

99025002005001

Heruntergeladen am 16.06.2025

<https://fimportal.de/services/99025002005001>

Modul	Sachverhalt
Leistungsschlüssel	99025002005001
Leistungsbezeichnung I	
Leistungsbezeichnung II	Apply for provisional restaurant permit
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Restaurants (individuell, 025)
Verrichtungskennung	Erlaubnis (005)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)

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Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	04.12.2020
Fachlich freigegeben durch	Ministry for Economic Affairs, Innovation, Digitalization and Energy NRW
Handlungsgrundlage	<ul style="list-style-type: none"> • § 2 Restaurant Act (GastG) • § 11 GastG • § 4 Restaurant Act (GastG) https://www.gesetze-im-internet.de/gastg/_11.html https://www.gesetze-im-internet.de/gastg/_2.html https://www.gesetze-im-internet.de/gastg/_4.html
Teaser	<p>You would like to take over a restaurant serving alcohol from another person? In order to continue the restaurant operation without a time interruption, you can first apply for a temporary permit, which will later be replaced by the final permit.</p>
Volltext	<p>You need a permit to operate a restaurant serving alcohol.</p> <p>If you want to take over the pub from another person, you can apply for a temporary permit under simplified conditions to enable seamless continued operation. This temporary permit is usually issued for a maximum of three months and is later replaced by a permanent permit. The application for the final permit must already have been submitted or at least be submitted at the same time as the application for the temporary permit. For good cause, the period of validity of the temporary permit may be extended by way of exception. This applies in particular if a final permit is not issued within the three-month period.</p> <p>It is a catering business if you commercially</p> <ul style="list-style-type: none"> • Serve beverages (tavern) or • serve prepared food (catering), and <p>the establishment is accessible to everyone or to a</p>

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certain group of people.

Only if you offer alcoholic beverages is your restaurant business subject to licensing. However, if you only offer non-alcoholic beverages and prepared meals, your restaurant business is not subject to licensing.

Erforderliche Unterlagen

You must submit the following documents to the appropriate authority (these are the same documents that must be submitted with the final restaurant permit):

- Identity card or passport with certificate of registration
- Residence permit, if you are a foreigner and not a national of an EU or EEA country
- Extract from the Federal Central Register for submission to an authority (certificate of good conduct) (The certificate of good conduct must be applied for by the person concerned in person at the local registration office or via the online portal of the Federal Office of Justice. If the person concerned is legally represented, the representative is also entitled to apply. The certificate of good conduct is sent directly to the authority concerned by the Federal Office of Justice).
- Extract from the Central Commercial Register for submission to an authority (The extract from the Central Commercial Register must be applied for by the person concerned in person, presenting his or her ID card or passport, at the competent office or via the online portal of the Federal Office of Justice. If the person concerned is legally represented (e.g. minors), the representative is also entitled to apply. The extract from the commercial central register is sent directly to the authority concerned by the Federal Office of Justice).
- Certificate in tax matters from the tax office of the place where you have lived or operated a trade in the last three years.

You must apply to the municipality of residence for the information to be submitted to an authority; this

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information will be sent directly to the authority. You must therefore state the exact address of the relevant licensing authority and the purpose of use in your application.

The information can also be applied for in the online procedure provided by the Federal Office of Justice/Citizen Services.

The information must not be older than 3 months.

You can prove your professional suitability by submitting the following documents:

- Proof of instruction from a chamber of industry and commerce in accordance with Section 4 (1) Sentence 1 No. 4 of the German Restaurant Act (the competent authority may waive this proof for the granting of a provisional permit) or
- Proof of exemption in accordance with No. 3.4 of the General Administrative Regulation on Proof of Instruction in the Catering Industry (GastUVwV) in conjunction with its Annex 3.

Please note that the competent authority may require further documents in individual cases. Please inform yourself in good time before submitting your application.

Voraussetzungen

You can only apply for a temporary restaurant permit if you want to take over an already existing restaurant unchanged (not in the case of a new establishment or expansion). This means that no changes may be made to the premises or the type of operation (e.g. pub, restaurant, discotheque) as part of the continuation of the operation.

You will only receive the temporary permit if you have already applied for the (final) restaurant permit or are applying for it at the same time.

To obtain a permit, you must

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	<ul style="list-style-type: none"> • be personally reliable and • prove your professional suitability
Kosten	Is based on the respective administrative fee regulations of the state or the fee statutes of the bodies responsible under state law.
Verfahrensablauf	<p>Submit your application for a temporary restaurant permit to the appropriate authority.</p> <p>At the same time, apply for a restaurant permit for the permanent operation of your restaurant. Attach all required documents to this application.</p> <p>You will receive notification if you are granted the permit.</p> <p>If you have not received the final permit by the time your temporary permit expires, you must apply for an extension in a timely manner.</p>
Bearbeitungsdauer	When all documents are available, the responsible office will process the application in a timely manner.
Frist	The temporary restaurant permit is usually limited to 3 months. You can apply for an extension if there are certain reasons. An important reason exists if you have not yet received the final permit by the time your provisional permit expires. The start of the permitted activity must be notified to the competent authority at the same time (business registration).
weiterführende Informationen	
Hinweise	You will not be granted a temporary restaurant permit if a structural change has taken place, the establishment has been closed for more than 1 year or it is a new establishment.
Rechtsbehelf	Objection (depending on state law, the objection may be excluded), administrative court action
Kurztext	<ul style="list-style-type: none"> • Restaurant business permit provisional • The operation of a pub serving alcohol is subject to permission

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	<ul style="list-style-type: none"> • If the restaurant is taken over by another person, a temporary permit can be applied for until a final permit is obtained. • As a rule, the temporary permit can be issued for up to 3 months. • A permanent permit must be applied for at least at the same time. • The permit requirement for the restaurant business only applies if alcoholic beverages are offered for consumption on the premises. If only non-alcoholic beverages and prepared meals are served, the restaurant business is not subject to a permit.
Ansprechpunkt	
Zuständige Stelle	Responsibility and procedures are regulated by the Länder.
Formulare	<ul style="list-style-type: none"> • Online procedure possible: yes • Written form required: no • Personal appearance required: no
Ursprungsportal	