99142026058000

Feststellung der Erlaubnispflicht nach KWG, ZAG, VAG oder KAGB durch gebührenpflichtigen Bescheid Durchführung

Modul	Sachverhalt
Leistungsschlüssel	99142026058000
Leistungsbezeichnung I	Feststellung der Erlaubnispflicht nach KWG, ZAG, VAG oder KAGB durch gebührenpflichtigen Bescheid Durchführung
Leistungsbezeichnung II	Establish licensing requirement for companies in the financial sector
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	

Modul	Sachverhalt
Verrichtungskennung	Durchführung (58)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.07.2021
Fachlich freigegen durch	Federal Ministry of Finance
Handlungsgrundlage	https://www.gesetze-im-internet.de/kredwg/__4.html https://www.gesetze-im-internet.de/zag_2018/__4.html https://www.gesetze-im-internet.de/vag_2016/__4.html https://www.gesetze-im-internet.de/kagb/__5.html
Teaser	Does your company want to offer new services in the financial sector? You may need to clarify whether your business idea requires a license.
Volltext	Various supervisory laws regulate the licensing requirements for transactions on the capital market in Germany: • the German Banking Act (KWG) regulates the licenses for banking transactions and financial services • the Insurance Supervision Act (VAG) regulates the supervision of insurance companies • the Payment Services Supervision Act (ZAG) regulates payment services and the e-money business • the German Investment Code (KAGB) regulates investment funds The German Federal Financial Supervisory Authority (BaFin) examines whether transactions by new companies prior to market entry or new business models of companies already operating on the market require a license in accordance with statutory regulations. This is the case for most transactions in the financial sector and serves to ensure the integrity of the financial market and the protection of consumers.

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	As the legal basis does not provide a reliable statement for every business model as to whether you as an entrepreneur or your company require a license, BaFin must determine in these cases whether your business is subject to the licensing requirement. The reason for this is the permanent and rapid development of business models in the financial sector as well as the variety of circumstances that must be covered by the law. BaFin determines the licensing requirement upon your application. You can submit this by email or post. Fintech companies can also use an online contact form.
Erforderliche Unterlagen	• Detailed description of the business project • Draft contracts and, if applicable, articles of association • advertising materials
Voraussetzungen	• You are a company in the financial sector and are about to enter the market or are launching a new business model on the market and it is not clear on the basis of the relevant supervisory law whether your business model is subject to licensing under the supervisory laws.
Kosten	If the determination of the licensing requirement is made by administrative act, fees in the amount of • EUR 10,000.00 (KWG and KAGB) • EUR 6,820 (VAG) and • EUR 5,000 (ZAG) No fees are charged if the decision is made by simple letter.
Verfahrensablauf	You should submit the application for determination of the licensing requirement informally in writing or by e-mail (exception: fintech business models, see below). • Please compile the required documents and also include the following information Notification of who intends to operate the business, how and in what form Company name of the business Business address of

Modul	Sachverhalt
	the company Name and address of the inquirer Relationship of the inquirer to the company • Send your informal application to BaFin by post or e-mail. • You will receive an email, a letter or the official notice with the assessment of the licensing requirement. Fintech business models can also use the contact form for fintechs on the BaFin website. If you have any questions about the procedure, please contact BaFin's "Integrity of the Financial System (IF)" department. For inquiries by email, please include "Obligation to obtain a license for financial transactions" in the subject line.
Bearbeitungsdauer	The processing time for the application can take from a few days to 2 months. It also depends on whether BaFin has all the relevant information.
Frist	There are no deadlines for you.
weiterführende Informationen	https://www.bafin.de/DE/Aufsicht/BankenFinanzdienstleister/Markteintritt/markteintritt_node.html https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Fachartikel/2015/fa_bj_1505_erlaubnispflicht.html
Hinweise	
Rechtsbehelf	• In the case of notification pursuant to Sections 4 KWG, 4 (4) ZAG, 4 VAG, 5 (3) KAGB: Objection. • Otherwise, no legal remedies are available.
Kurztext	• Determination of the licensing requirement in accordance with the KWG, ZAG, VAG or KAGB by means of a chargeable decision Implementation • If no reliable statement can be made on the basis of the legal basis as to whether a business idea in the financial sector requires a license, a review of the license requirement is necessary • It is checked whether a license is required to conduct the business • Legal bases in which licensing requirements for the financial sector are regulated: the German Banking Act (KWG) the Insurance Supervision Act (VAG) the Payment Services Supervision Act (ZAG) the German

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	Investment Code (KAGB) • Determination of the licensing requirement is subject to a fee if it is made by administrative act • Application for determination should be made in writing • Responsible: Federal Financial Supervisory Authority (BaFin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	Forms: no Online procedure possible: partially (only for Fintechs) Written form required: no Personal appearance required: no https://www.bafin.de/DE/Aufsicht/FinTech/Kontaktformular/fintechKontakt_node.html
Ursprungsportal	Feststellung der Erlaubnispflicht nach KWG, ZAG, VAG oder KAGB durch gebührenpflichtigen Bescheid Durchführung, Feststellung der Erlaubnispflicht nach KWG, ZAG, VAG oder KAGB durch gebührenpflichtigen Bescheid Durchführung