

99050004005000

Heruntergeladen am 25.05.2025

<https://fimportal.de/xzufi-services/162/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99050004005000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Guarding trade; application for a permit
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	05.06.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wirtschaft, Landesentwicklung und Energie (Bavarian State Ministry of Economic Affairs, Regional Development and Energy)
Handlungsgrundlage	http://bundesrecht.juris.de/gewo/__34a.html http://bundesrecht.juris.de/gewo/__34a.html http://www.gesetze-im-internet.de/bewachv_2019/ http://www.gesetze-im-internet.de/bewachv_2019/
Teaser	If you want to guard the lives or property of other people on a commercial basis, you need a permit. You may only use reliable guards to carry out your guarding activities.
Volltext	<p>Commercial guarding is subject to authorization. Guarding within the meaning of § 34 a of the Trade, Commerce and Industry Regulation Act (GewO) refers to activities aimed at protecting the lives or property of third parties from interference by third parties. Guarding requires an active custodial activity (e.g. supervision or checks). The guarding must consist of human activity.</p> <p>A security company can be a natural or legal person. In the case of partnerships (e.g. OHG, KG), each managing partner is a trader and requires a permit. In the case of legal entities, the license is issued to the GmbH or AG.</p> <p>The personal licensing requirements (reliability, proof of successful completion of an expert examination, orderly financial circumstances) must be met by the trader or the legal representatives of a legal entity.</p> <p>Reliability is checked by the licensing authority in particular on the basis of an unrestricted extract from the Federal Central Register to be obtained by the authority, a statement from the police and an extract from the Central Trade Register to be requested by the applicant.</p> <p>Only persons (guards) whose reliability has been checked by the authority on the basis of an unrestricted extract from the Federal Central Criminal</p>

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Register and a statement from the competent police authority and who have also been instructed by the Chamber of Industry and Commerce for at least 40 hours on the legal and technical principles necessary for the exercise of the activity or have successfully completed an examination of expertise at the Chamber of Industry and Commerce may be entrusted with guarding tasks.

For the following security activities, security guards must also successfully pass an examination of competence at the IHK:

- Patrols in public traffic areas or in domestic areas with actual public traffic;
- Protection against shoplifters;
- Guarding the entrance area of nightclubs;
- Guarding reception facilities in accordance with Section 44 of the Asylum Act, shared accommodation in accordance with Section 53 of the Asylum Act or other properties and facilities that are used for the official accommodation of asylum seekers or refugees, even on a temporary basis, in a managerial capacity;
- guarding large events with protected access in a managerial capacity.

The security company must register the security guards via the security guard register.

The authorities have rights of information and inspection vis-à-vis tradespeople pursuant to Section 34a GewO in accordance with Section 29 GewO. At the request of the authorities, the parties concerned must provide the information required to monitor business operations. Furthermore, the authorities are authorized to enter the business premises in order to carry out inspections and visits.

Erforderliche Unterlagen

- if applying for a legal entity (e.g. UG, GmbH, AG), the current excerpt from the commercial, cooperative or association register
 - Certificates in tax matters from the tax office and the municipal tax office; in the case of legal entities,

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from all legal representatives

- Copy of identity card, passport with registration certificate, passport or identity card replacement or other official identification document; in case of legal entities, of all legal representatives
- Proof of successful completion of the expert examination or other recognizable proof

for the person submitting the application and the persons to be entrusted with the management of the business or a branch office; in the case of legal entities, for the legal representatives, insofar as they themselves are directly involved in the performance of security tasks or have not entrusted the management of the business or a branch office to a person who has a certificate of competence or other corresponding proof

- Proof of liability insurance
- Information from the debtors' register

Voraussetzungen

- reliability of the trader and his staff
- Orderly financial circumstances
- Proof of expertise by successfully passing an examination at the IHK
- adequate liability insurance

Kosten

- Guarding permit: 100 to 1500 EUR in accordance with the schedule of costs under the Costs Act (tariff no. 5.III.5/12)
- Central trade register extract: EUR 13 in accordance with the Code of Judicial Administration Costs
- Examination of expertise at the Chamber of Industry and Commerce: approx. 170 EUR
- Instruction with confirmation (proof of instruction) at the Chamber of Industry and Commerce: approx. EUR 425 for security personnel (per security guard)

Verfahrensablauf
Bearbeitungsdauer

The processing time is approx. 4 - 6 weeks.

Frist
weiterführende Informationen

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Hinweise	Before issuing the permit, the authority will obtain at least one statement from the police and the Bavarian State Office for the Protection of the Constitution as well as an unrestricted extract from the Federal Central Criminal Register.
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal