

99025002005001

Apply for a provisional restaurant permit

Heruntergeladen am 20.07.2025

<https://fimportal.de/xzufi-services/121331823/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99025002005001
Leistungsbezeichnung I	Apply for a provisional restaurant permit
Leistungsbezeichnung II	Apply for a provisional restaurant permit
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gaststätten (025)
Verrichtungskennung	Erlaubnis (005)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und

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	Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	20.06.2024
Fachlich freigegeben durch	Ministry of Economic Affairs, Industry, Climate Protection and Energy of the State of North Rhine-Westphalia
Handlungsgrundlage	<ul style="list-style-type: none"> • § 2 German Restaurant Act (GastG) • § 11 GastG • § Section 4 of the Restaurant Act (GastG) https://www.gesetze-im-internet.de/gastg/_11.html https://www.gesetze-im-internet.de/gastg/_2.html https://www.gesetze-im-internet.de/gastg/_4.html https://www.gesetze-im-internet.de/gastg/_11.html https://www.gesetze-im-internet.de/gastg/_2.html https://www.gesetze-im-internet.de/gastg/_4.html
Teaser	Would you like to take over a restaurant serving alcohol from another person? In order to continue the restaurant business without interruption, you can first apply for a temporary permit, which will later be replaced by a permanent permit.
Volltext	<p>You need a permit to operate a restaurant that serves alcohol.</p> <p>If you want to take over the pub from another person, you can apply for a temporary permit under simplified conditions to enable seamless continued operation. As a rule, this temporary permit is granted for a maximum of three months and is later replaced by a permanent permit. The application for a permanent permit must already have been submitted or at least be submitted at the same time as the application for a temporary permit. In exceptional cases, the period of validity of the temporary permit may be extended for good cause. This applies in particular if a final permit is not issued within the three-month period.</p> <p>It is a catering business if you commercially</p> <ul style="list-style-type: none"> • serve drinks (pub business) or

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- serve prepared food (food service), and

the business is open to the public or a specific group of people.

Only if you offer alcoholic beverages is your catering business subject to licensing. However, if you only offer non-alcoholic drinks and prepared food, your catering business does not require a permit.

Erforderliche Unterlagen

You must submit the following documents to the competent authority (these are the same documents that must be submitted for the final restaurant license):

- Identity card or passport with registration certificate
- Residence permit if you are a foreigner and not a national of an EU or EEA country
- Extract from the Federal Central Criminal Register for submission to an authority (certificate of good conduct) (The certificate of good conduct must be applied for by the person concerned in person at the local registration office or via the online portal of the Federal Office of Justice. If the person concerned is legally represented, the representative is also entitled to apply. The certificate of good conduct will be sent directly to the relevant authority by the Federal Office of Justice)
- Extract from the Central Trade Register for submission to an authority (The extract from the Central Trade Register must be applied for by the person concerned in person at the relevant office or via the online portal of the Federal Office of Justice, presenting their identity card or passport. If the person concerned is legally represented (e.g. minors), the representative is also entitled to apply. The extract from the central trade register will be sent directly to the relevant authority by the Federal Office of Justice).
- Certificate in tax matters from the tax office in the place where you have lived or run a business in the last three years

The information must be requested from the municipality of residence for submission to an authority and will be sent directly to the authority. You

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must therefore state the exact address of the competent licensing authority and the purpose of use in your application.

The information can also be requested using the online procedure provided by the Federal Office of Justice/Citizen Services.

The information must not be older than 3 months.

You can prove your professional suitability with the following documents:

- Proof of instruction from a chamber of industry and commerce in accordance with Section 4 (1) sentence 1 no. 4 of the German Restaurant Act (the competent authority may waive this proof for the granting of a provisional permit) or
- Proof of exemption in accordance with No. 3.4 of the General Administrative Regulation on Proof of Instruction in the Catering Industry (GastUVwV) in conjunction with its Annex 3.

Please note that the competent authority may require further documents in individual cases. Please inform yourself in good time before submitting your application.

Voraussetzungen

You can only apply for a provisional restaurant license if you want to take over an existing restaurant without making any changes (not for a new establishment or expansion). This means that no changes may be made to the premises or the type of business (e.g. pub, restaurant, discotheque) as part of the continuation of the business.

You will only receive the provisional permit if you have already applied for the (final) restaurant permit or are applying for it at the same time.

In order to obtain a permit, you must

- be personally reliable and
- prove your professional suitability

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Kosten	Depends on the respective administrative fee schedule of the state or on the fee statutes of the authorities responsible under state law
Verfahrensablauf	<p>Submit your application for a temporary restaurant permit to the competent authority.</p> <p>At the same time, apply for a restaurant permit for the permanent operation of your restaurant. Enclose all the necessary documents with this application.</p> <p>You will receive a notification if you are granted the permit.</p> <p>If you have not received the final permit by the time your provisional permit expires, you must apply for an extension in good time.</p>
Bearbeitungsdauer	Once all documents have been submitted, the responsible office will process the application promptly.
Frist	The temporary restaurant permit is usually limited to 3 months. You can apply for an extension if there are certain reasons. An important reason exists if you have not yet received the final permit by the time your temporary permit expires. The competent authority must be notified of the start of the permitted activity at the same time (business registration).
weiterführende Informationen	
Hinweise	You will not be granted a temporary permit under catering law if a structural change has taken place, the business has been closed for longer than 1 year or it is a new establishment.
Rechtsbehelf	Appeal (depending on national law, the appeal may be excluded), administrative court action
Kurztext	<ul style="list-style-type: none"> • Provisional license for the restaurant trade • The operation of a restaurant serving alcohol requires a permit • If the restaurant is taken over by another person, a temporary permit can be applied for until a final

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	<p>permit is obtained</p> <ul style="list-style-type: none"> • The temporary permit can generally be granted for up to 3 months • A permanent permit must be applied for at least at the same time. • A permit is only required for the catering trade if alcoholic beverages are offered for consumption on the premises. If only non-alcoholic drinks and prepared food are served, the catering trade is not subject to licensing.
Ansprechpunkt	
Zuständige Stelle	Responsibility and procedures are regulated by the federal states.
Formulare	<ul style="list-style-type: none"> • Online procedure possible: yes • Written form required: no • Personal appearance required: no
Ursprungsportal	Vorläufige Gaststättenerlaubnis beantragen, Apply for a provisional restaurant permit