

99050058000000

Applying for public appointment as a particularly competent auctioneer of third-party property

Heruntergeladen am 21.06.2025

<https://fimportal.de/xzufi-services/1950/L100022>

| Modul | Sachverhalt |
|---------------------------|--|
| Leistungsschlüssel | 99050058000000 |
| Leistungsbezeichnung I | Applying for public appointment as a particularly competent auctioneer of third-party property |
| Leistungsbezeichnung II | Applying for public appointment as a particularly competent auctioneer of third-party property |
| Typisierung | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion | Baden-Württemberg |
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | |
| Leistungsgruppierung | |
| Verrichtungskennung | |

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| SDG-Informationsbereich | |
| Lagen Portalverbund | |
| Einheitlicher Ansprechpartner | |
| Fachlich freigegeben am | |
| Fachlich freigegeben durch | |
| Handlungsgrundlage | <p>Gewerbeordnung (GewO):</p> <ul style="list-style-type: none"> • § 34b Versteigerergewerbe Abs. 5 <p>Verordnung über gewerbsmäßige Versteigerungen (Versteigererverordnung - VerstV)</p> <p>Landesverwaltungsverfahrensgesetz (LVwVfG):</p> <ul style="list-style-type: none"> • § 3a Abs. 1 elektronische Kommunikation <p>§ 6b Absatz 1 GewO und § 71a ff. LVwVfG in Verbindung mit §§ 1 ff. des Gesetzes über einheitliche Ansprechpartner für das Land Baden-Württemberg (EAG BW) (Verfahren über eine einheitliche Stelle, einheitliche Ansprechpartner)</p> |
| Teaser | <p>If you wish to conduct public auctions of third-party property in accordance with certain provisions of the German Civil Code and the German Commercial Code that are ordered or implemented by force, you must</p> |
| Volltext | <p>If you wish to conduct public auctions of third-party property in accordance with certain provisions of the German Civil Code and the German Commercial Code that are ordered or implemented by force, you must</p> <ul style="list-style-type: none"> • be publicly appointed and • be sworn in as an auctioneer. <p>This applies, for example, to pledge sales or distress sales.</p> <p>The owner of the auctioned property has no influence on the price and the minimum bid. He or she must therefore be able to rely on you as a particularly reliable and qualified person to protect his or her property interests.</p> |
| Erforderliche Unterlagen | <ul style="list-style-type: none"> • Letter of application • Copy of identity card or comparable identification document • Proof that you are working as an auctioneer with a |

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corresponding licence from the competent authority or are employed by such a person

- Proof of special expertise (evidence of above-average expertise and experience), e.g. list of auctions you have conducted or appraisals you have prepared, proof of further training

Voraussetzungen

- You are a professional auctioneer with a corresponding licence from the competent authority or are employed by such a person. Legal entities cannot be publicly appointed.
- if you are applying for public appointment in general: special expertise. Special expertise means above-average specialist knowledge and experience in the most important specialist areas of the auctioneering trade (carpets, furs, jewellery, furniture, art, household effects)
- if you are applying for public appointment for only certain types of auctions: proof of special knowledge in the areas applied for
- several years of professional experience as an auctioneer. You should have conducted several auctions per year in the areas you have specified
 - the Trade, Commerce and Industry Regulation Act
 - the Auctioneers Ordinance,
 - the Commercial Code and
 - the German Civil Code.
- Knowledge of the provisions relating to the responsibilities, rights and obligations of auctioneers in
- have practised the auctioneering trade for several years without any faults and are particularly trustworthy. You must offer a guarantee of impartiality and independence as well as compliance with the duties of publicly appointed auctioneers.

If you are applying for public appointment for only certain types of auctions, there must be a need to conduct public auctions in the areas you have specified (e.g. works of art or carpets); this must be checked by the competent body.

Kosten

The amount of the fees is based on the municipal fee statutes.

Verfahrensablauf

You must apply for the public appointment with the competent body.

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| | <p>They will check whether you fulfil the requirements based on the information you provide and the documents you submit. If this is the case, you will be appointed and sworn in to fulfil your duties conscientiously, without instructions and impartially. You will receive a certificate of public appointment. Note: In order to verify the required expertise, the competent body may present you to a neutral and expert committee which, after an interview or an examination of your knowledge, will issue a vote in writing on the existence of the special expertise. This usually takes place at the relevant Chamber of Industry and Commerce.</p> <p>Your public appointment is valid for the whole of Germany. The competent authority can either issue it generally or restrict it to certain types of auctions (e.g. works of art or carpets), provided there is a need to organise public auctions for these.</p> |
| Bearbeitungsdauer | |
| Frist | none |
| weiterführende Informationen | |
| Hinweise | Publicly appointed auctioneers are subject to the general regulations applicable to commercial auctioneers, in particular the Ordinance on Commercial Auctions (Auctioneers Ordinance) and the obligations set out therein. The latter concern, for example, the preparation and organisation of auctions and bookkeeping. |
| Rechtsbehelf | Objection and complaint |
| Kurztext | |
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | |