

99050036005000, 99050036005000

Auctioneering trade - apply for permission

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/10268893/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99050036005000, 99050036005000
Leistungsbezeichnung I	Auctioneering trade - apply for permission
Leistungsbezeichnung II	Auctioneering trade - apply for permission
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erlaubnis (005)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400),

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	Anmeldepflichten (2010100)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	25.09.2020
Fachlich freigegeben durch	Bavarian State Ministry of Economic Affairs, Regional Development and Energy
Handlungsgrundlage	https://www.gesetze-im-internet.de/gewo/_34b.html https://www.gesetze-im-internet.de/gewo/_34b.html
Teaser	Would you like to auction off third-party movable property, third-party real estate or third-party rights on a commercial basis? You will need permission for this. You can find out more here.
Volltext	<p>If you want to auction off third-party movable property, third-party property or third-party rights on a commercial basis, you need permission from the competent authority. The permit may be subject to conditions (even subsequently) insofar as this is necessary for the protection of the general public, the contracting authorities or the bidders.</p> <p>There is no permit requirement for:</p> <ul style="list-style-type: none"> • sales made by law by price brokers or by publicly authorised commercial brokers, • auctions carried out by public authorities or civil servants, or • Auctions to which only persons who wish to bid for goods of the type offered for their business operations are admitted as bidders. <p>You have a legal claim to the granting of the requested permit, provided that there is no reason for refusal within the meaning of Section 34b (4) No. 1 or No. 2 GewO (unreliability or disorderly financial circumstances).</p> <p>Permission can be granted to individuals and legal entities. In the case of partnerships without their own legal personality (e.g. OHG, KG), a permit is required for each managing partner; this also applies to limited</p>

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partners, provided that they have management authority and are therefore to be regarded as traders. In the case of legal entities (e.g. GmbH, AG), permission is granted to the legal entity. With regard to the admission requirements, the persons authorized to represent the company must be taken into account, whereby all persons authorized to represent the company must meet the corresponding requirements.

The permit is personal, i.e. You cannot transfer a permission in your name to another person, nor can another person transfer a permission in his or her name to you.(consumer goods).

Erforderliche Unterlagen

- Identity card or a comparable identification document (copy)
- Non-EU citizens: residence permit (copy)
- Proof of entrepreneurial legal form
- Registered office in Germany: in the case of registered companies, current excerpt from the register, otherwise the articles of association or the articles of association
- Registered office abroad: Documents from this country that prove the legal form.
- Personal reliability:
 - Residence in Germany: Certificate of good conduct for submission to an authority, information from the Central Trade Register for submission to authorities
 - Residence abroad: documents from your home country for personal reliability for the performance of the requested service.
- Orderly financial situation: Extract from the list of debtors of the central enforcement court Information from the insolvency court as to whether proceedings have been opened (so-called negative certificate

Voraussetzungen

In order to be granted permission, you must

- be personally reliable,
- have orderly financial circumstances.

Kosten

Depends on the respective administrative fee schedule of the state or on the fee statutes of the competent authorities under state law.

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Verfahrensablauf	<p>Once you have submitted the application and all documents are complete, the competent authority will check whether you meet all the requirements.</p> <p>If you meet all the requirements, you will get permission.</p> <p>You are not allowed to start the activity until you have received permission. At the same time as the start of the activity, the trade must be reported to the authority responsible for trade notifications in accordance with § 14 GewO.</p>
Bearbeitungsdauer	If the documents are complete, the application will be processed promptly.
Frist	The permit must be granted before the start of operations, so timely application (a few weeks before the intended start of operations) is required. If you have applied for a permit to work as an auctioneer, the permit is deemed to have been granted if the authority has not decided on your application within a period of three months after receipt of the complete documents (§ 6 a para. 1 GewO). At the same time, you must notify the authority responsible for business registrations of the start of the activity.
weiterführende Informationen	
Hinweise	<p>The auctioneer is prohibited from:</p> <ol style="list-style-type: none"> 1. to bid for himself or through another person at his auctions or to buy auctioned goods entrusted to him, 2. to allow relatives or his employees to bid at his auctions or to buy auctioned goods entrusted to him, 3. to bid for another person at his auctions or to buy auctioned goods entrusted to him, unless there is a written bid from the other, 4. to auction movable property from among the goods which he carries in his commercial business, insofar as this is not customary,

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5. to auction items in respect of which he has a right of lien or insofar as they are among the goods which are offered for sale in open points of sale and which are unused or the intended use of which consists in their consumption.

Violations of these prohibitions will be punished as an administrative offense. In addition, such infringements can also lead to the revocation of the auctioneer's licence if it can be concluded from them that the auctioneer's reliability has ceased to exist.

Retailers and manufacturers of goods are generally not allowed to auction their goods to the final consumer.

Anyone who auctions off third-party movable property, third-party property or third-party rights or violates an enforceable condition without the necessary permission is committing an administrative offence and can be punished with a fine

Rechtsbehelf

Objection (depending on state law, the objection may be excluded), administrative court action

Kurztext

- Apply for an auctioneer's licence
- The trader may only engage in auctioneering business with permission; Permission can be nat. and jur. persons; Permission is personal and cannot be transferred; There is an entitlement to the permit, unless there is a reason for refusal according to §34b Abs.4 Nr.1 or Nr.2 GewO
- Competent authority: Depends on the respective national law

Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal

Auctioneering trade - apply for permission,
 Versteigerergewerbe - Erlaubnis beantragen