

99025002056000

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/3705/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99025002056000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Permit under restaurant law; application
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	28.03.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Ernährung, Landwirtschaft, Forsten und Tourismus (Bavarian State Ministry of Food, Agriculture, Forestry and Tourism)
Handlungsgrundlage	http://bundesrecht.juris.de/gastg/_12.html http://bundesrecht.juris.de/gastg/_12.html https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1 https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1
Teaser	If you wish to operate a catering business (serving alcohol) that requires a permit for a special reason, you will need a permit under catering law.
Volltext	<p>In principle, a restaurant permit is required for the operation of a restaurant business (serving alcohol) in accordance with Section 2 (1) of the German Restaurant Act (GastG) (the district administrative authority is responsible for issuing a corresponding restaurant permit). However, if the catering activity requiring a permit is only temporary catering on the occasion of an event for a special occasion (e.g. club, town or music festival), the operation of the catering business can be permitted by the municipality under simplified conditions (as a rule, no proof of instruction and, if applicable, no building permit is required) in accordance with § 12 GastG.</p> <p>Commercial activity is also deemed to exist if the profits are used for charitable purposes.</p> <p>You operate a restaurant business if you, as a standing business</p> <ul style="list-style-type: none"> • serve drinks for consumption on the spot (pub business) or • serve prepared food for consumption on the premises (catering business), <p>if the business is accessible to the general public or certain groups of people.</p> <p>The catering trade only requires a permit if alcoholic beverages are served. If only non-alcoholic drinks</p>

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and/or prepared food are served, the catering trade is generally not subject to licensing.

Permission is dependent on the existence of a special occasion. This is the case if the catering activity in question is linked to a short-term, infrequently occurring event that lies outside the catering activity itself. The term "occasion" is understood to mean an external impetus or an external circumstance as a result of which the catering business is to be operated. The occasion is special if it is exceptional; frequently recurring events without exceptional character are not special occasions.

In any case, the intended gastronomic activity may only appear as an annex (appendage) to another independent event. The decisive factor is always an overall assessment of the project and its (alleged) occasion.

In the case of musical performances, for example, the type and duration of the performance can have the character of an independent event and the serving of drinks can form its annex. On the other hand, the serving of beverages can also be the dominant event and the music can only have a subordinate significance serving the serving of beverages or the music can have no independent weight that can be separated from the serving of beverages.

In this respect, pure disco and party events (beach parties, dance parties, etc.) are to be assessed particularly critically, where the serving of drinks and disco or party operations regularly form a unit and therefore equally characterize the event. In this case, other aspects must regularly be added in addition to the pure event, which have their own weight, in order to justify a special occasion at all.

In the past, there have been known cases in which drunken guests have rioted. The aspect of alcohol abuse prevention is therefore particularly important. Events aimed at excessive alcohol consumption are not permitted. Advertising concepts such as "all-inclusive" or "flat-rate parties", where all or certain alcoholic

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drinks are included in the admission price or are available at a reduced price and without limit, are also likely to encourage guests to abuse alcohol. In addition, care must be taken to ensure that a non-alcoholic drink is not offered at a higher price than the same quantity of the cheapest alcoholic drink (§ 6 GastG). Particular attention must also be paid to compliance with youth protection regulations.

Just like the restaurant license, the permit under restaurant law is also space-related and can therefore only be issued for a specific location (i.e. not for a specific beer tent regardless of the specific location).

Erforderliche Unterlagen

- Identity card or passport
- if the trader carries out the catering activity regularly and sustainably on certain occasions (and thus as a full-time occupation): Proof of attendance at a 6-hour IHK course
- Certificate of good conduct for authorities (to be applied for at the municipality of residence)
- Extract from the central trade register (to be applied for at the municipality of residence)
- If applicable: detailed description of the premises
- Authorization: Written power of attorney and identification of the principal and the authorized representative
- for EU citizens: proof of good repute from the country of origin in the form of a certified copy and a certified German translation; Replacement by affidavit in lieu of oath or comparable acts, if applicable
- for non-EU citizens: residence permit allowing the exercise of self-employed activity
- for non-EU citizens: proof of good repute Official certificate of good conduct or good character or extract from the criminal record of the home country or an equivalent document and/or a certificate of good conduct for authorities and information from the central trade register

Voraussetzungen

The prerequisite is that the catering is only provided for a limited period of time on the occasion of an event. According to case law, a special occasion can be assumed if the catering activity in question is linked to a short-term, infrequently occurring event that is

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outside of the catering activity (the occasion must therefore be exclusively of a non-gastronomic nature).

The trader's reliability is a prerequisite. If the personal circumstances of the applicant are not known to the municipality, reliability is checked on the basis of a certificate of good conduct and information from the central trade register. A certificate of good conduct and information from the central trade register are generally not required if the applicant is in possession of a traveling trade license.

A further requirement is that the premises meet the necessary structural requirements.

Proof of training (participation in a 6-hour IHK course) is generally not required unless the trader carries out the catering activity regularly and sustainably on certain occasions (and therefore as a main occupation).

For non-EU citizens, a residence permit is generally required that allows the exercise of the self-employed activity.

Kosten

- Permit: 30 to 2000 EUR
- Certificate of good conduct and extract from the central trade register: 13 EUR each

Verfahrensablauf

The application for a catering permit for an event must be submitted in writing or via the online procedure provided to the responsible municipality.

Bearbeitungsdauer

Frist

The application for a permit under catering law must be submitted at least 4 weeks before the special event. If an application is not submitted in good time and it is no longer possible to properly check the eligibility for a permit by the planned date of the event, the permit will be refused.

weiterführende Informationen

Hinweise

Modul	Sachverhalt
Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal