

On the Improvement of Government Supervision of Food Safety in China

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Abstract: In recent years, China's food safety incidents frequently happen, so food safety issues are always plaguing consumers and affecting consumer's confidence in food safety in China. This indicates that many problems still exist in national food safety regulation. Based on current situation of China's food safety regulatory system, this article has pointed out the problems existing in food safety regulatory system and put forward corresponding improvement suggestions to further improve the legal protection system of food safety and consumer's food safety.

Keywords: improvement; food security; government supervision

In recent years, growing incidence of food safety in China emerge in an endless stream and "food with problem" involve so many sorts, cover so wide scope and cause so serious consequences that they have made people scared to talk about "food", which also exposes severe situation faced by food security in China and problems existing in food regulation. How to eat freely and safely has become the widespread concern of public. Obviously, to strengthen food safety supervision and ensure food safety of the masses has become the major livelihood issue which needs to be firmly grasped and never relaxed for us to study and practice the scientific concept of development.

1. The Status and Problems of China's Food Safety Regulatory System

1.1. Status and problems of the legal system of China's food safety

Our Government has always attached importance to food safety problems and develops a large number of laws and regulations. "Food Sanitation Law," "Food Safety Law," "Food Safety Law" ... these laws and regulations, specify the food safety standards and provide foundation for food safety control. But because for a long time we do not establish food safety on the basis of full monitoring of "from field to the table", therefore, there are still some problems in building a scientific, rational and efficient system of food safety laws:

First, coordination between the legal systems of food security is relatively poor. In addition to food safety law, the "Product Quality Law", "Agricultural Product Quality Safety", "Consumer Protection Law" and other laws all rise to the law based on the division of responsibilities in the department. If the coordination and communication on the law-making process of departments is not enough, overlapping, repetition and even contradiction will inevitably happen. Second, the deterrent effect of existing

food safety laws is not enough. For a long time, the phenomenon of making and selling fake goods is rampant during China's food processing, largely due to the lesser punishment laws, which make the cost of illegal criminals low and would not achieve the deterrent effect. In the existing food laws and regulations, the maximum amount of fines of food safety issues arising from the violation of the food rules is only 50,000, which is apparently moderate and would not achieve the role of punishment. Although the new introduction of "Food Safety Law" increases punishment and it is significantly higher than the previous laws and regulations, compared with other countries (such as the UK) there is still a gap.

1.2. The status and problems of China's food safety regulatory body

Compared with "Food Sanitation Law", "food safety law" is still continuation of the previous "sub-regulation-based, species monitoring supplemented" regulatory system whose regulatory authority belongs to health administration, agricultural administration, quality supervision, industry and commerce administration, food and drug supervision management and altogether 5 departments. Seen from the surface, although it has formed seamless chain of health sector for integrated coordination, agricultural sector for regulating agricultural products, inspection departments for monitoring production processes, industrial and commercial sector for regulating circulation, food and drug administration departments for monitoring the activities of food service, but in fact if segment monitoring because of the existence of departments considering from their own interests, experience the benefits, they grab control but if encounters problems, they pass the buck. Although the "Food Safety Law" has determined that the Food Safety Commission, the coordinating body, coordinate and guide the work of other regulators, whether it can really play a role to fill the regulatory gaps or not is still remains to be seen.

1.3. Present Status and the Existing Problems of Food Safety Regulatory

First, the food safety standards are not unified, old and lag behind. Management of food safety standards touch on agriculture, health, quality inspection, environmental protection, industrial and commercial departments and because the policies come from different departments, eventually leading to the current management of food safety standards duplicated and blank, standard content crossed, repetitive and contradicted. And in the development of standards, because the poor basis of the food industry, under-developed management level and other factors lead to the low levels of certain technical requirements, many quality standards are far behind of the advanced international standards, which has led to many of the traditional bulk exports of edible agricultural products forced out of the international market. Second, be short of authorities of food inspection and testing institutions and the detection technology is behind. Inspection organizations undertake large amount of inspection for food hygiene inspection, verification and investigation and also provide technical guidance and professional training for national food hygiene supervision and inspection agencies. Such a heavy workload leads to prolonged inspection, high testing prices and other issues. The imperfection of Food safety inspection system largely restricts our government to effectively monitor food safety.

2. Improve countermeasures on government supervision of food safety

2.1. Improve the legal system of China's food safety supervision

China has formulated and promulgated the "Food Safety Law", a basic law. However, due to historical reasons, the coordination of "Food Safety Law" with the laws which have already existed and continued to play a role such as "Product Quality Law," "Consumer Protection Law", "quality and safety of agricultural products" and other relevant laws are relatively poor. It is needed to unify the various laws and regulations but also a lot of work need to be done. In the future, the following aspects should also be strengthened: First, Formulate product liability law. Despite the existing laws related to food refer to the liability of food suppliers, the responsibility principle of food safety responsibilities are not clearly stated, which has adverse effects in encouraging food suppliers to provide safe foods. Second, strengthen the planning of supporting laws and regulations fitting for food safety, clearly formulate the permission of establishing laws for relevant regulatory authorities to avoid "departmentalization of administrative regulations, juridification of departmental interests " and resolve contradiction and conflicts between regulators, which make the whole legal system coordinated and form a closed loop.

2.2. Construct integrated food safety regulatory system

In order to improve the effectiveness and scientificity of food safety regulation, a scientific and rational integrated food safety regulatory system must be built. In China's current administrative system, it is difficult to translate food safety regulatory approach into "unification." Under the situation that the current system is difficult to change, it is necessary to strengthen the integration of duties distributed among the food regulatory body to establish a joint management body of the actual permissions. In China, "Food Security Act" only requires that the Food Safety Commission is a high-level coordinating body of procedure which coordinates and guides the supervision of food safety but for the specific performing authorities, it is not specified. Therefore, the amendment of "Food Safety Law" should be adopted to further strengthen and refine the composition and authority of food safety commission.

2.3. Implementation of stringent food safety laws and regulations

The reasons that law can not be effectively implemented is because that first of all the flexibility of some laws is too large; second the range of penalties between various laws is inconsistent. To ensure the enforcement of law strictly, first we need to take the enactment of "food safety law" as an opportunity and unify regulations of the various departments and the content opposite to "Food Safety Law" to minimize the extent of discretion. Secondly, strengthen law enforcement. Meanwhile, food safety enforcement should also be subject to public supervision and public opinion, so that law enforcement processes are more open, just, fair and transparent. Finally, increase the efforts of rights protection for civil laws. Amend the existing consumer rights protection law, so that when consumers are harmed by unsafe food, they can pursue responsibilities of food safety corporate through legal channels, requiring producers to be punished for the loss of life and health of consumers in accordance with the principle of punitive damages.

2.4. Improve the technology system of food safety supervision

First, establish a sound system of food safety standards. Our government should fully learn from foreign experience, combined with national conditions, so as to establish a relatively perfect system of food safety standards. First of all, reform the management system of food safety standards. We can learn from the mode of establishing the Codex Alimentarius Commission of foreign countries and develop uniform national food safety standards mainly by food safety management committee. Second, speed up the internationalization process of standards. Food safety standards and food safety techni-

cal specifications should integrate with international standards, even higher than international standards if it is necessary and possible. Finally, strengthen the efforts of implementing standards and monitoring. The development and implementation of Standards should be combined, which make producers really follow the standard of food producers to organize food production and ultimately improve the overall level of food safety.

Second, establish a sound monitoring system for food safety. To establish a sound monitoring system for food safety is the first step to effectively supervise food safety. First of all, Nurture and develop independent inspection organizations of social intermediary. Fully make use of the power of social intermediary to compensate for the shortage of existing monitoring capabilities. Secondly, increase investment in food safety testing equipment and update the old outdated equipment; meanwhile, strengthen the training of business, regulations, standards and measurement for technical personnel.

Conclusion

In summary, we have reasons to believe that through strengthening and improving the monitoring of govern-

ment on food safety, food safety issues in China will soon be effectively curbed, future visitors can enjoy a more safe and secure food safety and food economy in China and "made in China" will be more and more healthy, accepted and welcomed.

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