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Prostitution business - applying for a licence to operate

Anyone who operates a prostitution business requires a permit from the competent public order office. A prostitution business is a business in which services in connection with the provision of sexual services by at least one other person are offered on a commercial basis or premises are provided for this purpose.

A permit is therefore required by any operator who:

1. offers for use a prostitution establishment such as a building, individual rooms or other fixed installations for the provision of sexual services (e.g. as a brothel, puffhouse, running house, ...),
2. provides a prostitution vehicle such as a motor vehicle, vehicle trailers and other mobile equipment for the provision of sexual services (e.g. buses, campers, caravans, boats, ...),
3. organises or conducts a prostitution event for an open group of participants, at which sexual services are offered for remuneration by at least one of the persons directly present (e.g. gang-bang parties, orgies, ...) or
4. operates a prostitution agency who arranges for at least one other person to provide sexual services outside the prostitution premises of the operator (e.g. call boy/call girl agencies, sex escort agencies, ...).

This also applies if it is only apparent from the circumstances that the services provided include sexual acts.

Those who wish to operate their prostitution business through a deputy require their own deputy permit for this purpose. Anyone who operates a prostitution business without a valid permit/deputy permit commits an administrative offence that can be punished with a fine of up to ten thousand euros.

Prerequisites

- **Legal majority**

(https://www.gesetze-im-internet.de/prostschg/_14.html)

The applicant or their representative must be at least 18 years of age.

- **Personal reliability**

Reliability is verified based on various documents. The competent Public Order Office must obtain a certificate of good conduct for presentation to an authority from the Federal Central Criminal Register for the operator / their representative, as well as an excerpt from the Commercial Central Register and a statement from the police branch that is responsible for the place of residence, from a central police station or the responsible criminal investigation office for the respective federal state.

- **Minimum requirements for prostitution businesses**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/ae_prostschg_011118.pdf)

In **prostitution premises** it must be ensured that the rooms used for the provision of sexual services meet at least the following requirements:

- the inside of the rooms must not be visible from the outside,

- a suitable emergency call system must be in place,
- it must be ensured that the doors can be opened from the inside at all times, and
- rooms must not be designated as residential or sleeping areas.

Prostitution premises must also:

- be equipped with adequate sanitary facilities,
- have suitable staff and break areas, and
- have individually lockable storage facilities for personal items.

Prostitution vehicles must:

- have a sufficiently spacious interior and
- suitable interior fittings.

Further requirements include:

- it must be possible at all times to open the doors from the inside, and
- technical measures must be in place to ensure that help is available at all times.

The vehicles must also:

- have adequate sanitary facilities and
- a valid operating licence and
- be technically operational.

The minimum requirements for prostitution facilities also apply for rooms used for **prostitution events**.

Documents required

- **Application for a licence pursuant to § 12 of the Prostitute Protection Act (ProstSchG)**

(see 'Forms')

- **Identity document**

Identity card or other official identification document containing a photograph.

Residence permit, if the applicant is not an EU national.

- **Certificate of good conduct**

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

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.

- **Excerpt from the Commercial Central Register, regarding a natural entity**

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

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.

- **Excerpt from the Commercial Central Register, regarding a legal entity**

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

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 for with the Federal Office of Justice.

- **Business concept**

(https://www.gesetze-im-internet.de/prostschg/_16.html)

The operating concept must provide for a detailed account of the fundamental characteristics of the business, and the arrangements for ensuring compliance with the obligations pursuant to the Prostitute Protection Act.

This includes for example a description of:

- the typical organisational processes and the framework conditions created by the operator for the provision of sexual services,
- measures taken to prevent that any sexual services are provided on behalf of the prostitution business by individuals who are less than 18 years of age, or who are under 21 and the victim of human trafficking and are encouraged by third parties to take up or continue the provision of prostitution services,
- measures taken to reduce the risk of infection with sexually transmitted diseases,
- further measures taken to protect the health-related interests of prostitutes and third parties,
- measures taken to ensure safety for prostitutes, and
- measures taken to prevent the presence of individuals under the age of 18.

- **Information from the debtors' register (Central Enforcement Portal)**

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

- **Ground plan**

Floor plan of the building / rooms, vehicles or other mobile facilities intended for operation of the prostitution business and staff areas (ideally on a 1:100 scale).

- **Tenancy agreement / evidence of ownership / operating licence**

Copy of the tenancy agreement / purchasing contract for the buildings / rooms used. Evidence of a valid operating licence (such as a copy of registration certificate I) for a prostitution vehicle in use.

- **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 pursuant to § 12 of the Prostitute Protection Act (ProstSchG)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr-710-prostschg-antrag-erlaubnis_s.pdf)

Fees

Between EUR 150.00 and EUR 7,000.00, depending on the administrative effort.

Legal basis

- **Prostituiertenschutzgesetz (ProstSchG) § 12**
(https://www.gesetze-im-internet.de/prostschg/_12.html)

Average time to process request

approx. 3 months

More information

- **Information on the subject of prostitution (Senate Department for Equal Opportunities)**
(<https://www.berlin.de/sen/frauen/keine-gewalt/prostitution/>)
- **Questions and answers on the Prostitutes Protection Act (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)**
(<https://www.bmbfsfj.bund.de/bmbfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/prostituiertenschutzgesetz>)
- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)

Notes on responsibility

The application for approval for operating a prostitution business must be submitted to competent Public Order Office for the place of business.