

Malta Home-Based Food Production Framework

1. Purpose and Scope

These guidelines set out the minimum legal, food safety and operational requirements for home-based food production activities carried out from private residential premises in Malta. They are intended for individuals who prepare food at home for sale to the final consumer and for officers assessing compliance with the Food Safety Act, subsidiary legislation, and relevant EU obligations.

These guidelines do not apply to:

- Domestic food preparation for private household consumption only; or
- Commercial food production carried out in non-residential premises.

All home-based food production shall comply with the Food Safety Act (Cap. 449) and all relevant subsidiary legislation, including the Registration of Food Handlers Regulations (S.L. 449.27), the Hygiene of Food Regulations (S.L. 449.31), as well as Regulation (EC) No. 852/2004 on the hygiene of foodstuffs, and any other applicable Maltese and European Union legislation. All persons engaged in the preparation or handling of food shall be duly registered as food handlers in accordance with the applicable legislation and hold a valid Category B Food Handling Card.

1A. Legal & Regulatory Context (Malta & EU)

1A.1 Planning Authority – Residential Use Restrictions

Under the Development Planning (Use Classes) Order, Subsidiary Legislation 552.15, Class 1 defines “residential use” for dwellings. Any business activity conducted from a dwelling must not form part of a block of apartments or any other block of buildings accessible from a shared external entrance, unless a change of use or planning permit has been granted.

This means that home-based food production is generally not permitted in apartments, because these form part of multi-unit residential blocks.

1A.2 Food Business Registration — Food Safety and Security Authority (FSSA)

All food businesses in Malta must be registered with the Food Safety and Security Authority (FSSA) prior to commencing operations.

This requirement stems from the Food Safety Act (Cap. 449) and Legal Notice 180 of 2001 – Registration of Food Premises / Food Business Operators.

- Registration does not replace other permits (e.g. planning or other licences).
- FSSA registration is a legal pre-condition for operating any food production intended for sale.

1A.3 EU Food Law (Applicable in Malta)

EU legislation applies directly or through transposition into Maltese law. Key instruments include:

Regulation (EC) No. 178/2002 — General Food Law

- Only safe food may be placed on the EU market.
- Food must be traceable one step forward and one step back.

Regulation (EC) No. 852/2004 — Hygiene of Foodstuffs

- All food business operators, including home producers, must implement hygiene and HACCP-based food safety management procedures proportionate to the scale and nature of the operation.

Regulation (EC) No. 853/2004 — Specific hygiene rules for food of animal origin (where applicable)

- Applicable to products such as dairy, eggs, meat and fish, where stricter controls and facility requirements normally apply.

Activities involving food of animal origin or other higher-risk processes are only permitted on a case-by-case basis. Such activities may normally be carried out from a Class 5A-approved facility, as they require approval and upgraded premises beyond what is acceptable in a domestic kitchen.

2. Definitions

- I. Home-based food production refers to the preparation, processing, handling, packaging, storage and direct sale of food by the home producer to the final consumer for commercial purposes from a domestic kitchen forming part of a private residential dwelling.
- II. Potentially Hazardous Foods (PHF) are foods that require temperature control to prevent the growth of pathogenic microorganisms or toxin formation.
- III. Non-PHF include foods that are shelf-stable and do not require refrigeration for safety when properly prepared.
- IV. Time/Temperature Control for Safety (TCS) food refers to any food that requires strict control of time and temperature to prevent the growth of pathogenic microorganisms or the formation of toxins. These foods support rapid bacterial growth if kept in the “danger zone” and must therefore be stored, handled, and cooked at safe temperatures.
- V. Confectionery are food products consisting primarily of sugar or other sweetening agents, which are manufactured for consumption as sweet snacks or treats. This category includes, but is not limited to, candies, chocolates, caramels, toffees, fudges, fondants, marshmallows, and similar sugary product.

3. Registration and Legal Obligations

Before starting operations, the operator must:

1. Register as a Food Business Operator (FBO) with the Food Safety and Security Authority in accordance with S.L. 449.39.
2. Notify the Authority of the intended activity and provide details on:
 - Types of food prepared
 - Production processes
 - Volumes and distribution methods
3. Comply with residential use and planning controls, where applicable.
4. Ensure that the scale of operation remains compatible with domestic use and does not create a nuisance to neighbours.
5. Ensure that all persons handling food are registered food handlers and hold a valid Category B Food Handling Card.

Labelling, traceability, allergen, nutrition, organic, special dietary and claims legislation must also be followed where relevant.

Restriction on Sales

Home-based food production authorised under this framework is limited to the direct sale of food by the home producer to the final consumer. Products prepared under these guidelines shall not be supplied, sold or distributed to other food businesses, including restaurants, cafés, hotels, caterers, supermarkets, retailers, wholesalers or any other food business operator.

4. Allowed Types of Food — Risk-Based Categories

While Maltese legislation does not prescribe an exhaustive list of foods permitted for home production, risk-based regulatory practice within the European Union and comparable jurisdictions recognises that domestic-scale food operations are generally suitable only for low-risk, shelf-stable foods.

The categories below are provided as illustrative guidance and do not constitute automatic authorisation. Operators remain responsible for demonstrating that all foods produced are safe and appropriately controlled in accordance with applicable food law.

For the purposes of this guidance:

“Low-risk” foods are those that are genuinely shelf stable, do not require refrigeration for safety, and do not support the growth of pathogenic microorganisms under normal storage conditions.

“High-risk” foods are those requiring strict time/temperature control, involving raw or temperature-controlled foods of animal origin, or otherwise requiring validated processing and cold-chain management.

Final determination of risk classification remains subject to case-by-case assessment by the Food Safety and Security Authority.

4.1 Examples of Typically Suitable Low-Risk Foods for Home Production

The following foods are generally considered suitable for domestic preparation provided they are genuinely shelf stable and produced under appropriate hygiene controls.

- Baked Goods (Non-Time/Temperature Controlled Foods)
- Breads without meat, fish, dairy or other perishable fillings
- Muffins, biscuits and cookies
- Cakes that do not require refrigeration for safety (e.g. plain sponge cakes)

Cakes or confectionery requiring refrigeration, fresh cream, custard, cream cheese frosting, or similar perishable fillings are not considered low risk unless separate validated temperature-controlled facilities are available.

Dry and Shelf-Stable Products

- Dried herbs and spices
- Properly dehydrated fruit with validated low water activity

Products must be sufficiently dried to prevent microbial growth and stored under dry conditions.

Preserves and Confectionery

- Jams and jellies produced to safe high-sugar concentrations
- Marmalades
- Hard candies and high-sugar confectionery

Products must achieve appropriate sugar concentration and/or pH levels sufficient to inhibit microbial growth.

Other Shelf-Stable Items

- Roasted coffee beans and tea blends
- Bottling of commercially sourced vinegars and safely produced flavoured vinegars
- Nut butters produced from roasted nuts and without added high-moisture ingredients
- Crackers and dry bakery snacks

Bottling of commercially sourced olive oil (excluding low-acid infused oils unless validated for safety)

Bottling of commercially sourced alcoholic beverages, subject to applicable excise and licensing requirements.

Important:

These foods are considered low risk only when genuinely shelf stable and when produced, handled and stored in accordance with good hygiene practices and appropriate control measures. Shelf stability may require validation of pH, water activity, formulation, and processing methods where relevant.

4.2 Foods Not Recommended for Home Production Without Commercial-Standard Facilities

Certain categories of food present increased microbiological risk and typically require enhanced structural standards, specialised equipment, and validated time/temperature controls. Such foods are generally unsuitable for domestic-scale production unless commercial-grade facilities and documented controls are in place. Therefore, proposals involving such foods shall be evaluated by the Food Safety and Security Authority on a case-by-case basis.

In line with hygiene principles established under Regulation (EC) No 853/2004 and related EU food law, the following foods are normally considered higher risk:

- Raw or temperature-controlled foods of animal origin, including meat, fish, milk, eggs and similar primary products
- Fresh or smoked meat and meat products due to risks including *Salmonella*, *Listeria monocytogenes* and *Clostridium* species
- Dairy products such as cheese and yoghurt requiring controlled pasteurisation, fermentation and refrigerated storage
- Composite foods containing processed animal products requiring refrigeration, including lasagne, pizza with ham or cheese, cream-filled pastries and ready-made sandwiches
- Refrigerated salads and cut fresh fruit or vegetables, due to increased surface exposure, moisture activity and microbial growth potential
- Cooked sauces, dips and dressings requiring cold-chain storage, particularly those containing dairy, eggs or meat-based ingredients
- Raw seed sprouts, recognised as high risk due to potential pathogen presence and rapid bacterial multiplication
- Any food requiring continuous Time/Temperature Control for Safety (TCS/PHF foods) to prevent microbial growth or toxin formation

Such foods typically necessitate:

- Continuous refrigeration at $\leq 5^{\circ}\text{C}$ or validated heat treatment processes
- Strict separation of raw and ready-to-eat operations
- Calibrated temperature monitoring systems
- Enhanced cleaning and disinfection protocols
- Structural compliance suitable for high-risk food handling
- Documented food safety management procedures proportionate to the risk
- Domestic kitchens generally lack the validated environmental controls, workflow separation, and monitoring systems required to manage these risks at a commercial standard.

Regulatory Determination

Where an applicant proposes to produce foods falling within higher-risk categories, the Food Safety and Security Authority may:

- Require upgraded facilities meeting commercial structural standards;
- Impose enhanced operational controls, validation requirements and documentation; or
- Restrict or refuse approval where the identified risk profile cannot be adequately mitigated within a home environment.

Nothing in this guidance shall be interpreted as creating an automatic entitlement to produce any specific category of food. Approval remains subject to regulatory assessment and compliance with applicable food safety legislation.

5. Facility and Structural Requirements

Home-based food production authorised under these guidelines shall be carried out only within the domestic kitchen forming part of the residential dwelling. Food production shall not be undertaken from garages, sheds, outbuildings, spare rooms or any other area of the residential premises converted for food production.

Home kitchens used for food production must:

- Be kept clean, tidy and in good repair
- Be separated from living areas as far as practicable
- Provide adequate lighting and natural/mechanical ventilation
- Have sufficient worktop space to avoid cross-contamination
- Be equipped with wash-hand basins with hot and cold potable water and suitable hand-cleaning facilities
- Provide facilities for cleaning and disinfection of utensils and equipment (sink)
- Be designed to prevent pest entry and harbourage
- Have finishes that are smooth, washable and non-absorbent

Pets must be excluded from food preparation and storage areas during production.

Where necessary, a separate storage area or dedicated cupboard should be provided for ingredients and packaging used solely for the business.

6. Equipment and Utensils

Equipment must be:

- Suitable for food contact
- Clean and well-maintained
- Stored hygienically

Domestic appliances may be used only if they can reliably achieve safe food temperatures and be cleaned effectively.

Where both household and business use take place, clear procedures must be in place to avoid cross-contamination.

7. Water Supply and Waste

- Water must be safe and potable, direct from government mains.
- Wastewater must be disposed of hygienically through the public sewer.
- Food and packaging waste must be stored in sealed containers and removed regularly to prevent odours and pests.

8. Personal Hygiene

Food business operators must:

- Maintain a high standard of personal hygiene
- Wear clean and suitable clothing, including hair and beard nets
- Hair, facial beards, and similar features must be properly secured to prevent any risk of contamination.
- Wash hands frequently and effectively
- Do not handle food if you or any member of your household is suffering from diarrhoea, vomiting, fever, or skin infections that could pose a risk of food contamination.
- Smoking and vaping are prohibited in food preparation areas during production.

9. Cleaning and Disinfection

A documented cleaning schedule must be in place covering:

- Work surfaces
- Equipment and utensils
- Sinks, taps and wash-hand basins
- Storage areas

Only food-safe cleaning and disinfectant products should be used, following the manufacturer's instructions.

10. Pest Control

The premises must be kept free from pests. Operators must:

- Inspect regularly for signs of pests
- Maintain good housekeeping and record keeping of pest control
- Protect openings with screens where necessary

Professional pest control support may be required if infestations occur.

11. Temperature Control

Where temperature-controlled foods are handled:

- Refrigerators must maintain $\leq 8^{\circ}\text{C}$
- Freezers must maintain $\leq -18^{\circ}\text{C}$
- Hot-held foods must be kept $\geq 63^{\circ}\text{C}$

A thermometer must be available and temperatures monitored regularly

12. Allergen Management and Labelling

Operators must:

- Identify all allergenic ingredients used
- Prevent cross-contact where reasonably practicable
- Provide clear and accurate allergen information to consumers in compliance with EU and Maltese legislation

Labels must not be misleading and must comply with food information requirements where applicable.

13. Training and Competence

Food business operators must be adequately trained and/or instructed in food hygiene in line with the nature of the work. Training should be recognised and cover:

- Hold a valid Food Handling Card
- Basic food hygiene
- Cleaning and disinfection
- Cross-contamination prevention
- Temperature control
- Allergen awareness

14. Documentation, Traceability and Labelling

Home producers shall maintain adequate documentation to demonstrate compliance with food safety requirements and to facilitate traceability. The following records shall be kept, where applicable:

- Details of ingredient suppliers and purchase receipts or invoices.
- Production records, including the date of production and the products prepared.
- Temperature monitoring records for refrigeration, freezing and cooking, where applicable.
- Cleaning and sanitation schedules.
- Records of any customer complaints and corrective actions taken.
- Food must be traceable one step back and one step forward.

Products prepared under these guidelines may only be sold directly by the home producer to the final consumer (one-to-one sales). They shall not be supplied, sold or otherwise distributed to another food business for resale, further processing or use in the preparation of food intended for sale.

The producer shall ensure that consumers are provided with accurate and complete information about the food. At a minimum, the following information shall be available at the point of sale or on the product, as appropriate:

- The name of the food.
- A list of ingredients.
- Any allergens present, clearly identified.
- Any special storage conditions or instructions for use, where necessary.
- The name and contact details of the home producer.
- The date of minimum durability ("Best Before") or "Use By" date, where applicable.

All records shall be retained for an appropriate period and made available to the competent authority upon request.

15. Inspections and Monitoring

Registered home-based food businesses are subject to inspection by the Food Safety and Security Authority to verify compliance with food safety legislation. Non-compliances may lead to enforcement action.

16. Good Practice Expectations

To maintain high standards, operators are expected to:

- Plan production to minimise risk
- Separate raw and ready-to-eat operations in time or space
- Store chemicals away from food
- Keep accurate information on products sold
- Promote and maintain an appropriate food safety culture, ensuring that food safety is embedded in all aspects of the home-based food production activity.

17. Limitations of Approval

Approval or registration may be withdrawn if the premises or activities are found unsuitable, or if the volume or nature of production exceeds what is reasonable for a domestic environment.

Approval or registration may also be suspended or withdrawn where the operator supplies food to other food businesses or carries out food production outside the domestic kitchen authorised under these guidelines.

18. Contact

For registration, guidance or clarification, contact the Food Safety and Security Authority, no 88, Valley Road, B’Kara, contact no: 26025000

Checklist:

Requirement	Yes	No	Notes
Registered with FSSA	☐	☐	
Not operating from an apartment	☐	☐	
Planning status compliant	☐	☐	
Direct-to-consumer only	☐	☐	
No supply to food businesses	☐	☐	
HACCP-based controls in place	☐	☐	
Allergen controls verified	☐	☐	
Traceability & recall system present	☐	☐	
Hygiene standards compliant	☐	☐	