

99025002005000, 99050002005000, 99025005001001,  
 99025012001000, 99025011001000, 99025002005001

Heruntergeladen am 04.06.2025  
<https://fimportal.de/xzufi-services/163/L100042>

| Modul                     | Sachverhalt   |
|---------------------------|---|
| Leistungsschlüssel        | 99025002005000, 99050002005000, 99025005001001,<br>99025012001000, 99025011001000, 99025002005001 |
| Leistungsbezeichnung I    |   |
| Leistungsbezeichnung II   | Restaurant license; application   |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune:<br>Vollzug   |
| Quellredaktion            | Bayern  |
| Freigabestatus Katalog    | unbestimmter Freigabestatus   |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus   |
| Begriffe im Kontext       |   |
| Leistungstyp              |   |
| Leistungsgruppierung      |   |
| Verrichtungskennung       |   |
| SDG-Informationsbereich   |   |
| Lagen Portalverbund       |   |

| Modul                         | Sachverhalt  |
|-------------------------------|--|
| Einheitlicher Ansprechpartner |  |
| Fachlich freigegeben am       | 10.04.2025   |
| Fachlich freigegeben durch    | Bayerisches Staatsministerium für Ernährung, Landwirtschaft, Forsten und Tourismus (Bavarian State Ministry of Food, Agriculture, Forestry and Tourism)  |
| Handlungsgrundlage            | <a href="http://bundesrecht.juris.de/gastg/">http://bundesrecht.juris.de/gastg/</a><br><a href="http://bundesrecht.juris.de/gastg/">http://bundesrecht.juris.de/gastg/</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1">https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1">https://www.gesetze-bayern.de/Content/Document/BayKVzKG-ANL_1</a><br><a href="http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_24021981_IIB4129040.htm">http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_24021981_IIB4129040.htm</a><br><a href="http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_24021981_IIB4129040.htm">http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_24021981_IIB4129040.htm</a> |
| Teaser                        | If you want to operate a restaurant business serving alcoholic beverages, you need a restaurant permit. If you operate a restaurant requiring a permit through a deputy, you need a deputy permit.   |
| Volltext                      | <p>You operate a catering business if, in a standing business, you</p> <ul style="list-style-type: none"> <li>• serve drinks for consumption on the premises (pub business) or</li> <li>• serve prepared food for consumption on the premises (food service),</li> </ul> <p>if the business is accessible to the general public or certain groups of people.</p> <p>The catering trade only requires a permit if alcoholic beverages are served. If only non-alcoholic beverages and/or prepared food are served, the restaurant business does not require a permit.</p> <p>The permit is issued for a specific type of business (e.g. pub and restaurant, discotheque, dance café, etc.) and</p>  |

## Modul

## Sachverhalt

for the rooms used for the business.

A permit is also required for any expansion of the restaurant business and any change to the type of business.

In the case of civil law companies and commercial partnerships (OHG, KG), each managing partner requires a permit.

If you wish to operate a restaurant requiring a permit through a deputy, you will require a deputy permit.

If you wish to take over a restaurant requiring a permit from another person, you may be permitted to operate the restaurant business until the permit is issued on a revocable basis (usually for a period of up to three months) (provisional permit).

The same applies to the granting of a temporary replacement permit.

After the death of the permit holder, the catering business may be continued by the spouse, partner or underage heirs on the basis of the previous permit during the period of minority. The same applies to executors, administrators or executors of wills for a period of 10 years after the death. If you wish to continue to run a business on this basis, you must notify the licensing authority immediately.

If the catering activity requiring a permit is only temporary catering on the occasion of an event (special occasion, e.g. club, town, music festival, etc.), the operation of the catering business can be permitted by the municipality under simplified conditions (as a rule, no proof of instruction and no building permit is required) (see "Licensing under catering law; application" under "Related topics").

## Erforderliche Unterlagen

- Identity card or passport
- Certificate of good conduct for authorities

(to be applied for at the municipality of residence)

- Extract from the central trade register

## Modul

## Sachverhalt

(to be applied for at the municipality of residence)

- for EU citizens: proof of good repute from the country of origin

in a certified copy and certified German translation; if necessary, replacement by an affidavit in lieu of an oath or similar acts

- for non-EU citizens: proof of good repute

Official certificate of good conduct or good character or extract from the criminal record of the home country or an equivalent document and/or a certificate of good conduct for authorities and information from the central trade register

- if the trader carries out the catering activity regularly and sustainably on certain occasions (and thus as a full-time occupation): Proof of attendance at a 6-hour IHK course

- Floor plan of the rooms intended for catering operations and employee accommodation
- Lease/rental agreement or proof of ownership of premises

- Building permit
- for EU citizens and non-EU citizens: documents for restaurant permits

- for registered companies: Extract from the commercial register or comparable registration documents from abroad (with German translation)

- for companies under civil law: articles of association

- for a GmbH in formation: a copy of the notarized articles of incorporation and a power of attorney from the founders stating that the business is to commence prior to entry in the commercial register

- for non-EU citizens: residence permit that allows self-employment

- for applications for a deputy permit: details and documents relating to the applicant and the deputies

for applications for a proxy permit

## Modul

## Sachverhalt

- Authorization: Written power of attorney and the ID cards of both the grantor of the power of attorney and the grantee of the power of attorney

## Voraussetzungen

Permit requirements are the reliability of the trader, proof of training from the Chamber of Industry and Commerce on the basic principles of the food law knowledge required for the prospective business, space and location-related requirements including accessibility.

- The reliability of the trader is checked by the licensing authority on the basis of the certificate of good conduct and the extract from the central trade register.

In the case of EU citizens, the reliability is checked on the basis of documents issued in the country of origin that prove that the reliability requirements are met. A certified copy of the documents and a certified German translation may be required. If such documents are not issued in the country of origin, they can be replaced by an affidavit in lieu of an oath by the trader or comparable acts under the law of the country of origin.

In the case of non-EU citizens, an official certificate of good conduct or good character or an extract from the criminal record of the home country or an equivalent document and/or a certificate of good conduct for authorities and information from the central trade register are generally required to verify reliability. If, based on the foreigner's previous residence, it can be assumed that the aforementioned certificates and proofs no longer or not yet contain facts of significance under trade law, the foreign or German certificates may be dispensed with.

- The Chamber of Industry and Commerce (following a 6-hour course) will certify that you have been instructed in the necessary food law knowledge (if you run a pub and restaurant) (proof of instruction). In the case of legal entities (GmbH, AG), these personal licensing requirements must be met by the authorized representatives (managing director, board of directors). Holders of certain completed professional qualifications (e.g. boulanger in France, master baker

**Modul**
**Sachverhalt**

in Austria) who can provide proof of the relevant qualification are exempt from the proof of instruction.

- A further prerequisite for the granting of the permit is that the rooms intended for the operation of the business or the stay of the employees are suitable, that the rooms intended for guests can be used without barriers and that the business does not conflict with the public interest with regard to its local location or the use of the rooms, in particular that there is no fear of harmful environmental effects or other significant disadvantages, dangers or nuisances for the general public.
- In particular, a building permit must be available for the intended type of business.
- In the case of non-EU citizens, a residence permit allowing the exercise of self-employed activity is generally required.

**Kosten**

- Restaurant license: 100 to 6,000 EUR
- Deputy permit and provisional permit: 50 to 600 EUR
- Provisional proxy permit: 30 to 300 EUR
- Certificate of good conduct and extract from the central trade register: EUR 13 each
- Instruction with confirmation (proof of instruction) at the Chamber of Industry and Commerce: EUR 80

**Verfahrensablauf**

You must submit an application for a restaurant permit or deputy permit to the competent trade authority.

**Bearbeitungsdauer**
**Frist**

The restaurant permit must be issued before the start of operations, so it is necessary to submit the application in good time (approx. 4 weeks before the start of operations).

**weiterführende Informationen**
**Hinweise**

You must also register the business with the relevant municipality (see "Business registration" under "Related topics").

**Rechtsbehelf**

Administrative court action

**Kurztext**

| Modul             | Sachverhalt                |
|-------------------|----------------------------|
| Ansprechpunkt     |                            |
| Zuständige Stelle |                            |
| Formulare         |                            |
| Ursprungsportal   | BayernPortal, BayernPortal |