

99050036005000

Apply for a licence for auctions

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<https://fimportal.de/xzufi-services/587-99050036005000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99050036005000
Leistungsbezeichnung I	Apply for a licence for auctions
Leistungsbezeichnung II	Apply for a licence for auctions
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

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Fachlich freigegeben durch	
Handlungsgrundlage	<p>Gewerbeordnung (GeWo):</p> <ul style="list-style-type: none"> • § 34b Versteigergewerbe <p>Verordnung über gewerbsmäßige Versteigerungen (VerstV)</p>
Teaser	You require a licence from the competent authority if you wish to auction the following commercially:
Volltext	<p>You require a licence from the competent authority if you wish to auction the following commercially:</p> <ul style="list-style-type: none"> • third-party movable property, • third-party real estate or • third-party rights
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Completed application form • Copy of identity card or comparable identification document • Current excerpt from the commercial or cooperative register, if the company is entered in the register; otherwise a copy of the articles of association (e.g. for a civil law partnership (GbR)) • If the company is based abroad: documents from the country of domicile that prove the legal form • Extract from the Federal Central Criminal Register (certificate of good conduct) for submission to an authority for each person responsible for managing the company or a branch office (for legal entities: for all persons authorised to represent the company by law, articles of association or partnership agreement) • Extract from the central trade register for each person responsible for managing the business or a branch (in the case of legal entities: for the legal entity itself and for all persons authorised to represent it by law, articles of association or partnership agreement) • Certificate in tax matters from the responsible tax office • Extract from the debtor register of the central enforcement court • Information from the insolvency court as to whether proceedings have been opened

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- Clearance certificate from the municipal tax office
- If you live abroad: documents from your home country that prove your personal reliability and that you live in orderly financial circumstances.

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

In the case of legal entities (GmbH, company, AG, registered co-operative), you only need to complete the application form for the legal entity itself. You must submit all personal documents for all natural persons authorised to manage the company (e.g. identity papers). For the legal entity, you also need an extract from the central trade register.

Partnerships (GbR, KG, OHG, PartG, GmbH Co. KG) are not eligible for authorisation as such. Therefore, each managing partner requires a licence. You must submit a completed application form and all personal documents for each of these persons.

Voraussetzungen

Prerequisites for the granting of the licence are

- personal reliability and
- orderly financial circumstances.

You will not be granted a licence if

- Facts justify the assumption that you do not possess the reliability required for the business operation. As a rule, you do not have the necessary reliability if you have been convicted of a crime or of theft, embezzlement, extortion, fraud, breach of trust, money laundering, forgery of documents, receiving stolen goods, usury or offences against the law against unfair competition in the five years prior to submitting the application, or
- You are living in disorderly financial circumstances. This is usually the case if insolvency proceedings have been opened against your assets or if you are entered in the register kept by the enforcement court.

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	<p>Note: The competent authority publicly appoints particularly competent auctioneers upon application, either generally or for certain types of auctions. As a publicly appointed auctioneer, you must swear an oath that you will fulfil your duties conscientiously, free from instructions and impartially.</p>
Kosten	<p>The amount of the fees is based on the municipal fee statutes.</p>
Verfahrensablauf	<p>You must apply to the competent authority for a licence to operate a business as an auctioneer.</p> <ul style="list-style-type: none"> • Once you have submitted the application and all documents are complete, the competent authority will check whether you fulfil all requirements. • If you fulfil all the requirements, you will be granted a licence. <p>You may only start working once you have received the licence. At the same time as you commence your activity, you must register the trade with the authority responsible for trade notifications in accordance with § 14 GewO.</p> <p>The licence may be subject to conditions if this is necessary to protect</p> <ul style="list-style-type: none"> • the general public, • the client or • the bidders. <p>Under the same conditions, the competent authority may also add, amend and supplement conditions at a later date.</p>
Bearbeitungsdauer	<p>The competent body must decide on your application within a period of three months. This period begins with the receipt of the complete documents. Once this period has expired, the authorisation applied for is deemed to have been granted if your application is sufficiently specific. Note: The competent authority may extend the deadline once if this is justified by the complexity of the matter. The competent authority must justify this extension and inform you in good</p>

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	time.
Frist	None
weiterführende Informationen	
Hinweise	Auctioneers are subject to a number of obligations under the Ordinance on Commercial Auctions (Auctioneers Ordinance). These include, for example, obligations in connection with the preparation and organisation of auctions and the obligation to keep accounts.
Rechtsbehelf	<ul style="list-style-type: none"> • Opposition • Action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	