

99119007067000

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/34380/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99119007067000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Business association; application for the granting of legal capacity
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
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	05.03.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://www.gesetze-im-internet.de/bgb/_22.html http://www.gesetze-im-internet.de/bgb/_22.html https://www.gesetze-bayern.de/Content/Document/BayAGBGB https://www.gesetze-bayern.de/Content/Document/BayAGBGB https://www.gesetze-bayern.de/Content/Document/BayVwV260170 https://www.gesetze-bayern.de/Content/Document/BayVwV260170
Teaser	An association with its registered office in Bavaria whose purpose is aimed at commercial business operations can submit an application to the government of Swabia for the granting of legal capacity.
Volltext	<p>The purpose of a commercial association must be directed towards commercial business operations. Pursuant to Section 22 of the German Civil Code (BGB), commercial associations acquire legal capacity through state conferral (so-called concession system). However, it should be noted that an association - unless the legal form of the commercial association is expressly permitted by federal law (see e.g. under the Federal Forest Act) - must in principle choose the legal forms provided elsewhere (e.g. GmbH, public limited company, cooperative). Only in the exceptional case that this should be unreasonable for the association applying for the conferral in the individual case can it be granted legal capacity by an act of conferral by the state. The competent authority in Bavaria is the government of Swabia.</p> <p>The economic association is not entered in the register of associations once it has been granted legal capacity, as this is reserved for non-economic associations.</p>
Erforderliche Unterlagen	
Voraussetzungen	Pursuant to Section 22 BGB, the granting of legal

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capacity as a commercial association can only be considered if the purpose of the association is directed towards commercial business operations and it is unreasonable for the association to organize itself in another legal form provided by federal law due to the special circumstances of the individual case. The granting of legal capacity in accordance with Section 22 BGB is therefore subordinate to other legal forms provided under federal law through which legal capacity can be obtained.

An exception to this is only made if the legal form of a commercial association is expressly permitted by special federal regulations (e.g. under the Federal Forest Act for forest management associations or forestry associations).

Before submitting an application, the association should always check whether the strict requirements for the granting of legal capacity as a commercial association are met at all. Economic associations that fall under § 22 BGB are not entitled to be granted legal capacity by the state; rather, they are only entitled to a decision by the competent administrative authority that is free of discretionary errors.

Kosten

Verfahrensablauf

Bearbeitungsdauer

Frist

weiterführende Informationen

Hinweise

For economic associations authorized by federal law, an awarding authority other than the government of Swabia may be responsible. For example, the State Ministry of Food, Agriculture and Forestry is the awarding authority for forest management associations and forestry associations.

Rechtsbehelf

Modul	Sachverhalt
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal