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Gastronomic trade - apply for a provisional permit

Anyone who wishes to take over a gastronomic business requiring a **permit** from another operator may be permitted to operate the gastronomic business on a provisional and revocable basis until the final gastronomy permit is issued.

You operate a gastronomic business if, in a standing trade, you

1. serve drinks for consumption on the spot (pub management) or
2. serve prepared food for consumption on the premises (catering),

if the establishment is accessible to everyone or to certain groups of persons.

Permission is required for the gastronomic business **only if alcoholic beverages are served**. If only non-alcoholic beverages and/or prepared meals are served, the restaurant business does not require a permit and you do not need a temporary restaurant permit.

The provisional gastronomy permit should not be issued for a period longer than three months. The period can be extended if there is an important reason.

Procedure:

1. If you wish to take over a gastronomy trade requiring a licence (serving alcohol), you need a gastronomy licence. You must apply for a provisional gastronomy licence so that you can continue to operate the business for the time being. You must submit the application together with the gastronomy licence. Please complete the application online, upload the required documents and submit it.
2. The competent authority will check your details and documents and request any missing documents. 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 provisional gastronomy licence 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 competent authority.

Prerequisites

- **Takeover of a gastronomic business requiring a licence**
You take over an already existing gastronomy spatially from the predecessor.
- **Gastronomy not closed for more than 1 year**
The gastronomy had not been closed for more than a year.

Documents required

- **Application for a provisional gastronomic permit**
possible online or in writing by post

- **Identity document**

Identity card or other official identification document with photo (not required for electronic application).

Residence permit if the applicant is not a national of an EU country.

- **Ground plan**

Floor plan of the premises intended for operation of the restaurant and staff areas (ideally on a 1:100 scale).

- **Purchase, rental or lease agreement**

Proof of actual disposal of the premises.

- **Trade registration (Gewerbeanmeldung)**

(<https://service.berlin.de/dienstleistung/121921/en/>)

When taking over the gastronomic business, a business registration must be filed for the successor or successors.

- **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.

Forms

- **Application for a provisional gastronomic permit**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr-500a-gastg-gaststaettenantrag_s.pdf)

Fees

- EUR 17.00 to EUR 187.50 per expense: unlimited permit
- EUR 17.00 to EUR 62.50 per expense: temporary licence

Legal basis

- **Gastronomy Act (Gaststättengesetz - GastG) § 11**

(https://www.gesetze-im-internet.de/gastg/_11.html)

- **Berlin Gastronomy Ordinance (GastV)**

(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GastV+BE&psml=bsbeprod.psml&max=true&aiz=true>)

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

(<https://gesetze.berlin.de/bsbe/?aiz=1&docId=jlr-VwGebOBE2009rahmen&query=JURISLINK%3A%22VwGebO+BE%22>)

Average time to process request

approx. 1 - 2 weeks

More information

- **Berliner Gastromat - Questions and answers on the subject of catering (IHK Berlin)**

(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerber>)

[echt/gastromat-ihk-berlin-zugang-6538178\)](#)

- **Information on gastronomic businesses serving alcohol (Berlin Chamber of Industry and Commerce)**
(<https://www.ihk.de/berlin/service-und-beratung/existenzgruendung/informati-onsangebote/brancheninformation/gastronomie-mit-alkohol-2279262>)
- **Information on handling food (IHK Berlin)**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerber-echt/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>)
- **Gastronomic trade - apply for permit (service)**
(<https://service.berlin.de/dienstleistung/327483/en/>)
- **Register a trade (service)**
(<https://service.berlin.de/dienstleistung/121921/en/>)
- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberec ht/_assets/winr_105_merkblatt_dsgvo.pdf)
- **Information leaflet: Reusable is the law! This will change with the reusable packaging obligation from 2023 (Senate Department for Consumer Protection)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberec ht/_assets/2023-09-01_flyer_senmvku_mehrwegangebotspflicht.pdf)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Gastst%c3%a4ttenerl-aubnisse/index>

Notes on responsibility

The application for a provisional gastronomy permit must be submitted to the public order office in whose district your business premises are located.

Only 1 application must be submitted for the provisional and the final gastronomy permit. During the examination of the licensing requirements in the preliminary procedure, the gastronomy can already be operated. If you intend to change the type of operation or premises of the existing gastronomy, the gastronomy may only be operated to the extent of the previous permit during the period of the provisional gastronomy permit.