

LEGAL ALERT

**REGISTRATION SYSTEM FOR TAKEAWAY
ESTABLISHMENTS**

November 15, 2021



The Macau Government issued Administrative Regulation no. 30/2021 which sets the requirements for operation and implements a mandatory registration system for *takeaway* establishments in Macau (the “**Takeaway Establishments’ Regulation**”).

The regulatory body in charge of supervising compliance and enforcing the new regulation is the Municipal Affairs Bureau (IAM). According to IAM, there are currently around 2,100 *takeaway* establishments in Macau involved in the processing, preparation, and sale of food, some of which being raw food, such as sushi and others, that may involve certain risks to the general public.

The new regulation’s aim is fundamentally to ensure food safety and to set the requirements for the operation of such establishments. The Takeaway Establishments’ Regulation came into force on **15 November 2021**.

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Who shall be subject to the New Regulation?

The Takeaway Establishments' Regulation targets all establishments involved in the preparation, transformation, cooking and sale of food and beverages that are meant to be consumed outside of the establishment, with the exception of (i) temporary establishments or stands that sell food items, (ii) stands in public markets, kiosks, esplanades and snack bars operated or managed by IAM and (iii) other establishments in the food sector that are subject to licensing or authorization under other laws.

Starting from 15 November 2021, new takeaway establishments will have to comply with the registration procedures before commencing operations. The establishments that have registered with the Macau Financial Services Bureau and declared, for tax purposes, commencement of operations until 15 of November 2021, are allowed a transitional period of six months, *i.e.*, until 15 May 2022, to complete the registration procedures.

What is necessary to register the *takeaway* business in Macau?

Operational requirements

The Takeaway Establishments' Regulation sets several operational requirements that takeaway establishments need to comply with:

- 1) The establishment is required to be installed in a building with a physical ambience which is clearly incompatible with the *takeaway* business.
- 2) The establishments must comply with hygiene and food safety conditions and recommendations, and are required to maintain the following equipment and facilities under proper functioning:
 - Ventilation and lighting equipment;
 - Defense equipment against insect and rodent infestation;
 - Garbage collection equipment;
 - Usage of water from the public water supply;
 - Dishwasher;
 - Sewage system with drainage and siphons;
 - Walls and floors of the food preparation area covered with hard, waterproof, anti-corrosive materials;
 - Food preparation counters made of smooth, waterproof, shock-resistant, difficult to rot and washable materials;
 - Cold and hot storage equipment with temperature display, in case foodstuffs subject to temperature control are being stored;
 - Display cabinets with anti-contamination storage, whenever food is to be exposed at room temperature;
 - Independent areas to separate different food preparation stages, when raw products are prepared (e.g. sushi, sashimi or marine products), and in case other activities besides takeaway are carried out at the establishment.

Application Documents

The applicant is required to submit an application form to the IAM (foodsafety.gov.mo)¹, together with the following documents:

- copy of the M/1 Industrial Contribution tax form for initial business registration/amendments issued by the Macau Financial Services Bureau;
- copy of the identification document (in case the applicant is an individual);
- business registration certificate, issued within 3 months by the Macau Commercial Register Office (in case the applicant is a business company); and
- certificate of registration and certificate including the list of members of its governing bodies, issued by the Macau Identification Department (if the applicant is an association or foundation).

If these requirements are fulfilled, IAM shall issue the registration certificate within 30 working days counting from the application date.

The registration certificate must be displayed in a visible location of the establishment and/or online in the event the business is advertised online. If the takeaway establishment is advertised in a third-party online platform, the operator of the establishment needs to provide the platform operator the registration certificate. The third-party platform operator has the duty to verify the registration certificate and to display it on its *online* or mobile app platform.

¹ There is an official template for the form "*Registration of establishments operating take-away activities*". The registration service will be officially launched on 15 November 2021.

What consequences will apply if you do not comply with the Regulation?

The consequences for infringing the Takeaway Establishments’ Regulation are hereby summarized as follows:

Provision Breach	Fine (MOP)
CHANGE OF REGISTRATION	
Establishments must communicate to IAM any changes to their business name within 30 days.	\$7,500
PUBLIC OPENING	
Establishments can only open to public after obtaining the registration certificate.	\$20,000
REGISTRATION IDENTIFICATION	
<ul style="list-style-type: none"> • The establishment shall display the registration certificate in a visible place. • If the establishment uses the internet or a mobile phone application as a means of exploration or divulgation of its <i>takeaway</i> activities, the registration information must be displayed in those platforms. • If the establishment is operated by a third-party’s online food platform (“Third-Party Provider”), the establishment shall present the registration certificate to the platform provider. The Third-Party Provider must ensure, on the other hand, that the establishment is registered in accordance with this regulation. 	\$5,000
CONSTRAINS OF THE EXPLORATION	
The establishment shall comply and maintain the proper functioning of the equipment and facilities mentioned in item (ii) above.	\$15,000 to \$35,000

What are the main impacts for the SMEs and *takeaway* establishments?

The demand for food delivery services has increased significantly during the past years. The current coronavirus pandemic (COVID-19) context has accelerated the expansion of food delivery platforms, facilitating meals to the population without having to go to crowded restaurants and providing an important source of revenue for business owners in an economy ravaged by COVID 19.

However, considering the increase in the number of this type of establishments in Macau, regulating their activity is inevitable to ensure they operate under appropriate conditions. Registering these establishments is therefore a necessary step to enforce the regulation and to improve the safety and hygiene standards of this segment of the food and beverages industry and will have a positive effect on competition. The ultimate beneficiaries are consumers who will have access to clearer information about these establishments and be able to rely on higher quality standards imposed by the new regulation.

Who shall be subject to the New Regulation?

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^[1] *This legal alert covers the most relevant details and conditions of the relevant economic measures. For further details, please consult the relevant legislation;*

^[2] *Please refer to Administrative Regulation no. 9/2003 for further details;*

^[3] *Please refer to Articles 5 and Article 6 of the Decree-law no. 16/96/M for further details; and*

^[4] *Measures announced; Draft Amendment of the Bill for year 2021 under preparation by the Macau Government.*