

99050039005000

Financial service provider, apply for permission

Heruntergeladen am 19.06.2025

<https://fimportal.de/xzufi-services/6000375/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99050039005000
Leistungsbezeichnung I	Financial service provider, apply for permission
Leistungsbezeichnung II	Financial service provider, apply for permission
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	• § 32
Teaser	<p>If you want to offer financial services, you need a permit to do so. The Federal Financial Supervisory Authority (BaFin) can grant the licence subject to conditions. The licence can also be restricted to individual financial services and entails ongoing supervision of the financial services provider by the authority.</p>
Volltext	<p>If you want to offer financial services, you need a permit to do so. The Federal Financial Supervisory Authority (BaFin) can grant the licence subject to conditions. The licence can also be restricted to individual financial services and entails ongoing supervision of the financial services provider by the authority.</p> <p>The following specific financial services require a permit:</p> <ul style="list-style-type: none"> • investment brokerage, • investment advice, • the operation of a multilateral trading facility, • the placement business • the operation of an organised trading facility, • contract broking, • financial portfolio management • proprietary trading • the intermediation of deposits in third countries • the foreign exchange business, • factoring, • finance leasing, • investment management and • restricted custody business. <p>• You also need written permission from the Federal Financial Supervisory Authority if, in addition to banking business or financial services, you also want to conduct proprietary business, i.e. buy or sell financial instruments for your own account.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Incorporation documents (certified copy) • memorandum or Articles of Association (certified)

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copy)

- appropriate proof of the funds required for business operations
- details of the directors
- information required for the assessment of the reliability of the applicants and the managing directors in the form of a declaration of exemption from criminal liability (forms & online services)
 - detailed, complete, signed curriculum vitae of each owner or manager,
 - supplemented at least by the certificates of the employment relationships terminated in the last three years
- information required for the assessment of the professional competence of the owners and managers:
 - a viable business plan indicating the type of business envisaged, with a justified indication of its 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 transactions
 - samples of the intended customer contracts, management contracts, account/custody account powers of attorney and general terms and conditions, if drafted
 - a description of the organisational structure of the institution, including an organisation chart (with information on planned branches and on whether the cross-border provision of financial services is intended, as well as a statement on whether it is intended to outsource any areas to another company)
 - description of the planned internal control procedures with an explanation of how compliance with the obligations under the KWG and WpHG is to be ensured.
 - indication of the holders of significant participations
 - indication of the amount of these participations
 - information necessary for the assessment of the reliability of the owners or legal representatives or personally liable partners (see above, declaration of exemption from punishment, model declaration of BaFin)
 - If significant participations are held in the institution:
 - if applicants or holders of significant participations

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belong to groups: Presentation of the group structure, consolidated statement of changes in group structure

- 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 (KWG) in conjunction with the Ownership Control Ordinance (InhKontrollV)
- in the case of securities trading companies 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 clients in the event of the cessation of his business activities, for example in the event of death or incapacity. The statement contains 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 person is a natural person.
 - Information pursuant to Delegated Regulation (EU) 2017/1943
 - Form of the Implementing Regulation (EU) 2017/1945
- In the case of financial services institutions applying for a licence pursuant to § 1 par. 1a sentence 2 nos. 1-4 or 11, par. 1 sentence 2 no. 4 or no. 10 KWG:

Voraussetzungen

- measured according to paid-in capital and reserves
 - depending on the type of financial services EUR 25,000 to 50,000
 - alternatively, a corresponding insurance policy is sufficient (sum insured depends on the type of financial services)
- Proof of sufficient initial capital
- Financial services institutions providing only third-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, depreciation, amortisation and impairment of intangible and tangible fixed assets.
- Sole trader or trading partnership: risk-weighted assets of the owner or general partners are included in

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	the assessment of the institution's solvency • Evidence of the professional and personal suitability of management
Kosten	• Costs of proceedings: EUR 4,545 - EUR 10,160
Verfahrensablauf	You must apply for permission in writing: • the form from the Implementing Regulation (EU) 2017/1945 must be used for a permit for the provision of the facts § 1 par. 1 sentence 2 no. 4, 10 par. 1a sentence 2 nos. 1 to 4 or 11 KWG • otherwise, you can submit the application informally • please send the application and the required documents in triplicate to BaFin You will then receive notification of BaFin's decision by post.
Bearbeitungsdauer	six months from complete application
Frist	Application for permission: before commencement of business activity
weiterführende Informationen	
Hinweise	All securities trading companies are obliged to secure their liabilities from securities transactions by belonging to the Compensatory Fund of Securities Trading Companies (EdW). The amount of the contribution depends on the scope of business activity.
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	