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### Macao Passed Food Safety Law

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**Report Highlights:**

The Macao Government notified World Trade Organization members of its passing of the Food Safety Law (Law No 5/2013) in March 2013 via notification G/SPS/N/MAC/11. The Law will become effective October 20, 2013. With a view to strengthening and better coordinating food safety control, the Food Safety Law provides legislative backup for measures covering risk assessment and food safety surveillance, which were not otherwise encompassed by the existing legal framework. The Civic and Municipal Affairs Bureau is designated to implement and enforce the new Food Safety Law. The import regulations of raw and packaged food remain unaffected, thus the Law is unlikely to have any significant impact on U.S. exports to Macau, which primarily are re-exported via Hong Kong.

## ***Background***

The Macao Government notified World Trade Organization members of its passing of the Food Safety Law (Law No 5/2013) in March 2013 via notification G/SPS/N/MAC/11. In preparation for the introduction and implementation of the new Law, a Food Safety Coordination Group was established in September 2008 and will transform to the Centre for Food Safety before the commencement of the Law on October 20, 2013.

The objective of the Food Safety Law is to “protect public health and safety through regulating the supervision and management of food safety, food safety risk prevention, control and countermeasure, as well as food safety incident management.”

The Civic and Municipal Affairs Bureau (IACM) will be the key government agency in charge of food regulations in the future. The Food Safety Centre, to be established under the IACM, will discharge the new Food Safety Law. Currently, several bureaus including the IACM, Macao Economic Services (DSE), Health Bureau, and Macao Government Tourist Office are responsible for specific food-related regulations and will remain so after the commencement of the Food Safety Law. In order to allow IACM to effectively serve its leading and coordinating role, the new Food Safety Law provides a provision that the DSE, Macao Government Tourist Office and Health Bureau have obligations to assist the IACM in the areas of setting food safety standard as well as food safety surveillance and testing.

## ***The Food Safety Law***

The Food Safety Law was introduced to strengthen food safety control with new measures that would fill in the gap in the existing food regulations which are vested with different government agencies. For example, the IACM is responsible for the importation of foods while the Economic Services for labeling. The licensing for food production premises, restaurants and other eating outlets are handled by the DSE, Macao Government Tourist Office and IACM respectively. But there are no regular surveillance program for the food circulating in the market and restaurants. Thus, the Macao government sees the need to fill in the gap by means of the Food Safety Law. A summary of the key areas of the Law is provided below.

1. The Food Safety Law is applicable to food production and business operation and all the food and ingredients that are involved in these activities.
2. The Food Safety Law stipulates the responsibilities of IACM, which include
  - a. Coordinating efforts in food safety surveillance and management
  - b. Assisting to map out food safety control policies
  - c. Monitoring food operations throughout the supply chain
  - d. Collecting and testing food samples

- e. Conducting risk assessments for foods
  - f. Drawing up plans to contain food incidents
  - g. Investigating food incidents
  - h. Conducting food safety control measures
  - i. Drawing up guidelines for food business operation
  - j. Overseeing risk communication to the public
  - k. Liaising with overseas food safety authorities; and
  - l. Promoting education on food safety
3. The Food Safety Law states that the Health Bureau, Macao Government Tourist Office, and the DSE have obligations to provide assistance to the IACM in the areas of setting up food safety standards, inspecting food operations as well as collecting and testing food samples.
  4. The Law also encourages food operators to set up effective food safety control systems and keep trade records for traceability purposes. In case of food incidents, trade should take voluntary action in communicating with the IACM and recalling the food of concern.
  5. The Food Safety Law provides provisions for introducing food safety standards in two formats: regulations and government dispatches. Food standards in general are to be introduced by means of regulations under the framework of the Food Safety Law. In cases of food safety emergencies, the Chief Executive is empowered to set up ad hoc measures via government dispatches.
  6. Food operators are required to comply with food safety standards<sup>1</sup>, which include standards for :
    - a. Pathogenic microorganisms, pesticides, veterinary drugs, heavy metals, radioactive substances and other substances hazardous to human health;
    - b. Food additives;
    - c. Nutritional requirements for infants and people for special dietary needs;
    - d. Sanitary requirements; and
    - e. Food safety requirements.
  7. The IACM is empowered to take precautionary food safety control measures as appropriate when necessary. Such measures include suspending food operations and initiating food recalls and disposal.
  8. The Law also stipulates penalty for all violations.

### ***General Concern over the Food Safety Law***

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<sup>1</sup> These food standards are yet to develop. The Macao Government is planning to introduce the standard for veterinary drugs residue first.

Given the globalization of food trade and Macao's reliance on food imports, the economy has been inevitably exposed to potential risks of food incidents. There was consensus that the original legal framework was inadequate for food safety control management. The Food Safety Law was therefore introduced to fill in the surveillance vacuum in the existing framework so as to strengthen the food safety control system. The Food Safety Law was finally passed but there are areas that remain to be tested.

While the IACM will take the leading role in safeguarding Macao's food safety with the implementation of the Food Safety Law, the Macao Government Tourist Office, Health Bureau and the DSE remain to discharge their specific food-related regulations (e.g. restaurant licensing, food labeling, baby formula import regulations, etc.). There are concerns in the Macao community over the overlapping of resources and whether it is possible to have clear demarcation of responsibilities among a host of government agencies.

In addition, there are concerns over the availability of qualified staff and infrastructure to implement the program effectively as the Food Safety Law has a strong focus on risk assessment and regular food surveillance program. Legislators pointed out that the Food Safety Law is no doubt an improvement to the regulatory system but it has to be supplemented with effective implementation and enforcement.

In face of these concerns, the Macao government officials pledged that the Food Safety Law was introduced exactly to tackle the challenge associated with diverse management of food issues. The Law empowers the IACM to take the leading role in rolling out food safety control programs ranging from education to enforcement. Also the Law requires other government bureaus to provide support to IACM for its food-related programs.

The Macao government officials also assured the public that they have adequate qualified staff in discharging their respective duties. The Food Safety Center currently has a headcount of 60 qualified staff members. Moreover, the IACM is equipped with an ISO17025 certified food laboratory which allows food testing to international standards. The government said they are geared to participate in international conferences and provide training to their staff so that they will be on par with international standards.

### ***The Impact on U.S. Food Exports***

Empowering the IACM as the designated responsible government agency, the Food Safety Law focuses on the domestic food safety control with particular reference to food surveillance and testing program and violation penalties which were absent in the original food regulatory framework. It results in no changes of food import regulations, thus it is unlikely to impact on U.S. food exports to Macao.

General food safety standards will be established under the Food Safety Law via regulations. As Macao relies on its food imports mainly from China and international supplies through Hong Kong (this situation is unlikely to be remarkably changed given the hard fact that Macao has a small population), Macao's food standards will make reference from Hong Kong based on a realistic approach. Thus,

even with the emergence of new food safety standards in the future under the Food Safety Law, the impact on U.S. food exports to Macao is expected to be minimal.