

Insurance consultant - approval

You require approval from the relevant Chamber of Industry and Commerce if you would like to perform consultation services for third parties as an independent insurance consultant.

An Insurance Consultant provides professional advice to third parties regarding the negotiation, amendment or review of insurance contracts. In the event of a claim, they may also provide advice or represent third parties towards insurance companies outside of court, to obtain their entitlements from insurance contracts. Insurance consultants may not accept commission fees from insurance companies or be dependent on such in any other way or accept economic benefits from them.

In addition to requiring approval, insurance consultants are obliged to arrange for registration in the directory of insurance intermediaries, immediately upon taking up their services. Failure to do so can result in an administrative fine.

Prerequisites

Personal reliability

Individuals who were convicted for a criminal offence or for theft, misappropriation, blackmailing, fraud, a breach of trust, money laundering, document fraud, handling stolen goods, usury or an insolvency offence over the past 5 years prior to submitting their application, are usually not considered to possess the required degree of trustworthiness. A certificate of good conduct and an excerpt from the central business register for presentation to an authority are required to perform the review.

Orderly financial circumstances

A review is performed of the applicant's financial circumstances. It is checked whether the applicant is in debt (of a private or public nature) or if there are any known insolvency proceedings. Information from the record of debtors concerning the past 5 years and information from the insolvency register are required.

Expertise

Proof of a successfully passed examination of competence before a Chamber of Industry and Commerce or a similar approved certification / professional qualification. The applicant must prove that they possess sufficient expertise in particular about insurance-related and legal principles and knowledge of the area of insurance consultation.

Sufficient insurance cover

The insurance consultation business must be covered by liability insurance to the required minimum insurance sum [http://www.gesetze-im-internet.de/versvermv/___9.html].

Documents required

Personal document

Identity card or other official identification bearing a photograph. Not

required for digitally submitted applications.

- Current excerpt from the trade register (only required if included in the trade register)

Registered companies are required to submit a current excerpt from the trade register when applying. Legal entities that are currently being founded (e.g. GmbH, AG) are required to submit their partnership agreement or statutes.

https://www.handelsregister.de/rp_web/welcome.do

- Proof of expertise

Proof of expertise from the Chamber of Industry and Commerce regarding required knowledge and legal provisions of the insurance business. Or a similar recognised professional qualification [http://www.gesetze-im-internet.de/versvermv/___4.html].

https://www.ihk-berlin.de/pruefungen_lehrgaenge/pruefungen/Sach-_und_Fachkundepruefung/Sachkundepruefung_Versicherungsvermittler/Sachkundepruefung_Versicherungsvermittler/2265198

- Professional liability insurance

Confirmation from an insurance company that the insurance consultancy business is covered by professional liability insurance. The level of insurance must comply with statutory minimum insurance amounts [http://www.gesetze-im-internet.de/versvermv/___9.html].

- 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://justiz.de/OrtsGerichtsverzeichnis/index.php>].

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

- Information from the record of debtors according to the new law (online information)

An information regarding entries in the record of debtors according to the new law can be applied for electronically with the central state enforcement portal [<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>].

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

- Application for approval as an insurance consultant

Form: Application for approval and registration as an insurance consultant § 34d sec. 2 GewO

https://www.ihk-berlin.de/Service-und-Beratung/recht_und_steuern/download_s/_verlinkungen/VVM_Antragsformulare/2253510

- Certificate of good conduct for presentation to an authority

A certificate of good conduct for presentation to an authority is required to verify personal reliability. For individuals who are resident / registered in Berlin, the official certificate of good conduct can be applied for with any citizens' office in Berlin. This can be done in person, during regular opening hours and without arranging an appointment.

The Federal Ministry of Justice also provides an online application process [https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/BZR/FZ_node.html].

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

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

An excerpt from the central business register for presentation to an authority is required, in order to review personal reliability.

Individuals who are resident / registered in Berlin, are able to apply for the excerpt from the central business register with any citizens' office in Berlin. This can be done in person, during regular opening hours and without arranging an appointment.

Legal entities with premises in Berlin can apply for it with the relevant public order office.

The Federal Ministry of Justice also provides an online application process [https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/GZR/GZR_node.html].

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

Forms

- Application for approval pursuant to § 34d section 2 Trade Regulation Code (GewO) and registration in the directory of intermediaries pursuant to § 11a GewO

https://www.ihk-berlin.de/blob/bihk24/Service-und-Beratung/recht_und_steuer/downloads/2253340/fb191c6267aba237ba400f1dac3c092e/06--1--Erlaubnisantrag_gem-_34_e_GewO-data.pdf

Fees

The approval process for insurance intermediaries and consultants costs EUR 275.

The registration fee for the directory of insurance intermediaries is EUR 45

(see schedule of fees by the Chamber of Industry and Commerce

[https://www.ihk-berlin.de/blob/bihk24/ueber_uns/Rechtsgrundlagen/rechtliche-grundlagen/2256952/c2397c194acbc8ba8fbc5c7d089e8f38/IHK_Gebuehrenordnung-data.pdf], legal and tax - 2. Insurance intermediaries and consultants).

Legal basis

- § 34d sec. 2 Trade Regulation Code

https://www.gesetze-im-internet.de/gewo/_34d.html

- Ordinance for insurance mediation and consultation

http://www.gesetze-im-internet.de/versvermv_2018/index.html#BJNR248310018BJNE000100000

More information

- Leaflet from the Berlin Chamber of Industry and Commerce - Insurance Consultants
https://www.ihk-berlin.de/blob/bihk24/Service-und-Beratung/recht_und_steuern/downloads/2253348/1bef84bc959e596216b04a0cf22e2dae/Merkblatt_Versicherungsberater-data.pdf
- Application forms for insurance intermediaries / consultants
https://www.ihk-berlin.de/Service-und-Beratung/recht_und_steuern/download/s/_verlinkungen/VVM_Antragsformulare/2253510
- Summary differences in the insurance industry
<https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/einheitliche-r-ansprechpartner/uebersicht-versicherungsgewerbe.pdf>
- Information from the Berlin Chamber of Industry and Commerce regarding insurance arrangement
https://www.ihk-berlin.de/Service-und-Beratung/recht_und_steuern/gewerberecht/Erlaubnis_Registrierungsverfahren_IHK/Versicherungsvermittler/2253508

Responsible authorities

The application for approval as an insurance consultant must be submitted to the Chamber of Industry and Commerce that is responsible for the principle place of business. If this address is not yet known, approval can also be applied for with the Chamber of Industry and Commerce 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 23.08.2019