

## Leaflet for restaurant operators

### Information regarding Saxony's Licensing Act (SächsGastG)

#### Registration of a restaurant or catering business – process, deadlines and documents

If you want to operate a stationary restaurant or catering business, you have to register it with the Department of Business Matters in the Public Order Office (§ 14 paragraph 1 of the Industrial Code *Gewerbeordnung*). The registration of your restaurant or catering business has to exist **at least four weeks before opening** the business. (§ 2 paragraph 1 SächsGastG).

Your registration must include, whether alcoholic beverages, prepared foods or both will be dispensed.

If you plan to **serve alcoholic beverages**, according to § 4 paragraph 1 clause 2 SächsGastG, the business owner has to submit the following documents simultaneously with the registration in order to review their reliability:

WHAT do I have to submit (documents)	WHERE can I obtain the documents?
a. Proof of requested <b>Certificate of Good Conduct</b> to be submitted to an authority Document-Type 0, § 30 paragraph 5 Bundeszentralregistergesetz (German Central Register Act)	Einwohnermeldeamt (Registration Office)
b. Proof of requested <b>Information from the Central Commercial Register</b> for submission to an authority (Document-Type 9) according to § 150 paragraph 5 GewO	Einwohnermeldeamt (Registration Office) Legal Entities: at the Municipality Main Office or at the State Capital Dresden, Department of Business Matters
c. Proof of requested <b>information from the Insolvency Registry</b> from the Insolvency Court § 26 paragraph 2 clause 1 Insolvenzordnung (InsO) (Insolvency Code)	Amtsgericht Dresden (Dresden District Court) Insolvenzabteilung (Insolvency Department) Olbrichtplatz 1, 01099 Dresden Telephone: +49 (3 51) 44 60
d. Information from the Central Enforcement Court § 882 b ZPO	Internet request on <a href="http://www.vollstreckungsportal.de">www.vollstreckungsportal.de</a> Record of debtors for Saxony is managed at the Zwickau District
e. Certificate of tax matters	Finanzamt (Tax Office)
f. Current Certificate of Business Registration	Amtsgericht Dresden (Dresden District Court) Registergericht (Register of Companies) Olbrichtplatz 1, 01099 Dresden Telephone: +49 (3 51) 44 60

**Legal Entities:** for legal entities the documents items b. to f. have to be submitted for the legal entity itself and the documents a. and b. for the legal representative. The information from the Central Commercial Register for a legal entity can be applied for at the Municipality Office of the headquarters or at the State Capital Dresden, Department of Business Matters.

## General information

**Certificate:** Upon request, the State Capital Dresden certifies the results from the review of your application for a restaurant or catering business (§ 4 paragraph 1 clause 4 SächsGastG).

**Reliability:** If you submit an official certificate for commercial reliability with your application, which is less than one year old, a new review can be waived (§ 4 paragraph 1 clause 5 SächsGastG).

**Protection of the Guests:** The State Capital Dresden can issue regulations anytime, insofar as they are necessary to protect the guests from exploitation or life-threatening danger or from danger to their health. The obligations of the business people toward other legal provisions, particularly for the protection of youth, the employees, the neighbourhood or the environment, remain unaffected (§ 5 paragraph 1 SächsGastG).

**Youth Protection:** According to § 3 paragraph 1 Youth Protection Law (JuSchG), event organisers and restaurant owners are obligated to announce the applicable regulations for your operating facilities and events with a clearly visible and easy to read poster. You will find additional information regarding the youth protection regulations at [www.dresden.de](http://www.dresden.de).

**Administrative offense:** The operation of a restaurant or catering business without the necessary permit is considered a administrative offense, which can be punished with a penalty of up to 5,000 Euros. Serving alcohol can be temporarily prohibited, if the abovementioned documents are not submitted on time or are not completely or the requested documents are not presented on time before beginning to serve alcohol (§ 4 paragraph 4 SächsGastG).

## Notes regarding serving alcohol and alcoholic beverages

In the restaurant or catering industry it is illegal:

- to sell spirits or foodstuffs predominantly containing spirits from vending machines,
- to offer alcoholic beverages to visibly drunk persons and to serve them,
- to offer alcoholic beverages in a manner, which is focused on enticing the excessive consumption of alcohol,
- to offer meals that are dependent on the order of beverages or to raise the price when beverages are not ordered,
- to offer non-alcoholic beverages dependant on the ordering of alcoholic beverages or to raise the prices when alcoholic beverages are not ordered (§ 8 Paragraph 1 SächsGastG).
- When serving alcoholic beverages, non-alcoholic beverages must also be offered for consumption on the premises. Among these, at least one non-alcoholic refreshment offered may not be more expensive than the least expensive alcoholic beverage. The price comparison here is also based on the projected price for a litre of the respective beverages (§ 8 Abs. 2 SächsGastG).

## Obligation to indicate the price

According to § 7 paragraph 1 of the Price Quotation Ordinance (PAngV), the prices must be indicated in a price list in restaurants and similar business, in which food and/or beverages are offered. The price list must either lie on the tables or must be given to every guest before taking orders and upon request or must be displayed in the restaurants easy to read. If food and beverages are sold in line with retail trade, the product prices must be recognizable with price tags or labels. A price list, where the prices for the majority of the offered food and beverages are evident, must be mounted next to the entrance of the restaurant according to § 7 paragraph 2 PAngV. If the restaurant business is part of a retail business, it will suffice to hang the price list at the entrance of the restaurant area.

## Questions regarding the restaurant and catering business

Should you have questions regarding the necessary documents to register a restaurant or catering business please contact:

<b>Contact:</b> Ordnungsamt (Office of Public Order) Abteilung Gewerbeangelegenheiten (Department of Business Matters) Theaterstraße 11 - 15, 01067 Dresden, 5. Etage Telephone +49 (3 51) 4 88 58 60 E-Mail <a href="mailto:gewerbeangelegenheiten-gaststaetten@dresden.de">gewerbeangelegenheiten-gaststaetten@dresden.de</a>	<b>Office Hours:</b> Monday: 9 AM - 12 PM Tuesday: 9 AM - 12 PM and 1 PM - 5 PM Wednesday: closed Thursday: 9 AM - 12 PM and 1 PM - 5 PM Friday: closed
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## Minimum hygienic requirements

**Requirements for sanitation/guestrooms:** Should you have questions regarding the sanitary facilities for the guests and guest rooms please contact:

Amt für Gesundheit und Prävention (Public Health Office) Abteilung Hygienischer Dienst (Department of Hygiene) Hertzstraße 23, 01257 Dresden Telephone: +49 (3 51) 4 88 82 07
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**Drinking water quality:** In order to certify the quality of the drinking water an officially appointed investigative body must take a water sample before the restaurant opening. You will find information about this here:

<a href="http://www.gesunde.sachsen.de">www.gesunde.sachsen.de</a> List of the investigating bodies according to § 15 paragraph 4 TrinkwV 2001
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**Infection protection:** The Health Department offers instructions according to § 43 Infektionsschutzgesetz (IfSG) (Infection Protection Act) when handling food:

Amt für Gesundheit und Prävention (Health Department) Abteilung Hygienischer Dienst (Department of Hygiene Service) Hertzstraße 23, 01257 Dresden Telephone: +49 (3 51) 4 88 82 14	Registration by phone: Monday: 9 AM - 12 PM Tuesday: 9 AM - 12 PM and 2 PM - 4 PM Thursday: 9 AM - 12 PM and 2 PM - 4 PM
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Tip: A health certificate according to § 18 Bundes-Seuchengesetz (Federal Law Concerning Epidemics) remains in force.

**Kitchen requirements, storage etc.:** Should you have questions regarding requirements for the kitchen, storage, preparation rooms, sanitary facilities for personnel as well as for food waste disposal please contact:

Veterinär- und Lebensmittelüberwachungsamt (Veterinary and Food Supervisory Office) Burkersdorfer Weg 18, 01189 Dresden Telephone: +49 (3 51) 4 08 05 21
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**Registration of a Food Company:** You will find information on this under <https://www.dresden.de/de/rathaus/dienstleistungen/lebensmittelunternehmen.php>. You can also use the registration form on page 5 and 6 to register.

# Structural, environmental and road law requirements

**Building permission obligation:** The use of rooms for the business must be approved. The building permission obligation particularly applies to:

- Change in use from shop, business, office or unused rooms in a restaurant or place of entertainment including their extension
- The establishment of outside seating
- The temporary, but repeated installation of kiosks or independent bar equipment

Please contact the Building Inspection Office with questions regarding legal building requirements:

<b>Contact:</b> Bauaufsichtsamt (Building Inspection Office) Abteilung Bauaufsicht (Department of Building Inspection) Rosenstraße 30, 01067 Dresden Telephone: +49 (3 51) 4 88 17 57	<b>Builders Service Telephone: +49 (3 51) 4 88 18 02</b> For information and questions regarding the building permit process, the application and necessary required documentation for this. You will find additional leaflets and information sheets as well as the necessary building documents needed for the application under <a href="http://www.dresden.de">www.dresden.de</a> (Department of Construction Supervision)
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**Noise Regulations:** When operating a restaurant business you must comply with legal immissions requirements as well as provisions for neighbourhood protection against noise. Please contact the Umweltamt (Environmental Agency) for this:

Umweltamt (Environmental Agency) Abteilung Immissionsschutz- und Abfallbehörde (Department of Immission Protection and Waste Authority) Grunaer Straße 2, 01069 Dresden Telephone: +49 (3 51) 4 88 17 57
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**Use of public areas:** If you want to use public traffic areas such as streets or footpaths, you need a special usage approval for this. This is issued by the Straßen- und Tiefbauamt (Road and Civil Construction Authority):

Straßen- und Tiefbauamt (Road and Civil Construction Authority) Straßenverwaltung (Road Administration) St. Petersburger Straße 9, 01169 Dresden Telephone: +49 (3 51) 4 88 17 57
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Imprint

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Ordnungsamt (Office of Public Order)  
Abteilung Gewerbeangelegenheiten (Department of Business Matters)  
Telephone: +49 (3 51) 4 88 58 11  
E-Mail: [gewerbeangelegenheiten@dresden.de](mailto:gewerbeangelegenheiten@dresden.de)

Amt für Presse- und Öffentlichkeitsarbeit (Office of Press and Public Relations)  
Telephone: +49 (3 51) 4 88 23 90  
E-Mail: [presse@dresden.de](mailto:presse@dresden.de)

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Central hotline 115 – We love questions

Design/General Production:  
Public Order Office

January 2022

**Notification**  
**According to Article 6 of the Ordinance (EG) No. 852/2004**  
**Regarding Food Hygiene**

All food businesses must be **reported** to the responsible authority by the food business operator for the purpose of registration according to article 6 of the ordinance (EG) No. 852/2004 regarding food hygiene and article 4 of the ordinance (EG) No. 853/2004 with specific hygiene regulations for foodstuffs of animal origin, both from 29 April 2004.

According to article 3, number 2 of the ordinance (EG) No. 178/2002, food businesses are all companies, which perform activities connected with the production, processing and sale of foodstuffs. Not considered foodstuffs include i.e. living animals, as long as they are not prepared to be put on the market for human consumption and plants before the harvest.

If a food business consists of several business premises, the notification must be made **separately for every individual location**.

Should the data change, an updated notification must be made within a month.

<b>Type of Message</b>	<input type="radio"/> Registration	<input type="radio"/> Update	<input type="radio"/> Deregistration
<b>Name and address of the business premises</b>			
Name:			
Post-code:		City:	
Street:			
<b>Previous use of the business premises</b>			
<b>Contact information of the food business operator</b>			
Last Name:		First Name:	
Post-code:		City:	
Street:			
Tele-phone:		Fax:	
Mobile:		E-Mail:	
<b>Type of operation /Occupation</b> (general description, i.e. beverage manufacturer, farm shop, pizza-Service)			
<b>Information regarding product range</b>			
<b>Signature</b>			
I confirm the information in the message with my signature.			
_____		_____	
Place / Date		Signature food business operator	

**Return to:**

**Notification according to Article 6  
of the ordinance (EG) Nr. 852/2004  
regarding food hygiene**

Veterinär- und Lebensmittelüberwachungsamt  
(Veterinary and Food Supervisory Office)  
Burkersdorfer Weg 18  
01189 Dresden