulations in areas such as mining or energy, in which the state develops a basic law that is implemented by the regional administrations.

In Galicia, Article 30.1 of the Statute of Autonomy (Organic Law 1/1981) establishes among the exclusive competences the *"promotion and organisation of economic activity in Galicia"*, which implies the regulation of rules for the operation of commercial establishments. Furthermore, Article 30.7. establishes that the regional administration will carry out the development and execution of:

a) Plans established by the state for the restructuring of economic sectors
b) Generic programmes for Galicia that stimulate the expansion of productive activities and the establishment of new companies.

Furthermore, according to Article 30, the Autonomous Community also has exclusive powers in areas such as industry (without prejudice to what is determined by state regulations and excluding the transfer of foreign technology), agriculture and livestock farming, domestic trade, consumer and user protection, designations of origin in collaboration with the State, companies, credit institutions and public and regional savings banks, and the Galician public sector. Title II of the powers in Galicia, fully develops the autonomous powers.

After the legislative function, it is necessary to mention the control power, which is divided between municipalities, autonomous communities and the State. In particular, municipalities assume the control of activities with less environmental impact, and which are not reserved to other administrations by a specific regulation.

In application of this division of powers, the municipalities applied the control of general economic activity in accordance with the Regulation on Unhealthy, Noxious, Dangerous and Dangerous Nuisance Activities (R.A.M.I.N.P., by its Galician acronym) (Campos Acuña, 2011) of 1961 which was in force until 2007. The R.A.M.I.N.P. was characterised by the fact that before starting an activity that was not regulated by a specific regulation, the entrepreneur who carried it out had to make an application for the issuing of an activity licence, with the municipality being responsible for regulatory control. The municipality had to analyse the documentation provided and when it was valid, it issued an activity licence, which was essential for starting the activity. With this procedure, the entrepreneur had an official document that reported positively the fulfilment of the requirements. In case of any incident (a complaint, an accident or any other situation), the entrepreneur had a presumption of compliance with the regulations. He could claim that acted in good faith fulfilling his obligations and the municipality had to assume part of the responsibility for having reported favourably. Therefore, the possible sanctions were shared between the entrepreneur and the municipality itself.

2.2 *Promoting prior communication from the Community perspective*

At the beginning of the 21st century, most of the administrative procedure in the member states had a similar sequence to prior authorisation, in which the applicant applied to the competent body accompanied by accompanying documentation. The administration examined this communication and issued the final decision in which the application was considered or rejected, with a system of administrative appeals and later contentious-administrative appeals via the courts. Furthermore, in the event of any incident, there was the possibility of a request for rectification and the provision of additional documentation. We can see the following illustrative diagram:

Stage 1. Request for document submission	Stage 2. Revision	Stage 3. Requirement (optional)	Stage 4. Amendment	Stage 5. Review of documents submitted	Stage 6. Resolution granting/dismissing.

Table 1: General outline of an administrative procedure
Source: Own elaboration

In 2009, most administrative procedures followed the sequence mentioned in Table 1, but the situation changed with Law 17/2009 of 23 November, on free access to service activities and its exercise. Directive 2006/123/EC of the European Parliament and of the Council of December 12, 2006, on services in the internal market, promotes the economic integration of EU Member States as well as the rationalization of professional activities in the services sector, and fosters a level playing field for all European citizens. (Rodríguez Font, 2009).

This Directive 2006/123/EC was transposed by the member states in their legal sphere. In the case of Spain it was in Law 17/2009, which facilitates the participation of any natural or legal person of EU origin in the Spanish economy and the disappearance of differences in the treatment of entrepreneurs depending on their national origin (now everyone has the same rights in the services sector), with the only exception of a series of strategic services such as pharmacies, post, energy, water,

financial services, electronic communications, transport and a limited series of exceptions in its Article 2. (Cantero Martínez, 2011).

Law 17/2009 implements the acceleration of the start of services for all EU citizens, but it was also necessary to approve regulatory changes in many areas, so this is completed with the publication of Law 25/2009, of December 22, which amends various laws to adapt them to the Law on free access to service activities and their exercise (Omnibus Law). The Omnibus Law amends various Spanish laws to make Law 17/2009 effective (Lozano Cutanda, 2010; Pérez & Del Milagro, 2010), it amends Law 30/1992, of November 26, on the Legal Regime of Public Administrations and Common Administrative Procedure, including Article 71.bis. Responsible declaration and prior communication. Thus, the responsible declaration was a *"document signed by an interested party in which he declares, under his responsibility, that he complies with the requirements established in the regulations in force in order to access the recognition of a right or faculty for its exercise (...)",* while the prior communication would *be "that document whereby the interested parties inform the competent Public Administration of their identification data and other requirements necessary for the exercise of a right or the commencement of an activity, in accordance with the provisions of Article 70.1 (...)*[1].(López Menudo, 2010). The introduction of these two concepts (prior communication and responsible declaration) in Spanish legislation was very important in business activity because it abolishes the prior authorization required by the R.A.M.I.N.P.

This Article 71.bis of Law 30/1992 also establishes liability for making an erroneous communication in paragraph 4 (García, 2010):

> *4. Inaccuracy, falsehood or omission of an essential nature in any data, statement or document that accompanies or is included in a responsible declaration or prior communication, or the failure to present the responsible declaration or prior communication to the competent administration, will mean determining the impossibility of continuing with the exercise of the right or activity affected from the moment the facts are recorded, without prejudice to any criminal, civil or administrative liabilities that may arise.*

According to Concepción Campos Acuña the main axis of the application of Law 17/2009 and Law 25/2009 in the start of activities is a change from an "ex ante" control model to an "ex post" model, giving authorization an exceptional

[1] There are many municipal resolutions and rulings that prevent business activities from being carried out once the prior notification has been made, and the owner has made a significant financial outlay, and even some in which there is a contradiction between the administrative and judicial resolution. In the latter case, we can cite as a particularly significant example the ruling 10669/2022 of the High Court of Justice of Catalonia, Contentious-Administrative Chamber; the Barcelona City Council declared the ineffectiveness of the prior notification made by a developer for the activity of ten tourist homes and subsequently the 13th Contentious-Administrative Court of Barcelona considered the owner's request for the nullity of the municipal resolution; the Barcelona City Council subsequently challenged this ruling, which was finally ratified by the T.S.X.C. ruling in favour of the developer. This is a clear example in which a developer could lose hundreds of thousands of euros in an unclear situation of municipal regulations, even when justice rules in favour of the developer if the consistory makes a temporary halt of the activity until a final judgement is issued.

character with respect to an idea of freedom of exercise that is becoming generalized. (Campos Acuña, 2012)[2].

In the field of local business activities, Law 25/2009 establishes that the municipality may continue to limit activity licenses to activities it considers more harmful, but in the general case of less aggressive activities regulated by Law 17/2009, the establishment will be automatically facilitated. (Lozano Cutanda, 2010; Prieto Romero & Gómez Alonso, 2011).

Law 30/1992 was replaced by Law 39/2015, of October 1st, on the Common Administrative Procedure of Public Administrations, which maintains the fundamental content of Article 69, "Responsible declaration and communication", of the new law. It is important to point out that the concept of "prior communication" is simply called "communication", although the same essence is maintained in its content.

The introduction of these two figures in the Spanish legal system in 2009 is one of the basic pillars of the administrative agility that it promotes, but at the same time it implies the transfer to the employer of full responsibility for compliance with the regulations until the administration exercises a subsequent control. However, "the new system does not impose the absence of controls but simply limits itself to modifying the procedural moment in which they occur, while maintaining unaltered the public powers of inspection, review and sanction". (Campos Acuña, 2012).

In this context of promoting participation in the economies of other member states, it should also be mentioned that e-government is being promoted as a key tool for advancing economic integration. E-administration favors agility in business activity, to obtain information from other administrations, with significant economic, time and human savings, both for citizens and for the administration itself. (Gamero Casado, 2009). The implementation of electronic procedures in the relationship between citizens and administrations represents a fundamental change, and some authors even speak of a new model of public administration. (Valero Torrijos, 2013).

3. The situation of companies in the Autonomous Community of Galicia and the influence of environmental regulation

3.1. The contents of Law 9/2013

Although the R.A.M.I.N.P. was a rule that had been in force for decades with good results, technological progress and a multijurisdictional autonomous state required its replacement by another updated rule. Even though the legislative powers were in the hands of the autonomous communities and the control powers in the hands of the municipalities was a difficult process since, in addition to repealing the R.A.M.I.N.P. it was necessary that each autonomous community dictate its own law and that it was agreed with the municipalities. In Galicia it will be Law 9/2013 of December 19 on Entrepreneurship and Economic Competitiveness of Galicia, which repels it in the Autonomous Community.

[2] This article 70.1 established in the original articulation of Law 30/1992, on administrative procedure of the Public Administrations, the initiation of a procedure, which had to be through the corresponding application and would then be processed according to the sequence shown in Table 1.

Article 23 includes the explicit suppression of the general municipal activity license for the opening or substantial modification of any economic, business, professional, industrial or commercial activity, which will simply be notified by the holder by means of prior communication. This same article 23 establishes that it will be the municipalities that will ensure compliance with the applicable requirements according to the corresponding legislation, for which purpose they will check, control and inspect the documentation provided when notifying the commencement of the activity. Thus, the prior communication replaces in most activities the activity license that was regulated by the R.A.M.I.N.P. and facilitates the immediate start of activities without the explicit authorization of the council. This procedure is regulated by Article 23 and following Law 9/2013, being applicable to most activities, with the only exception of those that are regulated by the state or autonomous administration based on another specific rule.

Law 9/2013 establishes that it will be the promoter who will communicate the start of the activity to the city council, and will attach a responsible statement issued by him, or in its case by a competent professional. This statement explicitly indicates compliance with all applicable regulations (environmental, industrial, sanitary, urban planning...), and supporting documentation must be provided to prove it. In addition, after the start of the activity, they must also communicate the pertinent changes (change of owner, extension of the activity, changes of schedules, etc.), being the municipality responsible for the supervision of the attached documentation.

The main advantage of Law 9/2013 is the streamlining of the activity. Thus, José Alfonso Marnotes indicates that *"Law 9/2013 establishes a comprehensive regulation of the exercise of all activities, both harmless and classified and public shows (...). In this way, a dispersed, confusing and sometimes contradictory regulation is eliminated, and the exercise of activities and the execution of works are subjected to a single system of intervention based on the suppression of the license and the generalization of the prior communication for its exercise."* (Marnotes González, 2016).

A serious problem of this Law 9/2013 is that it allows the start of the activity in breach of regulations that initially goes unnoticed and is discovered once the activity is already in operation with unforeseeable consequences. Another important incidence is the asymmetry of municipal means. While large municipalities can perform thorough control, smaller municipalities have many limitations to confirm that these communications are correct.

3.2. Environmental protection regulations in Law 9/2013

Both the Spanish Constitution (article 45) and the Statute of Autonomy (article 27) establish the obligation of the public administrations to preserve the environment. In addition, Law 7/1985, regulating the Foundations of the Local Regime, reserves to the municipal power the control of compliance with the regulations (article 25.2). The administrative competence in environmental matters includes, among other things, those related to forests, forest exploitation, livestock trails, industrial and polluting discharges, natural and protected spaces, conservation of wild flora and fauna, hydraulic exploitation, coasts, toxic or dangerous solids waste (Salvador Sancho, 1997). This protection conflicts in many cases with the freedom of business establishment (and regulated by Law 9/2013) so it is particularly important to find a situation that is able to ensure environmental prevention and allow free

entrepreneurship. The competences of the municipalities in this matter are legislative (they can issue additional rules) and of control of compliance with the establishment criteria. (Domper Ferrando, 1999).

There are three types of formalities depending on the impact of the activity (Blanco Silva & López Díaz, 2016):

i) Integrated environmental authorization: this is the highest level of protection, provided for activities with the greatest environmental impact, which would be regulated by Royal Legislative Decree 1/2016, of December 16, which approves the revised text of the Law on Prevention and Integrated Pollution Control. The control of these activities is usually autonomous because they are usually major pollutants (e.g. control of greenhouse gases, liquid discharges into rivers or waste production), although the municipal administration seems to have the competence to issue the planning license, as well as the issuance of prior mandatory report (Casado, 2016).

ii) Environmental impact statement and environmental impact report: These would be activities of the second level of pollution, and regulated by Law 21/2013, of December 9, 2013, on Environmental Assessment. These procedures are initiated by the promoter submitting to the autonomous administration (state in the case of affecting several autonomous communities) an environmental impact study, in which the effects of the activity are described and the measures to minimize its impact are established.

iii) Environmental Impact Statement: This would be for those actions with less impact, which are of autonomous competence (there is no state regulation, but the Autonomous Communities regulate it in the respective Statutes of Autonomy). In the case of Galicia, activities with lower environmental impact are regulated by Article 33 of Law 9/2013 on Entrepreneurship.

1	Highly aggressive activities: Integrated Environmental Authorization - Royal Decree Law 1/2016.
2	Projects, ordinary procedure: Environmental Impact Statement - Law 21/2013 on Environmental Assessment.
3	Projects, simplified procedure: Environmental Impact Report - Law 21/2013 on Environmental Assessment.
4	Other less polluting activities: Declaration of Environmental Impact - Law 9/2013 on Entrepreneurship.

Table 2: Simplified environmental procedures scheme
Source: Own elaboration.

The environmental impact statement is a specific figure of the Autonomous Community of Galicia (there are other similar figures in other communities) and regulated by Law 9/2013 for those activities that do not require any of the figures mentioned above but do require prior authorization control. Thus, among the areas of

application we find to a lesser extent those of Law 21/2013 on environmental assessment. For example, when we talk about combustion facilities exceeding 50 MW it is necessary to pass the environmental impact statement or environmental impact report (Law 21 /2013), while between 1 MW and 50 MW the procedure is the environmental impact statement according to Law 9/2013. Similarly, we find that for metal production, mineral industries, industry derived from wood, agri-food or Wastewater Treatment Stations, Law 9/2013 regulates activities below the limits established by Law 21/2013. In other cases, these are activities that are not included in the scope of application of Law 21/2013, such as fuel trading, service stations or golf courses.

The environmental impact assessment procedure regulated by Law 9/2013 on Entrepreneurship is similar to that established by Law 21/2013 for the environmental impact statement, whereby the entrepreneur-developer will submit a technical project accompanied by a descriptive report (of more limited content than the environmental impact study) which will include (Article 34 of Law 9/2013):

1º. The basic aspects related to the activity, its location and repercussions on the environment.

2º. The types and quantities of waste, effluents and emissions generated by the activity, and their expected management.

3º. Environmental risks that may arise from the activity.

4º. The proposal of preventive, corrective and self-monitoring measures for environmental impact.

5º. Restoration techniques for the affected environment and the follow-up program for the restored area in cases of decommissioning of facilities or cessation of activity.

6º. Data that, in the opinion of the applicant, is protected by confidentiality under current regulations.

The procedure for obtaining the environmental impact statement begins with the submission of the corresponding report by the entrepreneur to the Ministry of the Environment. This report is then published on the Ministry's website for a period of fifteen days, during which public comments may be submitted and consultations with affected parties are conducted. A key feature of this process is the two-month maximum period for resolution. If no formal suspension is issued for justified reasons, such as awaiting a sectoral report from another public body, the principle of positive administrative silence applies. This aligns with the broader goal of promoting economic activity by ensuring that administrative inaction does not hinder project development. In practice, the entrepreneur initiates the activity through a responsible declaration (the environmental report), and the administration, by default, considers the activity authorized unless it responds within the deadline. In such cases, the promoter is bound only by the preventive, corrective, and restorative measures outlined in the submitted report. In line with Article 37 of Law 9/2013, 'Monitoring and Sanctions', it is the responsibility of the local council to oversee regulatory compliance, continuing the tradition established under the R.A.M.I.N.P.

4. Analysis of the implementation of the prior communication in Law 9/2013

4.1. Regulatory issues

As we indicated before, both the start of an activity and a substantial modification must be communicated to the municipality, and only in exceptional cases positive action is required by the public administration that informs of the same through the activity license or similar figures in the case of regional or state administration. Therefore, the usual procedure is that the entrepreneur submits to the city council the responsible communication accompanied by the other necessary documents (administrative documentation of the company and representation, environmental authorization, registration in a sanitary or industrial register...) and states that the communicator complies with all current regulations.

It is not possible to list all the cases related to prior communication in recent years, but some recurring situations have been identified across administrative procedures (Blanco Silva, 2024):

- Good faith by the promoter despite non-compliance: The promoter believes the communication was properly submitted, even if it contains defects, whether due to personal oversight or errors by representatives (e.g., manager, designer, technician).
- Unclear responsibility during ineffective communication: The administration (typically municipal) may declare the prior communication ineffective but fails to clarify who is responsible during the period between submission and invalidation, especially problematic when a long time has passed, giving the promoter a false sense of legitimacy.
- Uncertainty about legal compliance: The city council is unsure whether regulations are being met and must decide whether to stop the activity or let it continue while awaiting responses from other authorities, potentially creating a legal limbo.
- Abuse of the provisional period by the promoter: Knowing inspections will be delayed, the promoter submits the communication and operates irregularly for months, often timing it to benefit from peak demand (e.g., tourist season).
- No clear statute of limitations on administrative enforcement: Authorities may take months or even years to verify compliance, during which time the activity continues uninterrupted, creating legal and practical uncertainty.

Ten years after the entry into force of Law 9/2013, it is clear that the responsible declaration has helped stimulate economic activity, but at the expense of weakening oversight and increasing legal uncertainty. As illustrated by the previously mentioned cases of prior communication, several examples have emerged within the Autonomous Community that reflect how the specific jurisprudence of Law 9/2013 has unfolded in practice:

i) Unnotified changes of activity: This would be the case with Ruling STSX Gal 524/2024 corresponding to an increase in the activity of a vehicle workshop in Pontevedra. We cite in this line the Ruling 2451/2020 of the Contentious Administrative Court number 1 of Pontevedra, which confirms the sanction imposed on a vehicle workshop in the amount of 3,005.07 euros for falsely

communicating the existence of an air renewal installation. In the work management report, the technician stated the existence of this air renewal system with forced ventilation that did not exist. Subsequently, the territorial headquarters of Pontevedra of the competent Ministry (Economy, Employment and Industry) visited the installation, detecting the non-existence of this air renewal system and sanctioning the technician who issued the definitive work certification. The latter appealed to the Court of Administrative Disputes, which dismissed the claim because it confirmed the non-existence of this forced ventilation, although the developer was not at fault.

ii) The competencies of professional staff (engineers, technical engineers, architects and technical architects) are not always clear. Historically there have been disputes between professional groups with similar competences, but now there is the creation of new degrees after the implementation of the European Higher Education Area (Bologna Plan) that claim professional competences that are not explicitly recognized. In this identification of responsibility in case of error, we can cite Ruling 00385/2022 of the Contentious-Administrative Court number 1 of Santiago de Compostela, which annuls the urban planning license of a service station, following a complaint by the Official College of Industrial Engineers of Galicia (I.C.O.I.I.G., by its Galician acronym) on the authorship of a construction project of a service station in the Urbanization of Brandía in Santiago de Compostela. This ruling established the exclusivity of industrial engineers in the drafting of gas station projects, and in this case, there is no such authorship, so the Court annuls the urban planning license issued by the City Council of Santiago de Compostela, which would imply that the service station already built is out of service and possible demolition order. Here appears an administrator (the owner of the service station) who, apparently in good faith, commissions the drafting of the aforementioned technical project to technicians, but these did not have the professional competence, so the urban planning license is annulled. In the first instance, the consequences would be borne by the owner, but the owner could demand patrimonial liability from the City Council of Santiago due to an error in the administrative processing, as well as from the technicians who signed the project. We see that even in a positive act such as an urban development permit, there are errors in the processing, being the owner the affected party.

iii) The legal certainty of the promoter is not guaranteed, not even once the documentation has been reviewed, the activity license has been issued, and the activity has started. If an undeclared condition is discovered once the activity has started, it would be necessary to stop the activity until the incident is resolved. This incident paralyzed the operation of a service station in Cambre (A Coruña) because once in operation and the urban license was issued, a competitor detected that the favorable report of Aguas de Galicia was missing. Thus, the territorial headquarters of the Ministry of Economy and Industry decreed the stoppage of the operation for several months due to the lack of effectiveness of the urban development license, until Aguas de Galicia did not issue such favorable report. In fact, the incident was due to the fact that in the declaration of interest the designer omitted the existence of a stream, the service station being located in the police area of the stream.

Within this new legal framework based on prior notification, there emerges a greater need to strengthen the oversight of documentation submitted to municipal authorities. To support this control, independent entities play a key role. These include professional bodies such as official colleges and associations, which certify the competence of the professionals involved; authorized control bodies, which are duly accredited companies that carry out independent inspections and validate prior actions; as well as qualified professionals, such as architects, engineers, technical architects, and technical engineers, and certified companies specialized in various fields, including electricity, heating, and elevator systems.

4.2 Entrepreneurship outcomes

After analyzing the legal framework of Law 9/2013, it is necessary to turn to its quantitative outcomes. However, assessing these results proves challenging due to the multitude of factors that influence the creation of a company, which makes it difficult to establish a clear cause-and-effect relationship. Within the broader context of business creation, Galicia experienced a steady increase in the number of active companies from 2015 onward, a trend that was interrupted in 2020 due to the impact of the COVID-19 pandemic, as illustrated in the following figure.

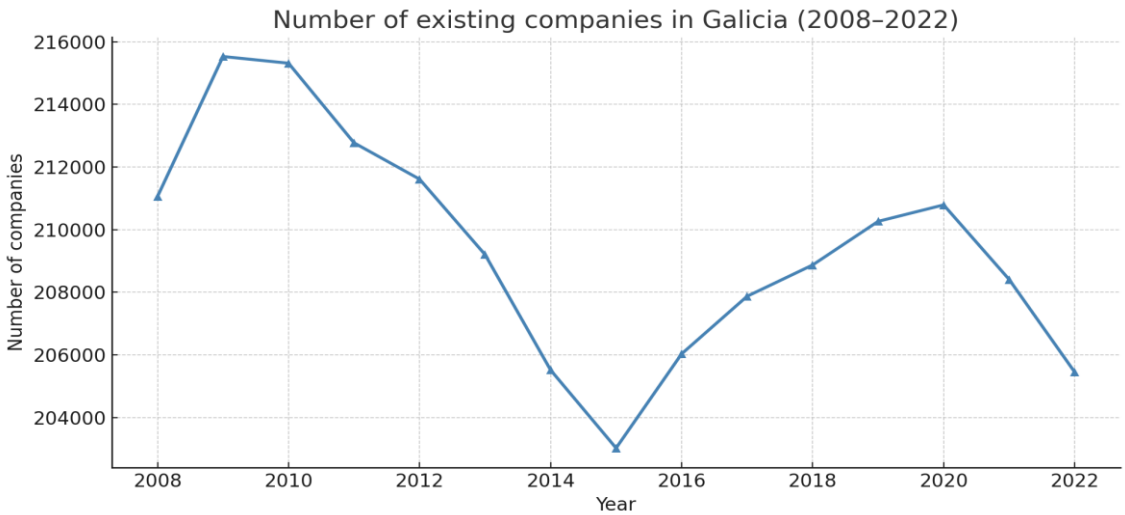

Figure 1: Number of existing companies in Galicia (2008-2022)
Source: Instituto Galego de Estatística

In terms of entrepreneurship, the financial crisis of 2007 (Shiller, 2008) significantly affected Galician people who have carried out entrepreneurial activities in the initial phase –ventures with less than three years and a half-. Thus, the Total Early-stage Entrepreneurial Activity (TEA) in Galicia dropped from levels close to 8% in 2008, a rate that had never been so high before, to around 3% in 2010, the lowest rate in the historical series. (Rio-Rama et al., 2014).

Similarly, the Covid-19 health crisis in 2020 affected the TEA, which dropped to 4%, as can be seen in Figure 2, to gradually recover to 5.4% in 2022.

Between 2011 and 2019, the Galician entrepreneurial initiatives in the initial phase moved in values located between 4% and 5.5%, highlighting the rise in 2015, which contrasts with the lowest value of existing companies in Galicia for the same year, as shown in Figure 1.

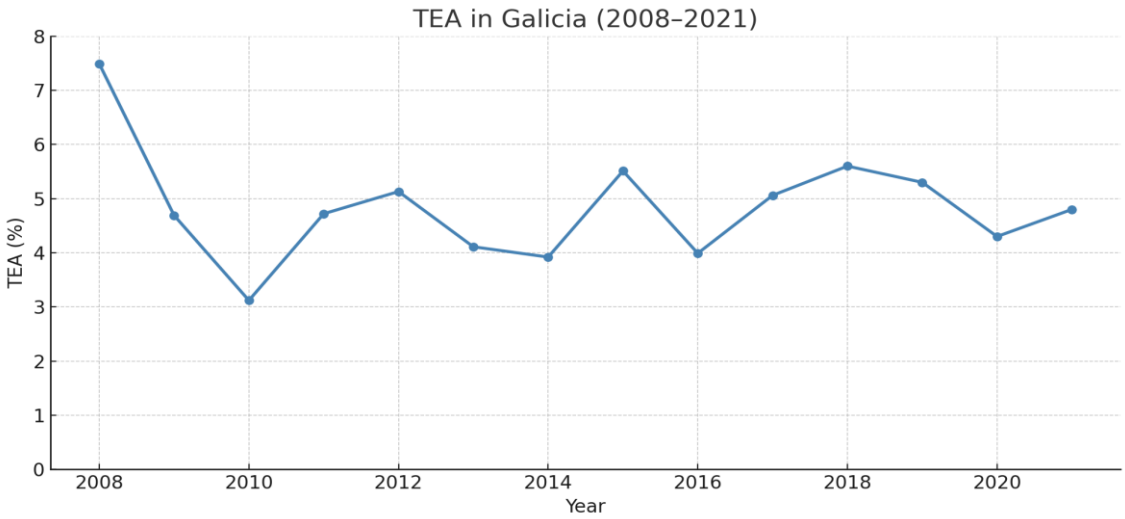

Figure 2: Total early-stage Entrepreneurial Activity in Galicia (2008-2021)
Source: Own elaboration with GEM Galicia data

Within the Galician entrepreneurial ecosystem, one of the greatest concerns of entrepreneurs is the problems or limitations that may arise from the bureaucracy involved in starting up a new initiative. (GEM Galicia, 2024). In fact, one of the main domains in which Galician entrepreneurial experts assess the entrepreneurial framework conditions (EFC) that surrounds them is government policies. (Huamani & López, 2020). According to Huamani and López entrepreneurial research (2020) based in Galicia, one of the experts' main recommendations is to *"improve government policies. In particular, [...] regulations and bureaucracy surrounding entrepreneurship, which can be discouraging and exhausting, diverting efforts that should be well directed to the core business activity."* In short, in an Autonomous Community where 81.6% of the people who start a business follow the advice of an agency or entity for bureaucratic procedures, reducing bureaucracy can help to motivate and encourage the creation of new entrepreneurial initiatives. (GEM Galicia, 2024).

Regarding companies in the services sector, the relationship between company creation and Law 9/2013 is more direct, and we can see the increase in companies created is very clear from 2015. Moreover, in terms of entrepreneurship, early-stage initiatives represent most entrepreneurial initiatives. Thus, in 2022, 84% of entrepreneurship corresponds to services (27% business services and 57% consumer services). (GEM Galicia, 2024).

However, despite this data, it is not possible to determine whether the creation of companies in the services sector is due to this Law 9/2013 or to any other parameters that affect the entrepreneurial environment in Galicia (i.e. general improvement of economic conditions) or the entrepreneurial framework conditions (i.e. social and cultural norms, government policies or physical infrastructures). (Vazquez-Rozas, E. et al, 2012; Huamani and López, 2020).

Figure 3: Number of companies in the services sector in Galicia (2008-2022)
Source: Instituto Galego de Estatística

4.3 Critical discussion: practical implications and international perspective

While Law 9/2013 on Entrepreneurship in Galicia has effectively streamlined the process of starting a business by eliminating the need for a prior municipal activity license, this regulatory shift has generated significant legal and economic implications that merit critical reflection. The replacement of ex ante administrative authorization with a system based on responsible declaration represents a broader European and international trend toward deregulation and administrative simplification. However, the Galician case exposes important trade-offs in terms of legal certainty, oversight asymmetry, and the actual impact on entrepreneurial activity.

From a practical standpoint, the responsible declaration mechanism significantly reduces the time and cost associated with launching a business. Entrepreneurs no longer face delays related to bureaucratic procedures or discretionary municipal decisions, which is especially beneficial in service sectors and in less complex activities. This aligns with international findings highlighting how excessive administrative requirements tend to discourage entrepreneurship and foster inefficiencies. As Djankov et al. (2002) explain, countries with a greater number of procedures to start a business often experience higher levels of corruption and larger informal economies, without achieving better quality in public or private goods.

However, the Galician experience also reveals the limitations of an overly deregulated model. First, the shift to ex post control places the burden of legal compliance squarely on entrepreneurs, many of whom lack the technical knowledge to assess complex environmental, urban, or sector-specific requirements. This increases the risk of involuntary non-compliance, as observed in cases involving incorrect documentation, unqualified technical staff, or omitted environmental reports. As noted in rulings such as STSX Gal 524/2024 and 00385/2022, the consequences of such omissions can be severe, including retroactive sanctions, forced closure, or even demolition orders.

Second, the uneven inspection capacity among Galician municipalities creates a structural asymmetry. While larger cities may be able to conduct thorough reviews and enforce regulations effectively, small municipalities often lack the technical or

human resources to verify declarations in a timely manner. This disparity undermines the principle of equality before the law and may create disincentives for responsible behavior among entrepreneurs operating in areas with lax oversight. As Campos Acuña (2012) warns, the responsible declaration model presumes an administration capable of ensuring ex post compliance, yet does not always provide the necessary tools for doing so.

Third, the actual economic impact of Law 9/2013 remains difficult to isolate. Although entrepreneurship indicators such as the Total Early-stage Entrepreneurial Activity (TEA) in Galicia have shown signs of recovery since 2015, these cannot be attributed solely to legal reform. Broader macroeconomic factors, post-crisis recovery, and support programs also influence these dynamics (GEM Galicia, 2024). Furthermore, while the number of service-sector companies has increased, it remains unclear whether this is due to reduced administrative burden or other market forces.

In the international literature, debates continue over the appropriate balance between regulatory simplification and legal protection. DeBoe (2020) notes that over-simplification can lead to weak enforcement or environmental degradation if not accompanied by adequate monitoring. In the Galician context, this calls for a nuanced regulatory model, one that maintains the agility of the responsible declaration, but strengthens technical support for entrepreneurs, improves inter-administrative coordination, and ensures effective post-hoc enforcement.

5. Conclusions

A decade after its approval, Law 9/2013 appears to have played a role in streamlining administrative procedures for launching business activities in Galicia, particularly in the service sector. The simplification introduced through the responsible declaration mechanism is consistent with expert opinions regarding the need to reduce bureaucratic barriers to entrepreneurship (GEM Galicia, 2024). However, the available data do not permit a definitive attribution of the observed increase in business creation or entrepreneurial intent directly to this legal reform. Rather, these trends likely result from a combination of factors, including economic recovery, broader policy initiatives, and changing market conditions. Consequently, the potential impact of Law 9/2013 on accelerating entrepreneurship should be interpreted with caution and substantiated through future empirical research capable of isolating its specific effects.

The European Union's broader commitment to a regulatory model that transfers responsibility to entrepreneurs is intended to foster competitiveness, stimulate business creation, and facilitate economic integration among member states. Nonetheless, the elimination of prior authorizations, such as municipal activity licenses, has also generated significant challenges. Among these are concerns over reduced administrative oversight, legal uncertainty for entrepreneurs, and unintended environmental consequences due to delayed detection of non-compliance.

In the specific context of municipal-level business start-ups, Law 9/2013 broadly follows European directives by adopting the responsible declaration as the default mechanism for initiating economic activity. While this framework allows for a more agile and immediate start to new ventures, it simultaneously reduces the capacity of public authorities to conduct preventive oversight. It is therefore essential

that both municipal and regional administrations reinforce their mechanisms for ex post control, including the review and verification of submitted documentation, to ensure legal certainty (Moreu Carbonell, 2010). Such efforts must strike a balance between maintaining regulatory safeguards and avoiding the reintroduction of bureaucratic burdens that could discourage entrepreneurial initiative (Huamani & López, 2020; GEM Galicia, 2024).

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