

99050012186000, 99050012186000

Applying for re-authorisation of a trade after prohibition

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<https://fimportal.de/xzufi-services/369676127/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99050012186000, 99050012186000
Leistungsbezeichnung I	Applying for re-authorisation of a trade after prohibition
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Wiedergestattung (186)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens

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Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	§ 35 paragraph 6 Gewerbeordnung (GewO).
Teaser	Have you been prohibited from practicing your trade because of unreliability? Then you can apply for the restoration of your commercial activity after one year, exceptionally even earlier.
Volltext	<p>The competent authority had prohibited you from carrying out your business due to unreliability. However, you now want to resume your commercial activity. After one year, or earlier in the case of special reasons, the authority may allow you to resume your business upon request.</p> <p>The prerequisite is that you can prove to the competent authority that the reasons that led to the prohibition of your business no longer exist. The competent authority must also be able to predict that you will carry out your business properly in the future on the basis of your interim behaviour.</p> <p>As a rule, re-admission can only take place after one year. This period is considered appropriate in order to demonstrate to the Authority that the reasons for unreliability have ceased to exist by changing the way of life. For overriding reasons – such as economic or structural policy – the exercise of the trade may exceptionally be permitted earlier. This applies, for example, in the event that additional jobs are created by the resumption of business, or creditors of your company are enabled to reduce debt by generating income for debt repayment in your company. The mere elimination of the circumstances justifying the unreliability is not sufficient to shorten the one-year period.</p>

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Erforderliche Unterlagen

- informal written or electronic application for permission to pursue the business you wish to resume with further details
 - Information on the place of the intended business
 - Proof of how you have made a living since the trade ban and whether you have been employed
 - Application for a certificate of good conduct for submission to an authority (Leika key: 99.049.001.001.000)
 - Application for an extract from the Central Trade Register for submission to an authority (Leika key: 99.052.002.109.000)
 - Extract from the list of debtors and certificate from the insolvency court (available from the competent local or insolvency court)
 - Current certificates: from trade tax, tax offices and social security institutions

Special features of arrears:

- If you had payment arrears at the time of the previous trade ban, you must submit current certificates from the trade tax, tax offices and social security institutions. These certificates shall contain information on:
 - the amount of any arrears that may still exist, separated into principal and ancillary claim
 - the period from which the principal originates, if any;
 - repayment agreements concluded after the trade ban, their conclusion date, regulations and compliance
 - the implementation of compulsory recovery measures, their nature and success

Special features in case of change of residence:

If you 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 are required by both the current authorities and those competent at

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	the time of the trade ban.
Voraussetzungen	<p>There is a final trade ban against you.</p> <p>The reasons that led to the prohibition have since ceased to exist.</p> <p>They will be able to guarantee reliability under trade law again in the future.</p>
Kosten	<p>The application for re-admission is subject to a fee, the fee in Hesse is between € 87.00 and € 1,200.00. If the re-admission is refused, a fee of 75% of the calculated costs will be charged.</p> <p>According to § 16 HVwKostG, the official act may be made dependent on the payment of an appropriate advance. In this case, you will receive a corresponding request for payment after submitting the application. Please note that the processing of your application may not begin until we have received any advance payment.</p>
Verfahrensablauf	<p>Submit to the competent authority an informal application for re-authorization of the commercial activity and the necessary documents.</p> <p>The competent authority will check whether you are allowed to carry out your business activities again on the basis of your supporting documents.</p> <p>can and makes a prognosis decision with regard to the future proper exercise of your business.</p> <p>If the prerequisites are met, you will receive the official decision to re-authorise.</p>
Bearbeitungsdauer	Usually 4-8 weeks
Frist	Application: at the earliest one year after prohibition, in exceptional cases also possible earlier
weiterführende Informationen	
Hinweise	If you resume your activity after the re-authorisation,

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you must at least simultaneously file a business registration with the competent authority. The resumption is to be regarded as a new beginning of the exercise of the trade.

If you have previously been reminded of a permit that is legally required for the exercise of your business due to unreliability, you must apply for a permit again before resuming your commercial activity requiring a permit. The same applies if a new licensing requirement has been introduced in the meantime.

Rechtsbehelf

Administrative court action

You can appeal against a negative decision to the competent administrative court. In the event of a decision granting costs, an action may be brought against the determination of costs.

The decision shall contain information on the right of appeal indicating the court having territorial jurisdiction.

Kurztext

- Commercial re-authorisation
 - One year after the implementation of a trade ban (professional ban), the trader can apply for re-authorisation.
 - Exceptionally, an application may also be submitted earlier (in the case of overriding reasons of an economic or structural policy nature: e.g. contribution to reducing unemployment by creating jobs in the trader's business; Creditor's interests: debt reduction, etc.).
 - Prerequisite: Proof that the reasons that led to the prohibition of the exercise of the trade no longer exist and a positive prognosis regarding a future proper exercise of the trade.
 - Trade can also be partially permitted (if the reliability is restored in relation to parts of the prohibited activity)
 - Resumption of commercial activity requires business registration (new start of the trade)
 - If necessary, permission must be applied for (e.g. if a permit requirement has been introduced in the meantime, or if permission has been revoked before

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	resumption).
Ansprechpunkt	<p>The locally competent authority depends on the type of trade and the (if applicable) planned location of the trade.</p> <p>The three regional councils (Giessen, Kassel, Darmstadt) are materially responsible in Hesse for the re-authorisation of a trade prohibited under § 35 of the Industrial Code.</p>
Zuständige Stelle	
Formulare	
Ursprungsportal	Wiedergestattung eines Gewerbes nach Untersagung beantragen, Applying for re-authorisation of a trade after prohibition