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Gastronomic trade - apply for a provisional permit

Anyone who wishes to take over a gastronomic business requiring a **permit** from another operator may be permitted to operate the gastronomic business on a provisional and revocable basis until the final gastronomy permit is issued.

You operate a gastronomic business if, in a standing trade, you

1. serve drinks for consumption on the spot (pub management) or
2. serve prepared food for consumption on the premises (catering),

if the establishment is accessible to everyone or to certain groups of persons.

Permission is required for the gastronomic business **only if alcoholic beverages are served**. If only non-alcoholic beverages and/or prepared meals are served, the restaurant business does not require a permit and you do not need a temporary restaurant permit.

The provisional gastronomy permit should not be issued for a period longer than three months. The period can be extended if there is an important reason.

Prerequisites

- **Takeover of a gastronomic business requiring a licence**
You take over an already existing gastronomy spatially from the predecessor.
- **Gastronomy not closed for more than 1 year**
The gastronomy had not been closed for more than a year.

Documents required

- **Application for a provisional gastronomic permit**
- **Identity document**
Identity card or other official identification document with photo (not required for electronic application).
Residence permit if the applicant is not a national of an EU country.
- **Ground plan**
Floor plan of the premises intended for operation of the restaurant and staff areas (ideally on a 1:100 scale).
- **Purchase, rental or lease agreement**
Proof of actual disposal of the premises.
- **Trade registration (Gewerbeanmeldung)**
(<https://service.berlin.de/dienstleistung/121921/en/>)
When taking over the gastronomic business, a business registration must be filed for the successor or successors.
- **Up-to-date excerpt from the Trade Register**
Registered companies are required to submit an up to date excerpt from the Trade Register when applying. Legal entities that are in the process of being established (GmbH, AG) are required to submit their partnership agreement or statutes.

Forms

- **Application for a provisional gastronomic permit**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr-500a-gastg-gaststaettenantrag_s.pdf)

Fees

- 17.00 to 187.50 euros per expense: unlimited permit
- 17.00 to 62.50 euros per expense: temporary licence

Legal basis

- **Gastronomy Act (GastG) § 11**
(https://www.gesetze-im-internet.de/gastg/_11.html)
- **Berlin Gastronomic Business Regulation (Gaststättenverordnung Berlin - GastV)**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GastV+BE&psml=bsbeprod.psml&max=true&aiz=true>)
- **Administrative Fee Regulations (VGebO)**
(https://gesetze.berlin.de/perma?a=VwGebO_BE)

Average time to process request

approx. 1 - 2 weeks

More information

- **Berliner Gastromat - Questions and answers on the subject of gastronomy (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerberecht/berliner-gastromat-3538458>)
- **Information on gastronomic businesses serving alcohol (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/existenzgruendung/informationenangebote/brancheninformation/gastronomie-mit-alkohol-2279262>)
- **Information on handling food (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerberecht/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>)
- **Gaststättengewerbe - Erlaubnis beantragen (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/327483/en/>)
- **Gewerbe anmelden (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/121921/en/>)
- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)
- **Information leaflet: Reusable is the law! This will change with the reusable packaging obligation from 2023 (Senate Department for Consumer Protection)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/2023-09-01_flyer_senmvku_mehrwegangebotspflicht.pdf)

Hinweise zur Zuständigkeit

The application for a provisional gastronomy permit must be submitted to the public order office in whose district your business premises are located.

Only 1 application must be submitted for the provisional and the final gastronomy permit. During the examination of the licensing requirements in the preliminary procedure, the gastronomy can already be operated. If you intend to change the type of operation or premises of the existing gastronomy, the gastronomy may only be operated to the extent of the previous permit during the period of the provisional gastronomy permit.