

99050036005000, 99050036005000

Auctioneering trade - apply for permission

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/9242780/L100040>

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	Niedersachsen
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, Eintragung, Änderung der Rechtsform oder Schließung eines Unternehmens

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	(Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.09.2018
Fachlich freigegeben durch	Lower Saxony Ministry of Economic Affairs, Labour, Transport and Digitalisation
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>

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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 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 comparable identification document (copy)
- Non-EU citizens: residence permit (copy)
- Proof of entrepreneurial legal form Company headquarters in Germany: Excerpt from the commercial register for registered company If applicable, a copy of the articles of association (e.g. in the case of a partnership under civil law (GbR)) Company domicile abroad: documents from this country proving the legal form
- Proof of personal reliability Residence in Germany: Certificate of good conduct Excerpt from the Central Trade Register for natural and, if applicable, legal persons Residence abroad: Documents from your home country that prove that you have the personal reliability to perform the desired service In individual cases, the authority may request further documents that are suitable for making a statement about your personal reliability as an applicant.
- Proof of orderly financial circumstances Residence in Germany: Excerpt from the debtor file Certificate from the insolvency court Certificate from the tax office in tax matters Residence abroad: Documents from your home country that prove that you live in an orderly financial situation

Voraussetzungen

In order to be granted permission, you must

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	<ul style="list-style-type: none"> • 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.
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,

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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,

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

If the addressee (usually the applicant) has legal doubts or concerns about the decision on the permit or details thereof, these can be reviewed by way of an action for an obligation or rescission at the competent administrative court, depending on the legal nature.

In Lower Saxony, § 80 of the Lower Saxony Justice Act does not provide for preliminary proceedings. Therefore, no objection is admissible, but rather an administrative court action must be brought directly.
<https://voris.wolterskluwer-online.de/browse/document/cite/a0400638-d950-3bec-a03c-7d9e5b0b993e>
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Kurztext	<ul style="list-style-type: none"> • 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	Districts, independent cities, large independent cities and independent municipalities
Formulare	
Ursprungsportal	Auctioneering trade - apply for permission, Versteigerergewerbe - Erlaubnis beantragen