

99050210002000, 99050210011000, 99050210044000

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/25236/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99050210002000, 99050210011000, 99050210044000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Market determination; application
Typisierung	3b - Bundesaufsichtsverwaltung: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	09.04.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wirtschaft, Landesentwicklung und Energie (Bavarian State Ministry of Economic Affairs, Regional Development and Energy)
Handlungsgrundlage	http://bundesrecht.juris.de/gewo/BJNR002450869.html#BJNR002450869BJNG000902301 http://bundesrecht.juris.de/gewo/BJNR002450869.html#BJNR002450869BJNG000902301 http://bundesrecht.juris.de/gewo/_60b.html http://bundesrecht.juris.de/gewo/_60b.html
Teaser	If you want to organize a market for commercial vendors, you can apply for official approval. You will then be granted certain market privileges.
Volltext	<p>At the request of the organizer, the competent authority must designate a trade fair, an exhibition, a wholesale market, a weekly market, a special market or a funfair according to subject matter, time, opening hours and location. Only markets of commercial vendors can be designated, but not, for example, a flea market of private individuals.</p> <p>The organization of markets is generally possible without a permit. The designation of a market is associated with exemptions from regulations that would otherwise have to be complied with (so-called market privileges). For example, the trade law regulations on standing trades (e.g. trade notification), on itinerant trades (e.g. the travel trade card requirement), the Shop Closing Hours Act (which is replaced by the opening hours specified in the notice of determination) and certain provisions of the Youth Employment Protection Act, the Catering Act and the Sunday and public holiday law do not apply.</p> <p>However, the general regulations apply to markets that have not been designated.</p> <p>The events that can be set are described in more detail below:</p> <ul style="list-style-type: none"> • A trade fair is a time-limited, generally regularly recurring event at which a large number of exhibitors

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exhibit the essential range of one or more sectors of the economy and sell it predominantly by sample to commercial resellers, commercial consumers or bulk buyers.

- An **exhibition** is a temporary event at which a large number of exhibitors display and sell a representative range of products from one or more economic sectors or economic areas or provide information about these products for the purpose of promoting sales.

- A **wholesale market** is an event at which a large number of vendors sell certain goods or goods of all kinds mainly to commercial resellers, commercial consumers or bulk buyers.

- A **weekly market** is a regularly recurring, time-limited event at which a large number of vendors offer one or more of the following types of goods for sale:

- Food within the meaning of Art. 2 of Regulation No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as last amended by Regulation (EU) 2019/1381, with the exception of alcoholic beverages; alcoholic beverages are permitted if they are produced from products of viticulture, agriculture or fruit and horticulture obtained by the producer himself; the purchase of alcohol for the production of liqueurs and spirits from fruit, plants and other agricultural raw materials, where the raw materials are not fermented by the producer himself, is permitted;

- products from fruit growing and horticulture, agriculture, forestry and fishing;

- raw natural products with the exception of larger livestock.

- A **specialty market** is an event that generally recurs regularly at longer intervals and is limited in time, at which a large number of vendors offer certain goods for sale.

- A **funfair** is an event that generally takes place at regular intervals for a limited period of time and at which a large number of vendors offer goods of all kinds for sale.

- A **folk festival** is generally a regularly recurring,

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temporary event at which a large number of vendors carry out entertaining activities within the meaning of Section 55 (1) No. 2 GewO and offer goods for sale that are usually offered at events of this type. The regulations on market setting also apply to public festivals. However, there is no privilege with regard to the traveling trade license (such a license is only dispensable in the case of § 55a Para. 1 No. 1 GewO).

Real estate agents, property developers and building supervisors as well as auctioneers are also subject to the grounds for refusal relating to the standing trade in the case of fixed markets.

In the case of public festivals, weekly markets and annual markets, the organizer may only demand remuneration for the provision of space and stands and for the use of utilities and supply services, including waste disposal. In addition, the organizer may demand a contribution to the costs of advertising at public festivals and fairs.

However, the ****principles of public holiday law****(in particular the prohibition of publicly noticeable work) must be taken into account when making the decision. Flea markets and flea markets are problematic in this respect****, for which it must be examined in each individual case whether they are compatible with the principles of Sunday and public holiday law. According to case law, the offering of goods for sale at markets of all kinds generally does not outweigh the concerns of Sunday protection. As a rule, markets should not be established on quiet days. However, this does not rule out the possibility of markets being established in individual cases if the serious nature of these days is preserved.

Erforderliche Unterlagen

- Valid identity card or passport
- Certificate of good conduct for authorities

(to be applied for at the municipality of residence)

- Extract from the central trade register

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(to be applied for at the municipality of residence)

- If applicable, more detailed information to assess the nature of the event, in particular on the goods to be offered and the expected number and composition of exhibitors (e.g. provisional list of exhibitors) or suppliers
- Participation regulations, if applicable
- Site plans, if applicable

(to be applied for at the municipality of residence)

- Documents for registered companies and civil law partnerships
 - for registered companies: Extract from the commercial register or comparable registration documents from abroad (with German translation)
 - for companies under civil law: articles of association
 - for EU citizens: proof of good repute from the country of origin in the form of a certified copy and a certified German translation;

Replacement by affidavit in lieu of oath or comparable acts, if applicable

- for non-EU citizens: residence permit that allows self-employment
- for non-EU citizens: proof of good repute

Official certificate of good conduct or good character or extract from the criminal record of the home country or an equivalent document and/or a certificate of good conduct for authorities and information from the central trade register

- in the case of a power of attorney: a written power of attorney and identification of the grantor of the power of attorney and the authorized representative

Voraussetzungen

Prerequisites for the determination are

- the reliability of the organizer

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	<ul style="list-style-type: none"> • the event does not conflict with the public interest (the principles of the law on Sundays and public holidays must also be taken into account when determining the market), • no holding of special markets or fairs in stores. <p>For non-EU citizens, a residence permit is generally required that allows the exercise of self-employed activity.</p>
Kosten	<ul style="list-style-type: none"> • Assessment notice: EUR 50 to 1,500 in accordance with the Schedule of Costs under the Costs Act (Tariff No. 5.III.5/40) • Determination of a public festival: EUR 100 to EUR 2,000 in accordance with the Schedule of Costs under the Costs Act (Tariff No. 5.III.5/23.13) • Certificate of good conduct and extract from the central trade register: EUR 13 each in accordance with the Code of Judicial Administration Costs
Verfahrensablauf	
Bearbeitungsdauer	The processing time depends on the circumstances of the individual case.
Frist	It is advisable to submit your application in good time. In general, the assessment notice should be issued within 4-6 weeks of the application being submitted.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal