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Investment advice as a professional fee-based financial investment advisor - granting of a license

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/109561285/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99050109001000, 99050109001000
Leistungsbezeichnung I	Investment advice as a professional fee-based financial investment advisor - granting of a license
Leistungsbezeichnung II	Investment advice as a professional fee-based financial investment advisor - granting of a license
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder

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	Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.09.2024
Fachlich freigegeben durch	Ministry of Economic Affairs, Industry, Climate Protection and Energy of the State of North Rhine-Westphalia
Handlungsgrundlage	https://www.gesetze-im-internet.de/gewo/_34h.html https://www.gesetze-im-internet.de/gewo/_34f.html https://www.gesetze-im-internet.de/gewo/_11a.html https://www.gesetze-im-internet.de/vermanlg/_1.html https://www.gesetze-im-internet.de/kredwg/_1.html https://www.gesetze-im-internet.de/kredwg/_2.html https://www.gesetze-im-internet.de/finvermv/
Teaser	If you wish to work commercially as a self-employed fee-based financial investment advisor, you need a license to do so.
Volltext	<p>As a fee-based financial investment advisor, you advise on financial products for which you receive a fee from the client. You are independent of the product provider and therefore may not receive any commissions or other benefits from the provider of the financial products.</p> <p>If, on the other hand, you work on a commission-based basis, you must apply for a license as a financial investment broker instead.</p> <p>As a fee-based financial investment advisor, you are restricted to certain financial products by a so-called exemption from the German Banking Act and the German Securities Institutions Act.</p> <p>limited. The license covers (optionally) three product categories:</p>

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- Units or shares in domestic open-ended investment funds
- open-ended EU investment funds or open-ended foreign investment funds that may be distributed in accordance with the German Investment Code.
- Units or shares in domestic closed-ended investment funds, closed-ended EU investment funds or foreign closed-ended investment funds that may be distributed in accordance with the German Investment Code.
- Investments

Permission may be granted to a natural person or a legal entity. Partnerships (commercial partnerships) such as the civil law partnership (GbR), the general partnership (OHG) or the

commercial partnership (OHG) or the limited partnership (KG) cannot be granted permission. In these cases, each managing partner must apply for their own permit.

In addition to obtaining a license, you must also be entered in the register of intermediaries immediately after commencing your activities.

Your license may be restricted in terms of content or subject to conditions if this is necessary to protect the general public or investors.

You cannot act as a financial investment broker at the same time.

Erforderliche Unterlagen

- Proof of personal reliability (e.g. certificate of good conduct for submission to an authority, information from the central trade register, certificate in tax matters from the tax office)
- Proof of orderly financial circumstances (e.g. information from the debtor register of the enforcement court and information from the insolvency court)
- Proof of professional liability insurance

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- Proof of expertise (e.g. certificate of having passed the Chamber of Industry and Commerce (IHK) examination, certificate of an equivalent professional qualification) (see further information)
- Extract from the commercial register for legal entities and commercial partnerships

Please note: You can find out which documents are required in your specific case on the application form from the competent authority.

Voraussetzungen

- You must be personally reliable. This means that you have not been convicted of a crime or theft, embezzlement, blackmail, fraud, embezzlement, money laundering, forgery, receiving stolen goods, usury or an insolvency offense in the five years prior to submitting the application.
 - This also applies to persons who are entrusted with the management of the company or a branch office.
 - They must have orderly financial circumstances. This means, for example, that no insolvency proceedings have been opened against your assets or that you are not entered in the debtor register of the central enforcement court.
 - You must have professional liability insurance.
 - You must be knowledgeable, e.g. "Certified Finanzanlagenfachmann/Geprüfte Finanzanlagenfachfrau" or have an equivalent professional qualification.

Kosten

Fees apply. The exact amount can be found in the fee schedule of the local licensing authority or registry.

Verfahrensablauf

In order to obtain a license as a fee-based financial investment advisor, you must submit a corresponding application together with the necessary documents to your authority.

At the same time as your application, you can also apply for entry in the register of intermediaries.

The competent authority will check whether you meet the requirements based on the information you

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	<p>provide and the documents you submit.</p> <p>If you meet all the licensing requirements, you will receive the license.</p>
Bearbeitungsdauer	
Frist	<p>The permit must be issued before the activity begins. At the same time, you must notify the office responsible for business registrations of the start of the activity.</p>
weiterführende Informationen	<p>Here you will find an overview of the professional qualifications equivalent to the expert examination: Section 4 of the Financial Investment Brokerage Ordinance (FinVermV)</p>
Hinweise	<p>If you employ staff who are directly involved in providing investment advice, you must ensure their reliability and expertise and also have them entered in the register of intermediaries.</p>
Rechtsbehelf	<p>You can appeal against the decision on your application for a permit.</p> <p>Which legal remedies can be lodged (objection or appeal to the administrative court) varies depending on the federal state. Detailed information on admissible legal remedies can be found in the information on legal remedies in the decision on your permit application.</p>
Kurztext	<ul style="list-style-type: none"> • Permit for fee-based financial investment advisors Issuance <ul style="list-style-type: none"> • Permission to work as a professional fee-based financial investment advisor can be granted to a natural or legal person • In addition, an application for entry in the publicly accessible register of intermediaries is required upon commencement of the activity • Permission is granted under the following conditions <ul style="list-style-type: none"> Reliability, orderly financial circumstances, professional liability insurance, expertise • Permit valid nationwide for an unlimited period • Responsible for the permit: depending on the federal state, Chamber of Industry and Commerce (IHK), trade authority or district / independent city

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Ansprechpunkt	
Zuständige Stelle	Pursuant to Section 1 (1) GewRZV, the local regulatory authorities are responsible, i.e. the local authorities, independent municipalities, association municipalities, co-administrating municipalities, co-administered municipalities and independent cities.
Formulare	
Ursprungsportal	Investment advice as a professional fee-based financial investment advisor - granting of a license, Anlageberatung als gewerbsmäßiger Honorar-Finanzanlagenberater - Erteilung der Erlaubnis