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Apply for a licence to handle and transport explosive substances commercially

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<https://fimportal.de/xzufi-services/474/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99089006001000
Leistungsbezeichnung I	Apply for a licence to handle and transport explosive substances commercially
Leistungsbezeichnung II	Apply for a licence to handle and transport explosive substances commercially
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Gesetz über explosionsgefährliche Stoffe - SprengG:</p> <ul style="list-style-type: none"> • § 7 Erlaubnis • § 8 Versagung der Erlaubnis • § 8a Zuverlässigkeit • § 8b Persönliche Eignung, Begutachtung • § 9 Fachkunde • § 10 Inhalt der Erlaubnis • § 11 Erlöschen der Erlaubnis <p>Erste Verordnung zum Sprengstoffgesetz - 1. SprengV:</p> <ul style="list-style-type: none"> • § 32 Absatz 5 Pflicht zum Besuch von Wiederholungslehrgängen • § 38 Verfahren für Bürger der Europäischen Union, eines EWR-Vertragsstaaten oder der Schweiz • § 39 Verfahren für Bürger der Europäischen Union, eines EWR-Vertragsstaaten oder der Schweiz <p>Verordnung des Umweltministeriums über die Festsetzung der Gebührensätze für öffentliche Leistungen der staatlichen Behörden in seinem Geschäftsbereich (Gebührenverordnung UM - GebVO UM)</p>
Teaser	Do you want to handle or transport explosive substances commercially? Then you need a licence from the local competent authority.
Volltext	Do you want to handle or transport explosive substances commercially? Then you need a licence from the local competent authority.

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If you wish to handle or transfer (transport) explosive substances in the commercial sector (commercially or independently as a commercial enterprise, agricultural or forestry business or when employing workers), you require a licence from the local competent authority.

Holders of a licence can be both natural persons and legal entities legal entities (public limited companies (AG), limited liability companies (GmbH), co-operatives, associations, federal states and municipalities). General partnerships (OHG) and limited partnerships (KG and GmbH Co KG) have the same status as legal entities and are therefore authorised legal entities and are therefore eligible for authorisation.

In the case of civil law partnerships (GbR), the licence is granted to the partners authorised to represent or manage the company. Several partners may be partners may be authorised to manage the company. In this case, all persons responsible for explosives-related business areas must be listed in a company-related licence.

Activities in connection with explosive substances harbour a high risk potential. The aim of the Explosives Act is to protect people and property from these dangers.

In order to prevent accidents and misuse, the Explosives Act places high demands on persons who wish to handle explosive substances.

These include the following proofs:

- Age (at least 21 years old),
- Aptitude,
- Reliability and
- Expertise.

As part of the proof of reliability, information is obtained from other authorities, such as the police, the

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public prosecutor's office and the constitutional protection authority.

As an entrepreneur, you require a licence to handle and trade the following explosive substances, for example:

- Explosives, for example. Explosives or pyrotechnic sets
 - NC powder (nitrocellulose powder) or black powder
 - Stage pyrotechnics/technical pyrotechnics
 - Category F3 and F4 fireworks
 - Fireworks of category F2, which are listed as requiring a licence in accordance with the First Ordinance to the Explosives Act, for example with a flash-bang set

The official licence ensures that only those persons who fulfil the requirements for safe handling have access to explosive substances.

If necessary, when applying for a commercial licence, the competent authority will ask you for further information on the available storage options for explosive substances.

Erforderliche Unterlagen

- completed application form
 - Copy of identity card or comparable identification document
 - for proof of personal reliability:
 - if resident in Germany:
 - [Certificate of good conduct](<https://www.service-bw.de/zufi/leistungen/279>)
 - [Extract from the central trade register](<https://www.service-bw.de/zufi/leistungen/1006>)
 - if you live abroad: documents from your home country that prove your personal reliability
 - for proof of the legal form of the company:
 - if the company is based in Germany:
 - for companies entered in a register: [Extract from the commercial

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register](<https://www.service-bw.de/zufi/leistungen/102>) or the partnership register

- otherwise a copy of the articles of association (for example, in the case of a civil law partnership (GbR))
- for companies domiciled abroad: documents from the country of domicile that prove the legal form
- if the licence is being applied for as the company owner and you intend to handle explosive substances yourself, also proof of your specialist knowledge (e.g. certificates from courses attended or proof of professional activity)

The competent authority may request further documents to verify your personal reliability.

If you live abroad, you will need documents from your home country to prove your personal reliability.

In the case of legal entities (limited liability companies, business companies, public limited companies, registered co-operatives), you only need to complete the application form for the legal entity.

You must submit all personal documents for each of the natural persons authorised to manage the company (e.g. identity documents).

For the legal entity, you also need an extract from the central trade register.

Partnerships (KG, OHG, PartG, GmbH Co. KG) are treated equally here.

GbRs as such are not eligible for a licence. Therefore, each managing partner requires a licence.

You must submit a completed application form and all personal documents for each of these persons.

Voraussetzungen

In order to obtain a licence to handle and transport explosive substances, you must meet the following requirements:

1\ Personal reliability

You must be reliable. The required reliability is

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normally given if you have previously behaved in accordance with the law and have no criminal record. Personal reliability is not given, for example, if

- You were convicted of a criminal offence less than ten years ago,
- Facts justify the assumption that you will misuse or recklessly use explosive substances,
- You were a member of an association that is incontestably banned under the Associations Act and since the end of the ten years have not yet elapsed since the end of your membership or
- You have been in preventive police custody with judicial authorisation more than once in the last five years due to violence.

Tip: Detailed information on the required reliability can be found in § 8a of the Explosives Act.

2\ Personal suitability

You must be personally suitable. You are personally suitable if you have no restrictions, for example in your mental or physical health or due to drug or alcohol addiction.

- Personally suitable also means that there are no personal reasons why
- You do not handle explosive substances carefully or improperly, or
- there is a concrete danger to yourself or others.

Note: If there are reasonable doubts about your personal suitability, the authorities may require you to submit additional expert reports. These may be official or specialist medical or psychological reports. You must submit these within a specified period. If You refuse to undergo the examination or fail to submit the report by the deadline, the authorities may conclude

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that you are unsuitable.

- Minimum age: usually 21 years

3\ Specialist knowledge

You must have specialised knowledge. Specialist knowledge is proven by a certificate that certifies successful participation in a state or state-recognised training course.

You can also provide proof of specialised knowledge by

- at least three years of practical work in which you were able to acquire the required specialised knowledge or
 - Completion of training at a university, a university of applied sciences or a technical college and at least one year of practical work experience, if this has given you the required specialist knowledgework for at least one year if this has enabled you to acquire the required specialised knowledge or
 - in justified exceptional cases by examination before the competent authority without attending a training course.

In Baden-Württemberg, the Regierungspräsidium Tübingen (Department 54.4) is responsible for taking the examthe examination.

Note: The three above-mentioned options for providing proof of expertise are not possible if the licence to carry out blasting work or to handle explosives has been issued within the scope of the Explosive Ordnance Ordinanceexplosives in the context of explosive ordnance disposal.

4\ Storage

If the intended activity involves storage, you must have suitable rooms or storage facilities for storage.

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The above-mentioned requirements for personal reliability, personal suitability, expertise and storage apply to

- You as the applicant,
- the persons authorised to manage the business and
- the persons authorised to manage a branch or dependent branch office.

The above-mentioned requirements of personal reliability, personal suitability, expertise and safekeeping do not apply to you as the applicant if the management of the handling and transport of explosive substances is delegated to a competent manager.

The requirements also do not apply to persons in the function of company or branch office management if the management of the handling and transport of explosive substances has been transferred to a competent manager within the company or branch office.

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★★5\ Nationality and place of residence

The same requirements as for German nationals or applicants with a commercial establishment in Germany apply to:

- Nationals of a member state of the European Union (EU) and
- Companies established under the legislation of another EU member state.

Kosten

The fees for activities above ground are based on the applicable fee schedule of the district police authority responsible for issuing the permit.

The fee for underground activities for applications to the Freiburg Regional Council is based on Section 7.1.3.1 of the fee schedule of the Baden-Württemberg Ministry of the Environment and amounts to between EUR 220.00 and EUR 500.00.

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Verfahrensablauf

You must apply for a licence. Contact the district police authority responsible for you or, for underground activities, the State Office for Geology, Raw Materials and Mining at the Freiburg Regional Council.

Depending on the services offered by the district police authority at the municipal administration or the district office, you can download an application form or submit an online application.

Submit the complete application to the responsible district police authority or, for underground activities, to the State Office for Geology, Raw Materials and Mining at the Freiburg Regional Council.

The authority will check the fulfilment of the requirements on the basis of the documents submitted. In addition, it must obtain opinions from other authorities (e.g. the local police station or the constitution protection authority with regard to personal reliability) and may request expert opinions.

The content of the licence may be restricted or subject to conditions. This is intended to protect the life and health as well as property of employees and third parties. Conditions can also be added or changed at a later date. You will normally receive an unlimited licence. In individual cases, however, this can also be limited in time.

Bearbeitungsdauer

You can enquire about the processing time from the authority responsible for you.

Frist

You may only carry out the activity if you have a licence for the commercial handling and movement of explosive substances. You must start the activity within one year. Otherwise the licence will expire. If you do not carry out your activity for at least two years, your licence will also expire.

weiterführende Informationen

Hinweise

Your company can carry out the activities authorised

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by the permit.

The employees entrusted with the activities require a certificate of competence in accordance with Section 20 of the Explosives Act and are obliged to take part in state-recognised refresher courses every five years if one of the following activities is carried out:

- Execution of blasting work
- Production of explosive substances
- Activity in the disposal of explosive ordnance
- Transport of explosive substances in accordance with dangerous goods regulations
- Burning of large fireworks
- Demonstration of effects in theatres or comparable facilities with pyrotechnic objects, pyrotechnic sets or other explosive substances.

The above-mentioned obligation to attend state-recognised refresher courses does not apply to you as the applicant if the management of the handling and circulation of explosive substances has been delegated to a competent manager.

The obligation also does not apply to persons in the function of company or branch office management if the management of the handling and transport of explosive substances is delegated to a competent manager within the company or branch office.

The authority shall re-examine licence holders for their reliability and personal suitability at least every five years.

Rechtsbehelf

none

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal