

99050039005000

Finanzdienstleister nach § 32 Kreditwesengesetz Erlaubnis

Heruntergeladen am 20.07.2025

<https://fimportal.de/xzufi-services/589760/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99050039005000
Leistungsbezeichnung I	Finanzdienstleister nach § 32 Kreditwesengesetz Erlaubnis
Leistungsbezeichnung II	Apply for permission to provide financial services
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	
Verrichtungskennung	Erlaubnis (5)
SDG-Informationsbereich	
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	03.02.2020
Fachlich freigegeben durch	Federal Ministry of Finance
Handlungsgrundlage	https://www.gesetze-im-internet.de/kredwg/index.html
Teaser	If you want to offer financial services, you need a permit to do so.
Volltext	<p>The Federal Financial Supervisory Authority (BaFin) may grant the licence subject to conditions. In addition, the permit can be limited to individual financial services and entails ongoing supervision of the financial services provider by the authority.</p> <p>You need a permit for the following financial services:</p> <ul style="list-style-type: none"> • investment brokerage, • investment advice, • the operation of a multilateral trading facility, • placement business, • the operation of an organised trading facility, • contract broking, • financial portfolio management • proprietary trading, • the intermediation of deposits in third countries, • crypto custody, • foreign exchange business, • factoring, • financial leasing, • investment management and • restricted custody business. <p>You also need the written permission of the BaFin if you</p> <ul style="list-style-type: none"> • want to conduct proprietary business in addition to banking business or financial services, i.e. want to buy or sell financial instruments for your own account. <p>Note: All securities trading companies are obliged to secure their liabilities from securities transactions by</p>

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belonging to the Compensatory Fund of Securities Trading Companies (EdW). The amount of the contribution depends on the scope of the business activity.

For other financial services, a licence may be required in accordance with the Trade Regulation Act. Please check which permit is required for your trade before submitting an application.

Erforderliche Unterlagen

- formation documents, memorandum or articles of association (certified copies)
- appropriate proof of the resources required for the operation of the business
- details of the directors
- information necessary for assessing the good repute of applicants and managers in the form of a declaration of good repute (forms and on-line services)
- Information required for the assessment of the professional qualification of the owners and managers: detailed, complete, signed curriculum vitae of each owner or manager, supplemented at least by the certificates of the employment relationships terminated in the last 3 years
- A viable business plan indicating the type of business envisaged. with a justified indication of their future development including projected balance sheets, projected profit and loss accounts for the first three financial years
- a more detailed description of the intended business development
- as far as drafted: Sample of the proposed customer contracts, management contracts, account or deposit mandates and general terms and conditions
- Representation of the organisational structure of the institute including an organisation chart with details of any proposed branches, and whether the cross-border provision of financial services is intended, and a statement as to whether it is intended to outsource any functions to another undertaking
- A description of the planned internal control procedures, including an explanation of how compliance with the obligations under the German Banking Act and the German Securities Trading Act is to be ensured.

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- If significant equity interests are held in the institution: Information on the owners of significant shareholdings an indication of the size of these holdings Information necessary for assessing the reliability of the owners or legal representatives or personally liable partners (see above: declaration of exemption from criminal liability, sample declaration of BaFin)
- If applicants or holders of significant participations belong to groups: Presentation of the group structure, group overview
- Statement of facts indicating a close connection between the financial services institution and other natural persons or other companies
- Notifications and documents pursuant to § 2c of the German Banking Act (Kreditwesengesetz) in conjunction with the Ownership Control Ordinance (Inhaberkontrollverordnung)
- in the case of securities trading undertakings in the legal form of a sole trader: a statement by the proprietor as to the extent to which he has made adequate arrangements for the protection of customers in the event of the cessation of his business activities, for example in the event of death or incapacity. The statement includes the consent of the representative named therein and his declaration on the assessment of his reliability (see above: declaration of non-criminal liability, model declaration of BaFin), provided that the representative is a natural person.

In the case of financial services institutions applying for a licence pursuant to section 1 (1a) sentence 2 nos. 1- 4 or 11, (1) sentence 2 no. 4 or no. 10 of the German Banking Act:

- Information pursuant to Delegated Regulation (EU) 2017/1943.
- Form of the Implementing Regulation (EU) 2017/1945

Voraussetzungen

- Evidence of sufficient initial capital based on paid-in capital and reserves depending on the type of financial services EUR 25,000 to 50,000 Alternatively: appropriate insurance (sum insured depends on the type of financial services)
- Financial services institutions providing only third

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country deposit broking, foreign exchange business, factoring or financial leasing: no reserves

- Financial portfolio managers: own funds equal to at least one quarter of the costs shown in the profit and loss account of the most recent annual accounts under general administrative expenses, amortisation and depreciation of intangible and tangible fixed assets.
- Sole trader or trading partnership: risk-weighted assets of the owner or general partners are included in the assessment of the institution's solvency
- Evidence of the professional and personal suitability of management

Kosten

- Costs of proceedings: EUR 4,545 to EUR 10,160
- In addition, you as an institution must reimburse the costs of the Federal Financial Supervisory Authority for ongoing supervision. Here, costs for examinations initiated by BaFin and certain individual measures are charged separately (separate reimbursement, fees). Otherwise, the costs are allocated proportionately to the individual institutions.

Verfahrensablauf

You must apply for permission in writing:

- The forms from the Implementing Regulation (EU) 2017/1945 must be used for a permit to provide the facts § 1 para. 1 sentence 2 no. 4, 10 para. 1a sentence 2 no. 1 to 4 or 11 KWG. Complete the following forms: Form for the application for authorisation as an investment firm Where applicable: list of members of the management body Where applicable: notification of changes in the members of the management body.
- Otherwise, you may submit the application informally.
- Please send the application and the required documents in triplicate to BaFin.
- BaFin will review your application.
- You will then receive notification of BaFin's decision by post.

Bearbeitungsdauer

6 months from complete application

Frist

Application for permission: before commencement of business

weiterführende

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Informationen	https://www.bafin.de/SharedDocs/Downloads/DE/Merkblatt/WA/dl_fidierlaubnis_buba.htm https://www.bafin.de/DE/Aufsicht/BankenFinanzdienstleister/Zulassung/zulassung_node.html https://www.bafin.de/DE/Aufsicht/BankenFinanzdienstleister/Zulassung/Wertpapierhandel/wertpapierhandel_node.html https://www.e-d-w.de/
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Financial service provider according to § 32 of the German Banking Act (Kreditwesengesetz) Permission • Anyone wishing to conduct banking or financial services business in Germany requires written permission to do so • You are a financial service provider if you provide financial services for others. on a commercial basis or are provided to an extent that requires a commercial business operation and the company is not a credit institution • Permission is granted by the Federal Financial Supervisory Authority (BaFin). • Certain conditions must be met • Permission can be limited to individual financial services • Responsible: Federal Financial Supervisory Authority (BaFin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	<p>Forms: partly available for download</p> <p>Online procedure possible: no</p> <p>Written form required: yes</p> <p>Personal appearance required: no</p> <p>https://www.bafin.de/SharedDocs/Downloads/DE/Formular/WA/fo_wa3_zulassung_wertpapierfirma.html https://www.bafin.de/SharedDocs/Downloads/DE/Formular/WA/fo_wa3_Mitglieder_Leitungsorgan.html</p>

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	https://www.bafin.de/SharedDocs/Downloads/DE/Formular/WA/fo_wa3_Aenderung_Mitglieder.html
Ursprungsportal	Finanzdienstleister nach § 32 Kreditwesengesetz Erlaubnis, Finanzdienstleister nach § 32 Kreditwesengesetz Erlaubnis