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# Commercially organising games with prizes

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/1947/L100022>

| Modul                         | Sachverhalt                               |
|-------------------------------|---|
| Leistungsschlüssel            | 99050001005000                            |
| Leistungsbezeichnung I        | Commercially organising games with prizes |
| Leistungsbezeichnung II       | Commercially organising games with prizes |
| Typisierung                   | 4 - Land: Regelung                        |
| Quellredaktion                | Baden-Württemberg                         |
| Freigabestatus Katalog        | unbestimmter Freigabestatus               |
| Freigabestatus Bibliothek     | unbestimmter Freigabestatus               |
| Begriffe im Kontext           |   |
| Leistungstyp                  |   |
| Leistungsgruppierung          |   |
| Verrichtungskennung           |   |
| SDG-Informationsbereich       |   |
| Lagen Portalverbund           |   |
| Einheitlicher Ansprechpartner |   |

## Modul

## Sachverhalt

Fachlich freigegeben am

Fachlich freigegeben durch

### Handlungsgrundlage

- [§ 33d Gewerbeordnung (GewO) (Andere Spiele mit Gewinnmöglichkeit)]([https://www.gesetze-im-internet.de/gewo/\\_34d.html](https://www.gesetze-im-internet.de/gewo/_34d.html))
- [§ 33e GewO (Bauartzulassung und Unbedenklichkeitsbescheinigung)](<http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=GewO+%C2%A7+33e&psml=bsbawueprod.psml&max=true>)
- [§ 60a Gewerbeordnung (GewO) (Veranstaltung von Spielen)](<http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=GewO+%C2%A7+60a&psml=bsbawueprod.psml&max=true>)
- [§ 4 und § 5 Spielverordnung (SpielV) (Erlaubnispflichtige Spiele)](<http://www.landesrecht-bw.de/jportal/?quelle=purl&query=%C2%A7+4-5+SpielV&psml=bsbawueprod.psml&doktyp=Gesetze&max=true>)
- [§ 5a SpielV (Erlaubnisfreie Spiele)](<http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=SpielV+%C2%A7+5a&psml=bsbawueprod.psml&max=true>)
- [§ 3a Landesverwaltungsverfahrensgesetz (LVwVfG) (elektronische Kommunikation)](<https://www.landesrecht-bw.de/bsbw/document/jlr-VwVfGBW2005V7P3a>)
- [§ 6b Absatz 1 GewO]([https://www.gesetze-im-internet.de/gewo/\\_6b.html](https://www.gesetze-im-internet.de/gewo/_6b.html)) und [§ 71a ff. LVwVfG](<https://www.landesrecht-bw.de/bsbw/document/jlr-VwVfGBW2005V2G13/part/G>) in Verbindung mit [§§ 1 ff. des Gesetzes über einheitliche Ansprechpartner für das Land Baden-Württemberg (EAG BW)](<https://www.landesrecht-bw.de/bsbw/document/jlr-EhAnsprPGBW2009rahmen/part/X>) (Verfahren über eine einheitliche Stelle, einheitliche Ansprechpartner)

### Teaser

Should you wish to commercially organise games with prizes (for example games of skill), you require a licence from the responsible authority to do so.

### Volltext

Should you wish to commercially organise games with

## Modul

## Sachverhalt

prizes (for example games of skill), you require a licence from the responsible authority to do so.

**\*\*Note:\*\*** A game of skill is present if, in accordance with the game set up and rules, the player is highly likely to be able to determine the outcome by means of skill or his or her own knowledge. By contrast, in case of gambling, the win and loss outcome is primarily determined by chance.

The licence does not permit you to organise games generally, rather this relates to one specific game. It is limited to the person and gaming location.

**\*\*Note:\*\*** There are also games with prizes for which no licence is required (generally with goods up to a maximum value of 60 EUR as prizes). Please clarify with the responsible body whether you require a licence for a specific game or not.

Should you wish to install gaming machines with prizes (cash prizes or goods prizes machines), you need your own licence for this.

## Erforderliche Unterlagen

- Completed application form
  - copy of your personal ID card or a comparable identification document
  - Current extract from the commercial register or register of co-operatives, should the company be entered in the register; otherwise, a copy of the articles of association (for example in case of a registered partnership - GbR).
  - Should the company be headquartered abroad: Documents from the country in which the company is registered which prove the legal form
    - Extract from the federal central register (certificate of good conduct) for submission to an authority for each person who is involved in the management of the company or a branch of the company (in case of legal persons: for all persons with power of representation under the law, constitution or articles of association)
    - Extract from the central commercial register for each person who is involved in the management of the company or a branch of the company (in case of legal persons: for the company itself all persons with power

## Modul

## Sachverhalt

of representation under the law, constitution or articles of association)

- Certification in tax matters by the responsible tax office
- Extract from the register of debtors of the central enforcement court
- Information provided by the insolvency court which states whether proceedings are pending
- Certificate of good conduct of the communal tax office
- If residing abroad: Documents from your home country that testify to your personal reliability.
- Clearance certificate from the German Federal Police Office or a copy of this
- should you wish to organise the game in connection with a travel company.
  - Travel company map
  - Certificate of good conduct from the State Police Office or a copy of this
- where applicable: Proof of personal reliability from the company operator at whose premises the game is intended to take place:
  - if this company operator maintains his or her place of residence in Germany, he or she requires the following as a rule:
    - Certificate of good conduct
    - Extract from the Central Register of Companies
  - should he or she maintain his or her place of residence abroad, he or she requires documents from the home country which prove that he or she is reliable.

The competent body may request additional documents in order to verify your personal reliability.

In case of legal persons (GmbH, entrepreneurial company, AG, registered co-operative), you must fill in the application form for the legal person. All personal documents must be submitted for all natural persons involved in the management of the company (for example personnel papers). For the legal person, you also require an extract from the Central Trade Register.

## Modul

## Sachverhalt

Partnerships (GbR, KG, OHG, PartG, GmbH Co. KG) are not eligible for a licence as such. Therefore each shareholder with management functions requires the licence. For each of these persons, you must submit an application form which has been filled in and all personal documents.

## Voraussetzungen

### **\*\*General requirements\*\***

- You hold a clearance certificate from the German Federal Police Office (in case of travel companies, the State Criminal Police Office) or a copy of this.
- You and the company at whose premises the game is intended to take place possess the necessary reliability for the hosting of games with prizes.

**\*\*Note:\*\*** You do not possess the necessary reliability if you have been subject to a judgement of a court in the three years prior to the submission of the application due to a crime, theft, embezzlement, extortion, receiving stolen goods, money laundering, concealment of unlawfully acquired assets, fraud, breach of trust, illegal organisation of gaming, participation in illegal gambling or an offence under § 27 of the Law relating to the Protection of Young People (Jugendschutzgesetz).

### **\*\*Requirements for games with cash prizes\*\***

- The game must take place in a gaming location or at a similar company.
- A maximum number of three such games may take place.

### **\*\*Requirements for games with goods as prizes\*\***

The game must

- take place at folk festivals, shooting matches or similar events,
- yearly markets or special markets or

| Modul                        | Sachverhalt  |
|------------------------------|--|
|                              | <ul style="list-style-type: none"> <li>• in public houses or tourist accommodation (with the exception of those which are visited by children and young people).</li> </ul> <p>Please bear in mind that you may organise a maximum of three such games in public houses.</p>   |
| Kosten                       | The amount of the charges is in accordance with the validity period of the licence and the cost regulations of the municipality.   |
| Verfahrensablauf             | <p>You can apply for the licence from the competent body in writing or in electronic form. A simple email does not suffice. You can also apply for the licence via the standard network contact person.</p> <p>You must provide the required information and submit those documents which are necessary in order to assess your application.</p> <p>The licence can be issued for a temporary period or with conditions, should this be necessary in order to protect the public, guests, residents of the land on which the business is operated or neighbouring land. It is also possible to subsequently include, alter and add conditions.</p> |
| Bearbeitungsdauer            |  |
| Frist                        | None   |
| weiterführende Informationen |  |
| Hinweise                     |  |
| Rechtsbehelf                 |  |
| Kurztext                     |  |
| Ansprechpunkt                |  |
| Zuständige Stelle            |  |
| Formulare                    |  |

**Modul**

**Sachverhalt**

Ursprungsportal