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Trade - apply for reauthorisation after prohibition

Your trade has been prohibited due to unreliability in accordance with § 35 GewO. If you wish to operate your trade again, you must submit an application for re-authorization. As a rule, you can only apply for the reauthorisation of your trade after one year. This period is prescribed by law. It gives you the opportunity to show the authority that the reasons for unreliability have ceased to exist by changing your lifestyle.

For overriding reasons, such as economic or structural policy, the exercise of the trade may exceptionally be permitted earlier. This applies, for example, in the event that the resumption of the trade

- creates additional jobs or
- enables creditors of your business to reduce their debts.

The mere cessation of the circumstances justifying unreliability is not sufficient to shorten the one-year period.

Procedure

1. Submit an informal written or electronic application for the re-authorization of your business activity and the required documents to the competent authority.
2. The competent authority will check whether you can be permitted to carry out your business activity again on the basis of your evidence. For this purpose, it makes a prognosis decision with regard to the future proper exercise of your trade.
3. If the requirements are met, you will receive a positive decision.

Prerequisites

- **The reasons for the trade ban due to unreliability no longer exist**
The competent authority must also be able to make a prognosis based on your behaviour in the meantime that you will exercise your trade properly in the future.
- **Period: The application can be submitted at the earliest one year after the prohibition.**
in exceptional cases also possible earlier
- **Apply for business registration and permits if necessary**
 - If you resume your activity after being reauthorised, you must at least file a trade report with the competent authority at the same time (see "More information"). The resumption is to be considered as a new start of the trade.
 - If you have previously had a permit revoked due to unreliability, which is legally required for practising the trade, you must apply for a new permit before resuming your commercial activity that requires a permit. The same applies if a new permit requirement has been

introduced in the meantime.

Documents required

- **Application for the relicensing of a trade after prohibition**

The application can be made informally in writing or electronically (for example by e-mail). The following must be provided

- details of the person submitting the application,
- possible changes of residence,
- intended activities
- and the place of practice.

- **Identity document**

Identity card or other official identification document with photo. Residence permit if the applicant is not a national of an EU country.

- **Proof of how you have made a living since your trade was banned and whether you have worked as an employee**

- **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 Commercial Register is required for submission to an authority (document type 9).

The information must not be older than three months.

- **Information from the debtors' register (Central Enforcement Portal)**

(<https://service.berlin.de/dienstleistung/327028/>)

Information on entries can be requested online from the central enforcement portal of the federal states.

- **Information from the insolvency register**

(<https://service.berlin.de/dienstleistung/327527/>)

- For insolvency proceedings of natural persons residing in Berlin, **two certificates** are required as proof. The first for consumer insolvency proceedings is to be applied for at your local court and the second for regular insolvency proceedings at the Charlottenburg Local Court Amtsgerichtsplatz 1, 14057 Berlin.
- The Charlottenburg Local Court, Amtsgerichtsplatz 1, 14057 Berlin, is responsible for insolvency proceedings of legal entities and trading partnerships with their place of business in Berlin.
- Applicants with their place of residence/business outside of Berlin should inform themselves about the respective jurisdiction of the insolvency courts via the central local and court directory (see "More information").

- **If applicable, certificate in tax matters**

(<https://service.berlin.de/dienstleistung/324713/en/>)

A current certificate in tax matters (formerly tax clearance certificate) from the locally competent tax office.

- **If applicable, certificate of the social insurance agency**

Certificate of no objection from the locally responsible social insurance agency.

- **Current certificates from trade tax, tax offices and social security institutions**

Required if you were in arrears at the time of the previous trade ban. The certificates must contain information on:

- the amount of any outstanding arrears, separated into principal and subsidiary claims
- the period from which the main claim, if any, originates
- repayment agreements concluded after the trade ban, their date of conclusion, regulations and compliance with them
- the implementation of enforced collection measures, their nature and success

- **Certificates from the debtor file of the insolvency court, the tax office and the trade tax office**

Notwendig, wenn Sie nach der damaligen Gewerbeuntersagung umgezogen sind (Wohnsitzwechsel).

- Erforderlich sind die jeweiligen Bescheinigungen von den aktuellen zuständigen Behörden als auch von den zum Zeitpunkt der Gewerbeuntersagung zuständigen Behörden

Forms

- **Application for re-authorization after prohibition**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/_assets/winr-800-wiedergestattung-nach-untersagung_-antrag_09_2022.pdf)

Fees

100,00 to 500,00 Euro depending on expenditure

Legal basis

- **Gewerbeordnung (GewO) § 35 Abs. 6 - Gewerbeuntersagung wegen Unzuverlässigkeit**

(https://www.gesetze-im-internet.de/gewo/_35.html)

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

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

More information

- **Informationen zur Gewerbeuntersagung (IHK Berlin)**

(<https://www.ihk.de/berlin/service-und-beratung/unternehmensnachfolge-krisen-und-konflikte/gewerbeuntersagung-2253514>)

- **Information from the debtor register (enforcement portal of the federal states)**

(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)

- **Insolvency announcements online (justice portal of the federal states)**

(<https://neu.insolvenzbekanntmachungen.de/ap/>)

- **Search for the competent court (central directory of places and courts)**

(<https://www.justizadressen.nrw.de/de/justiz/suche>)

- **Note on data protection (public order offices of the state of Berlin)**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberec ht/_assets/winr_105_merkblatt_dsgvo.pdf)

- **Register a trade (service)**

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

Notes on responsibility

The application for repermission after prohibition is to be submitted to the public order office responsible for the place of business.