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Business - Notification of cross-border provision of services

1. You are a national of an EU or EEA member state and
2. you are legally established in your home country, and
3. you are lawfully pursuing a commercial service there?

Lawful establishment requires that you actually offer a self-employed commercial activity for an indefinite period from a fixed establishment in your home country.

You wish to provide this commercial service,

1. temporarily or occasionally, but not permanently,
2. cross-border, i.e. from your establishment in your home country, without setting up a new establishment in Berlin, also in Berlin?
3. And the service is regulated in Germany?

All services for which you require an official permit or a certificate of competence or instruction in order to legally practise them in Germany are regulated.

This applies in particular in the area of application:

- the Weapons Act,
- the Explosives Act,
- the Federal Hunting Act,
- the Firing Act and
- the guarding trade

If all of the conditions indicated above apply to you, you must notify the competent Public Order Office before providing such services in Berlin.

Notification is not required, if no regulations apply for provision of the commercial services in Germany.

Within the framework of European fundamental freedoms (in particular the freedom to provide services), all EU citizens have the right to freely provide their services across borders within the European Single Market, without prior notification.

Notification of the provision of temporary international services in a regulated trade can be provided in writing or electronically.

The notification must be re-submitted every twelve months without particular formal requirements, for as long as the service provider intends to continue providing cross-border services in a regulated trade.

The notification duty applies also for employees, provided that a

certificate of competence / evidence of appropriate training is required for those staff members.

The activities may be taken up as soon as the notification has been submitted, if no review of the professional qualification is required. This information will be provided in the confirmation of receipt from the competent Public Order Office, which you will receive within one month

Procedure

1. The notification must be submitted in good time. You can submit the notification by post or online. Please complete the notification form completely.
2. The relevant authority will check your details and contact you if anything is missing. You will receive guidance on the next steps and be informed of the status of your notification by email.
3. If all conditions are satisfied and all documents are in order, you will receive confirmation. If not all conditions are satisfied or documents are missing, you will receive appropriate guidance from the relevant authority.

Prerequisites

- **Citizenship in an EU / EEA state**
The applicant is a citizen of a member state of the European Union or of a state which is party to the Agreement on the European Economic Area (EEA).
- **Temporary or occasional provision of services in Berlin**
The commercial activities will only be performed in Berlin temporarily and occasionally, but not permanently.
- **Legal residence in the EU / EEA home country**
The applicant is legally established in their EU / EEA home country to exercise the trade and is performing the cross-border activities in Berlin without establishing a local branch.
- **Independent commercial activities, or as an employee**
In the context of a self-employed commercial activity that is regulated in Germany.
As an employee, provided that a certificate of competence or training is also required for the activity.
- **For online applications: registration/login via BundID**

Documents required

- **Notification of taking up or performing cross-border commercial services in a regulated profession pursuant to § 13a section 1 of the German Trade Regulations (GewO)**
Online possible or you can use the form
- **Evidence of EU / EEA citizenship**
Identity card or other official identification document containing a photograph (not required for electronic applications).

- **Evidence of legal establishment in the EU / EEA member state**
Evidence of legal establishment for performing the intended activities in a member state of the European Union or of the Agreement on the European Economic Area (EEA).
- **Evidence that the activity is performed legally in the EU / EEA member state**
Evidence that performance of the activities is not prohibited, including temporarily.
- **Certificate of good standing from the EU / EEA home country**
Certificate of good standing from the EU / EEA home country
Evidence that no criminal record exists against the applicant in the EU / EEA home country.
Only required for commercial activities within the scope of
 - the Weapons Act,
 - the Explosives Act,
 - the German Hunting Law,
 - the Weapons Testing Act, and
 the security trade.
- **Evidence of professional qualifications**
 - a.) Evidence of professional qualification, if particular qualifications are required for the commercial activities, also in the country of residence
 or
 - b.) otherwise: evidence that the activities were carried out in the country of residence for at least one year within the past 10 years.
- **Evidence of insurance cover**
Evidence of insurance cover or another type of individual or collective protection against professional liability, provided that such protection is also required for nationals performing the activities in question.

Forms

- **Notification of taking up or performing cross-border commercial services in a regulated profession pursuant to § 13a section 1 of the German Trade Regulations (GewO)**
(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehendes-gewerbe/_assets/winr-280_anzeige13a_gewo_02-2019.pdf)

Fees

EUR 5.00 to 5,000.00, depending on the administrative effort

Legal basis

- **Directive 2006/123/EG - Services Directive**
(<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=celex:32006L0123>)
- **Directive 2005/36/EG - Professional Qualification Recognition Directive**
(https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=uriserv:OJ.L_.2005.255.01.0022.01.DEU)
- **Trade Regulations (Gewerbeordnung (GewO)) §§ 13a ff.**
(https://www.gesetze-im-internet.de/gewo/_13a.html)
- **Treaty on the Functioning of the European Union (TFEU), Articles**

56-62 - Freedom to provide services

(<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX:12012E/TXT>)

- **Law on Fees and Charges (Gesetz über Gebühren und Beiträge) - § 8 sec. 1**

(<https://gesetze.berlin.de/bsbe/document/jlr-GebBtrGBEV10P8>)

Average time to process request

approx. 1 month

More information

- **Point of Single Contact Berlin**
(<https://www.berlin.de/ea/ueber-uns/>)
- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr_105_merkblatt_dsgvo.pdf)
- **Craft - Approval for providing temporary cross-border services in the area of crafts requiring approval**
(<https://service.berlin.de/dienstleistung/302439/en>)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Grenzueberschreitung/index?AnliegenID=328737>

Notes on responsibility

Notification must be submitted to the competent local Public Order Office of the district in which the services will be provided.