

A.L. 146 ta' l-2008

**ATT DWAR IS-SIGURTÀ FL-IKEL
(KAP. 449)**

**Regolamenti ta' l-2008 dwar il-Kontroll tat-Temperatura
fis-Sigurtà ta' l-Ikel**

BIS-SAHHA tas-setghat moghtija bl-artikolu 10 ta' l-Att dwar is-Sigurtà fl-Ikel, il-Ministru għall-Politika Soċjali għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2008 dwar il-Kontroll tat-Temperatura fis-Sigurtà ta' l-Ikel. Titolu u bidu fis-sehh.
2. (1) F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tkunx tehtieġ xort'ohra:- Tifsir.

“l-Att” tfisser l-Att dwar is-Sigurtà fl-Ikel;

“bnin” tfisser ikel li jkun tajjeb għall-konsum tal-bniedem u li jekk dan jittiekel kif maħsub mill-manifattur, ma jkunx ta' riskju għas-saħha. Mhux bnin għandha tiftiehem skond dan;

“faxxa ta' periklu fit-temperatura” tfisser il-faxxa ta' temperatura minn 8°C sa 63°C;

“ipproċessar” tinkludi t-tisjir;

“konsumatur aħhari” kull min jixtri mhux bil-ghan li jerga' jbiegħ, jew għal xi stabbiliment ta' l-ikel jew għall-finijiet ta' negozju tal-manifattura;

“produzzjoni primarja” tinkludi l-ħsad, it-tbiċċir ta' animali u l-hlib;

“temperatura rakkomandata” tfisser temperatura speċifikata li tkun ġiet rakkomandata skond m'hemm fir-regolament 6;

“wirja” tfisser ikel maħsub għal konsum ta' malajr u li jinżamm ġewwa vetrina jew xi tagħmir bħal dak u li jkun jinkludi ikliet li jkunu maħsuba bħala *buffer*;

“żmien tal-ħzin ta’ l-ikel” t’fisser il-perjodu minn meta tibda l-produzzjoni sa tmiem id-data għal kemm żmien oġġett jibqa’ tajjeb, kemm jekk din tkun maħsuba bhala data “l-aħjar qabel” jew bhala data ta’ “uża sa” skond Regolamenti ta’ l-2002 dwar Twahhil ta’ Tikketti, Preżentazzjoni u Riklamar ta’ Oġġetti ta’ l-Ikel:

Iżda f’dak li għandu x’jaqsam ma’ xi ikel li ma jkunx mehtieg li tintwera fuqu data għal kemm żmien dan jibqa’ tajjeb, dak iż-żmien li matulu l-ikel x’aktarx li jibqa’ bnin.

(2) Sabiex jiġi stabbilit jekk xi oġġett ikunx jinvolvi riskju għal ikel sikur, għandha titqies ix-xorta ta’ l-ikel, il-mod kif dan jiġi manigġat u ppakkjat, kull proċess li l-ikel jiġi sugġett għalih qabel ma jinghata lill-konsumatur, u l-kundizzjonijiet li tahtom dan jiġi esibit jew mahżun.

Htieġa li l-ikel jinżamm kiesah.

3. (1) Hadd m’għandu jżomm f’xi fond, bhala parti minn xi hidma kummerċjali, xi ikel li x’aktarx isostni t-tkabbir ta’ mikro-organizmi patoġeniċi jew il-formazzjoni ta’ tossini f’temperatura ta’ iżjed minn 8°C:

Iżda dan m’għandu japplika għal ebda ikel li jkun qieghed jitwassal bil-posta jew minn kurrier lill-konsumatur aħhari.

(2) Hadd m’għandu jibgħat b’ordni postali jew iġorr bil-posta jew ma’ kurrier lill-konsumatur aħhari, xi ikel li x’aktarx isostni t-tkabbir ta’ mikro-organizmi patoġeniċi jew il-formazzjoni ta’ tossini f’temperatura li x’aktarx tirrendi l-ikel mhux bnin.

Eżenzjonijiet generali mir-regolament 3.

4. Id-dispożizzjonijiet tar-regolament 3 m’għandhomx japplikaw għal:

(a) ikel li jkun ġie msajjar jew imsahhan, li jkun qieghed jintwera għall-bejgħ jew li jkun mehtieg li jinżamm shun sabiex ikun jista’ jiġi kontrollat it-tkabbir ta’ mikro-organizmi patoġeniċi jew il-formazzjoni ta’ tossini;

(b) ikel li, matul iż-żmien tal-ħzin tiegħu, jista’ jinżamm f’temperaturi ambjentali mingħajr ma dan isir ikel mhux bnin;

(c) ikel li jkun jew li kien għaddej minn proċess maħsub biex jipprevjeni t-tkabbir ta’ mikro-organizmi patoġeniċi f’temperaturi ambjentali:

Iżda d-dispożizzjonijiet tal-paragrafi (a), (b) u (c) m’għandhomx ikunu japplikaw meta l-ikel ikun jinsab f’kontenitur issiġillat sew u dak il-kontenitur ikun infetaħ;

(d) ikel li ghandu jiġi misjur jew maturat f'temperaturi ambjentali;

Izda dan il-paragrafu m'ghandux japplika għaladarba jkun intemm il-proċess ta' tisjir jew maturazzjoni;

(e) ikel nej maħsub għal aktar ipproċessar, qabel ma dan jiġi ikkunsmat mill-bniedem, izda biss jekk dak l-ipproċessar jagħmel dak l-ikel bnin.

5. (1) Persuna li tiġi akkużata b'reat kontra r-regolament 3 (1) tista' ġġib bhala prova illi:

Varjazzjoni 'l fuq tat-temperatura ta' 8°C mill-manifatturi eċċ.

(a) kien ġie rakkomandat li l-ikel ghandu jinżamm f'temperatura speċifika u għal żmien li ma jeċċedi iż-żmien tal-ħzin tiegħu;

(b) dik ir-rakkomandazzjoni tkun ġiet komunikata lilha jew permezz ta' tikketta fuq l-ippakkjar ta' l-ikel jew permezz ta' struzzjonijiet miktubin;

(ċ) l-ikel f'ebda hin ma jkun inżamm f'temperatura li teċċedi t-temperatura speċifikata;

(d) l-ikel inżamm f'temperatura li teċċedi t-8°C jew fit-temperatura rakkomandata, għal perjodu limitat biss li ma jġibx l-ikel fi stat mhux bnin.

(2) Hadd m'ghandu jirrakkomanda li l-ikel jinżamm f'temperatura speċifikata jew taħtha u għal perjodu li ma jkunx jeċċedi ż-żmien tal-ħzin tiegħu, sakemm dik ir-rakkomandazzjoni ma tkunx imsejsa fuq valutazzjoni xjentifika soda tas-sigurtà ta' l-ikel f'dik it-temperatura speċifikata.

6. (1) Hadd m'ghandu fil-kors ta' attivitajiet ġestiti minn negozju ta' l-ikel iżomm xi ikel f'temperatura taħt it-63°C f'xi fond fejn jinżamm l-ikel.

Htiġiet biex l-ikel jinżamm shun.

(2) Persuna li tiġi akkużata b'reat kontra r-regolament 6(1) tista' ġġib bhala prova illi valutazzjoni xjentifika soda ta' dak l-ikel f'temperaturi taħt it-63°C tkun waslet għall-konklużjoni li dak l-ikel ikun ser jibqa' bnin, wara li dan jiġi msajjar jew imsahhan jew jekk l-ikel jiġi espost f'wirja għall-bejgħ f'temperatura kostanti taħt it-63°C, u għal żmien li ma jkunx jeċċedi perjodu ta' żmien speċifikat u li fil-waqt ta' l-ghemil tar-reat allegat, l-ikel inżamm b'mod li jkun ġustifikat fil-kuntest ta' dik il-valutazzjoni xjentifika.

(3) Persuna li tiġi akkużata b'reat kontra r-regolament 6 (1) tista' ġġib bhala prova illi l-ikel kien ġie espost f'wirja għall-bejgħ għal żmien anqas minn sagħtejn u li dan ma kienx qabel ġie espost f'wirja għall-bejgħ minn dik il-persuna.

Htieġa ġenerali
dwar ikel li jkun ta'
riskju għas-sahha.

7. (1) Hadd m'għandu fil-kors ta' attivitajiet ġestiti minn negozju ta' l-ikel iżomm xi ikel li jew ikun nej, użat bhala ingredjent jew li ma jkunx ser jiġi suġġett għal xi proċess ulterjuri u li x'aktarx isostni t-tkabbir ta' mikro-organizmi patoġeniċi jew il-formazzjoni ta' tossini, f'temperaturi li jwasslu biex dak l-ikel isir mhux bnin.

(2) Minkejja s-subregolament ta' qabel u b'mod konsistenti mas-sigurtà ta' l-ikel, l-ikel jista' jinżamm fil-faxxa ta' periklu fit-temperatura għal perjodi limitati meta dan ikun mehtieġ sabiex jiġu akkomodati l-prattiki ta' l-immaniġġar matul il-preparazzjoni, it-trasport, il-ħżin u l-wirja ta' l-ikel, iżda dawk il-perjodi ma jagħmlux l-ikel mhux bnin.

Meta l-ikel jiġi
mberred.

8. Persuna li timmanniġġa l-ikel u li tkun responsabbli biex tberred l-ikel, għandha tberred dak l-ikel malajr kemm jista' jkun wara l-istadju ta' ipproċessar ta' shana finali jew l-istadju ta' preparazzjoni finali, għat-temperatura li għandu jinżamm fih.

Gwidi għal prattika
iġjenika tajba.

9. Għall-finijiet tar-regolamenti 5(2) u 8(1), il-preżenza ta' valutazzjoni xjentifika tas-sigurtà ta' xi ikel fi gwida għal prattika ta' iġjene tajba li tkun ġiet approvata taht id-dispożizzjonijiet ta' l-Att għandha titqies, sakemm ma tingiebx prova kuntrarja, bhala prova suffiċjenti li l-valutazzjoni xjentifika tkun wahda soda.

Meta l-ikel jiġi
msahhan mill-ġdid.

10. (1) Dak l-ikel li fil-kors ta' xi hidma kummerċjali jkun ġie msahhan u li wara dan jiġi msahhan mill-ġdid qabel ma jiġi servut biex jittiekel minnufih jew jiġi espost għall-bejgħ għandu, meta jissahhan mill-ġdid, jittella' għal temperatura bażika ta' mhux anqas minn 70°C:

Izda jekk xi ikel partikolari ikun jehtieġ li jiġi msahhan mill-ġdid għal temperatura bażika 'il fuq minn 70°C, dak l-ikel għandu jissahhan mill-ġdid sa dik it-temperatura oghla.

(2) Persuna li tiġi akkużata b'reat li tkun kisret is-subregolament ta' qabel tista' ġġib bhala prova illi hija ma setgħetx tgħolli t-temperatura ta' l-ikel għal iżjed minn 70°C mingħajr ma jithassru l-kwalitajiet ta' dak l-ikel.

L.N. 146 of 2008

**FOOD SAFETY ACT
(CAP. 449)**

Food Safety (Temperature Control) Regulations, 2008

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister for Social Policy has made the following regulations:-

1. The title of these regulations is the Food Safety (Temperature Control) Regulations, 2008. Citation and commencement.

2. (1) In these regulations, unless the context otherwise requires:- Intepretation.

“the Act” means the Food Safety Act;

“display” means any food intended for immediate consumption and kept in a cabinet or similar equipment and includes meals intended as buffets;

“primary production” includes harvesting, slaughtering and milking;

“processing” includes cooking;

“recommended temperature” means a specified temperature which has been recommended in accordance with regulation 6;

“shelf life” means the period from production up to the end of the date of minimum durability, whether intended as a “best before” date or “use by” date in terms of the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2002:

Provided that in relation to a food which is not required to indicate a date of minimum durability, the period for which the food can be expected to remain wholesome;

“temperature danger zone” means the range of temperature from 8°C to 63°C;

“ultimate consumer” means any person who buys other than for the purpose of resale, or for a catering establishment or for the purposes of a manufacturing business;

“wholesome” means food which is fit for human consumption and if consumed as intended by the manufacturer, it does not pose a risk to health. Unwholesome shall be construed accordingly.

(2) In determining whether any matter involves a risk to food safety, regard shall be made to the nature of the food, the manner in which it is handled and packed, any process to which the food is subjected before supply to the consumer, and the conditions under which it is displayed or stored.

Chill holding requirements.

3. (1) No person shall keep in any premises, as part of a commercial operation, any food which is likely to support the growth of pathogenic micro-organisms or the formation of toxins at a temperature above 8°C:

Provided that this shall not apply to any food which is being conveyed by post or by a carrier to an ultimate consumer.

(2) No person shall supply by mail order or convey by post or by a carrier to an ultimate consumer, any food which is likely to support the growth of pathogenic micro-organisms or the formation of toxins, at a temperature which is likely to render the food unwholesome.

General exemptions from regulation 3.

4. The provisions of regulation 3 shall not apply to:

(a) food which has been cooked or reheated, is on display for sale or needs to be kept hot in order to control the growth of pathogenic micro-organisms or the formation of toxins;

(b) food which, for the duration of its shelf life, may be kept at ambient temperatures without rendering it unwholesome;

(c) food which is being or has been subjected to a process intended to prevent the growth of pathogenic micro-organisms at ambient temperatures:

Provided that the provisions of paragraphs (a), (b) and (c) shall not apply if the food was contained in a hermetically sealed container and that container has been opened;

(d) food which must be ripened or matured at ambient temperatures:

Provided that this paragraph shall not apply once the process of ripening or maturation is completed;

(e) raw food intended for further processing, before human consumption, but only if that processing will render that food wholesome.

5. (1) It shall be a defence for any person charged with an offence against regulation 3 (1) if he proves that:

Upward variation of the 8°C temperature by manufacturers etc.

(a) it had been recommended that the food is to be kept at a specified temperature and for a period not exceeding its shelf life;

(b) such recommendation has been communicated to him either by means of a label on the packaging of the food or by means of written instructions;

(c) the food was not kept, at any time, at a temperature above the specified temperature;

(d) the food was kept at a temperature above 8°C or at the recommended temperature, for a limited period only which would not render the food unwholesome.

(2) No one shall recommend that any food is kept at or below a specified temperature and for a period not exceeding its shelf life, unless that recommendation is supported by a sound scientific assessment of the safety of the food at that specified temperature.

6. (1) No person shall in the course of the activities of a food business keep any food at a temperature below 63°C at any food premises.

Hot holding requirements.

(2) It shall be a defence for a person charged with an offence against regulation 6 (1) to prove that a sound scientific assessment of that food at temperatures below 63° C had concluded that the food will remain wholesome, after cooking or reheating or if the food is held on display for sale at a holding temperature which is below 63°C, and for a period not exceeding a specified period of time and that at the time of the commission of the alleged offence, the food was held in a manner which is justified in the light of that scientific assessment.

(3) It shall be a defence for a person charged with an offence against regulation 6 (1), to prove that the food had been kept on display for sale for a period of less than two hours and had not previously been kept on display for sale by that person.

7. (1) No person shall in the course of the activities of a food business keep food which is either in the raw state, used as an ingredient

General requirement for food which is a risk to health.

or which will not undergo any further process and which is likely to support the growth of pathogenic micro-organisms or the formation of toxins, at temperatures which would result in rendering such food unwholesome.

(2) Notwithstanding the preceding sub-regulation and consistent with food safety, it is permitted to keep any food within the temperature danger zone for limited periods where necessary to accommodate the practicalities of handling during preparation, transport, storage and display of food, provided that such periods would not render the food unwholesome.

Cooling of food.

8. A food handler responsible for cooling any food, shall cool that food as quickly as possible following the final heat processing stage or the final preparation stage, to the temperature at which it must be kept.

Guides to good hygiene practice.

9. For the purposes of regulations 5(2) and 8(1), the presence of a scientific assessment of the safety of any food in a guide to good hygiene practice which has been approved under the provisions of the Act shall, until the contrary is proven, be considered sufficient evidence that the scientific assessment is sound.

Reheating of food.

10. (1) Food which in the course of a commercial operation has been heated and which is thereafter reheated before being served for immediate consumption or being exposed for sale shall, on being reheated, be raised to a core temperature of not less than 70°C:

Provided that if a particular food requires reheating to a core temperature above 70°C, said food is to be reheated up to this higher temperature.

(2) It shall be a defence for a person charged with an offence of contravening the preceding sub-regulation, to prove that he could not have raised the food to a temperature above 70°C without a deterioration of the qualities of that food.