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Apply for a permit for fee-based financial investment advisors

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/393984933/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99050109001000, 99050109001000
Leistungsbezeichnung I	Apply for a permit for fee-based financial investment advisors
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens

Modul	Sachverhalt
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Anmeldepflichten (2010100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	BMW, VIIIB3
Handlungsgrundlage	§ 34h Abs. 1 Gewerbeordnung (GewO) https://www.gesetze-im-internet.de/gewo/_34h.html https://www.gesetze-im-internet.de/gewo/_34h.html
Teaser	
Volltext	<p>You need a trade permit for your work as a fee-based financial investment advisor if you</p> <ul style="list-style-type: none"> • advise on transactions with certain financial instruments and your recommendation is based on an examination of the personal circumstances of the investor (§ 1 paragraph 1a number 1a of the Banking Act), • advise professionally on financial investments within the meaning of § 34f paragraph 1 number 1, 2, or 3 of the Industrial Code and • this advice is not remunerated on a commission basis of a provider of financial investments, but only against a fee from your customer. <p>The installations referred to in § 34f paragraph 1 number 1, 2, or 3 of the Industrial Code are:</p> <ul style="list-style-type: none"> • shares or shares in domestic open-ended investment funds, open-ended EU investment funds or foreign open-ended investment funds that may be marketed in accordance with the Capital Investment Code (open-ended funds), • shares or shares in domestic closed-end investment funds, closed-end EU investment funds or foreign closed-end investment funds that may be marketed in accordance with the Capital Investment Code (closed-end funds) and

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• Investments within the meaning of § 1 paragraph 2 of the Asset Investment Act (e.B company participations, profit participation rights, participatory loans, subordinated loans).

The fee-based financial investment advisor may also broker these products to the customer, but must then forward a donation (commission) that he receives from the product provider to the customer.

Erforderliche Unterlagen

For the audit to obtain permission to act as a fee-based financial investment advisor, you must submit the following documents:

- a certificate of good conduct for submission to an authority
- an extract from the Central Trade Register,
- if applicable, a certificate in tax matters of the tax office,
- if applicable, a clearance certificate from the municipal tax office,
- an extract from the register of debtors of the central enforcement court,
- if applicable, the information of the insolvency court on the freedom from insolvency and on the rejection of the opening of proceedings for lack of assets,
- proof of professional indemnity insurance,
- proof of the required expertise and
- for legal entities and commercial partnerships: the extract from the commercial register

Voraussetzungen

Permission to become a commercial trader as a fee-based financial investment advisor is granted to you if you

- are reliable,
- live in orderly financial circumstances,
- be able to prove professional indemnity insurance and
- have successfully passed a competency examination at a chamber of industry and commerce or can prove this required competence by means of an equivalent professional qualification.

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Kosten	
Verfahrensablauf	<p>1\.. Application for permission</p> <p>You must apply for permission to work as a fee-based financial investment advisor to the competent authority. Depending on the federal state, this is the trade authority or the Chamber of Industry and Commerce.</p> <p>Individuals (natural persons) apply for permission themselves or through authorized third parties. In the case of legal persons, the application is made by their legal representatives or by third parties authorised in writing.</p> <p>2\.. Notice of permission</p> <p>Permission will be granted to you in the form of a permit notice.</p> <p>3\.. Entry of permission</p> <p>After taking up the activity as a fee-based financial investment broker, you must immediately submit an application for entry in the register in accordance with § 11a paragraph 1 of the Trade Code</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	<p>1\.. Scope of permission</p> <p>You can apply for permission to act as a fee-based financial investment advisor for all product categories (open-ended funds, closed-end funds, investments within the meaning of § 1 paragraph 2 of the Asset Investment Act), but it can also be limited to individual categories.</p>

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	<p>2\ No double licence for financial investment intermediaries and fee-based financial investment advisors</p> <p>The permission to work as a financial investment broker according to § 34f Gewerbeordnung and as a fee-based financial investment consultant according to § 34h Gewerbeordnung are mutually exclusive. Anyone who already holds a permit as a financial investment intermediary can only obtain a permit as a fee-based financial investment advisor if he waives the permission as a financial investment intermediary.</p>
Rechtsbehelf	
Kurztext	<p>You need a trade permit for your work as a fee-based financial investment advisor if you</p> <ul style="list-style-type: none"> • advise on transactions in certain financial instruments and your recommendation is based on an examination of the personal circumstances of the investor, • advise on certain financial assets on a professional basis, and • this advice is not remunerated on a commission basis of a provider of financial investments, but only against a fee from your customer.
Ansprechpunkt	Please contact the responsible district or the responsible district-free city.
Zuständige Stelle	
Formulare	
Ursprungsportal	Honorar-Finanzanlagenberater Erlaubnis beantragen, Apply for a permit for fee-based financial investment advisors