

Pawnbroker trade - permit

Anyone wishing to perform the trade of a pawnbroker requires permission from the competent authority.

A pawnbroker grants a cash loan against a deposit for securing the loan plus interest and costs of operating the business.

A pawn agent arranges for pawn transactions by granting advance payments on pawned items and pledging these to a pawnbroker in their own name.

When taking up their activities, pawnbrokers must inform the relevant authority about the premises they intend to use for their business activities. Relocations also require notification.

In the case of business partnerships (e. g. GbR, OHG, KG), each managing partners is considered a business person. In the case of legal entities (GmbH, UG or AG) permission is granted to the company.

Prerequisites

- No prerequisites
- Personal reliability
Reliability is verified based on various documents. The applicant must submit an excerpt from the Federal Central Criminal Register (certificate of good conduct) and an excerpt from the Commercial Central 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

Documents required

- Personal document
Identity card or other official identification document containing a photograph (not required for electronic applications).
Residence permit, if the applicant is not an EU national
- Certificate of good conduct
Certificate of good conduct from the German Federal Central Criminal Register for presentation to an authority (certificate type 0).
The certificate must be applied for in the municipality of residence (in the case of Berlin at any Citizens' Office) for presentation to an authority. This means that it will be sent directly to the competent Public Order Office for the place of business. The certificates must be no older than three months.
They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

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

- Excerpt from the Commercial Central Register, regarding a natural entity

Statement from the Commercial Central Register for natural entities, for presentation to an authority (certificate type 9).

The certificate must be applied for in the municipality of residence (in the case of Berlin at any Citizens' Office) for presentation to an authority. This means that it will be sent directly to the competent Public Order Office for the place of business. The certificates must be no older than three months.

They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

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

- Excerpt from the Commercial Central Register, regarding a legal entity

Statement from the Commercial Central Register for legal entities, for presentation to an authority (certificate type 9).

The statement must be applied for with the competent Public Order Office for the place of business.

They can also be applied [<https://www.fuehrungszeugnis.bund.de/>] for with the Federal Office of Justice.

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

- Evidence of the required means and securities for the pawnbroker trade

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.

- Information from the record of debtors (central enforcement centre)

Information regarding entries must be requested online [<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>] from the central enforcement centre for the respective federal state.

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

- Information from the insolvency register

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

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

- 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

- Floor plan
Floor plan of the premises intended for the business (ideally on a 1:100 scale).
- Application for a licence pursuant to § 34 of the Trade Regulations GewO (pawnbroker licence)
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f123921-wir230_gewo_pfandleiher_antrag_01_2017.pdf

Forms

- Application for a licence pursuant to § 34 of the Trade Regulations GewO (pawnbroker licence)
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f123921-wir230_gewo_pfandleiher_antrag_01_2017.pdf

Fees

EUR 80.00 to 2,100.00 depending on the required administrative effort

Legal basis

- Trade Regulations § 34
https://www.gesetze-im-internet.de/gewo/__34.html
- Ordinance for business activities of commercial pawnbrokers (Pawnbroker Ordinance)
<https://www.gesetze-im-internet.de/pfandlv/>

Average time to process request

1 month

More information

- Information by CCI Berlin
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2253238/af812a6f224520b97a65d175dfdedbd1/merkblatt-erlaubnispflichtige-taetigkeiten-und-gewerbe-data.pdf>
- Online insolvency information via the common justice portal for the federal states
<https://www.insolvenzbekanntmachungen.de/>
- Determination of the competent court for a written record from the insolvency register
<https://www.justizadressen.nrw.de/de/justiz/suche>
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Information about privacy

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf

Responsible authorities

The permit must be applied for with the competent Public Order Office for the place of business. If the place of business is not yet known, approval can also be applied for with Public Order Office that is responsible for the applicant's place of residence.

Link to online processing

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

PDF downloaded on 09.03.2021