

99050058108000

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/89112/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99050058108000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Auctioneer trade; application for appointment as a particularly competent auctioneer
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	

Modul	Sachverhalt
Fachlich freigegeben am	21.03.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wirtschaft, Landesentwicklung und Energie (Bavarian State Ministry of Economic Affairs, Regional Development and Energy)
Handlungsgrundlage	<a href="http://bundesrecht.juris.de/gewo/_34b.html">http://bundesrecht.juris.de/gewo/_34b.html</a> <a href="http://bundesrecht.juris.de/gewo/_34b.html">http://bundesrecht.juris.de/gewo/_34b.html</a>
Teaser	If you wish to conduct public auctions (forced pledge sales or distress sales), you must be publicly appointed by the competent authority.
Volltext	<p>If you wish to conduct public auctions as a professional auctioneer or its employee in the cases provided for by law (e.g. Sections 383 (3), 966 (2), 1233 (2), 1235 (1) of the German Civil Code and Sections 373, 376 of the German Commercial Code), you require a public appointment to do so. 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 auctioneer to protect his property interests in a particularly qualified manner. Appointment as a public auctioneer therefore requires proof of special expertise, which is demonstrated, for example, by sound specialist knowledge (legal and above-average specialist knowledge), extensive professional experience (spanning several years) and particular trustworthiness.</p> <p>The public appointment can either entitle the person to conduct public auctions in general or be limited to certain types of auctions (e.g. real estate, carpets, art).</p> <p>As a publicly appointed auctioneer, you are sworn to perform your duties conscientiously, impartially and free from instructions. The appointment is valid for the whole of Germany.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Required documents, Bavaria-wide: In addition to your application, you must submit the following documents: Identity card or passport (copy) Curriculum vitae Certificates, further education etc. (copies) Copy of the auctioneer's license according to § 34b para. 1</li> </ul>

## Modul

## Sachverhalt

GewO (German Trade Regulation Act) Proof of special expertise (e.g. list of auctions held to date according to type, location and time) for salaried employees additionally: proof of employment and freedom from instructions from the employer

## Voraussetzungen

- Applicant is a natural person
- Possession of a license for auctions in accordance with Section 34b (1) of the Trade, Commerce and Industry Regulation Act (GewO)
- in the case of a general public appointment: proof of special expertise (i.e. above-average knowledge and experience in the most important subject areas, e.g. carpets, furs, jewelry, furniture, art, household goods)
- In the case of public appointment for a special field: proof of special expertise (see above) for this field
- knowledge of all relevant provisions of the GewO, the Auctioneers Ordinance, the Commercial Code and the Civil Code concerning the responsibilities, rights and obligations of an auctioneer
- extensive professional experience as an auctioneer
- particular trustworthiness, as demonstrated by conscientious and impartial performance of duties in the past

## Kosten

EUR 50 to EUR 300 in accordance with the Schedule of Costs under the Costs Act (Tariff No. 5.III.5/13.3)

## Verfahrensablauf

You apply for your public appointment and indicate whether you wish to be appointed for general or only certain types of auctions, i.e. for a specific field. In the latter case, the competent authority will check whether there is a need for public auctions in the desired field.

The competent authority will check whether you meet the requirements based on the information you provide and the documents you submit. In order to verify your special expertise, the competent authority may obtain references, ask for documentation on the auctions you have conducted and obtain opinions from third parties or a specialist committee.

If you meet the requirements for public appointment, you will be sworn in and receive a certificate of appointment and the notice of appointment.

Modul	Sachverhalt
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal