

99057001060007

# Entering a legal entity in the commercial register

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/6000014/L100009>

| Modul                     | Sachverhalt                                             |
|---------------------------|---------------------------------------------------------|
| Leistungsschlüssel        | 99057001060007                                          |
| Leistungsbezeichnung I    | Entering a legal entity in the commercial register      |
| Leistungsbezeichnung II   | Entering a legal entity in the commercial register      |
| Typisierung               | 3a - Bundesaufsichtsverwaltung: Regelung, Land: Vollzug |
| Quellredaktion            | Sachsen                                                 |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                             |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                             |
| Begriffe im Kontext       |                                                         |
| Leistungstyp              |                                                         |
| Leistungsgruppierung      |                                                         |
| Verrichtungskennung       |                                                         |
| SDG-Informationsbereich   |                                                         |
| Lagen Portalverbund       |                                                         |
| Einheitlicher             |                                                         |

| Modul                      | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ansprechpartner            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Fachlich freigegeben am    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Fachlich freigegeben durch |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Handlungsgrundlage         | <ul style="list-style-type: none"> <li>• §§ 1, 12, 33, 34 Handelsgesetzbuch (HGB)</li> <li>• Gesetz über Kosten der freiwilligen Gerichtsbarkeit für Gerichte und Notare (Gerichts- und Notarkostengesetz – GNotKG)</li> <li>• Verordnung über Gebühren in Handels-, Partnerschafts- und Genossenschaftsregistersachen (HRegGebV), Anlage (zu § 1) Gebührenverzeichnis</li> <li>• §§ 39a, 40a Beurkundungsgesetz (BeurkG) - Einfache elektronische Zeugnisse, Beglaubigung einer qualifizierten elektronischen Signatur</li> </ul> |
| Teaser                     | Legal entities whose entry in the commercial register is to be made with regard to the object or the type and scope of their business operations must be registered by all members of the Management Board.                                                                                                                                                                                                                                                                                                                        |
| Volltext                   | <p>Registration of a legal entity within the meaning of Section 33 of the German Commercial Code (HGB)</p> <p>Legal entities whose entry in the commercial register is to be made with regard to the object or the type and scope of their business operations must be registered by all members of the Management Board.</p>                                                                                                                                                                                                      |
| Erforderliche Unterlagen   | <ul style="list-style-type: none"> <li>• Registration</li> <li>• Contract / Articles of Association</li> <li>• Certificate of appointment of the representatives or the Management Board</li> </ul> <p>Further documents may be required in individual cases.</p>                                                                                                                                                                                                                                                                  |
| Voraussetzungen            | <p>The prerequisite for the obligation to register is the operation of a commercial enterprise.</p> <p>According to case law, a commercial enterprise is</p> <ul style="list-style-type: none"> <li>• an externally recognisable</li> <li>• permanently and professionally orientated,</li> <li>• for the purpose of making a profit and</li> </ul>                                                                                                                                                                                |

| Modul                        | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                              | <ul style="list-style-type: none"> <li>• activity carried out in an economic field.</li> </ul> <p>The obligation to register applies to those companies whose registration is not already guaranteed by other statutory provisions. These are in particular certain legal entities under public law (e.g. corporations, institutions or foundations under public law).</p> <p>The management board that is obliged to register is therefore also understood to be the body designated under the respective public law provisions to represent, for example, the respective public enterprise.</p>                                                                                                                                                                                                                            |
| Kosten                       | <ul style="list-style-type: none"> <li>• Fees for notarial activity and entry in the register</li> <li>• Expenses for the public announcement</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Verfahrensablauf             | <p>To submit an application, contact a notary.</p> <ul style="list-style-type: none"> <li>• The notary will advise you on how to formulate the application.</li> <li>• The application is made exclusively electronically and a publicly notarised document is created for this purpose. From 1 August 2022, the document can also be notarised via video communication.</li> <li>• The declaration is provided with an electronic signature and sent to the electronic court and administrative mailbox of the registry court.</li> </ul> <p>Amendments</p> <p>Have key details about your company, such as the registered office, legal form or authorised representatives, changed? Then have the commercial register entry corrected immediately.</p> <p>The entry is made in the same way exclusively via a notary.</p> |
| Bearbeitungsdauer            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Frist                        | none                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| weiterführende Informationen |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Modul             | Sachverhalt                                                                                                                                                                                                                                                      |
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| Hinweise          |                                                                                                                                                                                                                                                                  |
| Rechtsbehelf      | If the register court rejects the entry in the commercial register, an appeal may be lodged in accordance with Section 382 (4) sentence 2 FamFG pursuant to Section 58 (1) FamFG or, if applicable, an appeal on points of law pursuant to Section 70 (1) FamFG. |
| Kurztext          |                                                                                                                                                                                                                                                                  |
| Ansprechpunkt     |                                                                                                                                                                                                                                                                  |
| Zuständige Stelle |                                                                                                                                                                                                                                                                  |
| Formulare         |                                                                                                                                                                                                                                                                  |
| Ursprungsportal   |                                                                                                                                                                                                                                                                  |