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Gastronomic trade - apply for a provisional deputy permit

If you wish to take over a licensed gastronomic business from another person and operate it by deputy, you will need a provisional deputy permit on a revocable basis until the deputy permit is issued. The provisional deputy permit is issued to the (provisional) permit holder of the restaurant for a specific person who is to exercise the provisional deputy function. The temporary substitution permit shall not be granted for a period longer than 3 months. The period may be extended if there is an important reason.

Procedure:

1. If you would like to temporarily take over a licensed gastronomy trade (with serving alcohol) as a deputy, you will need a deputy licence. You must apply for a temporary deputy licence so that you can continue to operate the business as a deputy for the time being. You must submit the application together with the deputy licence. The application can be submitted online. Please complete the application in full, upload the required documents and submit it.
2. The responsible 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 notification of fees and the provisional deputy permit 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 responsible office.

Prerequisites

- **Takeover of a gastronomic trade requiring a permit**
You take over an already existing gastronomy spatially from the predecessor.
- **Provisional gastronomy permit of the holder**
The restaurant owner must have a valid provisional gastronomic permit or apply for one in due course.

Documents required

- **Application for a provisional gastronomic deputy permit**
possible online or you can submit the application informally in writing to the responsible public order office
- **Identity document of the provisional permit holder and the provisional deputy permit holder**
Identity card or other official identification document containing a photograph (not required for electronic applications).
Residence permit, if the applicant is not an EU national
- **Provisional gastronomy permit of the holder**
(<https://service.berlin.de/dienstleistung/329715/en/>)

A valid provisional restaurant permit must be available or applied for in time.

Fees

- EUR 17.00 to EUR 93.75 per expense for an unlimited permit
- EUR 17.00 to EUR 31.25 per expense for a temporary permit

Legal basis

- **Gastronomy Act (Gaststättengesetz - GastG) § 11 sec. 2**
(https://www.gesetze-im-internet.de/gastg/_11.html)
- **Berlin Gastronomy Ordinance (GastV)**
(<https://gesetze.berlin.de/bsbe/document/jlr-GastVBErahmen>)
- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**
(<https://gesetze.berlin.de/bsbe/?aiz=1&docId=jlr-VwGebOBE2009rahmen&query=JURISLINK%3A%22VwGebO+BE%22>)

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/gewerberecht/berliner-gastromat-3538458>)
- **Gastronomic trade - register for the certificate of instruction (service)**
(<https://service.berlin.de/dienstleistung/330174/en/>)
- **Gastronomic trade - apply for a deputy permit (service)**
(<https://service.berlin.de/dienstleistung/350670/>)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Gastst%c3%a4ttenerlaubnisse/index>

Notes on responsibility

The application for a temporary deputy permit must be submitted to the public order office in whose district your business premises are situated.