

**General facts
to
IO3: Legal regulations in the case of a
business start-up in the green economy in
Germany**

Output No.:	3
Institut:	University Paderborn
Editor:	Denise Eggert
Status:	Final Version
Generated:	15.12.2018

General Facts on Legislation and Regulations in Germany

Would you like to start your own business? On this page you will find the most important questions, answers, and tips that you should consider when starting your own business in Germany. The information has been given carefully, but without guarantee. Therefore, please invite inquire yourself again).

The following is a list of the steps you should take to set up your own business:

Businessplan: This is not mandatory, but is recommended and can also be helpful in financing questions. You will find support at the IHK / HWK and other chambers / guilds.

Founding or taking over a business by non-EU citizens: If you are a non-EU citizen, you must apply for a "residence permit (for a limited period of time) for self-employment". Further information can be found here: https://www.amtlich-einfach.de/DE/Wirtschaft/Unternehmensaufbau/Gruendung/Gruendung_node.html

Revenue board: Tax office: The revenue board must be informed about the founding of a company so that a tax number can be assigned. (In the case of inheritance or gift, please find out about or exemption from inheritance/gift tax, as this must also be reported to the tax office)

Choice of legal form: Since there are different legal forms, you should inform yourself about the different forms in order to be able to make a considered decision. An overview can be found, for example, here: <https://www.foerderland.de/gruendung/rechtsformen/>

Commercial register / land register at the local court: Except for the civil law partnership (GbR), all companies must be entered in the commercial register at the local court.

Registration of the trade: The company must be registered with the Trade Licensing Office. You can find out more about the documents you submit here: https://www.amtlich-einfach.de/DE/Wirtschaft/Unternehmensaufbau/Gruendung/Gruendung_node.html

Registration at the responsible accident insurance institution: In almost every industry, you must register with the responsible accident insurance institution. Further information can be found, for example, here: <https://www.fuer-gruender.de/wissen/unternehmen-gruenden/unternehmen-anmelden/berufsgenossenschaft/>

Registration at the Chamber of Crafts: If you open a craft business, a registration at the Chamber of Crafts is necessary.

Registration at the IHK: As a tradesmen you must register with the Industrie- und Handelskammern (IHK).

Recruiting staff: To recruit staff, a company number is required, which needs to be requested at the Employment Agency.

Overview of laws for founders in general: <https://www.fuer-gruender.de/beratung/links-und-adressen/gesetze/>

Overview of used links and further links:

https://www.amtlich-einfach.de/DE/Wirtschaft/Unternehmensaufbau/Gruendung/Gruendung_node.html

<https://www.fuer-gruender.de/wissen/unternehmen-gruenden/>

<https://www.fuer-gruender.de/wissen/unternehmen-gruenden/unternehmen-anmelden/berufsgenossenschaft/>

<https://www.innovationszentren.de/40-0-Informationen-fuer-Existenzgruender.html>

<https://www.fuer-gruender.de/beratung/links-und-adressen/gesetze/>

Financial specifications: Bank financing continues to be the most important source of external capital for start-ups.

Especially in risky start-ups, guarantees play an important role in ensuring start-up financing. Small and medium-sized companies in particular benefit from this financing option.

Financial possibilities: Bank credit, subsidies, promotions, sureties

More specific possibilities:

Start-up grant for jobseekers: If you go into business for yourself while you are registered as unemployed, you have the option of applying to the Federal Employment Agency for a start-up subsidy to promote a business start-up (according to §§ 93 f. SGB III). Further information can be found here: <https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/existenzgruendung>

Access to EU funding: Access to EU funding: Within the framework of the EU project (COSME. Europe's programme for small and medium-sized enterprises) it is possible to obtain support from the EU.

General overview: https://ec.europa.eu/growth/smes/cosme_en

Overview of some financing possibilities in Germany:

http://europa.eu/youreurope/business/funding-grants/access-to-finance/search/en/financial-intermediaries?shs_term_node_tid_depth=227

Further financing possibilities:

Green Entrepreneurship Global Fund: <http://www.green-entrepreneurship.cc/a/Home/>
Crowdfunding

<https://www.bettervest.com/de/projekt-finanzieren/>

<https://www.ecocrowd.de/erfahre/>

Climate-KIC-Accelerator: <http://climate-kic-dach.org/>

Further financing possibilities:

Green Entrepreneurship Global Fund: <http://www.green-entrepreneurship.cc/a/Home/>
crowdfunding

<https://www.bettervest.com/de/projekt-finanzieren/>

This project has been funded with support from the European Commission. This publication reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein. 3

<https://www.ecocrowd.de/erfahre/>
Climate-KIC Accelerator: <http://climate-kic-dach.org/>

These are just a few examples, but we encourage you to look for further possibilities! Good luck with your Green Entrepreneurship!

Fact sheet: German regulations on renewable resources of energy and green economy

This table lists some of the key regulations on renewable resources of energy and green economy in Germany. Note that the description of regulations below are unofficial translations. The list is not exhaustive.

Regulation	Description
The German Environmental constitutional law	Since 15 November 1994, environmental protection has been enshrined as an objective of the state in Article 20a of the German Basic Law. Constitutional status has thus been afforded to environmental protection and its objectives. All state bodies - in particular the legislature - are required to be "mindful also of [their] responsibility toward future generations" and to protect the environment.
German Government Energy Concept of September 2010, Climate action programme of December 2014, Climate Action Plan 2050	The goal of German energy policy is to reduce such emissions by at least 40 percent by 2020 and by 80 to 95 percent by 2050, relative to 1990 levels.
Renewable Energy Sources Act	Germany's electricity supply is becoming "greener" every year. The share of renewables in electricity consumption has steadily grown over the last few years – from around 6% in 2000 to around 36% in 2017. By 2025, 40-45% of electricity consumed in Germany is to derive from renewables. This is the aim of the Renewable Energy Sources Act. The 2017 revision of the Renewable Energy Sources Act rings in the next phase of the energy transition: from 2017 onwards, funding rates for renewable electricity will no longer be fixed by government, but will be determined via a market-based auction scheme – a fundamental change in funding renewable energy.
Waste Management Act (KrWG) entered into force on 1 June 2012	The Waste Management Act (KrWG) is intended to tighten resource, climate and environmental protection regulations. It transposes Directive 2008/98/EC into German law. The Waste Management Act (KrWG) is supplemented and fleshed out by a number of other regulations such as the Abfallverzeichnis-Verordnung regulation which lists the types of waste that are

	classified as hazardous, and those that are classified as non-hazardous.
Environmental Appeals Act (UmwRG) entered into force on 15 December 2006	<p>The Act makes it possible for associations whose predominant purpose is to promote environmental protection objectives to appeal against violations of environmental law, i.e. request an internal review or take legal action.</p> <p>The UmwRG is designed to incorporate into German law that part of the European Public Participation Directive 2993/35/EC of 26 May 2003 which deals with access to justice. The overall aim of the Directive is to preserve, protect and improve the quality of the environment and to protect human health.</p>
Federal Immission Control Act	This law lays down the requirements concerning the construction, quality, and operation of industrial installations that could potentially provoke environmental harm and other hazards due to accidents or incidents. The most important legal principle laid down by the Act is the duty to adhere to the state of the art.
Energy Industry Act	A framework policy to enhance competition, security of supply and sustainable energy production, Germany's Energy Industry Act requires electricity labelling according to type of energy source.
Energy Tax Act	In August 2006, Germany implemented a tax on coal, coke and lignite and rescinded tax breaks for biofuels. The tax fully exempts energy-intensive industries - glass, ceramics and cement - as well as domestic burning. The taxation law implements the European energy taxation directive as national law.
Chemicals Act	The main features of chemicals testing, assessment, classification and labeling are defined in the Chemicals Act (Chemikalien-Gesetz) and are laid down in greater detail in regulations like the Dangerous Substances Regulations and the Ban on Chemicals Regulations which lay down classifications of dangerous properties and stipulate labeling. This leads to a reduction or, where appropriate, to a ban on the handling of dangerous chemicals. The basis for these national regulations is a series of EU directives, for example: Regulation EC 1907/2006, the European Chemicals legislation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).
Water Resources Act	Plants that handle substances that are hazardous to water are subject to requirements as regards construction, quality, maintenance, operation, and

	<p>decommissioning, pursuant to Article 62(f) of the Act. Such installations must be constructed, operated and decommissioned in accordance with the generally accepted state of the art. The Act's stipulations are fleshed out in greater detail in a federal regulation.</p>
<p>Energy-related Products Act (EVPG)</p>	<p>The act transposes the provisions of the Ecodesign Directive into national law. Environmentally sound product design (ecodesign) can play a big role in making products more energy efficient. The EU Ecodesign Directive, which has been in force since 2005, is underpinned by the notion of environmentally sound product design. It states the minimum requirements products must meet.</p>