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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.

Procedure:

1. If you wish to open a licence-requiring gastronomy trade (with serving of alcohol), you must apply for a gastronomy licence before starting the activity. The application can be submitted online. Please complete the application in all its parts, upload the required documents and submit it.
2. The competent authority will check your details and documents and request any missing documents. You will receive instructions on the further procedure and will be informed of the processing status by e-mail.
3. If all requirements are satisfied and the necessary documents have been submitted, you will receive a fee notice and the licence by post. If not all requirements or necessary documents have been met, your application will be rejected and a fee will be charged. In this case, you can find the reason for the rejection in the notification from the responsible office.

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 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.

- **Training course for the gastronomic business pursuant to § 4 of the Gastronomy Act (Gaststättengesetz - GastG)**

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

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).

- **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**

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

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.

Forms

- **Application for a gastronomy permit**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr-500a-gastg-gaststaettenantrag_s.pdf)

Fees

- EUR 100.00 to EUR 1,500.00 per expense: unlimited licence
- EUR 50.00 to EUR 500.00 per expense: temporary licence

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 Gastronomy Ordinance (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/bsbe/?aiz=1&docId=jlr-VwGebOBE2009rahmen&query=JURISLINK%3A%22VwGebO+BE%22>)

Average time to process request

approx. 3 to 5 weeks

More information

- **Berliner Gastromat - Questions and answers on the subject of catering (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerberecht/gastromat-ihk-berlin-zugang-6538178>)
- **Information on gastronomic businesses serving alcohol (Berlin Chamber of Industry and Commerce)**
(<https://www.ihk.de/berlin/service-und-beratung/existenzgruendung/informationsangebote/brancheninformation/gastronomie-mit-alkohol-2279262>)
- **Information on handling food (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerberecht/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>)
- **Information on instruction in catering (IHK Berlin)**
(https://www.ihk.de/berlin/pruefungen_lehrgaenge/unterrichtungen/gaststaetenunterrichtung/2265134)
- **Gastronomic trade - register for the certificate of instruction (service)**
(<https://service.berlin.de/dienstleistung/330174/en/>)
- **Gastronomic trade - apply for a provisional permit (service)**
(<https://service.berlin.de/dienstleistung/329715/en/>)
- **Privacy policy (Public Order Offices of Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)
- **Information leaflet: Reusable is the law! This will change with the reusable packaging obligation from 2023 (Senate Department for Consumer Protection)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/2023-09-01_flyer_senmvku_mehrwegangebotspflicht.pdf)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Gastst%c3%a4ttenerlaubnisse/index>

Notes on responsibility

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