

99050039005000

Financial service provider, apply for permission

Heruntergeladen am 29.06.2025

<https://fimpportal.de/xzufi-services/6000375-99050039005000/L100009>

| Modul | Sachverhalt |
|-------------------------------|--|
| Leistungsschlüssel | 99050039005000 |
| Leistungsbezeichnung I | Financial service provider, apply for permission |
| Leistungsbezeichnung II | Financial service provider, apply for permission |
| Typisierung | 1 - Bund: Regelung und Vollzug |
| Quellredaktion | Sachsen |
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | |
| Leistungsgruppierung | |
| Verrichtungskennung | |
| SDG-Informationsbereich | |
| Lagen Portalverbund | |
| Einheitlicher Ansprechpartner | |

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|----------------------------|---|
| Fachlich freigegeben am | |
| Fachlich freigegeben durch | |
| Handlungsgrundlage | • § 32 Kreditwesengesetz (KWG) – Erlaubnis |
| Teaser | <p>If you want to offer financial services, you need a permit to do so. The Federal Financial Supervisory Authority (BaFin) can grant the licence subject to conditions. The licence can also be restricted to individual financial services and entails ongoing supervision of the financial services provider by the authority.</p> |
| Volltext | <p>Issuance of a permit to provide financial services pursuant to Section 32 of the German Banking Act (KWG)</p> <p>If you want to offer financial services, you need a permit to do so. The Federal Financial Supervisory Authority (BaFin) can grant the licence subject to conditions. The licence can also be restricted to individual financial services and entails ongoing supervision of the financial services provider by the authority.</p> <p>The following specific financial services require a permit:</p> <ul style="list-style-type: none"> • investment brokerage, • investment advice, • the operation of a multilateral trading facility, • the placement business • the operation of an organised trading facility, • contract broking, • financial portfolio management • proprietary trading • the intermediation of deposits in third countries • the foreign exchange business, • factoring, • finance leasing, • investment management and • restricted custody business. • You also need written permission from the Federal Financial Supervisory Authority if, in addition to |

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banking business or financial services, you also want to conduct proprietary business, i.e. buy or sell financial instruments for your own account.

Note: All securities trading companies are obliged to secure their liabilities from securities transactions by belonging to the Compensatory Fund of Securities Trading Companies (EdW). The amount of the contribution depends on the scope of the business activity. For other financial services, a licence according to the Trade Regulation Act may be required. Please check which permit is required for your trade before applying.

Erforderliche Unterlagen

- Incorporation documents (certified copy)
- memorandum or Articles of Association (certified copy)
- appropriate proof of the funds required for business operations
- details of the directors
- information required for the assessment of the reliability of the applicants and the managing directors in the form of a declaration of exemption from criminal liability (forms & online services)
- information required for the assessment of the professional competence of the owners and managers: detailed, complete, signed curriculum vitae of each owner or manager, supplemented at least by the certificates of the employment relationships terminated in the last three years
- a viable business plan indicating the type of business envisaged, with a justified indication of its future development, including projected balance sheets, projected profit and loss accounts for the first three financial years
- a more detailed description of the intended business transactions
- samples of the intended customer contracts, management contracts, account/custody account powers of attorney and general terms and conditions, if drafted
- a description of the organisational structure of the institution, including an organisation chart (with information on planned branches and on whether the cross-border provision of financial services is intended,

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as well as a statement on whether it is intended to outsource any areas to another company)

- description of the planned internal control procedures with an explanation of how compliance with the obligations under the KWG and WpHG is to be ensured.
- If significant participations are held in the institution: indication of the holders of significant participations indication of the amount of these participations information necessary for the assessment of the reliability of the owners or legal representatives or personally liable partners (see above, declaration of exemption from punishment, model declaration of BaFin)
- if applicants or holders of significant participations belong to groups: Presentation of the group structure, consolidated statement of changes in group structure
- statement of facts indicating a close connection between the financial services institution and other natural persons or other companies
- notifications and documents pursuant to § 2c of the German Banking Act (KWG) in conjunction with the Ownership Control Ordinance (InhKontrollV)
- in the case of securities trading companies in the legal form of a sole trader: a statement by the proprietor as to the extent to which he has made adequate arrangements for the protection of clients in the event of the cessation of his business activities, for example in the event of death or incapacity. The statement contains the consent of the representative named therein and his declaration on the assessment of his reliability (see above: declaration of non-criminal liability, model declaration of BaFin), provided that the person is a natural person.
- In the case of financial services institutions applying for a licence pursuant to § 1 par. 1a sentence 2 nos. 1-4 or 11, par. 1 sentence 2 no. 4 or no. 10 KWG: Information pursuant to Delegated Regulation (EU) 2017/1943 Form of the Implementing Regulation (EU) 2017/1945

Voraussetzungen

- Proof of sufficient initial capital measured according to paid-in capital and reserves depending on the type of financial services EUR 25,000 to 50,000 alternatively, a corresponding insurance policy is sufficient (sum

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insured depends on the type of financial services)

- Financial services institutions providing only third-country deposit broking, foreign exchange business, factoring or financial leasing: no reserves.
- Financial portfolio managers: own funds equal to at least one quarter of the costs shown in the profit and loss account of the most recent annual accounts under general administrative expenses, depreciation, amortisation and impairment of intangible and tangible fixed assets.
- Sole trader or trading partnership: risk-weighted assets of the owner or general partners are included in the assessment of the institution's solvency
- Evidence of the professional and personal suitability of management

Kosten

- Costs of proceedings: EUR 4,545 - EUR 10,160

Verfahrensablauf

You must apply for permission in writing:

- the form from the Implementing Regulation (EU) 2017/1945 must be used for a permit for the provision of the facts § 1 par. 1 sentence 2 no. 4, 10 par. 1a sentence 2 nos. 1 to 4 or 11 KWG
- otherwise, you can submit the application informally
- please send the application and the required documents in triplicate to BaFin

You will then receive notification of BaFin's decision by post.

Bearbeitungsdauer

six months from complete application

Frist

Application for permission: before commencement of business activity

weiterführende Informationen
Hinweise

All securities trading companies are obliged to secure their liabilities from securities transactions by belonging to the Compensatory Fund of Securities Trading Companies (EdW). The amount of the contribution depends on the scope of business activity.

Rechtsbehelf

| Modul | Sachverhalt |
|-------------------|-------------|
| Kurztext | |
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | |