

Prostitution business - operating licence

Anyone operating a prostitution business requires permission from the competent Public Order Office. A prostitution business is any business in which commercial services related to the provision of sexual services are performed by at least one other person, or if premises are provided for such services.

A licence is required by any operator, who:

- *1. provides prostitution premises, such as a building, individual rooms or other stationary facilities for the provision of sexual services (e. g. as a brothel, bordello, whorehouse, ...),
- *2. provides a prostitution vehicle, such as a motor vehicle, vehicle trailer or other mobile facilities for the provision of sexual services (e. g. vans, campers, caravans, boats, ...),
- *3. organises or holds a prostitution event for an open group of participants, during which sexual services are provided against payment by at least one individual who is immediately present at the event (e. g. gang bang parties, orgies, ...), or
- *4. provides prostitution arrangement services, by arranging for at least one other person to provide sexual services outside of the operator's prostitution premises (e. g. call boy / call girl agencies, sex escort agencies, ...).

This shall also apply in cases, where it arises from the circumstances that the arranged services also include sexual activities.

Anyone wishing to have a representative operate their prostitution business requires a representation permit.

It is an offence to operate a prostitution business without a valid licence / representation permit, and a fine of up to ten thousand euros may be imposed for such offence.

Prerequisites

Legal majority

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

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

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

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.

https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/gewerberecht/ae_prostschg_011118.pdf

Documents required

Personal 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

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, regarding a 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, regarding a 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/>

Business concept

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
 - a) are less than 18 years of age, or
 - b) 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.

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

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/>

Floor 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

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

Forms

Application for a licence pursuant to § 12 of the Prostitute Protection

Act (ProstSchG)

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/winr-710_antrag-erlaubnis-nach-12-prostschg_06-2017.pdf

Fees

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

Legal basis

- § 12 Prostitute Protection Act

https://www.gesetze-im-internet.de/prostschg/___12.html

Average time to process request

approx. 3 months

More information

- Information about the subject of prostitution
<https://www.berlin.de/sen/frauen/keine-gewalt/prostitution/>
- Questions and answers regarding the Prostitute Protection Act
<https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/prostituierenschutzgesetz>
- Application recommendations regarding the licensing obligation for prostitution businesses
https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/gewerberecht/ae_prostschg_011118.pdf
- Information about privacy
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf

Responsible authority

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

Information on this location

**Ordnungsamt Neukölln - Zentrale Anlauf -
und Beratungsstelle**

Address

Juliusstraße 67
12051 Berlin

Current information on this location

Wichtig: Die Beantragung einer Gewerbezentralregister-Auskunft gilt ausschließlich für juristische Personen. Privatpersonen wenden sich bitte an das Bürgeramt.

Barrier-free access

This facility is fully accessible to wheelchairs.
Handicapped parking space available.
An elevator fully accessible to wheelchairs is available.
A WC fully accessible to wheelchairs is available.

Zugang für Rollstuhlfahrer am Haupteingang

Opening hours

Monday: 09.00-13.00 Uhr und nach Terminvereinbarung

Tuesday: 09.00-13.00 Uhr und nach Terminvereinbarung

Wednesday: nach Terminvereinbarung

Thursday: 15.00-18.00 Uhr und nach Terminvereinbarung

Friday: nach Terminvereinbarung

Information for customers with an appointment

Wichtig: Die Beantragung einer Gewerbezentralregister-Auskunft gilt ausschließlich für juristische Personen. Privatpersonen wenden sich bitte an das Bürgeramt.

Public transportation

S-Bahn Neukölln: S41, S42

U-Bahn Grenzallee: U7

Bus M171

Contact

Telephone: (030) 90239-6699

Fax: (030) 90239-4988

Internet:

<http://www.berlin.de/ba-neukoelln/politik-und-verwaltung/aemter/ordnungsamt/>

E-mail: ordnungsamt@bezirksamt-neukoelln.de

Payment methods

Payment only by debit card (Girocard) (with PIN) at this location.

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