

Real estate loan broker - permit

Anyone who intends to arrange for consumer real estate loan contracts or equivalent financing tools (real estate loan broker) on a commercial basis or who wishes to provide advice to third parties about such contracts (remunerated real estate loan consultant) requires permission from the competent authority.

This applies for typical real estate financing (house building, house or apartment purchase, reconstruction, extension and refurbishment measures, loans for securing a property). It does not apply to brokerage of savings contracts.

Staff members of real estate loan brokers, who perform tasks in this area, must also be registered in the Register of Brokers.

The CCI Berlin is in charge of registrations for companies based in Berlin.

Remunerated real estate loan consultants must not work as real estate loan brokers and vice-versa.

You must choose one of the two types of work which must be indicated in the Register of Brokers.

A separate [<https://service.berlin.de/dienstleistung/126914/>brokerage permission]] is required for brokering other types of consumer loans.

A separate [<https://service.berlin.de/dienstleistung/327479/>permit as a financial investment broker]] is required for brokering participation loans, subordinated loans and crowd funding.

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

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.

Sufficient insurance cover

Proof of third-party financial loss insurance cover for the business.

Expertise

Proof of successfully passed examination of competence before a CCI or a similar approved professional qualification.

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 - 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 - 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/>

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

- Third-party financial loss insurance or equivalent guarantee

Confirmation from an insurance company that the real estate loan broker has professional liability insurance cover.
The confirmation must be no older than three months and it must comply with European requirements for professional liability insurance.

https://www.gesetze-im-internet.de/immvermv/__10.html

- Proof of expertise

Proof of CCI examination of competence or similar recognised professional qualification.

https://www.ihk-berlin.de/pruefungen_lehrgaenge/pruefungen/Sach-_und_Fachkundepruefung/Immobilienarlehensvermittlung/Sachkundepruefung-Immobilienarlehensvermittlung-Einstieg/3401130

Forms

- Application for a licence pursuant to § 34i of the Trade Regulations GewO (real estate loan broker)

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403288-immobiliendarlehensvermittler_antrag_winr_220__03_2017_regelverfahren.pdf

- Application for registration in the Register of Brokers - applicant: Natural entity / executive partner of a business partnership

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403289-winr265-immobiliendarlehensvermittler_ant rag_vermittlerregister_natpers_10_2016.pdf

- Application for registration in the Register of Brokers - applicant: Legal entity (e. g. GmbH, AG)

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403291-winr266-immobiliendarlehensvermittler_ant rag_vermittlungsregister_jurpers_10_2016.pdf

- Amendment request for natural and legal entities in the Register of Brokers

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403290-winr267__nderungsantrag_vermittlerregist er___34i_gewo_10_2016.pdf

- Application for registration of staff members of real estate loan brokers

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f403292-winr268_registrierung_arbeitnehmer___34

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Fees

EUR 500.00

Legal basis

- Trade Regulations § 34 i
http://www.gesetze-im-internet.de/gewo/___34i.html
- Ordinance for real estate loan brokerage (Real Estate Loan Brokerage Ordinance)
<http://www.gesetze-im-internet.de/immvermv/>

Average time to process request

1 month

More information

- Information by CCI Berlin
<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerberecht/erlaubnis-registrierungsverfahren-ihk/immobiliardarlehensvermittler-3164574>
- Information about the Register of Brokers
<https://www.vermittlerregister.info/>
- 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>
- CCI schedule of fees
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2256952/4bfce407a2206445cd8e270c5e67b667/ihk-gebuehrenordnung-data.pdf>
- 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.

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