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Gastronomic trade - Show continuation after the death of the permit holder

After the death of the permit holder, the **permit-requiring** gastronomic business may be continued on the basis of the previous gastronomic permit by the spouse, civil partner or the minor heirs during the period of minority. The same applies to executors of estates, guardians of estates or executors of wills up to a period of ten years after the inheritance.

You must notify the competent public order office without delay if you wish to continue the licensed gastronomic business and report the start of the business.

Prerequisites

- **Unchanged continuation of the gastronomic business requiring a licence**
A change in the type of operation or a change in the premises are not covered by the right to continue.
- **Death of the restaurant owner**
The gastronomy permit must still be valid.
Continuation of the business is only possible for natural persons, legal persons (GmbH, AG or associations) are excluded.
- **Proof of membership of the entitled group of persons**
e.g. by presenting a certificate of inheritance, marriage certificate, registered civil partnership or similar.
- **Expert knowledge**
Proof of instruction on the necessary knowledge of food law.
The certificate must be submitted at the latest within 6 months after the notification of continuation.

Documents required

- **Notice on the continuation of the existing gastronomy**
Informal notification in text form
- **Identity document**
Identity card or other official identification document containing a photograph.
Residence permit, if the applicant is not an EU national
- **Death certificate**
Death certificate of the permit holder
- **Proof of being a beneficiary, spouse, partner, minor heir, administrator of the estate, guardian of the estate or executor of the will**
Certificate of inheritance; court order as executor; certificate of appointment as guardian of the estate; certificate of executorship
- **Training course for the gastronomic business pursuant to § 4 of the Gastronomy Act (Gaststättengesetz - GastG)**
(<https://service.berlin.de/dienstleistung/330174/en/>)
Certificate from a Chamber of Industry and Commerce (IHK) on participation in restaurant training or a comparable qualification (confirmation by the IHK).

The certificate must be submitted within 6 months of the notification at the latest.

- **Trade registration (Gewerbeanmeldung)**

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

In the event of the continuation of the gastronomic business after the death of the permit holder, a business registration must be filed for the person entitled to continue the business.

Forms

- **Informal application in text form**

Fees

EUR 16.87 to EUR 187.50 depending on effort

Legal basis

- **Gastronomy Act (Gaststättengesetz - GastG) § 8 - Expiry of the permit**
(https://www.gesetze-im-internet.de/gastg/__8.html)
- **Gastronomy Act (Gaststättengesetz - GastG) § 10 - Continuation of the business**
(https://www.gesetze-im-internet.de/gastg/__10.html)
- **Trade regulations (Gewerbeordnung - GewO) § 14 - Duty of disclosure**
(https://www.gesetze-im-internet.de/gewo/__14.html)
- **Schedule of Administrative Fees (Verwaltungsgebührenordnung or VGebO)**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=VwGebO+BE&psml=bsbeprod.psml&max=true&aiz=true>)

More information

- **Berlin Gastromat - questions and answers regarding the gastronomic business**
(<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerber-echt/berliner-gastromat-3538458>)
- **Information by the Berlin Chamber of Industry and Commerce (IHK) on gastronomic business serving alcohol**
(<https://www.ihk.de/berlin/service-und-beratung/existenzgruendung/informati-onsangebote/brancheninformation/gastronomie-mit-alkohol-2279262>)
- **Information by IHK Berlin regarding the handling of food products**
(<https://www.ihk.de/berlin/service-und-beratung/recht-und-steuern/gewerber-echt/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>)
- **Information by Chamber of Industry and Commerce Berlin regarding the training course for the restaurant trade**
(<https://www.ihk.de/berlin/pruefungen-lehrgaenge/unterrichtungen/gaststaett-enunterrichtung-2265134>)
- **Gastronomic trade - register for the certificate of instruction**
(<https://service.berlin.de/dienstleistung/330174/en/>)

- **Business Registration**

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

Notes on responsibility

The application for continued operation of the gastronomy must be submitted to the public order office in whose district your gastronomy is located.