

99050028005000

# Amusement arcade - apply for operating licence

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<https://fimportal.de/xzufi-services/505-99050028005000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99050028005000
Leistungsbezeichnung I	Amusement arcade - apply for operating licence
Leistungsbezeichnung II	Amusement arcade - apply for operating licence
Typisierung	4b - Land: Regelung und Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Baden-Württemberg
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	§ 33i Gewerbeordnung (GewO) (Spielhallen und ähnliche Unternehmen)
Teaser	The permit for the operation of an amusement arcade is tied to
Volltext	<p>The permit for the operation of an amusement arcade is tied to</p> <ul style="list-style-type: none"> <li>• a specific person</li> <li>• specific premises and</li> <li>• a specific type of operation.</li> </ul> <p>Every change, such as a change of ownership or a move, requires a new permit.</p> <p>The permit replaces the previously required gaming hall permit. It is limited to a maximum of 15 years.</p> <p>An amusement arcade is an enterprise or part of an enterprise in the standing trade which exclusively or predominantly</p> <ul style="list-style-type: none"> <li>• the installation of gaming devices pursuant to section 33 c, paragraph 1, sentence 1 (cash or commodity gaming devices) or</li> <li>• the organisation of other games in accordance with section 33 d, subsection 1, sentence 1 of the Trade, Commerce and Industry Code</li> </ul> <p>serves the purpose</p> <p>Devices that you only set up for testing purposes are also considered to be money or goods gaming devices with the possibility of winning.</p> <p>The competent authority may impose conditions on the permit to operate the gaming hall in individual cases. The permissible number of gaming machines</p>

## Modul

## Sachverhalt

depends on the size of the gaming hall and is specified in the Gaming Ordinance

In addition to the permit to operate the gaming hall, you also need:

- a permit for the installation of gaming equipment (installation permit) and
- a confirmation of suitability. This is an official confirmation that the specific place of installation of the respective gaming device complies with the respective valid regulations.

Whether you receive this depends on the Trade Regulation Act and the Gaming Ordinance.

The competent authority assesses according to the regulations of the building law:

- the structural erection of an amusement arcade and
- the change of use of an existing building or part of a building for the purpose of operating a gaming hall

As a rule, a building permit is required, which you must apply for at the competent building authority.

Caution: The gaming hall permit does not affect permit requirements under other regulations. As a rule, you will not receive it until you have obtained a building permit.

## Erforderliche Unterlagen

- Copy of the identity card or a comparable identification document
- For proof of entrepreneurial legal form: If you have your company's registered office in Germany, you will need: in the case of registered companies: Extract from the commercial register and, if applicable, a copy of the articles of association (e.g. in the case of a civil-law partnership (GbR)) If your company is based abroad, you will need documents from the country of domicile proving the legal form.
- For the proof of personal reliability: If you have your place of residence in Germany, you usually need: Certificate of good conduct Extract from the Central Business Register If your place of residence is abroad,

## Modul

## Sachverhalt

you will need documents from your home country proving that you have the personal reliability to perform the desired service.

- Building plans, floor plans, site plans
- Documents proving that you meet the licensing requirements for the operation of the gaming hall listed above under "Requirements" (e.g. social concept, proof that staff have been trained, information material for players, planned advertising concept)
- possibly: Application for a substitution permit

In individual cases, you may be asked to submit further documents concerning your personal reliability and/or the existence of the legal requirements for a gambling licence.

In the case of legal entities (GmbH, Unternehmensgesellschaften, AG, registered cooperatives), the application form for the legal entity itself must be completed. For all natural persons authorised to manage the business, all personal documents (e.g. certificate of good conduct, personal papers) must be submitted. For the legal entity, an extract from the central business register must also be applied for.

In the case of partnerships that are not themselves eligible for a permit, each managing partner requires the permit. This includes the GbR, KG, OHG, PartG and GmbH & Co. KG. You must submit an application form and all personal documents for each partner.

## Voraussetzungen

The requirements include

- general requirements under trade law, such as the reliability of the person operating the business, but also
- gambling law requirements, above all the submission of a social concept.

In the social concept you must state

- how you will prevent problem and pathological gambling,
- how you will monitor compliance with relevant

## Modul

## Sachverhalt

regulations and deal with violations,

- how you refer affected gamblers to the help system, and
- who the responsible persons are.

You must provide special training for your staff at your own expense. The requirements for a social concept for gambling halls and further information on training can be found on the pages of the State Health Office. There you will also find information on training providers. The overview is updated continuously.

The operation of the gaming hall must meet the requirements of the protection of minors and gamblers. This also includes

- the implementation of admission controls, to ensure that no persons under the age of 18 are present in the gaming hall.
- educating and informing gamblers about the likelihood of winning and losing and the risks of addiction, and
- compliance with the advertising restrictions applicable to gambling halls.

You will not be granted a permit in the following cases:

- They are not sufficiently reliable. This is usually the case if you have been convicted by a final court decision within the last three years of a crime, theft, embezzlement, extortion, receiving stolen goods, fraud, embezzlement, unauthorised organisation of a game of chance, participation in unauthorised gambling or an offence under Section 12 of the Youth Protection Act.
- The premises intended for the operation of the trade do not meet the police requirements because of their nature and location. If you already have a building permit, the competent authority may not refuse you the gaming hall permit for reasons that it has already examined in the course of the building permit procedure.
- The operation of the gaming hall gives rise to fears of endangering young people, excessive exploitation of the gambling instinct, harmful effects on the

## Modul

## Sachverhalt

environment within the meaning of the Federal Immission Control Act

(Bundes-Immissionsschutzgesetz) or otherwise an unreasonable nuisance to the general public, neighbours or a facility existing in the public interest.

- The arcade does not maintain the required distance from other arcades. This is at least 500 metres as the crow flies, measured from entrance door to entrance door.
- The amusement arcade does not maintain the required distance to an existing facility for the stay of children and youths. This is at least 500 metres as the crow flies, measured from entrance door to entrance door.
- Permission is sought for an arcade that is structurally connected to other arcades, especially in a shared building or building complex (prohibition of multiple licences, which is valid in its own right in addition to the distance requirements).

Notice: The permit to operate an amusement arcade does not include the permit to set up gaming machines with the possibility of winning and the confirmation of suitability; you must apply for these additionally.

If you wish to serve alcoholic beverages in connection with the operation of an amusement arcade, you must also apply for a restaurant permit. It is not permitted to operate a bar or restaurant on the premises of a gaming hall during the closing time applicable to gaming halls

Notice: The total number of gaming devices with the possibility of winning (slot machines) in a gaming hall is limited according to the Gaming Ordinance. You may set up a maximum of one gaming machine per twelve square metres of floor space. The total number of machines may not exceed twelve. When serving alcohol, you are currently limited to two machines. Adjacent rooms (e.g. storerooms, toilets, corridors) are not included in the calculation of the floor area. You must place the devices in such a way that no player can operate more than two devices at the same time. In contrast, the number of amusement gaming machines (machines on which you cannot win money or goods)

Modul	Sachverhalt
	in an amusement arcade is not limited.
Kosten	The amount of the fees is determined by the municipal fee statutes.
Verfahrensablauf	<p>You must apply for the operating permit at the competent authority. If the legal requirements are met, the authority will issue a gaming hall permit, if necessary in connection with certain requirements or conditions. If the requirements for issuance are not met, the application will be rejected.</p> <p>Tip: Find out beforehand how to submit the application.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	