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# Auctioneer trade - Apply for public appointment and swearing-in

Wenn Sie öffentliche Versteigerungen (zwangsweise Pfandverkäufe oder Notverkäufe) durchführen möchten, müssen Sie als Versteigerer (m/w/d) von der zuständigen Aufsichtsbehörde öffentlich bestellt und vereidigt sein.

Die öffentliche Bestellung und Vereidigung erfolgt ausschließlich im öffentlichen Interesse. Sie dient nicht den persönlichen Zielen oder Vorstellungen der antragsstellenden Person. Sie ist insbesondere keine Zulassung zu einem Beruf, sondern die Zuerkennung einer besonderen Qualifikation. Die Eigentümer des Versteigerungsgutes haben auf den Preis und das Mindestgebot keinen Einfluss und müssen sich deshalb darauf verlassen können, dass bei der Versteigerung ihre Eigentumsinteressen in besonders qualifizierter Weise wahrgenommen werden.

Die Bestellung kann allgemein ausgesprochen oder auf bestimmte Arten von Versteigerungen (z. B. Schmuck, Antiquitäten oder Teppiche etc.) beschränkt werden, soweit für diese ein Bedarf an Versteigererleistungen besteht. Sie kann auch inhaltlich beschränkt, mit einer Befristung versehen und mit Auflagen verbunden werden.

Die Bestellung gilt für das gesamte Bundesgebiet und kann nur natürlichen Personen erteilt werden. Als öffentlich bestellter Versteigerer werden Sie darauf vereidigt, dass Sie Ihre Aufgaben gewissenhaft, weisungsfrei und unparteiisch erfüllen.

## Verfahrensablauf:

1. Sie beantragen die öffentliche Bestellung als Versteigerer bei der für Wirtschaft zuständigen Senatsverwaltung. Sie geben an, ob Sie allgemein oder nur für bestimmte Arten von Versteigerungen, das heißt für ein bestimmtes Sachgebiet, bestellt werden möchten.
2. Ihr Antrag wird von der zuständigen Behörde geprüft.
3. Wenn Sie die Voraussetzungen für die öffentliche Bestellung erfüllen, werden Sie vereidigt und erhalten eine Bestellsurkunde sowie den Beststellungsbescheid.

## Prerequisites

- **Natural person**

Only natural persons are able to apply.

Legal entities (such as GmbHs, associations, registered cooperatives, foundations) cannot be publicly appointed and sworn in.

- **Permission for the auctioneer**

(<https://service.berlin.de/dienstleistung/292634/en/>)

You work freelance or as an employed person for an auctioneer and have a licence for the auctioneer's business. As an employed person you examine and evaluate the auction items independently and free from the instructions of your employer.

- **Special expertise**

- In the case of public appointments for the general sector, you must demonstrate above-average expertise and experience in the valuation of movable objects of the normally equipped household, such as those typically given to pawnbrokers for the purpose of lending (e.g. carpets, furs, jewellery, furniture, art and household effects).
  - In the case of public appointments for certain types of auctions (e.g. antiques, works of art, etc.), you must provide evidence of special expertise and industry knowledge in that field.
  - In addition, you must have knowledge of all relevant provisions concerning the responsibilities, rights and obligations of an auctioneer (Trade Code, Auctioneer Ordinance, Commercial Code and Civil Code).
- **Several years work experience**  
You have to demonstrate several years of practical experience as an auctioneer and hold regular (i.e. several times a year) auctions.
  - **Orderly economic situation**  
The reliability of the auctioneer depends first of all on his independence and impartiality; therefore, you must not make yourself vulnerable, particularly in financial terms. You have to provide evidence of your orderly financial circumstances.
  - **Personal reliability**  
([https://www.gesetze-im-internet.de/gewo/\\_34b.html](https://www.gesetze-im-internet.de/gewo/_34b.html))  
Publicly appointed and sworn auctioneers carry out pledge and emergency sales. The aim here is to protect the economically weaker sections of the population from taking advantage of their distress and from being cheated. This requires the auctioneer to be reliable in character and especially reliable. You must provide evidence of personal reliability (cf. § 34 b section 4 GewO).

## Documents required

- **Application**  
Submit the application in text form by post or electronically.
- **Identity document**  
A clearly readable copy of the identity card or passport and residence permit if the applicant is not a national of an EU country
- **Curriculum vitae**  
Tabular curriculum vitae about your professional career, relevant degrees and other completed further education or qualification measures
- **Copies of certificates**  
copies of relevant examinations or certificates of course attendance, of professional training and qualification measures
- **Evidence of professional experience**  
At least five years of experience as an auctioneer with the implementation of several auctions per year. Documentation of previous work, such as expert report or lists of completed auctions, serve as proof.
- **Proof of competence**  
The appointing authority may ask you to take an examination before a neutral and competent body, e. g. the Chamber of Industry and Commerce.
- **Permission for the auctioneer**  
(<https://service.berlin.de/dienstleistung/292634/en/>)  
Copy of the permission as auctioneer

- **Certificate of good conduct for presentation to an authority**  
(<https://service.berlin.de/dienstleistung/120926/>)  
To verify personal reliability, information from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).  
The information must not be older than three months.
- **Excerpt from the central business register for presentation to an authority**  
(<https://service.berlin.de/dienstleistung/327835/>)  
To verify personal reliability, information from the central business register is required for submission to an authority (document type 9).  
The information must not be older than three months.  
When applying, please state "Public appointment as auctioneer pursuant to § 34b para. 5 GewO" as the purpose of use.
- **Information from the insolvency register**  
(<https://service.berlin.de/dienstleistung/327527/>)
  - For insolvency proceedings of natural persons resident in Berlin, **two certificates** are required as proof. The first one for consumer insolvency proceedings must be applied for at your local court and the second one for regular insolvency proceedings at the Amtsgericht Charlottenburg Amtsgerichtsplatz 1, 14057 Berlin. The evidence must not be older than 3 months.
  - Applicants with residential/business domicile outside of Berlin should inform themselves about the respective jurisdiction of the insolvency courts via the central local and court register. (see "Further information")
- **Self-information from the debtors' register**  
(<https://service.berlin.de/dienstleistung/327028/>)  
The certificate must not be older than 3 months.
- **Certificate in tax matters ("Bescheinigung in Steuersachen")**  
(<https://service.berlin.de/dienstleistung/324713/en/>)  
If you already have your own business, contact the company tax office.  
If you do not yet exercise your own business, contact your local tax office.  
The proof must not be older than 3 months.
- **If applicable, business registration**  
(<https://service.berlin.de/dienstleistung/121921/en/>)  
Copy of the business registration, if you already practice the auctioneer business.
- **If applicable, the employer's certificate of exemption for salaried employees**  
If you work as an employee of an auctioneer, please submit a certificate of exemption from work from your employer stating that you have performed your duties without being bound by instructions despite your employment relationship.
- **If applicable, professional liability insurance**  
confirmation by an insurance company of the existence of professional indemnity insurance for the auctioneer.

## Fees

EUR 56,00 to EUR 600,00 Euro, depending on the administrative effort

## Legal basis

- **Gewerbeordnung (GewO) § 34b Abs. 5 - Versteigerergewerbe**  
([https://www.gesetze-im-internet.de/gewo/\\_34b.html](https://www.gesetze-im-internet.de/gewo/_34b.html))
- **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

1 - 3 months

Depending on the validity of the documents submitted, the receipt of the certificate of good conduct and any examinations to be taken before a neutral, expert body.

## More information

- **Informationen zu Versteigerung und Auktionen (IHK Berlin)**  
(<https://www.ihk.de/berlin/produktmarken/branchen/handel/brancheninformativen/verkaufsveranstaltungen/versteigerungen-index-2279990>)
- **Öffentliche Bestellung von Versteigerern (Senatsverwaltung für Wirtschaft, Energie und Betriebe)**  
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/gewerberecht/oeffentliche-bestellung-von-versteigerern/>)
- **Search for the competent court (central directory of places and courts)**  
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Information from the debtor register (enforcement portal of the federal states)**  
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)

## Notes on responsibility

The public appointment and swearing-in as auctioneer must be applied for at the Senate Department responsible for economics for persons with business or residence in Berlin.

## Instructions for submitting applications by post:

- Please do not use staples.