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Real estate loan broker - apply for a permit

Anyone who wants to broker the conclusion of real estate consumer loan agreements or corresponding financing aids on a professional basis (real estate loan broker) or advise third parties on such agreements (fee-based real estate loan advisor) requires a permit from the competent authority.

This includes typical real estate financing (house construction, house or flat purchase, conversion or extension or renovation measures, loans to secure a property). The brokerage of building society contracts is not covered by this.

Employees of real estate loan brokers who are employed in this area must also be **registered in the broker register**. Registration takes place at the Berlin Chamber of Industry and Commerce for companies based in Berlin (see "more information").

Fee-based real estate loan consultants are not allowed to work as real estate loan brokers and real estate loan brokers are not allowed to work as fee-based real estate loan consultants. They must choose one of the two types of activity, which is then also clearly shown in the register of intermediaries.

For the brokerage of other consumer loans, a licence as a loan broker according to § 34c GewO is required (see "more information").

For the brokering of participatory loans, subordinated loans and swarm financing, you need a separate licence as a financial investment broker pursuant to § 34f GewO (see "more information").

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

Procedure:

1. If you wish to open a real estate loan brokerage trade or fee-based real estate loan consultant trade that requires a licence, you must apply for a licence before starting your activity. The application can be submitted online. Please complete the application in full, upload the required documents and submit it.
2. The responsible office will check your details and documents and request any missing evidence. You will receive instructions on the further procedure and will be informed of the processing status by e-mail.
3. If all requirements are met and the necessary documents have been submitted, you will receive a fee notice and the permit 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 read the reason for the rejection in the notification from the responsible office.

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 checked whether the applicant has debts (private or public) or whether insolvency proceedings are known.

- **Adequate insurance cover**

Proof of professional insurance cover for the business.

- **Expert knowledge**

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

- **To apply online: Register or log in with your BundID account.**

Documents required

- **Application for a licence (real estate loan broker)**

You can either submit the application online or use the form and submit the application in writing by post.

- **Identity 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 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.

- **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").

- **Proof of competence**

(<https://service.berlin.de/dienstleistung/330400/en/>)

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

- **Professional liability insurance**

(https://www.gesetze-im-internet.de/immvermv/_10.html)

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.

- **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 licence (real estate loan broker)**

(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehendes-gewerbe/_assets/mdb-f403288-immobiliardarlehensvermittler_antrag_winr_220__03_2017_regelverfahren.pdf)

Fees

EUR 90.00 to EUR 1,740.00 per effort

Legal basis

- **Trade Regulations (GewO) § 34i**

(https://www.gesetze-im-internet.de/gewo/_34i.html)

- **Ordinance for real estate loan brokerage (Real Estate Loan Brokerage Ordinance)**

(<https://www.gesetze-im-internet.de/immvermv/>)

- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**

(<https://gesetze.berlin.de/bsbe/document/jlr-VwGebOBE2009rahmen>)

Average time to process request

1 month

More information

- **Information on property loan broker (IHK Berlin)**

(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerber-echt/erlaubnis-registrierungsverfahren-ihk/immobiliardarlehensvermittler-3164574>)

- **Information on the register of intermediaries (DIHK)**
(<https://www.vermittlerregister.info/>)
- **Information from the debtor register (central enforcement portal of the federal states)**
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)
- **Insolvency announcements online (justice portal of the federal states)**
(<https://neu.insolvenzbekanntmachungen.de/ap/>)
- **Search for the competent court (central directory of places and courts)**
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)
- **Licence as a loan broker in accordance with § 34c GewO (service)**
(<https://service.berlin.de/dienstleistung/126914/en/>)
- **Licence as a financial investment broker in accordance with § 34f GewO (service)**
(<https://service.berlin.de/dienstleistung/327479/en/>)
- **Register of intermediaries IHK - Apply for registration (service)**
(<https://service.berlin.de/dienstleistung/329370/en/>)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Vermittler-%20und%20Beratergewerbe/index?AnliegenID=327968>

Notes on responsibility

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.