

99066006016000, 99066006016000

Debtor and consumer insolvency counseling center - recognition

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/742761/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99066006016000, 99066006016000
Leistungsbezeichnung I	Debtor and consumer insolvency counseling center - recognition
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens, Eintragung, Änderung

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	der Rechtsform oder Schließung eines Unternehmens (Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Anmeldepflichten (2010100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	13.10.2016
Fachlich freigegeben durch	This text has been released by the Ministry of Migration, Justice and Consumer Protection.
Handlungsgrundlage	<p>§ Section 305 (1) no. 1 of the Insolvency Code (InsO) in conjunction with Section 1 (1) of the Thuringia Act on the Implementation of the Insolvency Code (ThürAGInsO) in conjunction with the Thuringia Ordinance on the Requirements for Appropriate Bodies in Consumer Insolvency Proceedings and on the Recognition Procedure (ThürVIBSVO)</p> <p>http://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG036401311</p> <p>http://landesrecht.thueringen.de/jportal/?quelle=jlink&query=InsOAG+TH+%C2%A7+1&psml=bsthueprod.psmI&max=true</p> <p>http://landesrecht.thueringen.de/jportal/?quelle=jlink&query=VbrInsgStAV+TH+Eingangsformel&psml=bsthueprod.psmI&max=true</p> <p>http://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG036401311</p> <p>http://landesrecht.thueringen.de/jportal/?quelle=jlink&query=InsOAG+TH+%C2%A7+1&psml=bsthueprod.psmI&max=true</p> <p>http://landesrecht.thueringen.de/jportal/?quelle=jlink&query=VbrInsgStAV+TH+Eingangsformel&psml=bsthueprod.psmI&max=true</p>
Teaser	If you want to counsel debtors in the context of consumer insolvency proceedings, you need state recognition.
Volltext	In order to be allowed to advise debtors in the context of consumer insolvency proceedings, state recognition is required, which is granted by the Thuringian Ministry

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of Migration, Justice and Consumer Protection (TMMJV) by notice.

Erforderliche Unterlagen

Pursuant to section 7 of the Thuringian Regulation on the Requirements for Suitable Bodies in Consumer Insolvency Proceedings and on the Recognition Procedure (ThürVIBSVO), the following must be enclosed with the application:

1. a certificate pursuant to section 1 (1) sentence 2 no. 1 ThürAGInsO,
2. the articles of association and a current extract from the register of associations,
3. proof that a certificate of good conduct for the head has been applied for in accordance with section 30 (5) of the Federal Central Register Act,
4. a written assurance from the director that no criminal proceedings are pending against him/her, that he/she lives in orderly financial circumstances and that he/she does not operate any credit, financial, financial brokerage or similar services or has not operated such services in the last five years prior to the application,
5. proof of the number of full-time counseling specialists as well as their qualifications and professional experience in debt counseling in accordance with §§ 2 and 3 ThürVIBSVO,
6. a business plan or a description of the financing of the body for which recognition is sought as proof of permanence pursuant to section 1(1) sentence 2 no.3 ThürAGInsO,
7. a description of how the required legal advice pursuant to section 1 (1) sentence 2 no. 5 ThürAGInsO will be provided,
8. a written assurance that, in addition to consumer insolvency advice, none of the services specified in section 1 (2) ThürAGInsO will be operated, as well as a declaration by the provider pursuant to section 6 ThürVIBSVO,
9. a description of the equipment and location of the premises as well as an indication of the opening hours,
10. a concept for counseling activities, and
11. confirmation of non-profit status in the case of non-municipal institutions.

Voraussetzungen

The requirements for recognition are derived from

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Section 1 (1) of the Thuringia Act on the Implementation of the Insolvency Code (ThürAGInsO). According to this law, counseling centers can be recognized as suitable if

1. they are run by a non-statutory welfare association or a member of an association, a district or an independent city, a municipality, other legal entities under public law or a consumer advice center,
2. they are managed by a reliable and sufficiently knowledgeable person who also monitors the reliability of the individual employees,
3. they are established on a permanent basis
4. they employ at least one person who has sufficient practical experience in debt counseling
5. they provide the necessary legal advice, and
6. they meet the other professional requirements to be regulated by the ministry responsible for consumer insolvency advice by statutory order.

In addition, under section 1(2) of the ThürAGInsO, advice is excluded if credit, financial, financial brokerage or similar services are provided commercially in addition to consumer insolvency advice.

Kosten

none

Verfahrensablauf

The application for recognition must be submitted in writing to the TMMJV. A decision on the recognition is made by means of an official notice, which contains instructions on how to appeal. An appeal against the negative decision can be filed with the administrative court.

Bearbeitungsdauer
Frist

Application is required in time before the start of consulting.

weiterführende Informationen
Hinweise

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Rechtsbehelf	It is possible to file a complaint with the competent administrative court.
Kurztext	<ul style="list-style-type: none"> • In order to be allowed to advise debtors in the context of consumer insolvency proceedings, state recognition is required. • Certain requirements must be met. • A written application must be submitted. • Responsible: Thuringian Ministry for Migration, Justice and Consumer Protection (TMMJV) - Department 40.
Ansprechpunkt	Contact the Thuringian Ministry for Migration, Justice and Consumer Protection - Department 40.
Zuständige Stelle	
Formulare	Informal application for recognition as a suitable body in consumer insolvency proceedings
Ursprungsportal	Schuldner- und Verbraucherinsolvenzberatungsstelle - Anerkennung, Debtor and consumer insolvency counseling center - recognition