

99050012186000

Heruntergeladen am 16.06.2025

<https://fimportal.de/services/99050012186000>

Modul	Sachverhalt
Leistungsschlüssel	99050012186000
Leistungsbezeichnung I	
Leistungsbezeichnung II	apply for restart of business after interdiction
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Trade (individuell, 050)
Verrichtungskennung	Wiedergestattung (186)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)

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Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	30.11.2021
Fachlich freigegeben durch	Federal Ministry for Economic Affairs and Energy
Handlungsgrundlage	https://www.gesetze-im-internet.de/gewo/_35.html
Teaser	Have you been banned from practising your trade due to unreliability? Then you can usually apply for the reinstatement of your commercial activity after 1 year under certain conditions.
Volltext	<p>As a rule, you can apply for the reinstatement of your trade only after 1 year. This period is prescribed by law. It gives you the opportunity to show the authorities that the reasons for unreliability have ceased to exist by changing your lifestyle.</p> <p>For overriding reasons - for example, economic or structural policy reasons - you may exceptionally be allowed to exercise your trade again earlier. This applies, for example, in the event that the resumption of the trade</p> <ul style="list-style-type: none"> • creates additional jobs or • enables creditors of your business to reduce their debts. <p>The mere cessation of the circumstances justifying unreliability is not sufficient to shorten the one-year period. Notice: If you resume the activity after the reinstatement, you must at least file a trade report with the competent authority at the same time. The resumption is to be considered as a new start of the trade.</p> <p>If you have previously had a permit revoked due to unreliability, which is legally required for the exercise</p>

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of the trade, you must reapply for a permit before resuming your commercial activity that requires a permit. The same applies if a new permit requirement has been introduced in the meantime.

Erforderliche Unterlagen

- Details of the intended activity
- Details of the place where you intend to carry on the trade
- Proof of how you have made a living since your trade was banned and whether you have worked as an employee
- Certificate of good conduct
- extract from the central trade register
- Extract from the debtors' register and certificate from the insolvency court (available from the competent local or insolvency court)
- Current certificates: from the trade tax office, tax office and social insurance agency

Special features in the case of payment arrears:

If you had payment arrears at the time of the previous trade ban, then you must submit current certificates from the trade tax office, tax office and social insurance agency. These certificates must contain information on

- the amount of any outstanding arrears, separated into main and secondary claims
- the period from which the main claim, if any, originates
- repayment agreements concluded after the trade ban, their date of conclusion, regulations and compliance with them
- the implementation of compulsory collection measures, their nature and success

special features in the event of a change of residence:

If you have moved after the trade ban at that time, then the certificates from the debtor file of the insolvency court, the tax office and the trade tax office

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	are required from both the current authorities and the authorities responsible at the time of the trade ban.
Voraussetzungen	<p>The reasons that led to the prohibition no longer exist.</p> <p>The competent authority must also be able to forecast that you will carry out your trade properly in future on the basis of your behaviour in the meantime.</p>
Kosten	The costs are based on the respective administrative fee regulations of the Land as well as on the fee statutes of the bodies responsible under Land law.
Verfahrensablauf	<p>Submit an informal written or electronic (e.g. by e-mail) application to the competent authority for reinstatement of your business activity and the required documents.</p> <p>The competent authority will check whether you can be permitted to carry out your business activity again on the basis of your evidence. For this purpose, it makes a prognosis decision with regard to the future proper exercise of your trade.</p> <p>If the requirements are met, you will receive a positive decision.</p>
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> • Application: at the earliest 1 year after prohibition, in exceptional cases also earlier possible
weiterführende Informationen	
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> • Opposition • Administrative court action
Kurztext	<ul style="list-style-type: none"> • Trade reinstatement <ul style="list-style-type: none"> • One year after the implementation of a trade ban (occupational ban), the trader can apply for the reinstatement of the trade. • In exceptional cases, the application may be submitted earlier (for overriding reasons of an economic or structural nature: e.g. contribution to reducing unemployment by creating jobs in the trader's business; creditor's interests: debt reduction,

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etc.).

- Prerequisite:
 - Proof that the reasons which led to the prohibition of the trade no longer exist and
 - positive prognosis regarding a future proper exercise of the trade.
 - The trade can also be partially reinstated (if the reliability is restored in relation to parts of the prohibited activity).
 - Resumption of the commercial activity requires a trade notification (new start of the trade).
 - If necessary, permission must be applied for (e.g. if permission has been made compulsory in the meantime, or if permission was revoked before resumption).
 - Responsible: depending on the federal state, local trade or public order office

Ansprechpunkt
Zuständige Stelle

Jurisdiction is determined by the respective state law.

Formulare

- \- Forms: no
- \- Written form required: no
- \- Online procedure possible: yes (if offered)
- \- Personal appearance required: no

Ursprungsportal