

99050058108000

Auctioneers' trade, public appointment and swearing-in of specially qualified persons

Heruntergeladen am 24.05.2025

<https://fimportal.de/xzufi-services/6000629/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99050058108000
Leistungsbezeichnung I	Auctioneers' trade, public appointment and swearing-in of specially qualified persons
Leistungsbezeichnung II	Auctioneers' trade, public appointment and swearing-in of specially qualified persons
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • § 34b Absatz 5 [Gewerbeordnung (GewO)](http://www.gesetze-im-internet.de/gewo/index.html) – Versteigerergewerbe <ul style="list-style-type: none"> • 36a GewO – Öffentliche Bestellung von Sachverständigen mit Qualifikationen aus einem anderen Mitgliedstaat der Europäischen Union oder einem anderen Vertragsstaat des Abkommens über den Europäischen Wirtschaftsraum, in conjunction with § 34b Absatz 5 GewO • [Sächsisches Kostenverzeichnis](https://revosax.sachsen.de/vorschrift/12126) (SächsKVZ) – Nr. 46 Gewerberecht
Teaser	Public auctions in the form of lien sales and distress sales may only be conducted by publicly appointed auctioneers.
Volltext	<p>#### Appointment of specially qualified auctioneers pursuant to Section 34b (5) of the German Trade, Commerce and Industry Regulation Act (GewO)</p> <p>Public auctions in the form of lien sales and distress sales may only be conducted by publicly appointed auctioneers.</p> <p>Pledge sales and distress sales shall be compulsorily ordered and conducted. The owner of the auctioned property has no influence on the price and the minimum bid and must therefore be able to rely on the fact that his property interests are safeguarded in a particularly qualified manner at the auction.</p> <p>Particularly qualified auctioneers may be publicly appointed in general upon application. The application may be filed only by (professionally active) natural</p>

Modul

Sachverhalt

persons and employees of auctioneers, but not by legal entities.

The appointment may be general or limited to certain types of auctions, provided that there is a need for auctioneer services for these. The appointment may also be limited in content, limited in time and subject to conditions. The appointment is valid for the whole of Germany.

Publicly appointed auctioneers shall be sworn to perform their duties conscientiously, without instructions and impartially.

Single Point of Contact

For this procedure, you can use the service of the Single Point of Contact (Einheitlicher Ansprechpartner). They will guide you through the administrative procedure, take care of correspondence with all the offices responsible for your request and will be available to you as a competent advisor.

Erforderliche Unterlagen

In addition to your application, you must submit the following documents:

- Identity card or passport
- curriculum vitae
- Copies of certificates (including employment references)
 - Proof of auctioneer's licence in accordance with § 34b para. 1 GewO
 - Proof of special expertise (documentation of work carried out, e.g. expert reports prepared, list of auctions held)
 - Possibly confirmation of proof of special expertise by a neutral and competent body (e.g. IHK Bonn / Rhein-Sieg)
 - Proof of professional liability insurance
 - Certificate in tax matters from the tax office
 - Information from the debtor register of the local court
 - Information from the insolvency register of the local court
 - Police certificate of good conduct for submission to

Modul

Sachverhalt

an authority in accordance with § 30 para. 5 Federal Central Criminal Register (BZRG) according to document type OG

- Information from the central trade register
- Business registration

For auctioneers who wish to be publicly appointed and sworn in as employees of an auctioneer, additionally:

- Employment contract
- Confirmation of the employer's public liability insurance of the employed auctioneer with cover note
- Certificate of exemption from the employer, i.e. informal confirmation of the independence and freedom from instructions of the employed auctioneer
- Information from the commercial register (e.g. if the employer is a legal entity)

Voraussetzungen

- the applicant is a natural person
 - Existence of the permission for auctions according to § 34b Absatz 1 GewO (German Trade Regulation Act)
 - in the case of general public appointment and swearing-in: special expertise (i.e., above-average knowledge and experience in the valuation of movable objects of the normally equipped household, such as are typically handed over to pawnshops for the purpose of lending, e.g. carpets, furs, jewelry, furniture, art and household effects)
 - In case of public appointment and swearing-in for certain types of auctions: Proof of special knowledge in the field for which the public appointment and swearing-in has been applied for.
 - knowledge of all relevant provisions of the Trade Regulation Act, the Auctioneers' Ordinance, the Commercial Code and the Civil Code concerning the responsibilities, rights and duties of an auctioneer
 - several years of professional experience as an auctioneer (conducting several auctions per year)
 - the applicant must have proven himself/herself to be particularly trustworthy in several years of faultless practice of the auctioneer's trade
 - There must not be the slightest doubts about the applicant's suitability as a publicly appointed and

Modul	Sachverhalt
	<p>sworn auctioneer. He or she must be able to guarantee impartiality and independence as well as compliance with the duties of a publicly appointed and sworn auctioneer and must live in orderly financial circumstances.</p> <ul style="list-style-type: none"> • possibly: certain minimum age (may be determined by the authority).
Kosten	from EUR 100,00 to EUR 1.000,00
Verfahrensablauf	<p>You can submit the application for public appointment in person, in writing or electronically.</p> <ul style="list-style-type: none"> • You must state whether you wish to be appointed generally or only for certain types of auctions, i.e. for a specific subject area. • The competent body will check whether you meet the requirements on the basis of the information you provide and the documents submitted. <p>**Note:** In order to verify your expertise, the competent body may ask for references, obtain documentation on auctions conducted and obtain opinions from third parties or a panel of experts.</p> <ul style="list-style-type: none"> • If you meet the requirements for the public appointment, you will be sworn in and receive a certificate of appointment and the notice of appointment. • Costs (fees and expenses) are charged for issuing the notice of appointment.
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	<p>#### Qualifications from another EU/EEC Member State</p> <p>Paragraph 36a Gewerbeordnung (German Trade Regulation Act – (GeWo) shall apply accordingly to the</p>

Modul
Sachverhalt

appointment of auctioneers with qualifications acquired in another EU/EEC member state. Accordingly, training and qualification certificates issued in these states shall also be recognised when assessing the required special expertise.

The prerequisite for this is that an authorisation to act as an auctioneer exists in the respective country for a specific field of expertise, if the auctioneering activity is also only reserved for persons,

- who have special expertise, or
- have worked full-time as an auctioneer in two of the last ten years and
- the evidence submitted shows that they have above-average expertise that essentially corresponds to the special expertise within the meaning of Section 34b (5) of the German Trade Regulation Act (GewO). shall apply accordingly to the appointment of auctioneers with qualifications acquired in another EU/EEC member state. Accordingly, training and qualification certificates issued in these states shall also be recognised when assessing the required special expertise.

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- who have special expertise, or
- have worked full-time as an auctioneer in two of the last ten years and
- the evidence submitted shows that they have above-average expertise that essentially corresponds to the special expertise within the meaning of Paragraph 34b (5) GewO.

Rechtsbehelf

Appeal (details in the official notification)

Kurztext
Ansprechpunkt

Modul

Sachverhalt

Zuständige Stelle

Formulare

Ursprungsportal