

99119007067000

Legal capacity as an economic association Award

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/S1000020010000013077/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99119007067000
Leistungsbezeichnung I	Legal capacity as an economic association Award
Leistungsbezeichnung II	Apply for legal capacity as a commercial association
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Licensing of economic association</div> , <div lang="en-x-mtfrom-de">Establish an economic association</div> , <div lang="en-x-mtfrom-de">Establishment of an association according to § 22 BGB</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	27.03.2024
Fachlich freigegeben durch	
Handlungsgrundlage	[§ 22 German Civil Code (BGB) – Economic Association](https://www.gesetze-im-internet.de/bgb/_22.html#:~:text=B%C3%BCrgerliches%20Gesetzbuch%20(BGB),Vorschriften%20Rechtsf%C3%A4higkeit%20durch%20staatliche%20Verleihung.)
Teaser	As a validly founded (preliminary) association, you can apply to be granted legal capacity as a commercial association. A commercial association can only be founded if no other legal form can be chosen.
Volltext	<p>If you, as a (preliminary) association (a group of persons or organisations aiming to establish a commercial association), wish to obtain legal capacity through state granting, you can submit an application to the relevant authority.</p> <p>It should be noted that an award can only be made if, due to the special circumstances of the individual case, the choice of the legal form of a legal entity under commercial law is unreasonable for you.</p> <p>You must demonstrate in the proceedings that pursuing the association's purpose in the special legal forms would be disproportionately difficult or impossible for you for legal or factual reasons.</p> <p>An exception to this only applies if the legal form of an economic association is made possible by special federal regulations (for example, approval as an economic association, licensing).</p> <p>Accordingly, the establishment of an economic association can only be considered if, in exceptional circumstances, the choice of another legal form is unreasonable.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Written Application • The protocol for the founding of the association

Modul

Sachverhalt

- Proof of election and the composition of the representative body (usually the board of the association) with the name and address of the elected persons
- A draft statute of the association
- Detailed explanation as to why only the legal form of the commercial association is possible and why all other available legal forms such as GmbH, AG, e. V., foundation, OHG, cooperative and others are not an option.

Voraussetzungen

- The purpose of your association is to conduct commercial business. This means that you offer certain goods or services for a fee or intend to do so.
- The number of club members must be at least seven.
- Your association cannot be expected to organize itself in another commercial or corporate legal form (e.g. UG, GmbH, Aktiengesellschaft, cooperative) and thus acquire legal capacity.
- Your association must have exhausted all possibilities to obtain legal capacity by other means.
- An exception to this only applies if the legal form of an economic association is expressly permitted by special federal law (for example, in the case of producer associations under the Agricultural Market Structure Act).

Kosten

Depending on the effort involved, administrative fees of between 303 and a maximum of 1,222 euros will be incurred when granting legal capacity as an economic association (as of January 1, 2024).
 The amount of the fee is determined from No. 1.1 of the fee schedule for official acts in the areas of association and foundation law. It can be assumed that the fee structure changes annually.

Verfahrensablauf

- If you are interested, please submit an application for legal capacity
- You send:
 - the association statutes
 - the founding protocol
 - Evidence of the authorized representative body of the association (this is usually the board of directors)
- In your application, you explain why only a

Modul	Sachverhalt
	<p>commercial association and no other legal form is appropriate for your matter.</p> <ul style="list-style-type: none"> • After your application has been reviewed, you will receive written notification as to whether your application has been approved. • You will then receive a fee notice.
Bearbeitungsdauer	Depends on the testing effort.
Frist	No.
weiterführende Informationen	
Hinweise	<p>An economic association according to Section 22 of the German Civil Code (BGB) can only be founded if the choice of one of the other legal forms is unreasonable due to atypical circumstances.</p> <p>An exception to this only applies if the legal form of an economic association is expressly permitted by special federal law provisions (for example, in the case of producer associations under the Agricultural Market Structure Act, pursuant to Sections 2 and 3 of the Agricultural Market Structure Ordinance).</p>
Rechtsbehelf	Objection to rejection of application
Kurztext	<ul style="list-style-type: none"> • Apply for legal capacity as a commercial association • An economic association can only be founded if no other legal form can be chosen. • An exception to this only applies if the legal form of an economic association is expressly permitted by special federal law.
Ansprechpunkt	
Zuständige Stelle	Justice and Consumer Protection Authority
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)