

## Auctioneers - Applying for public appointment and swearing-in

If you wish to conduct public auctions (compulsory pledge sales or emergency sales), you must be publicly appointed and sworn in as an auctioneer (m/f/d) by the competent supervisory authority.

The public appointment and swearing in is exclusively in the public interest.

It does not serve the personal goals or ideas of the applicant.

In particular, it is not an admission to a profession, but the award of a special qualification. The owners of the auctioned goods have no influence on the price and the minimum bid and must therefore be able to rely on the fact that their property interests are represented at the auction in a particularly qualified way.

Appointments may be made in general or limited to certain types of auctions (e.g. jewellery, antiques or carpets etc.) where there is a need for auctioneer services. It may also be limited in content, set a time limit and be subject to conditions.

The appointment is valid for the entire Federal Republic of Germany and can only be issued to natural persons. As a publicly appointed auctioneer, you are sworn in to perform your duties conscientiously, free from instructions and independently and impartially.

Procedure:

# You apply for public appointment as auctioneer at the Senate Administration responsible for economics. You indicate whether you wish to be appointed generally or only for certain types of auctions, i.e. for a specific subject area.

# Your application will be examined by the competent authority.

# If you satisfy the requirements for public appointment, you will be sworn in and receive an appointment certificate and the notice of appointment.

### Prerequisites

Natural person

Only natural persons are able to apply.

Legal entities (such as GmbHs, associations, registered cooperatives, foundations) cannot be publicly appointed and sworn in.

Permission for the auctioneer

You work freelance or as an employed person for an auctioneer and have a licence for the auctioneer's business. As an employed person you examine and evaluate the auction items independently and free from the instructions of your employer.

<https://service.berlin.de/dienstleistung/292634/en/>

Special expertise

\* In the case of public appointments for the general sector, you must

demonstrate above-average expertise and experience in the valuation of movable objects of the normally equipped household, such as those typically given to pawnbrokers for the purpose of lending (e.g. carpets, furs, jewellery, furniture, art and household effects).

\* In the case of public appointments for certain types of auctions (e.g. antiques, works of art, etc.), you must provide evidence of special expertise and industry knowledge in that field.

\* In addition, you must have knowledge of all relevant provisions concerning the responsibilities, rights and obligations of an auctioneer (Trade Code, Auctioneer Ordinance, Commercial Code and Civil Code).

Several years work experience

You have to demonstrate several years of practical experience as an auctioneer and hold regular (i.e. several times a year) auctions.

Orderly financial circumstances

The reliability of the auctioneer depends first of all on his independence and impartiality; therefore, you must not make yourself vulnerable, particularly in financial terms. You have to provide evidence of your orderly financial circumstances.

Personal reliability

Publicly appointed and sworn auctioneers carry out pledge and emergency sales. The aim here is to protect the economically weaker sections of the population from taking advantage of their distress and from being cheated. This requires the auctioneer to be reliable in character and especially reliable. You must provide evidence of personal reliability (cf. § 34 b section 4 GewO).

[https://www.gesetze-im-internet.de/gewo/\\_34b.html](https://www.gesetze-im-internet.de/gewo/_34b.html)

## Documents required

Application

Submit the application in text form by post or electronically.

Identity document

a clearly readable copy of the identity card or passport and residence permit if the applicant is not a national of an EU country

Curriculum vitae

Tabular curriculum vitae about your professional career, relevant degrees and other completed further education or qualification measures

Copies of certificates

copies of relevant examinations or certificates of course attendance, of professional training and qualification measures

Evidence of professional experience

At least five years of experience as an auctioneer with the implementation of several auctions per year. Documentation of previous work, such as expert report or lists of completed auctions, serve as proof.

Proof of expertise

The appointing authority may ask you to take an examination before a neutral and competent body, e. g. the Chamber of Industry and Commerce.

<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2271518/08469a1d444e2ec1d82d137969e3188/oeffentliche-bestellung-als-versteigerer-data.pdf>

- Permission for the auctioneer

Copy of the permission as auctioneer

<https://service.berlin.de/dienstleistung/292634/en/>

- Certificate of good conduct for presentation to an authority

To verify personal reliability, a certificate of good conduct is required for submission to an authority (also an official certificate of good conduct). The proof must not be older than 3 months. When applying, please state "Öffentliche Bestellung als Versteigerer nach § 34b Abs. 5 GewO" as the intended purpose.

The Federal Ministry of Justice also offers an online application procedure. (see "Further information")

<https://service.berlin.de/dienstleistung/120926/>

- Excerpt from the central business register for presentation to an authority

To verify personal reliability, an extract from the central trade register is required for submission to an authority. The proof must not be older than 3 months. When applying, please state "Öffentliche Bestellung als Versteigerer nach § 34b Abs. 5 GewO" as the intended purpose.

The Federal Ministry of Justice also offers an online application procedure. (see "Further information")

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

- Information from the insolvency register

\* For insolvency proceedings of natural persons resident in Berlin, two certificates are required as proof. The first one for consumer insolvency proceedings must be applied for at your local court and the second one for regular insolvency proceedings at the Amtsgericht Charlottenburg Amtsgerichtsplatz 1, 14057 Berlin. The evidence must not be older than 3 months.

\* Applicants with residential/business domicile outside of Berlin should inform themselves about the respective jurisdiction of the insolvency courts via the central local and court register. (see "Further information")

<https://service.berlin.de/dienstleistung/327527/>

- Self-information from the debtors' register

The certificate must not be older than 3 months.

<https://service.berlin.de/dienstleistung/327028/>

- Tax-related information ("Bescheinigung in Steuersachen")

If you already have your own business, contact the company tax office.

If you do not yet exercise your own business, contact your local tax office.

The proof must not be older than 3 months.

<https://service.berlin.de/dienstleistung/324713/en/>

- If applicable, business registration

Copy of the business registration, if you already practice the auctioneer

business.

<https://service.berlin.de/dienstleistung/121921/en/>

- If applicable, the employer's certificate of exemption for salaried employees

If you work as an employee of an auctioneer, please submit a certificate of exemption from work from your employer stating that you have performed your duties without being bound by instructions despite your employment relationship.

- If applicable, professional liability insurance confirmation by an insurance company of the existence of professional indemnity insurance for the auctioneer.

## Fees

EUR 56,00 to EUR 600,00 Euro, depending on the administrative effort

## Legal basis

- Trade Code (GewO) § 34b Abs. 5  
[https://www.gesetze-im-internet.de/gewo/\\_\\_34b.html](https://www.gesetze-im-internet.de/gewo/__34b.html)
- Schedule of Administrative Charges (Verwaltungsgebührenordnung (VGebO))  
<https://gesetze.berlin.de/jportal/?quelle=jlink&query=VwGebO+BE&amp;psml=bsbeprod.psml&amp;max=true>

## Average time to process request

1 - 3 months

Depending on the validity of the documents submitted, the receipt of the certificate of good conduct and any examinations to be taken before a neutral, expert body.

## More information

- Leaflet of the Chamber of Industry and Commerce Berlin - Public appointment as auctioneer  
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2271518/08469a1d444e2ec1d82d137969e3188/oeffentliche-bestellung-als-versteigerer-data.pdf>
- Information from the Senate Department for Economics - Trade Law  
<https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/gewerberecht/artikel.87717.php>
- Apply for certificate of good conduct and central trade register online BfJ  
[https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste\\_node.html](https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste_node.html)
-

Search for the competent court in the central local and court register

<https://www.justizadressen.nrw.de/de/justiz/suche>

- Information from the debtors' register - central enforcement portal of the federal states

<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>

## **Responsible authorities**

The public appointment and swearing-in as auctioneer must be applied for at the Senate Department responsible for economics for persons with business or residence in Berlin.

Instructions for submitting applications by post:

\* Please do not use staples.

PDF downloaded on 06.12.2021