

Auctioning business - licence

Anyone arranging for commercial auctioning of:

- * third party movable objects
- * third party real estate or
- * third party rights

requires permission from the competent authority.

The auctioneer must not bid in the auctions on their own behalf or have a third party do so on their behalf or buy any auction items that are entrusted to them or auction goods that are part of the product range of their commercial business, unless this is a customary procedure.

Permission is not required for:

- * online auctions
- * Vsales arranged by official brokers pursuant to legal provisions or by publicly appointed trade brokers,
- * auctions arranged by authorities or by public officials,
- * auctions in which the circle of bidders is limited to individuals wishing to purchase the type of goods offered for their businesses.

In the case of business partnerships (e. g. GbR, OHG, KG), each managing partners is considered a business person. In the case of legal entities (e. G. GmbH, UG or AG) permission is granted to the legal entity.

Particularly competent auctioneers - with the exception of legal entities - may be publicly appointed by the responsible authority (in Berlin: Senate Administration for the Economy, Energy and Enterprises, department II C 4).

Prerequisites

Personal reliability

Reliability is verified based on various documents. The applicant must submit an excerpt from the Federal Central Criminal Register (certificate of good conduct) and an excerpt from the Commercial Central Register.

Orderly financial circumstances

It is verified whether the applicant is in debt (of a private or public nature) or if there are any known insolvency proceedings.

Documents required

Personal document

Identity card or other official identification document containing a photograph (not required for electronic applications).
Residence permit, if the applicant is not an EU national

Certificate of good conduct

Certificate of good conduct from the German Federal Central Criminal Register for presentation to an authority (certificate type 0).

The certificate must be applied for in the municipality of residence (in the case of Berlin at any Citizens' Office) for presentation to an authority. This means that it will be sent directly to the competent Public Order Office for the place of business. The certificates must be no older than three months.

They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

<https://service.berlin.de/dienstleistung/120926/>

Excerpt from the Commercial Central Register - natural entity

Statement from the Commercial Central Register for natural entities, for presentation to an authority (certificate type 9).

The certificate must be applied for in the municipality of residence (in the case of Berlin at any Citizens' Office) for presentation to an authority. This means that it will be sent directly to the competent Public Order Office for the place of business. The certificates must be no older than three months.

They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

<https://service.berlin.de/dienstleistung/327835/>

Excerpt from the Commercial Central Register - legal entity

Statement from the Commercial Central Register for legal entities, for presentation to an authority (certificate type 9).

The statement must be applied for with the competent Public Order Office for the place of business.

They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

<https://service.berlin.de/dienstleistung/327835/>

Information from the record of debtors (central enforcement centre)

Information regarding entries must be requested online

[<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>] from the central enforcement centre for the respective federal state.

<https://service.berlin.de/dienstleistung/327028/>

Information from the insolvency register

* Two certificates are required for initiating insolvency proceedings for natural persons who are residents of Berlin. The first certificate for consumer insolvency proceedings must be applied for with the local court responsible for your place of residence, and the second one for regular insolvency proceedings is available from the District Court Charlottenburg
Amtsgerichtsplatz 1, 14057 Berlin.

* The District Court Charlottenburg, Amtsgerichtsplatz 1, 14057 Berlin is responsible for insolvency proceedings for legal entities and private trade companies based in Berlin.

* Applicants residing / operating outside of Berlin please inform themselves about the respective responsibilities of the insolvency courts via the central place and court directory [<https://www.justizadressen.nrw.de/de/justiz/suche>].

<https://service.berlin.de/dienstleistung/327527/>

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.

https://www.handelsregister.de/rp_web/welcome.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01

Forms

- Application for a permit pursuant to § 34b of the Trade Regulations GewO (auctioning permit)

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403286-wintr250_gewo_versteigerer_antrag_01_2017.pdf

Fees

* EUR 100 to 1,200, depending on the administrative effort

Legal basis

- Trade Regulations § 34b
https://www.gesetze-im-internet.de/gewo/__34b.html
- Regulation regarding commercial auctions (Auctioning Ordinance)
http://www.gesetze-im-internet.de/verstv_2003/

Average time to process request

1 month

More information

- Information by CCI Berlin
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2271516/ff00fff7ff3cbee690923e479be0cac1/versteigererlaubnis-data.pdf>
- Fact sheet CCI Berlin - public appointment for auctioneers pursuant to § 34b of the Trade Regulations GewO
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2271518/a602a7515e720d06733aab2e25f516f1/oeffentliche-bestellung-als-versteigerer-data.pdf>
- Information by CCI Berlin - Auction houses and auctioneers in Berlin
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2271522/7c346bef449d5b7d74e4e1aa45ed4b53/berliner-auktionshauser-und-versteigerer-data.pdf>
- Insolvency announcements
<https://www.insolvenzbekanntmachungen.de/>
- Determination of the competent court for a written record from the insolvency register
<https://www.justizadressen.nrw.de/de/justiz/suche>
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Information about privacy

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf

Responsible authorities

The permit must be applied for with the competent Public Order Office for the place of business. If the place of business is not yet known, approval can also be applied for with Public Order Office that is responsible for the applicant's place of residence.

Link to online processing

<https://www.berlin.de/ea/en/application/login-service-account-berlin/>

PDF downloaded on 05.12.2021