

Gastronomic trade - apply for permit

You operate a gastronomic trade, if you commercially:

- * serve drinks (Schankwirtschaft) or prepared meals (Speisewirtschaft) for consumption on the spot in a stationary trade (i.e. in a fixed place of business)

or

- * in an itinerant trade (from a fixed place of business only for the duration of an event) serve drinks or prepared meals for consumption on the spot.

The establishment must be accessible to everyone or to a specific group of people.

If you want to operate a gastronomic business serving alcohol, you generally need a permit for your gastronomic business (gastronomy trade permit).

Exceptions:

You do *not* need a permit* if you serve:

- * non-alcoholic drinks

- * free samples

- * prepared food, or

- * give drinks and prepared food to house guests in connection with an accommodation business.

- * give drinks and prepared meals to house guests.

Independently of the gastronomy permit discussed here and depending on your offer, you may have to fulfil further registration and permit obligations, for example according to the Trade Regulations.

The permit is issued for a specific type of business (e.g. pub, discotheque, dance club, snack bar) and is only valid for the premises used for the business. A building permit may also be required.

Permission is also required for any extension of the gastronomic business and any alteration of the premises.

In the case of civil law partnerships and commercial partnerships, a separate permit is required for each partner. In the case of legal entities and associations without legal capacity, on the other hand, only a single gastronomy permit is required.

If you want to take over an existing licensed gastronomic business from another person, you can be granted a provisional permit on revocation (usually for 3 months) until the final gastronomy permit is issued (see "More information"). With this permit, the business can also be taken over at short notice.

A deputy permit should be applied for, if you want the gastronomy to be run by a deputy who is also to act responsibly towards authorities and institutions. The deputy must fulfil the same criteria regarding personal reliability and suitability as you yourself.

Prerequisites

- Personal reliability
Reliability is checked on the basis of various forms of evidence. The applicant must provide information from the Federal Central Register (certificate of good conduct) and information from the Central Trade Register.
- Expert knowledge
Proof of undergone training regarding relevant knowledge about food safety regulations.
- Suitability of rooms and location
The rooms used for gastronomy business must be suitable for the type and extent of the intended use. For example, the premises must meet the requirements of the building regulations established to protect the health and life of guests and employees. In addition, no harmful environmental effects may emanate from the business. Requirements for accessibility are also checked.

Documents required

- Application for a gastronomy permit
Possible online; or you can use the form.
- Identity document
Identity card or other official identification document with photo (not required for electronic application).
Residence permit if the applicant is not a national of an EU country.
- Certificate of good conduct for presentation to an authority
To verify personal reliability, information from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).
The information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business. The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "More information")

<https://service.berlin.de/dienstleistung/120926/>
- Excerpt from the central business register for presentation to an authority
To verify personal reliability, information from the central business register for natural persons is required for submission to an authority (document type 9).
As a private individual, the information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business.
Legal entities with their place of business in Berlin apply for it at their competent public order office.
The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "More information")

<https://service.berlin.de/dienstleistung/327835/>

- Training course for the gastronomic business pursuant to § 4 of the Gastronomy Act (Gaststättengesetz - GastG)
Certificate from a Chamber of Commerce and Industry (Industrie- und Handelskammer, or IHK) for participation in a training course for the gastronomic business or a similar qualification (to be confirmed by the IHK).

<https://service.berlin.de/dienstleistung/330174/en/>

- Purchasing or rental contract
To prove that you have the actual power of disposal over the business premises.
- Ground plan
Floor plan of the premises intended for operation of the restaurant and staff areas (ideally on a 1:100 scale).
- Up-to-date excerpt from the Trade Register
Registered companies are required to submit an up to date excerpt from the Trade Register when applying. Legal entities that are in the process of being established (GmbH, AG) are required to submit their partnership agreement or statutes.

https://www.handelsregister.de/rp_web/welcome.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01

Forms

- Application for a gastronomy permit
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f127280-wi500_gaststaettenantrag.pdf

Fees

EUR 100.00 to EUR 1,500.00 depending on effort

Legal basis

- Gastronomy Act (Gaststättengesetz - GastG) § 2 permit
https://www.gesetze-im-internet.de/gastg/__2.html
- Gastronomy Act (Gaststättengesetz - GastG) § 4 reasons for refusal
https://www.gesetze-im-internet.de/gastg/__4.html
- Berlin Gastronomic Business Regulation (Gaststättenverordnung Berlin - GastV)
<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GastV+BE&psml=bsbeprod.psml&max=true&aiz=true>
- Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))
<https://gesetze.berlin.de/perma?d=jlr-VwGebOBE2009V11Anlage>

Average time to process request

approx. 3 to 5 weeks

More information

- Berlin Gastromat - questions and answers regarding the gastronomic business
<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerberecht/berliner-gastromat-3538458>
- Information by the Berlin Chamber of Industry and Commerce (IHK) on gastronomic business serving alcohol
<https://www.ihk-berlin.de/service-und-beratung/existenzgruendung/informationsangebote/brancheninformaton/gastronomie-mit-alkohol-2279262>
- Information by IHK Berlin regarding the handling of food products
<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerberecht/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>
- Apply for certificate of good conduct and central business register online - BfJ
https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste_node.html
- Information by Chamber of Industry and Commerce Berlin regarding the training course for the restaurant trade
https://www.ihk-berlin.de/pruefungen_lehrgaenge/unterrichtungen/gaststaette_nununterrichtung/2265134
- Gastronomic trade - register for the certificate of instruction
<https://service.berlin.de/dienstleistung/330174/en/>
- Gastronomy trade - apply for provisional permit
<https://service.berlin.de/dienstleistung/329715/en/>
- Information about privacy
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf

Link to online processing

<https://www.berlin.de/ea/en/application/login-service-account-berlin/>

Responsible authority

The application for a restaurant permit must be submitted to the public order office in whose district your business premises are locally located.

Information on this location

Ordnungsamt Mitte - Arbeitsgruppe Gewerbe

Address

Karl-Marx-Allee 31
10178 Berlin

Sonstige Hinweise zum Standort

Für Hinweise/Beschwerden zu Störungen im öffentlichen Raum nutzen Sie bitte Ordnungsamt-Online [<https://ordnungsamt.berlin.de/frontend/dynamic/#!start>]

Barrier-free access

This facility is wheelchair accessible.
Handicapped parking space available.
A wheelchair-accessible elevator is available.
A wheelchair-accessible WC is available.

Opening hours

Tuesday: 09:00-13:00 Uhr
(Annahmeschluss 12:00 Uhr)
Thursday: 14:00-18:00 Uhr
(Annahmeschluss 17:00 Uhr)

Contact

Telephone: (030) 9018-22010
Fax: (030) 9018-23781
Internet:
<https://www.berlin.de/ba-mitte/politik-und-verwaltung/aemter/ordnungsamt/gewerbe-gaststaetten-und-spielhallenangelegenheiten/>
E-mail: ordnungsamt-zab@ba-mitte.berlin.de

Payment methods

You can pay in cash or with a debit card (Girocard) (with PIN) at this location.

PDF downloaded on 24.01.2022