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Pawnbroking business - apply for a permit

Anyone wishing to operate a pawnbroker's business or act as a pawnbroker's agent must obtain a licence from the relevant authority. The licence may be subject to conditions where this is necessary to protect the public or the pledgor. You must apply for the licence before commencing business. You are only authorised to carry on the business once the licence has been granted.

Pawnbrokers and pawnbroking agents

- A pawnbroker grants a cash loan against the deposit of collateral to secure the loan, together with interest and the costs of conducting business. The pawnbroker must also notify the competent authority, at the start of business operations, of the premises to be used for the business. Any change of premises must also be notified.
- The pawnbroking agent acts as an intermediary in pawnbroking transactions by granting an advance on collateral entrusted to them and pledging the collateral in their own name with a pawnbroker.

As a pawnbroker, you are obliged to insure the collateral against fire damage, water damage, burglary and robbery for at least double the amount of the loan.

In the case of partnerships (e.g. GbR, OHG, KG), each managing partner is considered a trader; in the case of legal entities (GmbH, UG or AG), the licence is granted to the company.

Procedure

1. You must apply to the relevant authority for a licence to operate a business as a pawnbroker or pawnbroking agent.
2. Following the assessment, you will either be granted a licence or receive a notice of refusal. A licence may be subject to certain conditions.

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.
- **Orderly financial circumstances**
It is verified whether the applicant is in debt (of a private or public nature) or if there are any known insolvency proceedings.
- **Evidence of the means or securities required for business operations**
You must provide evidence of the necessary funds or security for the first six months. This may take the form of bank balances or a bank guarantee.
- **To apply online: Register or log in using your BundID account**

Documents required

- **Application for a permit (pawnbroker permit)**
You can either submit your application online or use the form and submit your application in writing by post.

- **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**

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

To verify personal reliability, an extract from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).

The information must not be older than three months.

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

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

To verify personal reliability, information from the central business register is required for submission to an authority (document type 9).

The information must not be older than three months.

- **Information from the debtors' register (Central Enforcement Portal)**

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

Information regarding entries must be requested online from the central enforcement centre for the respective federal state (see "more information").

- **Information from the insolvency register**

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

- **Two certificates** are required for initiating insolvency proceedings for natural persons who are residents of Berlin. The first certificate for consumer insolvency proceedings must be applied for with the local court responsible for your place of residence, and the second one for regular insolvency proceedings is available from the District Court Charlottenburg Amtsgerichtsplatz 1, 14057 Berlin.

- The District Court Charlottenburg, Amtsgerichtsplatz 1, 14057 Berlin is responsible for insolvency proceedings for legal entities and private trade companies based in Berlin.

- Applicants residing / operating outside of Berlin please inform themselves about the respective responsibilities of the insolvency courts via the central place and court directory (see "more information").

- **Evidence of the means or securities required for the pawnbroking business**

Evidence of sufficient means or securities for at least the first six months of business operation must be provided. Such evidence can be provided by presenting a corresponding bank guarantee or a financing commitment from a bank. In particular costs for staff, rent, furniture, equipment and insurances must be provided for, under consideration of the expected earnings.

- **Ground plan**

Floor plan of the premises intended for the business (ideally on a 1:100 scale).

- **Up-to-date excerpt from the Trade Register**

(https://www.handelsregister.de/rp_web/welcome.xhtml)

Registered companies please submit a current excerpt from the commercial register when applying. Legal entities in the process of formation (GmbH, AG) must submit the articles of association.

Forms

- **Application for a permit (pawnbroker permit)**

(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehendes-gewerbe/_assets/mdb-f123921-winr230_gewo_pfandleiher_antrag_01_2017.pdf)

Fees

84.00 to 2,075.00 euros per expense

Legal basis

- **Gewerbeordnung (GewO) § 34 - Pfandleihgewerbe**
(https://www.gesetze-im-internet.de/gewo/_34.html)
- **Pawnbroker Ordinance (Pfandleihverordnung (PfandIV))**
(<https://www.gesetze-im-internet.de/pfandlv/>)
- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**
(<https://gesetze.berlin.de/bsbe/?aiz=1&docId=jlr-VwGebOBE2009rahmen&query=JURISLINK%3A%22VwGebO+BE%22>)

Average time to process request

1 month

More information

- **Information on businesses requiring a licence (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerbeericht/erlaubnispflichtige-taetigkeiten-index-2253530>)
- **Information from the debtor register (enforcement portal of the federal states)**
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)
- **Insolvency announcements online (justice portal of the federal states)**
(<https://neu.insolvenzbekanntmachungen.de/ap/>)
- **Search for the competent court (central directory of places and courts)**
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Note on data protection (public order offices of the state of Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/VermittlerUndBerater/index?AnliegenID=124488>

Notes on responsibility

The permit must be applied for at the public order office responsible for the place of business. If a place of business is not yet known, the permit can also be applied

for at the public order office responsible for the applicant's place of residence.