

## Service Occupations



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### Skilled Trades and Crafts (Handwerke)

Skilled trades and crafts (Handwerke) are generally those occupations that either produce individually manufactured products or provide customized services. These include over 100 different occupations in such areas as building and interior decoration, electrical and metalworking, woodworking and plastic trades, clothing, textile and leather crafts, food industry, health and body care, chemical and cleaning sector, and graphic design. For more information, please refer to the complete list of trades and crafts.

The skilled trades and crafts qualifications are acquired through vocational training. The German vocational training system is a unique dual system combining theoretical training at vocational schools with practical, on-the-job training under the supervision of master craftsmen. The traditional titles of "apprentice", "journeyman", and "master craftsman" are granted by and registered with the Chambers of Skilled Trades and Crafts (Handwerkskammern) and their local trade guilds (Innungen). The examinations for obtaining such titles are also administered by these associations.

The requirements that must be met in order to carry out some of the various crafts and trades in Germany were liberalized in 2003. Therefore different recognition requirements apply:

- For 41 regulated skilled trades/crafts, the German title "master craftsman" is still required to carry out these occupations. This is because they involve areas that are sensitive to people's health and safety. In these cases, you will have to provide proof of your professional qualifications in order to be registered in the Register of Craftsmen (Handwerksrolle), which is necessary before starting up and carrying out business activities in Germany. More information on the recognition of vocational qualifications obtained in other EU Member States is available for download on this webpage. Partnerships and incorporated companies that provide such skilled trades/crafts must employ at least one master craftsman.
- The other skilled trades/crafts are not regulated. Although you do not have to have a master craftsman's or any other title to carry out such work, you are entitled to acquire the master craftsman title if you wish to do so. Because the master craftsman's title is still widely regarded in Germany as certification of high quality, having it may play an important role in your business's success.
- Some other isolated activities that are typically part of a regulated skilled trade/craft may be carried out without the necessary master craftsman degree, provided that they are easy to learn and are only secondary to the skilled trade/craft itself. In order to find

- out whether this rule applies to your business activity, you can contact the local Chamber of Skilled Trades and Crafts. Service providers from other EU Member States can also seek assistance from their points of single contact.
- If your company is based in the EU, the EEA, or in Switzerland and you plan on providing skilled trades services only on a temporary and occasional basis in Germany, the procedure is much simpler. All you have to do is inform the local Chamber of Skilled Trades and Crafts beforehand of where you plan to work. Such businesses will need to prove that they are either legally registered or employed in their home country.

All members of the local Chamber of Skilled Trades and Crafts are registered in the Register of Craftsmen (Handwerksrolle) and are issued a craftman's certificate (Handwerkskarte) as proof of their membership.

For European service providers, the German network of **points of single contact** provides individual assistance with the relevant administrative regulations and procedures. They guide you through all of the relevant application procedures.

## Liberal Professions

Liberal professions are those occupations that - pursuant to their professional ethics - are traditionally supposed to serve the public interest rather than their own commercial benefit. They are therefore not subject to local trade tax (Gewerbesteuer), and are not governed by professional accounting standards or commercial law.

These occupations include the health professions (medical doctors, dentists, psychiatrists, alternative practitioner), legal consulting professions (lawyers, tax advisors, public accountants, notaries, patent attorneys), construction and architectural services (architects, consulting engineers, geodesists), as well as the works of writers, translators, freelance educators, and artists. In order to find out whether your occupation falls within the liberal-profession category in Germany, you can ask your Tax Office (Finanzamt). In determining whether the business is subject to trade tax, the Tax Office must decide whether the occupation is of a commercial nature or one of the liberal professions.

The commercial independence of the liberal professions is usually rooted in either the creative nature of the work or in specialist expertise acquired through a high-level of education. Therefore many services regarded as liberal professions require proof of specialized professional qualification. They must be certified by and registered with the respective professional organizations (e.g. Bar Associations, Chambers of Architects, Chambers of Engineers, Medical Associations, etc.) prior to being allowed to work in the profession. You may also address the professional organizations for your occupational group to find out which institution is responsible for the recognition of foreign qualifications.

By operation of the European Directive on the recognition of professional qualifications, qualifications from other EU Member States will generally be accredited as long as sufficient training and experience can be demonstrated. However, additional training/education in Germany may still be required if the particular qualification is tied to country-specific expertise, as is the case with the tax and legal advisory professions.

Although some dictionaries and publications suggest "freelance profession" as a translation for the German designation "freie Berufe", this translation is not entirely accurate and may lead to misunderstandings in respect of the laws and regulations applying to such professions.

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## Other Commercial Businesses

Because of the constitutional right to exercise a profession, those commercial occupations that do not require specific professional qualifications may, in principle, be exercised by anyone. One exception, however, are the professions that are primarily involved in certain types of especially dangerous or sensitive business activities. In order to operate such a business, you must obtain a special permit and you may need to provide proof of any or all of the following in order to legally commence business: your personal reliability and trustworthiness, your solvency, and/or a minimum of professional training prerequisites.

These requirements apply especially to restaurants, truck drivers, property developers, debt-collecting businesses, facility-security companies, pawnbrokers, insurance brokers, and estate agents. You will find an overview prepared by the Federal Ministry of Economic Affairs and Energy of the requirements imposed on a number of professions for Download on this page.

In order to assure that the proprietor is a responsible person, some professions require that you obtain a certificate of good conduct (polizeiliches Führungszeugnis). This must be applied for at your local municipal authority. You may also be required to submit an excerpt from the "Gewerbezentralregister", which is a federal register that records certain administrative/criminal violations related to the exercising of a trade. In some cases, a so-called "clearance statement" (Unbedenklichkeitsbescheinigung) from your local Tax Office (Finanzamt) may also be required for proving your personal trustworthiness.

The Additional requirements may include having to prove that you are financially stable by submitting an excerpt from the Insolvency Register (Insolvenzregister) or from the Central Debt Register (Zentralschuldenregister) which are maintained by the local ordinary courts. These two documents respectively provide information regarding insolvency status or accumulated debt.

Some businesses acquire minimum professional training prerequisites especially in regard to hygiene standards or to the trade in particularly dangerous goods. The local Chambers of Industry and Commerce offer the required training courses which usually take several days. The permission usually is granted by the local commercial trades office during the registration process.

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## Recognition of Foreign Professional Qualifications

One of the most important questions to answer before working or doing business in Germany is: "Are the professional qualifications that I acquired recognized?" The answer depends on a number of factors including whether the acquired professional qualifications relate to a so-called liberal profession (freier Beruf), a regulated skilled trade (Handwerk), or some other kind of commercial business. The amount of training and the professional experience the provider possesses are also factors that will be considered. If you work in a regulated occupation, you must apply for the recognition of your qualifications at the competent authority in the federal state where you want to practice. Regulated professions are the sixty occupations whose practice is governed by law in order to guarantee the achievement of the required qualification skills.

The EU Directive on the Recognition of Professional Qualifications (2005/36/EC) stipulates the right of recognition for citizens of the European Union, if the level of their professional qualification equals the German standard. Otherwise, applicants can compensate for the missing expertise by taking an aptitude test or by gaining further experience during an adaptation period. More information on the mutual recognition within the EU is available on the

website of the European Commission.

Professional qualifications of non-EU citizens can be recognized if they are equivalent to the required German standards. However, some occupations, e.g. academic degrees in the legal professions, are excluded from recognition. The only exception is if the qualifications of non-EU citizens have already been recognized in another Member State of the European Union and the non-EU professionals have practiced their occupation at least three years in that country.

Non-regulated occupations in Germany do not require any formal recognition procedure. Nevertheless, in many cases it is possible to obtain an official certificate that proves the equivalence of the achieved training or education to a certain German qualification. Within the European Union, the Europass documents facilitate the comparison of the achieved skills and qualifications

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