

**FREQUENTLY ASKED QUESTIONS ON THE NOTICE RELATING TO THE PROCEDURE
FOR GRANTING TEMPORARY PERMITS FOR “SPECIAL COMMON USE” OF PUBLIC
PROPERTY FOR PARKING BICYCLES, MOPEDS AND MOTORCYCLES FOR SHARED
USE AND OPERATED COMMERCIALY**

PERMITS: APPLICATION AND NUMBER OF PERMITS

1. APPLYING FOR PERMITS

Applications must be submitted by means of an official application at the General Registry or at any of the registries provided for in article 16.4 of Law 39/2015, in accordance with the provisions of annex 1 of the notice, article 1.B.

Applications may be submitted electronically, with a digital certificate, over the website: <https://seuelectronica.ajuntament.barcelona.cat/es/registro-electronico>.

2. DEADLINE FOR SUBMITTING APPLICATIONS

Given the number of questions received during the period for submitting applications for temporary permits for the “special common use” of public property for parking bicycles, mopeds and motorcycles, for shared use and operated commercially, within the Barcelona municipal area (file no. 19SD0011D, volume 2), the body responsible is in the process of extending the deadline for submitting applications.

The extended deadline will be published in the coming days and it is expected to be an additional ten working days, although that figure will be conditional on the definitive approval of the relevant body.

3. PLANNED SCHEDULE

- October 2019: Submission and acceptance of applications until 19 November (inclusive).
- November 2019: Registration, accreditation and justification.
- December 2019: Granting of permits (bikesharing and motossharing) and start of deployment of fleets.
- 1 January 2020: granting of permits and deployment of fleets.

4. REGISTRATION OF BICYCLES

All vehicles must be registered. In the case of bicycles, the registration must be done according to the procedure established by the municipal operator B:SM, S. A.

There is no restriction on the number of vehicles which may be registered.

5. MINIMUM NUMBER OF PERMITS PER OPERATOR:

There is no minimum number of permits per operator.

6. EXTENSION OF THE DEPLOYMENT PERIOD FOR PERMITS FOR VEHICLES IN PRODUCTION

Where the vehicles (mopeds and motorcycles) are in production, each case will be assessed taking into account the order confirmation (with the relevant list of vehicles), payments made on account, the commitment on the part of the manufacturer (statement of compliance with the list of vehicles), the commitment on the part of the installer (placing in service and operation in public spaces) and the planned delivery date, which, under no circumstances, may be more than 60 days from when the permit is granted.

7. SUBMISSION OF DOCUMENTS

Application:

At the time of submitting applications, only the documentation established in article 1.A of annex 1 has to be submitted.

“A.- Interested parties must submit an application including the following documentation relating to compliance with the requirements, in order to be able to be granted a permit:

- 1. DNI (Spanish national identity document) or NIE (identity number for foreign nationals) of the person making the application, in the case of a natural person, or of the person who legally represents the applicant, in the case of a legal person. Where the applicant acts through a representative, evidence of the authority to represent the applicant must be provided, by any means which is legally valid and which provides a reliable record of its existence.*
- 2. In the case of a legal person, its tax identification card must be provided, as well as the instrument of incorporation of the legal person, its current articles of association and evidence of its inclusion in the relevant register.*
- 3. Statement of compliance regarding the requirements, in accordance with the form in annex 1.1.*

Before the permit is granted:

The documentation established in article 5.B, relating to compliance with tax and social security obligations, the prevention of occupational hazards and compliance with the conditions established in article 8.E, G and H and in article 15 of the regulations, must be submitted within ten working days of the publication of the list of permits granted.

PERMITS: REVOCATION AND WITHDRAWAL OF PERMITS

8. REVOCATION AND WITHDRAWAL OF PERMITS

The permits are revocable in accordance with article 12.B of the regulations.

Article 4 of the bases of the notice regarding the procedure establishes that the period will begin to be calculated from 30 days following notification of the granting of the permit.

9. DISTRIBUTION OF WITHDRAWN OR SURRENDERED PERMITS

Vacant permits, or those which are withdrawn or surrendered, will be retained to be granted during the next application period.

10. ACTUAL DEPLOYMENT OF THE PERMITS ON THE STREET

In accordance with the terms of the regulations, all permits obtained must be deployed. Any vehicles which do not have a permit must be withdrawn, in accordance with the regulations. Any breach of the terms of the permit will give rise to the penalties established in the regulations.

11. SURRENDERED PERMITS

Surrendered permits will be extinguished, in accordance with the provisions of article 13.B. Surplus permits will be retained until the next public call for applications, in accordance with the provisions of article 16.F of the bases. Section G of article 16 establishes certain restrictions on companies which surrender permits.

12. DEPLOYMENT OF VEHICLES WITHOUT A PERMIT IN PUBLIC SPACES

Deploying any kind of vehicle associated with a commercial activity in public spaces, without having the relevant permit, constitutes a sanctionable offence.

API, REPORTING AND DATA SHARING

13. ACCESS TO AND THE CONTENT OF INFORMATION

The statement of compliance in accordance with the form in annex 1.1 6) requires a commitment to guarantee real-time access to the data relating to the vehicles deployed, as well as the provision of the data established in article 8 of the regulations.

14. COORDINATION OF THE DATA MANAGEMENT

Once the permits have been granted, the necessary meetings will be held with the individuals designated by the companies to coordinate data operations. The data requested are those which appear in annex 1.3 of the notice, in the formats specified.

The data do not include personal data, except in the case of penalties, in accordance with article 8.L of the regulations.

INSURANCE

15. VALIDITY OF THE INSURANCE POLICY

It is necessary to have a current policy, in accordance with article 8.E, which covers the duration of the permits, as well as the statement of compliance, signed by the legal representative, including the commitment to have such a policy for the whole period for which the permits are granted.

As regards insurance for vehicles which are shown to be in production, a statement of compliance will be sufficient until they are put into operation, at which point the relevant policy must be provided.

The statement of compliance must include the details of the legal representative, as well as those of the represented company, and it must also contain an express commitment to have the mandatory civil liability insurance, as required by law, covering the period for which the permits applied for are granted.

REGISTRATION OF BICYCLES

16. PROOF OF THE APPLICATION TO REGISTER BICYCLES IN THE BARCELONA DE SERVEIS MUNICIPALS B:SM REGISTER

It is necessary to prove that all vehicles have been registered. Failing that, at this stage in the procedure, the proof provided by the B:SM register that the application for registration is being processed will be accepted.

This formality does not apply in the case of mopeds and motorcycles, as they have a registration number.

EXPENDITURE ON ADVERTISING

17. EXPENDITURE RESULTING FROM ADVERTISEMENTS AND PUBLICATION OF THE NOTICE

Once the permits have been granted, the cost of the advertisements will be passed on to the permit holders and information will be provided on how to pay it.

PAYMENT OF THE FEE

18. ANNUAL PAYMENT

Once the documentation provided in accordance with clause 14 of the regulations has been checked, the applicant will be sent a calculation of the fee for the first year, so that payment can be made following the instructions appearing in the same document.

For successive years, the payment will be made by direct debit. To that end, a bank account in the name of the applicant must be provided along with the documentation.

Where ten days have elapsed since the calculation was sent and there is no record of the payment in the municipal databases, the application for the permit will be rejected, in accordance with clause 1 c) of annex 1 of the procedure for granting permits.

OTHERS

19. EXPRESS PROHIBITION OF THE SALE, TRANSFER OR TRANSMISSION OF PERMITS

The prohibition of groups of companies is a requirement for being able to apply for a permit and it will apply for the validity period of the permit. Any kind of company transaction which implies a change in the legal person will be regarded as a transfer and is expressly prohibited in the regulations for the permits.

20. APPLICATIONS FOR PERMITS BY NATURAL PERSONS

They must comply with all the requirements specified in the bases for the procedure.

21. PROOF RELATING TO THE REQUIREMENTS UNDER ARTICLE 15

At the time of making the application, applicants must comply with all the requirements laid down in article 15 of the regulations.

Article 5.iii of the notice establishes how proof relating to those requirements must be provided, once the application has been accepted, within ten working days of the publication of the list of permits granted.

22. PAYMENT OF THE GUARANTEE

Once the permits have been granted, the definitive guarantee must be paid into the city council's General Treasury. The payment may be made in cash, by means of a certified cheque or banker's draft made out to the city council or by credit card, or in accordance with the provisions of article 5.3 c) of the notice.

23. EXCEEDING 50% OF THE FLEET IN THE CENTRAL ZONE

Any breach of the conditions stipulated in the regulations shall be sanctioned and especially the saturation of the area marked off as the central area.