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Pawnbroking business - apply for a permit

Anyone wishing to operate the business of a pawnbroker or a pawnbroker's agent requires permission from the competent authority.

The permit may be subject to conditions insofar as this is necessary for the protection of the general public or the pawnbrokers. You must apply for the permit before you start your business. You are only entitled to exercise the trade after the permit has been granted.

Pawnbroker and pawnbroker brokers

- The **pawnbroker** grants a money loan against deposit of a pledge to secure the loan plus interest and costs of business operations. The pawnbroker must additionally notify the competent authority at the start of the trade which rooms are to be used for the trade. A change of premises must also be notified.
- The **pawnbroker brokers** pawn transactions by granting an advance on pawns handed over to him and pledging the pawns in his name with a pawnbroker.

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

Procedure:

1. You must apply to the competent authority for permission to operate a business as a pawnbroker or pawnbroker.
2. After the examination, you will either receive the permit or a rejection notice. A permit 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 will need to show required funds or collateral for the first six months. This can be credit balances or a bank guarantee.
 - You must also take out insurance against fire damage, water damage, burglary and robbery and present it at the time of application. You must have a safe for jewellery.
 - You must secure your premises against burglary with an alarm system.
 - For car pawnshops, the issue of potential environmental hazards from the parking areas of the vehicles must be addressed.

Documents required

- **Application for a permit pursuant to § 34 of the Trade Regulations (Pawnbrokers)**

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**

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

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")

- **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 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")

- **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.

- **Professional liability insurance**

(https://www.gesetze-im-internet.de/pfandlv/__8.html)

Confirmation from an insurance company of the existence of professional liability insurance for the pawnbroking trade.

The confirmation must not be older than three months.

- **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.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01)

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 pursuant to § 34 of the Trade Regulations (Pawnbrokers Permit)**

(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehend-es-gewerbe/_assets/mdb-f123921-wir230_gewo_pfandleiher_antrag_01_2017.pdf)

Fees

EUR 80.00 to EUR 2,100.00 per effort

Legal basis

- **Trade Regulations (GewO) § 34**

(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/perma?d=jlr-VwGebOBE2009V11Anlage>)

Average time to process request

1 month

More information

- **Information by IHK Berlin**

(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerberecht/erlaubnispflichtige-taetigkeiten-index-2253530>)

- **Apply for certificate of good conduct and central business register online - Bfj**
(https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste_node.html)
- **Information from the debtors' register - Central Enforcement Portal of the Federal States**
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)
- **Insolvency notices online via the joint justice portal of the Federal States**
(<https://neu.insolvenzbekanntmachungen.de/ap/>)
- **Search for the competent court in the central local and court register**
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Information about privacy**
(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehendes-gewerbe/_assets/merkblatt-dsgv.pdf)

Responsible authorities

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.

Link to online processing

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