

99050012186000, 99050012186000

Applying for re-authorisation of a trade after prohibition

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/434406724/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99050012186000, 99050012186000
Leistungsbezeichnung I	Applying for re-authorisation of a trade after prohibition
Leistungsbezeichnung II	Applying for re-authorisation of a trade after prohibition
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Wiedergestattung (186)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

Modul	Sachverhalt
	Führung eines Unternehmens, Eintragung, Änderung der Rechtsform oder Schließung eines Unternehmens (Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	31.08.2021
Fachlich freigegeben durch	Lower Saxony Ministry of Economic Affairs, Labour, Transport and Digitalisation
Handlungsgrundlage	http://www.gesetze-im-internet.de/gewo/_35.html http://www.gesetze-im-internet.de/gewo/_35.html
Teaser	Have you been prohibited from practicing your trade because of unreliability? Then you can apply for the restoration of your commercial activity after one year, exceptionally even earlier. Find out more here.
Volltext	<p>The competent authority has banned you from practicing your trade due to unreliability. However, you would now like to resume your commercial activity. After one year, or earlier if there are special reasons, the authority may allow you to resume your trade upon application.</p> <p>The prerequisite is that you can prove to the competent authority that the reasons that led to the prohibition of your trade no longer exist. Based on your conduct in the meantime, the competent authority must also be able to predict that you will carry out your trade properly in the future.</p> <p>As a rule, you can only be re-authorized after one year. This period is considered appropriate in order to demonstrate to the authorities that the reasons for unreliability have ceased to exist by changing your lifestyle. For overriding reasons - for example economic or structural policy reasons - the exercise of the trade may be permitted again earlier in exceptional cases. This applies, for example, in the event that the</p>

Modul

Sachverhalt

resumption of the trade creates additional jobs or enables creditors of your business to reduce their debts by generating income in your business to repay debts. The mere cessation of the circumstances justifying unreliability is not sufficient to shorten the one-year period.

Erforderliche Unterlagen

- written or electronic application for permission to carry on the trade you wish to resume, with further details
 - Details of the location of the intended trade
 - Proof of how you have made a living since the trade was banned and whether you have been employed
 - Application for a certificate of good conduct for submission to an authority (Leika key: 99049001001000)
 - Application for an extract from the central trade register for submission to an authority (Leika key: 99052002109000)
 - Extract from the debtor register and certificate from the insolvency court (available from the competent local or insolvency court)
 - Current certificates: from the trade tax offices, tax offices and social insurance agencies

****Special features in the event of payment arrears:****

- If you had payment arrears at the time of the previous business prohibition, you must submit current certificates from the trade tax offices, tax offices and social insurance institutions. These certificates must contain information about
 - the amount of any outstanding arrears, broken down into principal and ancillary claims
 - the period from which the possible main claim originates
 - any repayment agreements made after the trade ban, their date of conclusion, regulations and compliance
 - the implementation of compulsory collection measures, their nature and success

Modul	Sachverhalt
	<p>**special features in the event of a change of residence:**</p> <ul style="list-style-type: none"> • If you have moved after your business was prohibited, you will need certificates from the debtor register of the insolvency court, the tax office and the trade tax office from both the current authorities and those responsible at the time the business was prohibited.
Voraussetzungen	<p>The reasons that led to the ban no longer apply. You will be able to guarantee your reliability under commercial law again in the future.</p> <p>As a rule, one year should have elapsed since the prohibition.</p>
Kosten	<p>Gebühr: 0€ - 395€ in Lower Saxony according to § 1 Abs 1 in conjunction with .dem cost tariff (Annex to § 1 Abs. 1) AllGO</p>
Verfahrensablauf	<p>Submit to the competent body a written or electronic application for re-authorisation of commercial activity and the necessary documents.</p> <p>The competent authority checks whether you can be allowed to carry out your business activity again on the basis of your evidence and makes a prognosis decision with regard to the future proper exercise of your business.</p> <p>If the prerequisites are met, you will receive the official decision to re-authorise.</p>
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> • Application: at the earliest one year after prohibition, in exceptional cases also possible earlier •
weiterführende Informationen	
Hinweise	<p>If you resume your activity after being re-authorized, you must at least submit a business registration to the competent authority at the same time. The resumption</p>

Modul	Sachverhalt
	<p>is to be assessed as a new start of the trade.</p> <p>If you have previously had a permit revoked due to unreliability, which is legally required for the exercise of the trade, you must apply for a new permit before resuming your commercial activity requiring a permit. The same applies if a new permit requirement has been introduced in the meantime.</p>
Rechtsbehelf	<p>In Lower Saxony, preliminary proceedings are abolished by § 8a Nds. AG VwGO. Therefore, no objection is admissible, but rather administrative court action must be brought directly.</p>
Kurztext	<ul style="list-style-type: none"> • Commercial re-authorisation <ul style="list-style-type: none"> • One year after the implementation of a trade ban (professional ban), the trader can apply for re-authorisation. • Exceptionally, an application may also be submitted earlier (for overriding reasons of an economic or structural nature: e.g. contribution to reducing unemployment by creating jobs in the trader's business; Creditor's interests: debt reduction, etc.). • Prerequisite: Proof that the reasons that led to the prohibition of the exercise of the trade no longer exist and a positive prognosis regarding a future proper exercise of the trade. • Trade can also be partially permitted (if the reliability is restored in relation to parts of the prohibited activity) • Resumption of commercial activity requires business registration (new start of the trade) • If necessary. Permission must be applied for (e.g. if a permit requirement has been introduced in the meantime, or if permission has been revoked before resumption).
Ansprechpunkt	<p>Counties, independent cities, large independent cities, independent municipalities</p>
Zuständige Stelle	<p>Rural districts, independent cities, large independent cities, independent municipalities</p>
Formulare	<ul style="list-style-type: none"> • Written form required: no • Online procedure possible: yes • Personal appearance required: no. However, it is

Modul	Sachverhalt
	advisable to appear in person.
Ursprungsportal	Applying for re-authorisation of a trade after prohibition, Wiedergestattung eines Gewerbes nach Untersagung beantragen