CHAPTER 649

FOOD SAFETY AND SECURITY AUTHORITY ACT

AN ACT to provide for the establishment of an Authority to ensure and promote food safety, sustainability and security in Malta and for matters related therewith or ancillary thereto.

9th July, 2025*

ACT XV of 2025.

PART I
Preliminary

Short title.

1. The short title of this Act is the Food Safety and Security Authority Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Authority" means the Food Safety and Security Authority established in article 4;

"Board" means the Board of Governors of the Authority composed of the Chairperson and members appointed in accordance with article 5;

"Chief Executive Officer" means the officer appointed with the responsibility for the executive management of the Authority in accordance with article 7;

"Chairperson" means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(4), the Deputy Chairperson or any other person appointed to act as Chairperson;

"entity of the public administration" includes any body being a "government agency", "Department of Government" or "government entity" and, or "public officer" as defined in the Public Administration Act; Cap. 595.

"food" means any substance or products, inclusive of plants and animals, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be, ingested by humans, and includes and, or excludes any other substance or product as the Minister may by regulations prescribe;

"food business" includes any undertaking, whether for

*See article 1(2) and (3) of the Act as originally promulgated, and Legal Notice 128 of 2025.

profit or otherwise and whether public or private, carrying out any of the activities related to any stage of production, inclusive of primary production, the processing and distribution and the importation and exportation of food;

"food control" includes the totality of all regulatory, licensing, enforcement and preventive action and other activities conducted for purposes of food security, food quality, food safety and hygiene, compositional, nutritional or other value, or otherwise, in relation to the primary production, preparation, processing, sale and provision of food or food sources in, or seeking admittance into Malta, including the operation of all food businesses by whosoever managed;

"food premises" means any premises used for the purposes of a food business and includes stalls, whether in open or closed markets, vehicles, whether movable or otherwise, and sea-going vessels, including fishing vessels;

"Minister" means the Minister responsible for food;

"officer" includes any employee or member of staff of the Authority;

"Permanent Secretary" means the Permanent Secretary within the Ministry responsible for food;

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"public employee" shall have the same meaning as assigned to it in article 2 of the Public Administration Act;

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"public officer" shall have the same meaning as assigned to it in article 2 of the Public Administration Act;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Extension of applicability to exclusive economic zone area or environment protection area.
Cap. 362.
Cap. 652.

3. The provisions of this Act and of any subsidiary legislation made thereunder shall also apply in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea as ratified by the Law of the Sea (Ratification) Act, to an exclusive economic zone area or an environment protection area as defined in the Exclusive Economic Zone Act, and any artificial island, installation, structure, equipment or device therein shall, solely for the purposes of this Act and any subsidiary legislation made thereunder, be treated as if they were situated in Malta itself.

PART II
Food Safety and Security Authority

Establishment of the Authority.

4. (1) There shall be established an Authority, to be known as the Food Safety and Security Authority which shall be responsible to ensure the security of supply, food safety and sustainability of food systems in Malta.

(2) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing by whatever title of any type of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(3) The legal and judicial representation of the Authority shall vest in the Board:

Provided that the Authority may appoint any one (1) or more of its other members or any one (1) or more of its officers to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever.

Composition of the Authority.

5. (1) There shall be a Board of Governors consisting of not less than nine (9) and not more than eleven (11) members, from amongst which the Minister shall appoint the Chairperson of the Authority.

(2) The Board shall be appointed by the Minister and shall be composed as follows:

(a) three (3) public employees;

(b) seven (7) members, hereinafter referred to as the "independent members", shall be chosen from amongst persons of known integrity and with knowledge of and experience in:

(i) private business operations as nominated by bodies representing small and medium enterprises and, or commerce in general; and

(ii) matters relating to the functions of the authority, for the purposes of good governance; and

(c) one (1) member nominated by the Minister responsible for health:

Provided that, except for the member referred to in sub-article (2)(c), the Minister may revoke any appointment to the Board on grounds of disability to perform their functions, bankruptcy or disqualification due to reasons referred in sub-articles (5) and (7) or due to neglect of duty, and in so doing he shall provide his reasons in writing to the Board:

Provided further that three members of the Board shall have the experience or qualifications in matters related to agriculture, fisheries, veterinary services and environmental health.

(3) The Chairperson and the other members of the Board shall hold office for a period of three (3) years:

Provided that the members so appointed may be reappointed upon the expiration of each term of office.

(4) The Minister may designate one (1) of the members of the Board, other than the Chairperson, as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during the Chairperson's absence or inability to act as Chairperson or during any vacancy in the office of the Chairperson.

(5) A person shall not be qualified to hold office as a member of the Board if he:

(a) is a member of the House, the European Parliament or of a Local Council, or a candidate for election to the House, to the European Parliament or to a Local Council;

(b) is a judge or magistrate;

(c) has a financial or other interest in any enterprise or activity which is likely to affect, in a general manner, the discharge of his functions as a member of the Board;

(d) is legally incapacitated or interdicted;

(e) has been declared bankrupt or has made a composition or arrangement with his creditors;

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S.L. 601.03.

(f) is subject to a disqualification order in accordance with article 320 of the Companies Act or is subject to black listing as provided in the Public Procurement Regulations; or

(g) has been convicted of a criminal offence affecting public trust, of theft, fraud, of knowingly receiving property obtained by theft or fraud, bribery, money laundering, of a criminal offence under any law, or is being investigated for such criminal offences.

(6) Subject to the provisions of this article, the office of a member of the Board shall become vacant:

(a) at the expiration of his term of office;

(b) if any circumstances arise that, if he were not a member of the Board, would cause him to be disqualified for

appointment as such; or

(c) if the appointment is revoked by the Minister according to sub-article (2).

(7) A member of the Board may only be removed from office by the Minister for any one (1) or more of the following reasons:

(a) if the member, due to infirmity of mind or body or for any other cause, is effectively unable to continue to discharge his duties as a member;

(b) if the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority;

(c) one of the reasons for the revocation of the appointment according to sub-article (2); or

(d) if any member fails to perform his duties for a continuous period exceeding six (6) months without any valid justification.

(8) If the Minister removes a member of the Board from office, such removal shall be made public by not later than the effective date of removal from office. At the same time, the Minister shall provide the member concerned with the reasons for his removal, and the member shall have the right to request that the reasons for his removal be made public, in which case the Minister shall publish such reasons.

(9) All members of the Board may resign by letter addressed to the Minister. If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a temporary member of the Board, and any person so appointed shall cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

Functions of the Authority.

6. (1) The Authority shall have the following functions:

(a) to implement the European Union's strategies or policies as provided in the legislation of the European Union;

(b) to perform and succeed in the functions, assets, rights, liabilities and obligations of those entities of the public administration which at the time of the coming into force of this Act acted as competent authorities for their particular sectors or parts thereof, as may be prescribed by the Minister by

Government notice in the Gazette;

(c) to formulate, implement and enforce a national policy on food, which in particular may include policies so as to:

(i) enhance food safety by centralising and streamlining food safety controls so as to ensure that food placed on the market is safe for human consumption;

(ii) ensure the security of food supply by doing all that is necessary to enhance the resilience and security of food systems in Malta, including the diversification of food supply chains and the strengthening of local food production and generally the availability of food in Malta so as to be able to sustain the population in times of crisis; and

(iii) foster food sustainability by promoting sustainable food practices according to economic, social and environmental indicators;

(d) to prepare contingency plans against potential hazards along the entire food chain by adopting a risk-based approach in line with the policies in paragraph (c);

(e) to issue licenses or other authorisations to operators and establishments involved in the production, processing and, or marketing or other offering of food for human consumption;

(f) to carry out and, or commission surveys, studies, assessments, investigations, audits, monitoring on any matter relating to food systems regulated by or under this Act;

(g) to promote sustainable food systems regulated by or under this Act;

(h) to effectively apply the precautionary principle when a significant risk to the public is identified or reasonably suspected;

(i) to administer an efficient and effective system for administrative assistance, rapid alert, product recall and product withdrawal in order to protect the public from any risk that may have been identified or suspected with respect to products already available to the public, as well as to effectively act against any episode of food fraud or of any illicit act affecting matters regulated by this Act, and in accordance with any applicable obligation under national or EU law as in force from

time to time;

(j) to provide information and issue guidelines to the public and to commercial and other entities on matters relating to food;

(k) to collaborate and engage with all interested parties in relation to food and act as a catalyst to foster a unified national approach with the aim of strengthening food security, food safety and the sustainability and the quality of food systems in Malta;

(l) to ensure that national and international obligations relative to the matters regulated by or under this Act are entered into force and complied with;

(m) to ensure that proper records and registers are kept to ensure that the persons responsible for any food item are identified and regulated;

(n) to assess, investigate, audit, monitor, and take action on any food business, activity, intervention, project, operation or land use that may have an effect on food;

(o) to generally act to implement, coordinate and supervise all food control actions as initiated by itself or by any other public body;

(p) to monitor the enforcement of any relevant legislation, standards and practices in relation to food businesses, food premises, and persons operating in the food business;

(q) to advise the Minister on international legislation and on the formulation of national policy in relation to matters regulated by this Act and on matters having a bearing on this;

(r) to advise the Minister on any matter connected with its functions under this Act, on its own initiative or upon a specific request by the Minister;

(s) to perform such other functions as may from time to time be assigned to it by the Minister by regulations according to article 32; and

(t) to carry out such other functions as may be conducive to the better performance of its functions under this Act.

(2) In carrying out its functions under sub-article (1) the Authority shall:

(a) seek to co-operate or to make arrangements with other entities or persons to enable it to better implement or monitor the implementation of and compliance with the provisions of this Act;

(b) establish long and short-term objectives and strategies;

(c) draft or advise the Minister on the drafting of standards, guidelines and the making of regulations, plans and policies under this Act as well as advise on the formulation and implementation of contingency and emergency plans to ensure food security, safety and, or quality and including the implementation of all applicable European Union and, or international obligations in Malta;

(d) issue or withhold any authorisation or oversee any assessment, monitoring or other action that may be required by or under this Act and under such conditions as it may, subject to any other provision of this or any other law, deem necessary to control and manage activities having an impact on food or which may potentially impact food security, safety and quality;

(e) monitor the quality and safety of food and for such purpose establish indicators and methodologies, and maintain and disseminate information related to food;

(f) prepare and publish an annual report on the state of food in Malta, inclusive of all that is required for Malta to comply with reporting obligations under European Union and international law;

(g) for the purposes of this Act and for fulfilling its functions, it may require, gather and process data, inclusive of personal data, from any person and, or body;

(h) perform such other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation, including European Union obligations and bilateral agreements entered into by Malta on matters regulated by this Act.

(3) The Authority may also exercise all powers of supervision, assessment, monitoring and control of any object that may become or be used in food or for the production, preparation, processing, transportation or marketing of food or any object as referred:

Provided that such powers may be applied at any stage of the production, transportation and, or marketing of food and, or of any object as referred in this sub-article.

(4) The remit of the Authority shall be deemed to include all functions and responsibilities of any relevant authority under whose remit the Acts and, or subsidiary legislation listed in the Schedule fall, limitedly for food control purposes.

(5) The Authority shall also ensure that it records an audit trail of all its processes, including all documentation and reports.

Chief Executive Officer.

7. (1) The Authority shall appoint a Chief Executive Officer after a public call. Such appointment shall be for a period of three (3) years which may be extended for further periods of three (3) years each.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions, and without prejudice to the generality of the foregoing, he shall:

(a) develop the necessary strategies for the implementation of the objectives of the Authority as provided under this Act or as indicated by the Board;

(b) advise the Authority on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and

(c) carry out such other functions and duties as the Board may assign to him from time to time.

(3) The Chief Executive Officer shall, at the request of the Board, attend the meetings of the Board but shall not vote at such meetings.

(4) The Chief Executive Officer may be dismissed by the Board at any time for a just cause, and it shall be deemed to be a just cause if the Board determines that he has not achieved the targets and objectives set for him by the Board.

Meetings of the Board.

8. (1) The meetings of the Board shall be called by the Chairperson as often as may be necessary and at least once a month, either on his own initiative or at the request of any two (2) of the other members of the Board.

(2) The Board may act notwithstanding any vacancy among its members.

(3) Half the number of members constituting the Board shall form a *quorum*. The decisions of the Board shall be adopted by a majority of votes of members present and voting.

(4) The Chairperson shall have an original vote and, in the event of an equality of votes he shall also exercise a casting vote.

(5) The Board shall appoint an officer to act as a secretary to the Board for such period and as the Board may deem appropriate:

Provided that the secretary shall not be a member of the Board:

Provided further that the secretary shall have the duty of calling meetings of the Board and keep the respective minutes thereof and assume such other duties as the Chairperson may assign to him.

(6) Without prejudice to the provisions of this Act, the Board may regulate its own procedure.

(7) The Authority shall transmit a copy of the agenda, minutes and relative annexes of its meetings to the Minister for his information.

Officers of the Authority.

9. (1) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

(2) The Authority may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme, whether by contributory or non-contributory arrangements or both, for the payment of pensions, gratuities and other like benefits to its officers or their dependants on the retirement, death or injury of said officers.

Cap. 449.

(3) Officers of the Authority shall be considered to be authorised officers according to the Food Safety Act and may exercise *mutatis mutandis* any such powers that the said Act provides for authorised officers, in addition to any power and responsibility provided for by this Act:

Provided that, without prejudice to the generality of the foregoing, the Board and the officers of the Authority may exercise *mutatis mutandis* any of the powers provided according to articles 20, 21 and 24 to 33 of the Food Safety Act.

Cap. 449.

Cap. 595.

(4) All officers of the Authority shall be bound by the code of ethics applicable to public officers according to the Public Administration Act.

(5) The provisions of sub-articles (3) to (4) shall apply to all officers of the Authority, inclusive of officers detailed or employed according to articles 10 and 11:

Provided that this does not apply to persons engaged according to article 13.

Detailing of public officers and employees.

10. (1) The Prime Minister may, from time to time, order that any public officer or public employee shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's order.

(2) The period during which an order as aforesaid shall apply to any public officer or public employee specified therein shall, unless the public officer or public employee retires from the public service, or otherwise ceases to hold office or employment at an earlier date, or unless a different period is specified in such order, end on the occurrence of any of the following events:

(a) the acceptance by such public officer or public employee of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 12; or

(b) the revocation of such order by the Prime Minister.

(3) When an order as aforesaid is revoked by the Prime Minister in relation to any public officer or public employee, the Prime Minister may, by further order, detail such public officer or public employee for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's order, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing as may be made by any such further order in relation to such public officer or public employee.

Status of public officers and public employees detailed with the Authority.

11. (1) Where any public officer or public employee is detailed for duty with the Authority, such public officer or public employee shall, during the time in which such order has effect in relation to him, be under the administrative authority and control of the Board but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, a public officer or public employee detailed for duty as aforesaid:

(a) shall not during the period in respect of which he is so detailed:

(i) be precluded from applying for a transfer to any department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government

held by him on the date aforesaid or which would have become attached to such appointment during the said period, had such public officer not been detailed for duty with the Authority; and

(b) shall have the right to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by a public officer or public employee detailed for duty with the Authority as aforesaid and for such period in which he is so detailed.

Offer of permanent employment with the Authority to public officers or public employees detailed for duty with the Authority.

12. (1) The Board may, upon advice of the Chief Executive Officer and with the approval of the Prime Minister, offer permanent employment with the Authority to any public officer or public employee detailed for duty with the Authority under any of the provisions of article 10 at a remuneration and on such terms and conditions as established by the Authority.

(2) Every public officer or public employee who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.
Cap. 58.

(3) Every such public officer or public employee as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder as if his service with the Authority were service with the Government.

Cap. 58.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister

responsible for finance in respect of the cost of pensions and gratuities earned by a public officer or public employee who has accepted permanent employment with the Authority as aforesaid and for the period commencing on the date of such public officer's or public employee's acceptance.

(5) In the case of a public officer or public employee detailed for duty with the Authority and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

(6) For the purposes of the Pensions Ordinance the pensionable emoluments on retirement of any public officer or public employee to whom sub-article (5) applies shall be deemed to be the pensionable emoluments payable to a public officer or public employee in Government service classified in the closest corresponding grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the public officer or public employee retires from the Authority. Cap. 93.

(7)(a) The classification referred to in sub-article (6) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two (2) other members, one (1) appointed by the Minister responsible for personnel policies in general in the public service and one (1) appointed by the Minister responsible for the Authority:

Provided that the classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within three (3) months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

(c) Without prejudice to article 113 of the Constitution, no person may following a classification as aforesaid, be entitled to rights, under the said Pensions Ordinance, which are less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

Engagement of consultants and advisers.

13. The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the exercise of its functions.

Exercise of powers of relevant authorities.

14. (1) The Authority may exercise any power or fulfil any responsibility granted in the legislation listed in the Schedule, jointly with the responsible entity according to the relevant legislation as necessary and as the Authority may decide.

(2) The Authority may also delegate any of its powers to any relevant authority but it shall retain a supervising or coordinating role over its delegate.

(3) The Minister may by regulations amend the list of legislative Acts found in the Schedule.

(4) Any personal data gathered according to this article shall be processed according to article 18.

Cap. 568.

(5) Without prejudice to any provision of this article, the provisions of articles 5 to 7 of the Coordination of Government Inspections Act shall apply *mutatis mutandis* to this Act in respect of the authorities relevant to the legislation listed in the Schedule and any powers therein provided shall be exercised by the Authority for the purposes of this Act:

Cap. 568.

Provided that when the Authority exercises powers according to this sub-article the provisions of article 8(2) of the Coordination of Government Inspections Act shall apply *mutatis mutandis* for the Authority in respect of any data held by the authorities relevant to the legislation listed in the Schedule:

Cap. 568.

Provided further that this sub-article shall be without prejudice to the powers of the Inspections Coordination Office under the Coordination of Government Inspections Act.

Powers to issue warnings and information.

15. (1) The Authority may make and issue public statements identifying and giving warnings or providing any information about any of the following:

(a) food or food sources that are harmful to health or unfit for human consumption;

(b) the supply of food or food sources, by whosoever supplied, which are or which may potentially cause harm to health or which are unfit for human consumption, and the persons engaged in the supply of such food or food sources;

(c) practices conducted in relation to any food business, which are detrimental to the interests of the public and, or the persons who engage in such practices; and

(d) any other matter that adversely affects or may adversely affect human health in connection with the acquisition or use of food or food sources.

(2) The Authority may require any holder of information relative to food to provide it with any information, including financial information that the Authority considers necessary for the purpose of ensuring compliance with any of the provisions of this Act, regulations prescribed thereunder and any decision, order, instruction or directive given in accordance with this Act or according to regulations prescribed thereunder or according to any other law which the Authority is entitled to enforce.

(3) The Government, the Authority and any of its officers acting on the instructions or authority of the Authority, shall not be or become liable for any acts done in good faith according to this article:

Provided that such exemption from liability shall extend to all persons publishing, printing, recording, broadcasting, communicating or reproducing such information in any form whatsoever.

Foodborne illnesses.

16. (1) When the Superintendent of Public Health receives a notification, or on becoming aware of a suspected or confirmed foodborne illness, or when the said Superintendent has reasonable grounds to suspect the existence of a foodborne illness, he shall, when deemed appropriate, notify the Authority to carry out its investigation in accordance with the powers conferred to it by this Act or any other law:

Provided that during all stages of the investigation, the Authority shall keep the Superintendent of Public Health informed on all developments, including the outcome of the investigation.

(2) The Authority shall notify the Superintendent of Public Health when it is informed or on becoming aware of facts which may lead to, or constitute a foodborne illness, for the Superintendent to carry out its own investigation.

(3) The Authority and the Superintendent of Public Health shall establish a cooperation policy to ensure protection against foodborne illnesses and for safeguarding public health.

Laboratories.

17. The Authority may establish laboratories to assist it in its functions and to fulfil any other purpose in accordance with this Act:

Provided that for all intents and purposes at law, such laboratories may also be used for other purposes for which they are technically competent for:

Provided further that the Minister may by regulations establish and, or indicate particular laboratories for specific purposes.

Data protection.

18. (1) The provisions of this Act or any regulations made thereunder shall not prejudice the applicability of Regulation (EU) 2016/679 and of the Data Protection Act, including the regulations made thereunder, and the fundamental rights and freedoms of the data subjects.

Cap. 586.

(2) The Authority when acting in its capacity of controller in accordance with Article 4(7) of Regulation (EU) 2016/679 shall perform the relevant data processing operations which are limited to the extent necessary and proportionate to the objectives pursued by the Authority.

(3) For the purposes of this Act, the processing of personal data

shall fully comply with all the principles relating to the processing of personal data according to Article 5 of Regulation (EU) 2016/679.

(4) The Authority, whilst taking into account the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, at the time of the determination of the means for processing as well as at the time of processing itself, shall implement appropriate technical and organisational measures in an effective manner and integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(5) For the purposes of ensuring and to be able to demonstrate compliance with the principles relating to the processing of personal data, the Authority shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(6) The data protection officer designated by the controller in accordance with Article 37(1)(a) of Regulation (EU) 2016/679 shall be involved and consulted in a timely manner on all issues in relation to the protection of personal data processed for the purposes of this Act.

Provisions of the Public Finance Management Act. Cap. 601.

19. The Authority shall be governed by the provisions of the Public Finance Management Act.

Authority to satisfy expenditure out of revenue.

20. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs so that much of the expenditure required for the proper performance of its functions shall, as far as practicable, be dispensed out of its revenue.

(2) For the purposes of sub-article (1), the Authority shall levy all fees, charges and other payments prescribed or deemed to be prescribed by, or under this Act, or any other law providing for matters falling under the powers and functions of the Authority, in consultation with the Minister responsible for finance.

(3) The Authority shall also be paid by the Government out of the Consolidated Fund such amounts as the House of Representatives, hereinafter referred to as the "House", may from time to time authorise to be appropriated to satisfy any of its expenditure that cannot be satisfied of its revenue and the costs of specified works to be continued or otherwise carried out by it, being works of infrastructure or of a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for its purposes

and without prejudice to the generality of the powers given to the Minister by this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the directive, of any part of the fees, charges and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to satisfy expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

21. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister, given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and in accordance with such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such amounts as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one hundred and twenty thousand euro (€120,000), the approval of the Minister shall be required in writing.

Advances from Government.

22. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such amounts as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate:

Provided that any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than under this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from Government.

23. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate and any amounts due in respect of, or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice in writing of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be laid on the Table of the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working

capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than under this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority and any other monies to be advanced to the Authority in accordance with this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Food Safety and Security Loan Fund".

(5) Amounts received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and amounts received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

24. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four (4) weeks before the end of such year adopt estimates of the income and expenditure of the Authority for the following financial year distinguishing, in particular, income and expenditure for each of its functions as may be practicable:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates, the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act, or of an appropriation Act, or of any other law and it shall so prepare the said estimates as to ensure that its total revenues are at least sufficient to satisfy all amounts properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous estimates as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six (6) weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure shall be in accordance with approved estimates.

25. (1) No expenditure shall be made or incurred by the Authority unless provision therefor has been made in the estimates approved as provided in article 24.

(2) Notwithstanding the provisions of sub-article (1):

(a) until the expiration of six (6) months from the beginning of a financial year, or until the approval of the estimates for such year, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure until the approval of the estimates for such year not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow; and

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister, and in any such case, the provisions of this Act applicable to the estimates shall as much as such is practicable apply *mutatis mutandis* to the supplementary estimates.

Publication of approved estimates.

26. The Minister shall, at the earliest opportunity and not later than eight (8) weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within eight (8) weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House.

Accounts and audits.

27. (1) The Authority shall ensure that proper accounts and other records are kept in respect of its operations and shall cause a statement of accounts to be prepared in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor to be appointed by the Authority with the concurrence of the Minister responsible for finance and shall moreover be subject to scrutiny by the Ministry responsible for finance, and audit by the Internal Audit and Investigations Directorate established by the Internal Audit and Financial Investigations Act and the Auditor General who shall, for this purpose, have all the powers established in the Auditor General and National Audit Office Act, as the case may be.

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(3) The Authority shall, by not later than six (6) weeks after the end of each financial year present to the Minister, through the Permanent Secretary, an audited statement of accounts together with a copy of any report made by the auditors on such statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of such statement and report to be laid before the House by not later than six (6) weeks after their receipt or, in cases where the House is not in session, by not later than the second week after the House resumes its sessions.

Deposit of revenues and payments by the Authority.

28. (1) All monies accruing to the Authority shall be paid into banks appointed as bankers of the Authority by resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such amount as the Authority may authorise to be retained to satisfy petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding an amount fixed by the Authority, shall be made by such officer of the Authority as it shall appoint or designate for such purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for such purpose and shall be countersigned by the Chairperson or such other member or officer as may be authorised by the Authority for such purpose.

(4) The Authority shall also make provision with respect to:

(a) the manner in which and the officer by whom payments are to be authorised or approved;

(b) the title of any account held with the banks into which its monies are to be paid, and the transfer of funds from one account to the other; and

(c) the method that shall be adopted in making payments out of its funds, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books and the control of its finances.

Contracts of supply or works.

29. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services to, or for the benefit of the Authority, except in accordance with the Public Finance Management Act and any regulations made thereunder.

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Annual report.

30. (1) The Authority shall, by not later than six (6) weeks after the end of each financial year, present to the Minister, through the Permanent Secretary, a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time require.

(2) The annual report referred in sub-article (1) shall be made available to the public.

Laying of annual report before the House.

31. The Minister shall cause a copy of the report presented to him in terms of article 30 to be laid on the Table of the House not later than six (6) weeks after its receipt or, where the House is not in session, not later than the second week after the House resumes its sessions.

Power to make regulations.

32. (1) The Minister may make regulations for the better carrying into effect of the purposes of this Act.

(2) In particular, and without prejudice to the generality of sub-article (1), such regulations may provide for:

(a) anything which is to be or may be prescribed under this Act;

(b) without prejudice to sub-article (3), the transfer of competences, responsibilities, powers, assets, liabilities and any other right or obligation held by other entities of the public administration in relation to food, and anything conducive or related thereto with the aim of centralising under the responsibility of the Authority any existing role and, or function related to food safety, food security and, or food quality, inclusive of licensing, certification and regulation;

(c) the licensing or other authorisation of operators and establishments involving food and its production, processing and, or marketing or other offering for human consumption;

(d) anything relating to the supervision, control and enforcement on food, food business and food premises;

(e) anything relating to food control;

(f) the levying of any fees, dues or other charges for anything done according to this Act;

(g) the compensation due to any person for any activity relating to food control, without prejudice to any right of compensation according to any other law;

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(h) the regulation of pesticides related to food, when not specifically provided for under the Pesticides Control Act;

(i) the implementation and compliance with any international and, or European Union obligation as applicable to Malta in relation to food; and

(j) the effective monitoring, regulation and sanctioning against episodes involving deceptive practices in relation to food and against food fraud.

(3) Any regulations providing for any transfer to the Authority of competences, responsibilities, powers, assets, liabilities and any other right or obligation as referred in sub-article (2), from any other entity of the public administration, shall be made with the concurrence of the Prime Minister.

(4) The Minister may by regulations establish the manner in which the proceedings of the Authority shall be regulated.

(5) Without prejudice to sub-article (1), the Minister may by regulations prescribe offences, punishments, penalties, measures and, or proceedings, for any provision of this Act and any subsidiary legislation made thereunder.

SCHEDULE

(articles 6(7), 9(4), 14(1), 14(4), 14(6), 32(2)(c), 32(2)(f) and 32(5))

S.L. 36.30. 1. Irrigation of Crops (Health Precautions) Regulations.

S.L. 117.13. 2. Control of Tomato Paste and of Sale of Tomatoes for Processing Purposes Regulations.

S.L. 117.36. 3. Fruit and Vegetables Marketing Standards Regulations.

Cap. 430. 4. Pesticides Control Act.

Cap. 433. 5. Plant Quarantine Act.

Cap. 436. 6. Wine Act.

Cap. 437. 7. Veterinary Services Act.

Cap. 439. 8. Animal Welfare Act.

S.L. 439.01. 9. Calves (Protection) Regulations.

10.	Mininum Standards for the Protection of Pigs Regulations.	S.L. 439.02.
11.	Animal Slaughter or Killing (Protection) Regulations.	S.L. 439. 03.
12.	Staging Points Regulations.	S.L. 439.04.
13.	Laying Hens (Protection) Regulations.	S.L. 439.07.
14.	Farm Animals (Protection) and Inspection of Holdings Regulations.	S.L. 439.09.
15.	Minimum Rules (Protection of Chickens kept for Meat Production) Regulations.	S.L. 439.12.
16.	Administrative Penalties relating to Offences committed against the Animal Welfare Act Regulations.	S.L. 439.23.
17.	Protection of Animals during Transport and related Operations (Implementing) Regulations.	S.L. 439.24.
18.	Food Safety Act.	Cap. 449.
19.	Production of Olive Oil Regulations.	S.L. 639.01.
20.	Establishment of the National Register of Traditional Agro-Food Products of Malta Regulations.	S.L. 639.03.
21.	Establishment of the 'Product of Quality' National Scheme Regulations.	S.L. 639.04.
22.	Organic Production and Labelling of Organic Products Regulations.	S.L. 639.05.
23.	Primary Production of Food of Non-Animal Origin (Including Sprouts Production) Regulations.	S.L. 639.11.