

99025002005000, 99025002005000

Restaurant license

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/121331811/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99025002005000, 99025002005000
Leistungsbezeichnung I	Restaurant license
Leistungsbezeichnung II	Restaurant license
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gaststätten (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)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	20.06.2024
Fachlich freigegeben durch	Ministry of Economic Affairs, Industry, Climate Protection and Energy of the State of North Rhine-Westphalia
Handlungsgrundlage	https://www.gesetze-im-internet.de/gastg/_2.html https://www.gesetze-im-internet.de/gastg/_4.html https://www.gesetze-im-internet.de/gastg/_14.html
Teaser	
Volltext	<p>If you want to operate a restaurant business that serves alcohol, you generally need a restaurant license.</p> <p>Irrespective of the restaurant permit discussed here and depending on your offer, you may have to fulfill further registration and licensing obligations, for example in accordance with the Trade, Commerce and Industry Regulation Act and the Crafts Code.</p> <p>You operate a catering business if you commercially</p> <ul style="list-style-type: none"> • serve drinks (pub business) or prepared food (restaurant business) for consumption on the spot in a standing business, i.e. in a permanent establishment, or • serve drinks or prepared food for consumption on the premises in a traveling trade (from a fixed business premises only for the duration of an event). <p>The prerequisite in any case is that the establishment is accessible to everyone.</p> <p>You do not require a restaurant license if you only serve</p> <ul style="list-style-type: none"> • non-alcoholic drinks, • free samples, • prepared food or

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- in conjunction with an accommodation establishment, drinks and prepared food to house guests.

to house guests.

Special regulations apply to Straußwirtschaften (§ 14 of the Restaurant Act [GastG]).

The permit is issued for a specific type of business (e.g. pub, discotheque, snack bar) and only applies to the rooms used for the business. A building permit may also be required.

A permit is also required for any expansion of the restaurant business and any changes to the premises.

In the case of civil law companies and commercial partnerships, a separate permit is required for each partner. In the case of legal entities and associations without legal capacity, however, only a single restaurant permit is required.

If you wish to take over an existing restaurant business requiring a permit from another person, you can be granted a temporary permit on revocation (usually for 3 months) until the final restaurant permit is issued (§11 GastG). With this permit, the business can also be taken over at short notice.

You should apply for a deputy permit (§ 9 GastG) if you wish to have the restaurant run by a deputy who will also be responsible to authorities and institutions. The deputy must meet the same criteria regarding personal reliability and suitability as you yourself.

Erforderliche Unterlagen

You will need the following documents to apply for a restaurant permit:

- Application for a restaurant permit
- Information from the Federal Central Register (certificate of good conduct) for authorities. The

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certificate of good conduct must not be older than three months when applying for the restaurant license.

- Information from the central trade register for natural persons for submission to an authority. The extract from the central trade register must not be older than three months when applying for the restaurant license.
- Information from the Central Trade Register for legal entities for submission to an authority. You must apply for the extract from the central trade register at the public order office responsible for the place of business.
- Extract from the commercial register or articles of association, if applicable
- IHK certificate (§ 4 of the German Restaurant Act [GastG]). This proof is a certificate from a Chamber of Industry and Commerce (IHK) confirming participation in the catering training course or a comparable qualification confirmed by the IHK.
- Identity card or other official identification document with photograph
- Purchase, rental or lease agreement as proof that you have actual power of disposal over the business premises
- Floor plan of the rooms intended for the restaurant business and for the employees' stay)

Voraussetzungen

Personal reliability

- Your reliability is checked on the basis of your certificate of good conduct and extract from the central trade register.
- In the case of legal entities, the managing director must provide proof of reliability.

Suitability of the premises and the local location

- The premises intended for the restaurant business must be suitable for the type and scope of the intended use and their location must not be contrary to the public interest, for example with regard to noise protection

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Kosten	
Verfahrensablauf	You must submit an application for a restaurant license to the responsible trade authority. You must enclose the necessary documents, unless these are obtained by the authority itself. If there are no grounds for refusal, you will be granted the requested permit.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	The Restaurant Act only applies in the states of Bavaria, Berlin, Hamburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate and Schleswig-Holstein. The other nine states have enacted their own state restaurant laws.
Rechtsbehelf	
Kurztext	<p>If you want to operate a restaurant business that serves alcohol, you generally need a restaurant license.</p> <p>Irrespective of the restaurant permit discussed here and depending on your offer, you may have to fulfill further registration and licensing obligations, for example in accordance with the Trade Regulation Act and the Crafts Code.</p>
Ansprechpunkt	Chambers of industry and commerce, chambers of skilled crafts, districts, independent cities, the responsible local authorities or administrations of the independent municipalities will support you in the application process.
Zuständige Stelle	Depending on the location in which the restaurant is operated, the restaurant authority is the municipal or city administration or the district office.
Formulare	
Ursprungsportal	Gaststättenerlaubnis, Restaurant license