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Auctioneer business - apply for a license

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/108988120/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99050036005000, 99050036005000
Leistungsbezeichnung I	Auctioneer business - apply for a license
Leistungsbezeichnung II	Auctioneer business - apply for a license
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erlaubnis (005)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und

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	Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	25.09.2020
Fachlich freigegeben durch	Bavarian State Ministry for Economic Affairs, Regional Development and Energy
Handlungsgrundlage	https://www.gesetze-im-internet.de/gewo/_34b.html
Teaser	Would you like to auction off third-party movable property, third-party land or third-party rights on a commercial basis? You need a permit for this. You can find out more here.
Volltext	<p>If you wish to auction off movable property, land or rights belonging to third parties on a commercial basis, you must obtain permission from the competent authority. The permit may (also subsequently) be subject to conditions, insofar as this is necessary for the protection of the general public, the clients or the bidders.</p> <p>Permission is not required for:</p> <ul style="list-style-type: none"> • Sales which are carried out in accordance with statutory regulations by price brokers or by the trading brokers publicly authorized to do so, • auctions conducted by public authorities or by civil servants, or • auctions to which only persons are admitted as bidders who wish to purchase goods of the offered type at auction for their business operations. <p>You have a legal claim to the granting of the requested permission, provided that no reason for refusal iSv §34b Abs.4 Nr.1 or Nr.2 GewO (unreliability or disorderly financial circumstances) is present.</p> <p>Permission can be granted to natural persons and legal entities. In the case of partnerships without legal personality (e.g. OHG, KG), permission is required for each managing partner; this also applies to limited partners, provided they have management authority</p>

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and are therefore to be regarded as traders. In the case of legal entities (e.g. GmbH, AG), permission is granted to the legal entity. With regard to the licensing requirements, the focus is generally on the persons authorized to represent the company, whereby all persons authorized to represent the company must fulfill the relevant requirements.

The permit is personal, i.e. you cannot transfer a permit in your name to another person, nor can another person transfer a permit in his name to you. rem consumption exists (consumer goods).

Erforderliche Unterlagen

- Identity card or comparable identification document (copy)
- Non-EU citizens: residence permit (copy)
- Proof of the legal form of the company
- Company headquarters in Germany: for registered companies, current excerpt from the register, otherwise the articles of incorporation or bylaws.
- Company domicile abroad: documents from this country proving the legal form.
- Personal reliability:
- Residence in Germany: certificate of good conduct for submission to a public authority, information from the central commercial register for submission to public authorities.
- Residence abroad: documents from your home country proving personal reliability to perform the requested service.
- Orderly financial circumstances: Excerpt from the debtors' register of the central enforcement court Information from the insolvency court as to whether proceedings have been opened (so-called negative certificate).

Voraussetzungen

In order for you to be granted permission, you must

- be personally reliable,
- have an orderly financial situation.

Kosten

Is based on the respective administrative fee regulations of the state or on the fee statutes of the bodies responsible under state law.

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	A separate application to the competent authority (in Brandenburg, the Ministry of Economic Affairs) is responsible for this.
Verfahrensablauf	<p>Once you have submitted the application and all the documents are complete, the competent body will check whether you meet all the requirements.</p> <p>If you meet all the requirements, you will receive the permit.</p> <p>You may only begin with the activity when you have received the permit. Simultaneously with the start of the activity, the trade must be reported to the authority responsible for trade notifications in accordance with § 14 GewO.</p>
Bearbeitungsdauer	If the documents are complete, the application will be processed promptly.
Frist	The permit must be granted before the start of operations, so a timely application (several weeks before the intended start of operations) is required. If you have applied for a permit to operate as an auctioneer, the permit is deemed to have been granted if the authority has not made a decision on your application within a period of three months after receipt of the complete documents (Section 6a (1) of the German Trade Regulation Act). You must notify the authority responsible for trade notifications of the start of the activity at the same time.
weiterführende Informationen	
Hinweise	<p>The auctioneer is prohibited,</p> <ol style="list-style-type: none"> 1. to bid for himself or through another at his auctions or to purchase auctioned goods entrusted to him, 2. to allow relatives or his employees to bid at his auctions or to purchase auction goods entrusted to him, 3. to bid for another person at his auctions or to

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purchase auction goods entrusted to him, unless a written bid of the other person is available,

4. to auction movable goods from among the goods he carries in his commercial business, unless this is customary,

5. to sell by auction goods on which he has a lien or which belong to goods offered for sale in open sales outlets and which are unused or whose intended use consists in their consumption.

Violation of these prohibitions shall be punished as a misdemeanor. In addition, such violations may also lead to the revocation of the auctioneer's permit if it can be concluded from them that the auctioneer is no longer reliable.

Retailers and manufacturers of goods are generally not allowed to auction their goods to the end consumer.

Anyone who auctions movable property, real estate or rights belonging to third parties without the necessary permission, or violates an enforceable condition, is acting in breach of the law and may be fined.

A separate application to the competent authority (in Brandenburg, the Ministry of Economic Affairs) is responsible for this.

Rechtsbehelf

Objection (depending on state law, the objection may be excluded), administrative court action

- Contradiction
- administrative court action

Kurztext

- Auctioneer business Apply for permission
- A trader may only operate an auction business with a permit; permits can be issued to natural and legal persons; permits are personal and cannot be transferred; there is a right to the permit unless there is a reason for refusal in accordance with Section 34b (4) No. 1 or No. 2 of the Trade, Commerce and Industry Regulation Act (GewO).
- Competent authority: Depends on the respective

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	state law.
Ansprechpunkt	
Zuständige Stelle	<p>The trade licensing offices of the local authorities, independent municipalities, association municipalities, co-administrating municipalities, co-administered municipalities and independent cities are responsible, § Section 1 (1) of the Ordinance on Responsibilities in Trade Law (Trade Law Responsibility Ordinance - GewRZV).</p> <p>The trade offices of the offices, municipalities without offices, municipalities in the association, the co-administering municipalities, the co-administered municipalities and the independent cities are responsible.</p>
Formulare	
Ursprungsportal	Versteigerergewerbe - Erlaubnis beantragen, Auctioneer business - apply for a license