

99050058108000, 99050058108000

# Particularly competent auctioneers

## Public appointment and swearing-in

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/106285274/L100010>

Modul	Sachverhalt
Leistungsschlüssel	99050058108000, 99050058108000
Leistungsbezeichnung I	Particularly competent auctioneers Public appointment and swearing-in
Leistungsbezeichnung II	
Typisierung	2/3a - Bund: Regelung, Land: Vollzug
Quellredaktion	Saarland
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Öffentliche Bestellung und Vereidigung (108)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

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	Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Befähigungs- und Sachkundenachweise (2010200)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	23.05.2025
Fachlich freigegeben durch	Ministry of Economic Affairs, Innovation, Digital and Energy
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• § Section 34b (5) of the Trade, Commerce and Industry Regulation Act (GewO)</li> <li>• Ordinance on commercial auctions (Auctioneers Ordinance - VerstV)</li> <li>• Ordinance on responsibilities for the implementation of the Trade Regulation Act (Trade Regulation Competence Ordinance - GewOZVO)</li> <li>• § Section 6b of the Trade Regulation Act (GewO) on the single point of contact</li> </ul>
Teaser	If you wish to conduct public auctions of third-party property in accordance with certain provisions of the German Civil Code (BGB) and the German Commercial Code (HGB), which are ordered or implemented by force, you must be publicly appointed and sworn in as an auctioneer.
Volltext	<p>Publicly appointed auctioneers are subject to the general regulations applicable to commercial auctioneers, in particular the Ordinance on Commercial Auctions (Auctioneers Ordinance) and the obligations set out therein. The latter concern, for example, the preparation and conduct of auctions and bookkeeping</p> <p>This applies, for example, to pledge sales or distress sales.</p> <p>The owner of the auctioned property has no influence on the price and the minimum bid. He or she must therefore be able to rely on you as a particularly reliable and qualified person to protect his or her property interests.</p>

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Public auctions in the form of pawn sales and distress sales may only be conducted by publicly appointed auctioneers.

Pledge sales and distress sales are ordered and carried out by force. The owner of the auctioned property has no influence on the price and the minimum bid and must therefore be able to rely on the fact that his or her property interests are safeguarded in a particularly qualified manner during the auction.

Particularly competent auctioneers can be publicly appointed upon application. The application can only be made by (professional) natural persons and employees of auctioneers, but not by legal entities. The appointment can be general or limited to certain types of auctions, insofar as there is a need for auctioneer services for these. It can also be restricted in terms of content, limited in time and subject to conditions. The appointment is valid for the whole of Germany.

Publicly appointed auctioneers must be sworn to perform their duties conscientiously, without instructions and impartially.

Single point of contact: For this procedure, you can use the service of the single point of contact. They will guide you through the procedure, take care of correspondence with all the authorities responsible for your matter and provide you with expert advice.

## Erforderliche Unterlagen

- Copy of identity card or comparable identification document
- Proof that you are working as an auctioneer with a corresponding permit from the competent authority or are employed by such a person
- Proof of special expertise (evidence of above-average specialist knowledge and experience), e.g. list of the auctions you have conducted or the reports you have prepared
- appraisals, proof of further training
- Certificate in tax matters (clearance certificate) from the city treasury or the tax office.
- Police clearance certificate document type OG

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### Voraussetzungen

In order to be publicly appointed and sworn in, you must

- You are a professional auctioneer with a corresponding license from the competent authority or are employed by such a person. Legal entities cannot be publicly appointed.
- if you are applying for public appointment in general: special expertise. Special expertise means above-average specialist knowledge and experience in the most important specialist areas of the auctioneering trade (carpets, furs, jewelry, furniture, art, household effects)
- if you are applying for public appointment for only certain types of auctions: proof of special knowledge in the areas applied for
- several years of professional experience as an auctioneer. You should have conducted several auctions per year in the areas you have specified
- Knowledge of the provisions relating to the responsibilities, rights and obligations of auctioneers in the Trade Regulations, the Auctioneers Ordinance, the Commercial Code and the German Civil Code.
- have practiced the auctioneering trade for several years without fault and are particularly trustworthy. You must guarantee impartiality and independence as well as compliance with the duties of publicly appointed auctioneers.

In addition to these requirements, you may have to have reached a certain minimum age. The determination is at the discretion of the competent body.

If you are applying for public appointment for only certain types of auctions, there must be a need to conduct public auctions in the areas you have specified (e.g. works of art or carpets); this must be checked by the competent body.

### Kosten

Fees of €188 - €306 are charged for the granting of the public appointment and swearing-in pursuant to Section 34b (5) GewO.

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In the event of rejection: If an application to carry out an official act is withdrawn before it is completed, up to 75 percent of the full fee is payable depending on the expenses already incurred (Section 9 (2) SaarlGebG).

The administrative fees are set in accordance with the Act on the Levying of Administrative and User Fees in Saarland (SaarlGebG) in conjunction with the General Fee Schedule for Saarland (GebVerz) (here: Section 679).

You will receive a notification of fees.

## Verfahrensablauf

- You must apply for the public appointment at the responsible office.
- You can also submit the application via the network of single points of contact.
- The competent body will check whether you meet the requirements based on the information you provide and the documents you submit. If this is the case, you will be appointed and sworn in to perform your duties conscientiously, impartially and free from instructions. You will receive a certificate of public appointment.
- Note: In order to verify the required expertise, the competent body may present you to a neutral and expert committee which, after an interview or a review of your knowledge, will issue a vote in writing on the existence of the special expertise. This usually takes place at the relevant Chamber of Industry and Commerce.
- Your public appointment is valid for the whole of Germany. The competent authority can either issue it generally or limit it to certain types of auctions (e.g. works of art or carpets), provided that there is a need to conduct public auctions for these. It can also attach conditions to the order.

## Bearbeitungsdauer

### Frist

none

## weiterführende Informationen

### Hinweise

The necessary examination of expertise is carried out at the Bonn/Rhein-Sieg Chamber of Industry and

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	Commerce, among others. As a rule, you can also submit the application for public appointment there.
Rechtsbehelf	You can lodge an appeal against the decision with the competent administrative court. You will find the relevant information in the decision.
Kurztext	<p>If you wish to conduct public auctions (forced pledge sales or distress sales), you require a public appointment for this.</p> <p>The appointment can be general or limited to certain types of auctions, insofar as there is a need for auctioneer services for these. It can also be restricted in terms of content, limited in time and subject to conditions. The appointment is valid for the whole of Germany.</p> <p>As publicly appointed auctioneers, you are sworn to perform your duties conscientiously, impartially and free from instructions.</p>
Ansprechpunkt	
Zuständige Stelle	Ministry of Economic Affairs, Innovation, Digital and Energy Department E/3 Franz-Josef-Röder-Straße 17 66119 Saarbrücken E-mail: gewerberecht@wirtschaft.saarland.de The procedure can also be handled via the single point of contact.
Formulare	Forms: no  Online procedure possible: yes  Written form required: no  Personal appearance required: no
Ursprungsportal	Particularly competent auctioneers Public appointment and swearing-in, Besonders sachkundige Versteigerer Öffentliche Bestellung und Vereidigung