

99025002005000

# Apply for a restaurant licence

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/526/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99025002005000
Leistungsbezeichnung I	Apply for a restaurant licence
Leistungsbezeichnung II	Apply for a restaurant licence
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	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

## Modul

## Sachverhalt

### Fachlich freigegeben durch

#### Handlungsgrundlage

[Landesgaststättengesetz (LGastG)](<https://www.landesrecht-bw.de/bsbw/document/jlr-GastGBW2009rahmen>)

- § 1 Geltung des Gaststättengesetzes in Verbindung mit
- § 2 Erlaubnis GastG und
- § 9 StellvertretungserlaubnisGastG

[Gaststättengesetz (GastG)](<https://www.gesetze-im-internet.de/gastg/index.html#BJNR004650970BJNE001102377>)

- § 2 Erlaubnis
- § 9 Stellvertretungserlaubnis

[Gaststättenverordnung (GastVO)](<https://www.landesrecht-bw.de/bsbw/document/jlr-GastVBW1991rahmen>)

- § 1 Sachliche Zuständigkeit
- § 3 Verfahren

[Landesverwaltungsverfahrensgesetz (LVwVfG)](<https://www.landesrecht-bw.de/bsbw/document/jlr-VwVfGBW2005rahmen>)

- § 42a Genehmigungsfiktion in Verbindung mit
- § 6a Absatz 2 Entscheidungsfrist, Genehmigungsfiktion
- § 3a Elektronische Kommunikation

[Gewerbeordnung (GewO)](<https://www.gesetze-im-internet.de/gewo/>)

Modul	Sachverhalt
	<ul style="list-style-type: none"> <li>• § 6a Absatz 2 Entscheidungsfrist, Genehmigungsfiktion</li> </ul>
Teaser	In certain cases, you need a licence to operate a catering business.
Volltext	<p>In certain cases, you need a licence to operate a catering business.</p> <p>A catering business is operated by anyone who</p> <ul style="list-style-type: none"> <li>• Serves drinks for consumption on the premises (pub business) or</li> <li>• serves prepared food for consumption on the premises (catering),</li> </ul> <p>if the business is open to the general public or certain groups of people.</p> <p>A catering business is also operated by anyone who, as an independent trader in the travelling trade, serves drinks or prepared food for consumption on the premises from a fixed business premises for the duration of the event if the business is accessible to everyone or certain groups of people.</p> <p>If these conditions are met, you must always apply for a licence.</p> <p>However, you do not need a licence if you only serve</p> <ul style="list-style-type: none"> <li>• non-alcoholic drinks,</li> <li>• free samples,</li> <li>• prepared food or</li> <li>• serve drinks and prepared food to house guests in connection with an accommodation establishment.</li> </ul> <p>However, if you operate a restaurant as a travelling trade in these cases, you will need a travelling trade licence.</p>

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You only need a licence for a pub or restaurant where drinks are usually served if alcoholic beverages are involved.

You can obtain a catering licence as a

- A new licence,
- A licence after conversion work or
- A licence for the management of a restaurant by a deputy.

## Erforderliche Unterlagen

- Completed application form
  - Copy of identity card or comparable identification document, in the case of electronic communication the proof of identification required for the respective communication channel, e.g. electronic signature, secure proof of identity
  - For proof of the legal form of the company:
    - if the company is based in Germany:
      - for companies entered in a register: [Extract from the commercial register](<https://www.service-bw.de/zufi/leistungen/102>)
      - otherwise a copy of the articles of association (e.g. for a partnership under civil law (GbR))
    - if the company is domiciled abroad: documents from the country of domicile that prove the legal form.
  - For proof of personal reliability:
    - For residence in Germany:
      - [Certificate of good conduct](<https://www.service-bw.de/zufi/leistungen/279>)
      - [Extract from the central trade register](<https://www.service-bw.de/zufi/leistungen/1006>)
    - If you live abroad: Documents from your home country that prove your personal reliability.
    - Proof of training from the Chamber of Industry and Commerce[IHK](<http://www.bw.ihk.de/>) responsible for you regarding participation in training on food and hygiene regulations or a certificate from the IHK confirming that you have passed a final examination for a state-recognised training occupation that makes the training unnecessary
    - If a deputy is to run the restaurant, additionally:

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- Application for a deputy licence
- personal documents of the deputy
- Building plans, floor plans, site plans

The competent authority may request further documents to verify personal reliability.

In the case of legal entities (limited liability companies, business companies, public limited companies, registered co-operatives), you only need to complete the application form for the legal entity itself. You must submit all personal documents for all natural persons authorised to manage the company, e.g. identity papers. For the legal entity, you also need an extract from the central trade register.

Partnerships (GbR, KG, OHG, PartG, GmbH & Co. KG) are not eligible for authorisation as such. Therefore, each managing partner requires a licence. You must submit a completed application form and all personal documents for each of these persons.

## Voraussetzungen

- There are no facts that indicate that you do not possess the reliability required for commercial operations, for example
  - that you are addicted to alcohol or
  - there is reason to fear that you will exploit inexperienced, reckless or weak-willed persons or
  - will encourage alcohol abuse, illegal gambling, receiving stolen goods or immorality, or
  - will not comply with health, food, labour or youth protection regulations.
- The premises for the operation of the business or for the residence of employees must be suitable for the business in terms of location, condition, equipment or layout. Above all, they must fulfil the necessary requirements for the protection of guests and employees against risks to life, health or morality or the other requirements necessary for the maintenance of public safety or order.
- The guest rooms must be accessible to people with disabilities. This applies to rooms in the following buildings:

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- Buildings for which a building permit was granted after 1 November 2002 for
  - first-time construction,
  - for a significant conversion or
  - for a significant extension or
  - if no building permit is required: buildings completed, substantially converted or extended after 1 May 2002.

An exception only applies if a barrier-free design of the rooms is not possible or can only be achieved at unreasonable expense.

- The commercial operation does not conflict with the public interest with regard to its local location or the use of the rooms.

Above all, there must be no fear of harmful environmental effects within the meaning of the Federal Immission Control Act or other significant disadvantages, dangers or nuisances for the general public.

- Proof by means of a certificate from the Chamber of Industry and Commerce responsible for you that you or your deputy have been instructed in the basic principles of the food law knowledge required for the business and can be considered familiar with them.

## Kosten

The amount of the fees depends on the fee statutes of the municipality or city or on the fee regulations of the district administration.

## Verfahrensablauf

You must apply for a restaurant licence in writing or in electronic form to the competent authority. Your application must be signed by hand or have a qualified electronic signature. You can also replace the written form by

- submitting the declaration in an electronic form provided by the competent authority in an input device on site or via the Internet. If you submit your declaration via the Internet, you must prove your identity using the electronic ID function of your identity card or residence permit.

Modul	Sachverhalt
	<ul style="list-style-type: none"> <li>• send a sender-confirmed De-Mail to the responsible office. Sender-confirmed means that your De-Mail provider confirms in the De-Mail with a qualified electronic signature that               <ul style="list-style-type: none"> <li>• it has received exactly this message content from you and</li> <li>• You have logged into your De-Mail account to send this De-Mail using the electronic ID function of your ID card or another secure method instead of your user name and password.</li> </ul> </li> </ul> <p>You must provide the required information and submit any documents that may be relevant to the assessment of your application.</p>
Bearbeitungsdauer	The authority must decide on your application within a period of three months. This period begins with the receipt of the complete documents. Once this period has expired, the licence applied for is deemed to have been granted if your application is sufficiently specific. Note: The authority may extend the deadline once if this is justified by the difficulty of the matter. The authority must justify this extension and inform you in good time.
Frist	none
weiterführende Informationen	
Hinweise	none
Rechtsbehelf	Objection or complaint
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	