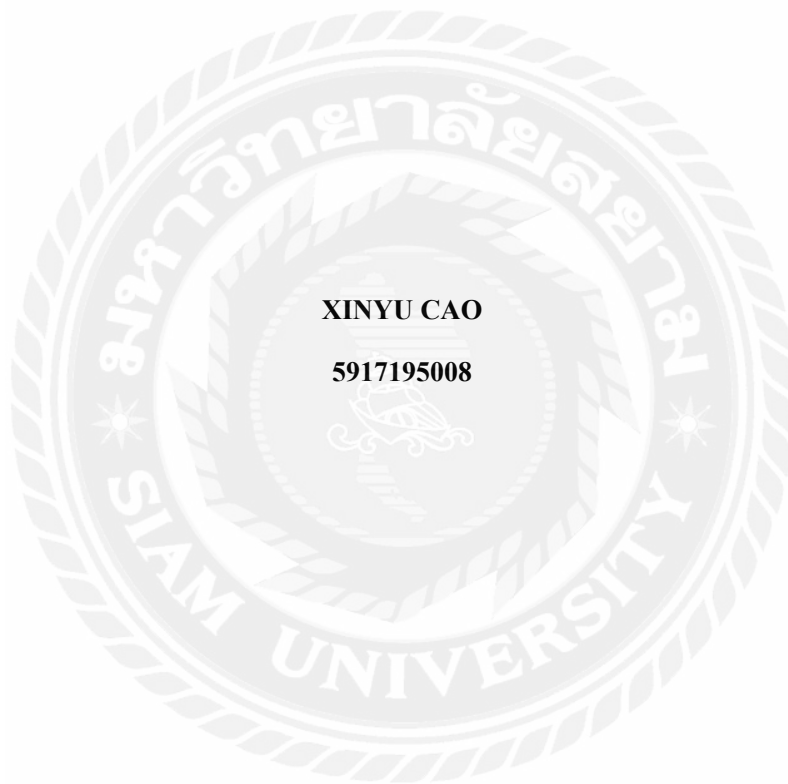




**RESEARCH ON THE CONSTRUCTION OF FOOD SAFETY SUPERVISION
SYSTEM UNDER THE TRACEABILITY SYSTEM**



**AN INDEPENDENT STUDY SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
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SYSTEM UNDER THE TRACEABILITY SYSTEM

Thematic Certificate

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This Independent Study has been approved as a Partial Fulfillment of the Requirement of International Master of Business Administration in International Business Management

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Abstract

Title: Research on the Construction of Food Safety Supervision System
under the Traceability System

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In the food safety supervision system, the construction of the food traceability system can be said to be an important part of the food safety traceability system, can better promote the supervision of food safety, can control food safety from the source, thus achieve the effective dimension to protect the rights and interests of consumers and to maintain order in the food market, how to construct the food safety supervision system in our country can be effectively constructed under the food safety traceability system, which is of great significance to safeguard food safety.

Based on this, this paper focuses on the construction of food safety supervision system in our country under the system of traceability system. First, the research background, significance and discussion on the construction of food safety supervision system under the system can be discussed; secondly, the food safety traceability system, food and food safety ,The concept of food safety supervision and food safety supervision system and other concepts and theories are discussed in order to lay a good foundation for the next research; the third step is to analyze the current situation of our country and foreign food safety supervision system under the traceability system, first from the regulatory institution, supervision power allocation and supervision function this paper analyzes the current situation of food safety supervision system in China, analyzes the existing problems, and draws on the

摘 要

题目：可追溯制度下食品安全监管体系构建研究

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在食品安全监管体系当中，食品可追溯制度的建设可以说是其重要的一个组成部分，在食品安全可追溯制度下，能够更好的促进食品安全的监管工作，可以从源头上对食品安全进行控制，从而做到有效的维护消费者的权益，维持食品市场的秩序，在食品安全可追溯制度下，我国食品安全监管体系如何有效的进行构建，这对于保障食品安全具有重要的意义。

基于此，本文重点探讨可追溯制度下我国食品安全监管体系的构建问题，首先对可追溯制度下食品安全监管体系构建的相关研究背景、研究意义、进行论述；其次对食品安全可追溯制度、食品和食品安全、食品安全监管与食品安全监管体系等概念以及理论进行论述，为下一步研究打好基础；第三步则是分析可追溯制度下我国以及域外食品安全监管体系现状，首先从监管机构设置、监管权力配置、监管职能分配、运行机制等方面来分析我国食品安全监管体系现状，并对其中存在的问题进行论述，并吸取美国、欧盟等域外发达国家在食品安全体系方面的成功经验，在可追溯制度下对我国食品安全监管体系进行重构，并提出可追溯制度下创新我国政府食品安全监管体系的政策建议。

通过本次课题的研究得出以下几点结论：

第一，现阶段，我国在食品安全监督管理方面主要的监督机制主要是采取的分段监管，在可追溯制度下，我国在食品安全监管过程当中还存在一系列问题如

Acknowledgement

At last the paper was written, with a sigh of emotion in his heart. I am about to say goodbye to my graduate career, which is difficult for me to express. Today, I would like to begin by thanking the instructor in my graduate school, and thank you for your inculcation and strictness during this period. Thanks to your guidance, I report from the beginning of the problem to the final version of the final paper, which can be done in an orderly and orderly manner to complete the submission, revision and approval, thank you Your encouragement and instruction to me! Thank you again for giving me full guidance and care in writing my essay.

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CHAPTER 1

INTRODUCTION

1.1 Background and significance of research

1.1.1 Research Background

With the improvement of China's economic level, there are many kinds of food in the face of food, and food safety problems follow. The problem of food safety was first developed in the western developed countries. In the early industrial development, merchants blindly chase profits, use poisonous and harmful materials for food processing, causing great harm to the public health of the society. Similarly, China is now at a stage of rapid economic development, and food safety issues are equally compelling. So far, in the hearts of people is full of food safety problems, a series of food security incidents occur in the mind, such as gutter oil, toxic ginger, vegetarian meat essence etc. food safety issues are endless and even less, the outbreak of these food safety issues is not .It is only the panic of the masses, but also the whole food market. In March 2017, Zhou Qiang, the president of the Supreme People's Court, reported on food safety, noting that up to 2082 cases, involving food safety issues were handled by courts at all levels, and the number of food safety offenders captured was 2647 the key point is whether the food safety supervision system is perfect.

On March 5, 2014, Premier Li Keqiang pointed out in the work report of the National People's Congress of the National People's Congress that "we must build a comprehensive regulatory and traceable system for production, processing and circulation". At present, the relevant departments of each region are built for their own food safety traceability system. Since 2004, China's agricultural institutions have carried out the construction of the food quality safety traceability system. Until 2010, China's business sector carried out a pilot project on the first two meat vegetable circulation traceability system in 10 cities,, including Shanghai, Dalian and Nanjing, and a year later, ten cities, including Urumqi, Harbin and Tianjin, were launched in

the second batch .The work carried out; in 2012, the third batch of pilot work carried out in 15 cities, such as Hohhot, Beijing and Changsha; and until 2013, the Ministry of Commerce carried out a system construction project for the circulation of meat and vegetables in the fourth batch of cities start. In 2013, China's Ministry of Industry and Information Technology carried out the construction of the quality safety information tracing system of food enterprises, and carried out the work on the four enterprises in Mengniu, Yili, Mianyuan and Dushanshan. Beijing first undertook construction of the food safety information traceability platform. Weifang City, Shandong province is rich in fruits and vegetables, its food safety traceability platform construction is very early. The food safety traceability platform, such as Shaanxi and Shanghai, is also constructed.

Despite some achievements in the construction of the domestic food safety traceability system, the whole process cannot be accelerated because of the relatively late implementation of our country's food safety traceability system. From the domestic food safety traceability system, it is not mature, it is still in the process of groping, and the construction of the whole system still exists in addition, because of the long term supervision of the long term, China is very fragmented from different institutions and regulations, so as to establish a system of food safety traceability system, there is a lack of certain laws and regulations system to guarantee. Therefore, the domestic current task is to improve the food safety supervision system based on food safety traceability system, so that the entire process of the farmland to the dining table will be seamless.

1.1.2 Research Meanings

At present, there is a great threat to the safety of food quality in China, and the first premise is whether the food can be traced back to the requirement of imported food from the developed countries. To strengthen the export volume of domestic agricultural products, China should increase the construction of the food traceability system, conform to the requirements of international development, so that domestic food safety can be better protected. Construction of the food quality traceability system is crucial for seamless regulation of the entire process from farm

to table. In March 2013, China's State Council effectively optimized the function of food safety supervision institutions, and in the quantity, the food safety supervision department was controlled, and the State Food and Drug Administration Supervision and Administration of the State Administration of Food and Drug Administration was set up. Based on the above present situation, the opportunity and challenge of food safety supervision system based on food safety traceability system is existent. China needs to rely on what kind of means to improve the food safety supervision system based on the traceability system, which is the key issue that needs to be solved urgently. Therefore, on the basis of elaborating food safety traceability system in the study of food safety traceability system, this paper probes into the deficiency of food safety supervision system based on the traceability system, and puts forward some countermeasures for the food safety supervision system under the new situation, which is also studied in this paper meaning where the meaning is.

1.2 Research Content and Method

1.2.1 Research Content

This paper mainly researches the construction of food safety supervision system under the system of traceability system. The thesis is divided into six chapters:

The first chapter is the introduction part, mainly on the relevant research background, research significance, research content and research method of food safety supervision system in the traceability system.

The second chapter defines the concept of food safety traceability system, food and food safety, food safety supervision and food safety supervision system, and defines the theories foundation such as public goods theory, information asymmetry theory and government control theory and so on, as the next research on the basis of this article;

Chapter 3 provides analysis on the status quo of food safety supervision system in China as well as the foreign food safety supervision system under the system of traceability system, and analyzes the current situation of food safety

supervision system in China from the aspects of regulatory institution setting, supervision power allocation, supervision function allocation and operating mechanism, etc, and discusses the existing problems analyzes the current situation of food safety system in the United States, the European Union and other foreign countries, and analyzes the implications of the external food safety supervision system to our country.

Chapter 4 is, the reconstruction of China's food safety supervision system under the traceability system, and reconstructs the food safety supervision system in China from the aspects of innovation government food safety supervision, innovation government food safety supervision and tools, innovation government food safety supervision mechanism and so on.

Chapter 5 is, the policy suggestion on the innovation of government food safety supervision system under the system of traceability system, from perfecting the legal system of food safety supervision in our country, establishing a food safety technical standard system, establishing a unified food safety supervision institution, establishing perfect process supervision system and perfecting the food To strengthen the safety supervision mechanism and perfect the punitive compensation system in the Food Safety Law, and put forward the policy suggestions of strengthening the food safety supervision system in our country;

Chapter Six is the conclusion and prospect of the research, the research content of the full text is highly summarized, and the future research direction is prospected.

1.2.2 Research methods

(1) Documentation Research Act

With the help of network, Baidu's academic and Chinese knowledge network and so on, and the food safety can follow the system related data to be retrieved, based on the relevant literature review, the current domestic and foreign food safety system construction situation has a general understanding, based on this, to this article's writing research to provide one direction, and from the different level to analyze the domestic and foreign related research results, in order to lay a

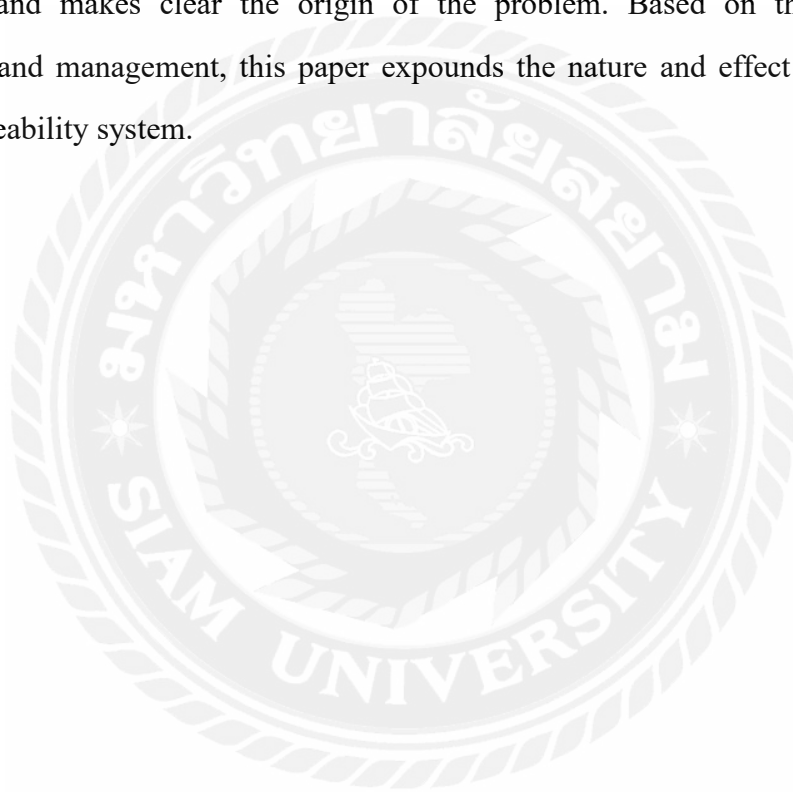
theoretical foundation for the paper's writing

(2) comparative analysis method

Referring to the cumulative results of relevant practices in the United States and EU food safety supervision areas, we find the advantages and bring effective reference to the continuous optimization of domestic food safety supervision system based on the present situation in China.

(3) Code analysis method

The normative analysis is based on the setting of criterion of social value judgment, and makes clear the origin of the problem. Based on the theory of economics and management, this paper expounds the nature and effect of the grain quality traceability system.



CHAPTER 2

DEFINITIONS AND THEORETICAL BASIS OF RELATED CONCEPTS

2.1 Related Concepts Definition

2.1.1 food safety traceability system

The food safety traceability is actually the use of the appropriate information technology to make the food from production to consumption whole process to achieve seamless supervision, with the use of the record of the code, can trace all the information of the product, including its output and so on information, so that consumers can be better on food in the safety of production and circulation is understood in order to improve the information management system. The food safety traceability system is, in fact, out of the guarantee of the safety of food quality, so that the product circulars, producers and processors can effectively record relevant information about the quality and safety of food in the production and sale, and carry out effective storage. It generally includes production and management recording system, packaging and identification system, coding and inquiry system, consumer notification system. The subject of food safety traceability generally includes food producers, circulation managers, distributors, consumers and government regulators.

2.1. Food and Food Safety

The term "food" is a familiar word in our daily life, and its meaning is relatively clear. Normally, raw materials, semi finished products and finished products for people to be consumed shall be included in the scope of "food", whether or not they are processed or not. Article 150, paragraph 1, of the Food Safety Law of our country defines food as" food, which refers to the products and raw materials for which people are eating or drinking, as well as articles that are both food and medicine, but do not include items for treatment purposes. " According to the current situation of food safety and health management, food is actually related to it. The

foods mentioned in this article are usually processed foods.

From the research of food safety supervision, the concept of "food safety" should be clearly defined and perfected. From the implementation of laws and regulations, "food safety" is the most important premise, and is effective in the formulation and operation of different regulatory instruments. According to the connotation of food safety, relevant research scholars both at home and abroad are different. In 1996, the WHO guidelines for strengthening national food safety plan effectively distinguish between food safety and hygiene. However, in the case of food safety, food hygiene is relatively small (Hu, 2013). Food hygiene is, in effect, "coming from the entire process of the food chain, using the appropriate means to guarantee new food safety", which is, in effect, "not harming the health of the consumer throughout the process of food processing and eating." Article of the Food Hygiene Law provides that this Law is formulated with a clear purpose: to safeguard food safety, public health and life safety. "Standing at the legal level, the safety of food is required.

Based on the analysis of food safety connotation at home and abroad, and based on the emphasis of this article, I think that food safety is actually a rigid standard for food hygiene and quality, while the food is in the process of production and consumption, so as to guarantee that it will not endanger the health of the human body kang.

2.1.3 Food safety supervision and food safety supervision system

From the academic realm, there is no clear definition of food safety regulation, and the more comprehensive researches are on food safety management and quality control. FAO (United Nations Food and Agriculture Organization) in the Guidelines on the Strengthening of Food Quality and Safety in the National Food Control System in the middle, the safety control of food is explained: it indicates that this kind of behavior is actually compulsory, so as to better protect the consumer, and to protect the food from production to sales process, it will not cause any harm to consumers; this is to meet safety and quality of the requirements; and, in accordance with the relevant laws, make clear the annotation. "The guideline" points out that the

most important task for food safety is to clarify the relevant laws and regulations on food, and to protect consumers' rights from the legal level by denying food that does not meet the standards of consumption (Bai, 2013).

According to the scope of this article, food safety supervision can be explained as follows: under the guidance of the government, the food safety can be ensured, and the effective intervention of food production throughout the process will be related to the benefit.

Under normal circumstances, the government is the main body of food safety supervision, and can also be regarded as the government's corresponding institution, as an example of the food market's healthy operation and food daily consumption of the corresponding means and system. It contains both the corresponding regulatory methods and accordingly. Specific laws and regulations system, law enforcement supervision system, standard detection system, emergency rescue system and technical support system. The food safety supervision system mentioned in this paper is actually the organic unity of the above mentioned content. Generally, the subject, object and means of supervision are generally included. Different parts can be changed into different sub factors. elaborates, the elements of food safety system. In view of the overall view of the food safety supervision system, each element embodies the coordination function, and the different elements rely on this collaboration to serve the whole better, so as to ensure that the regulatory system plays an effective role. To achieve one plus one big in two.

2.2 Theoretical Basis

2.2.1 Public Goods Theory

The fact that public goods can be seen as a type of goods is, in effect, letting the commodity play out its practical role, to others, to ensure that the cost is zero; of course, it cannot rule out the sharing of this expression. Public goods exhibit non competitive and non exclusive. This is the common characteristic of food safety. An effective increase in the level of food safety is the strongest guarantee for the safety of

the public, but in the light of public safety, it is a remarkable public product, usually based on the government's input and on this level of public health, to provide adequate money the votes are put into place to allow resources to be effectively applied to public health security in order to safeguard social welfare. So, in essence, food can't be equated to non public goods, but both belong to the public safety category, so the government's supervision of food safety is actually a way of putting public goods into the public, which is to bring social public safety (Li, 2013).

2.2.2 information asymmetry theory

From the manufacturer's point of view, its knowledge of food processing throughout the process is higher than that of the consumer, so it is difficult for consumers to fully grasp food safety related information. The unsymmetry of this information is that the supply of safe food is unable to meet the actual requirements and imbalance in supply and demand. Based on the current market mechanism, consumers can't judge the intrinsic safety of food, usually based on average based judgment and payment for the corresponding price. Because of the different quality of food safety, on the basis of market mechanism, inferior products have received more benefits and will not disclose information. The safety food producer will fully disclose the information to Ran, but because of the consumer's own ability, the conductor evaluates the security based on the average water and pays the corresponding price, so that the revenue of high quality food producers is not guaranteed, so the information disclosure initiative should not be disclosed foot.

2.2.3 theory of government control

Government controls include both direct and indirect. Direct control is actually the direct intervention of government departments, usually social and economic. In economy control, in fact, it is based on information asymmetry or natural monopoly situation, avoid the waste of resources or use more equitable security to the products of consumers, and use different methods to identify and effectively control all economic activities carried out by enterprises (Hu, 2013). For social management, it is mainly to guarantee the health of consumers or workers, effectively control the quality of products and services and the constraints of

corresponding activities. Indirect regulation is, in effect, anti monopoly control, with the aim of resisting unfair competition, usually by the judiciary, from governmental levels to unfair competition and transactions in economic activities. The role of anti monopoly regulation is to guarantee fair competition between the main social and economic entities, and the market competition mechanism is independent.



CHAPTER 3

THE STATUS QUO OF CHINA AND OUTSIDE FOOD SAFETY SUPERVISION SYSTEM UNDER THE TRACEABILITY SYSTEM

In March 2013, China's State Council effectively optimized the function of food safety supervision institutions, and in the quantity, the food safety supervision department was controlled, and the State Food and Drug Administration Supervision and Administration of the State Administration of Food and Drug Administration was set up. Based on the above present situation, the opportunity and challenge of food safety supervision system based on food safety traceability system is co-existent. China needs to rely on what kind of means to improve the food safety supervision system based on the traceability system, which is the key issue that needs to be solved urgently. This chapter will focus on it.

3.1 The present situation of food safety supervision system in China

At present, the domestic food safety management includes agriculture, trade, health, industry, commerce, quality supervision, environmental protection and other sectors, not only to agricultural products pollution, agricultural products production, agricultural products identification, agricultural products market access system to carry out effective control, in response to green food and genetically modified agricultural products also improved management. The regulation of food safety in China is mainly the regulation of section supervision and regulation of varieties, which is the supervision of each department in charge of a process and the effective combination of comprehensive and specific regulatory models to realize joint supervision.

3.1.1 Regulatory Authority Setting

At the national level, the State Administration of Industry and Commerce,

the State Administration of Quality Supervision, Inspection and Quarantine, the State Food and Drug Administration, the Ministry of Health and the Ministry of Agriculture. In addition, the Ministry of Commerce, the Ministry of Public Security, the National Development and Reform Commission, the State Environmental Protection Administration, the Ministry of Railways, the Ministry of Communications, the Ministry of Finance and so on (Connie, 2013).

3.1.2 Regulatory Authority Configuration

First, in view of the configuration of the horizontal supervision right, the Ministry of Agriculture, the General Administration of Quality Supervision, the State Food and Drug Administration, the State Food and Drug Administration and the State Administration of Industry and Commerce have the right to regulate and act as the subject of law enforcement. And transfer the power of the Ministry of Health's consumption and catering process to the subordinate body food and drug administration, the main role of the Ministry of Health is to supervise coordination. In addition, vertical integration is achieved from central to local in view of vertical power configuration.

3.1.3 Regulatory Function Distribution

The specific functions of each department are : From the Ministry of Agriculture, the main supervision of primary agricultural products production phase; from the quality inspection department to see, supervise food production processing links; For industrial and commercial departments to see, regulate food circulation links; For food and drug regulatory authorities to see, regulate the catering industry and other consumer links; For Wei Department of Health to see, play the role of collaborative management. Of course, the entire regulatory process also includes other departments.

Table 1 Functions of Chinese food safety supervision institutions

Organization Name	Management Method	function of performance
Agricultural Ministry	Level to level administration	Responsible for the inspection,

		approval and control of agricultural chemicals, such as agricultural chemicals used in animal and plant products, in charge of inspection, approval and control of agricultural chemicals used in animal and plant products, and for inspection and quarantine of domestic plants and plants and their products
State Administration for Quality Supervision and Inspection and Quarantine	Below the provincial level vertical management	In charge of the daily supervision and compulsory inspection of the quality and hygiene of food production and processing links, such as compulsory inspection and other food quality safety market access system, strict implementation of production license and investigation and investigation of quality violations; and timely inform the health and industrial and commercial departments of production licenses, revocation, cancellation, etc.
State General Administration for Industry and Commerce	Below the provincial level vertical management	Take charge of the quality supervision of the food circulation link, do a good job of the individual industrial and commercial door, food production and business enterprise, and investigate and deal with the illegal acts of false advertising and trademark infringement, and ban the illegal production and operation of food, and to investigate and deal with the sale of substandard food and other illegal activities.

State Food & Drug Administration	Below the provincial level vertical management	In charge of the hygiene license and hygiene supervision of food production and processing links, it is responsible for the hygiene license and sanitary supervision of the consumption link such as food restaurant and canteen, and timely notify the quality inspection and industrial and commercial departments of the registration, distribution and revocation of the health permit and investigate and deal with illegal acts.
Ministry of health	Level to level administration	It is mainly responsible for organizing the formulation of food safety standards, organizing and investigating the responsibilities of major accidents in food safety and ensuring the comprehensive coordination of food safety

Note: The decision of the Twelfth National People's Congress (NPC) on the reform scheme of the State Council shall be formulated .

3.1.4 operating mechanism

Decision on Further Strengthening the Work of Food Safety of the State Council(Guo Fa Zhi 25): To establish and improve the mechanism for the organization and coordination of food safety, and coordinate cooperation with the corresponding supervisory law enforcement agencies, so that accountability and responsibility should be investigated and implemented, and the responsibilities of direct and indirect responsible persons shall be clearly defined and other principles of principle shall be established there is a lack of institutional guarantee in operation.

3.2 Problems in China's Food Safety Supervision System

3.2.1 Where the legal norm is vague, the regulatory authority of the supervisory

department is unclear

Article 4 and Article 5 paragraph 1 of the Food Safety Law of the People's Republic of China shall be formulated for the corresponding duties of different regulatory bodies, but it is not clear from the principle level that responsibilities are assigned. For example, despite the explicit requirements for industry and commerce to regulate food safety issues, there is no clear definition of "food in circulation"; although the Food Safety Commission is required to ordinate the operation, there is no clear definition of coordination modalities, results and modalities. From our country's attention to the injection of pork cases, there is a big reason for the violation of the law, namely, the lack of regulation, and there is no clear definition of whether the "water flood pork" is in the "circulation link", the administrative authority of the industry and commerce, no legal level of guarantee. On May 8, 2014, after CCTV's exposure to TaiZhou Xinghua water injection of pork incidents, Taizhou Municipal Government on May 1, in accordance with the reason of weak law enforcement, serious point processing Taizhou Municipal Bureau of Economic and Trade and other institutions. Ironically, in September of the same year, the people's court in Sichuan County, Sichuan Province, will go beyond the statutory functions and powers as a reason to revoke the punishment of the economy and trade of the county. Illegality is the same as law enforcement, but the actual result is different. Because it is based on the administrative point of view of food safety law, so there is no combination of food safety and actual requirements, which leads to many concepts and is not clear, the responsibilities are not clear, from this aspect of view, food safety law enforcement is very obvious.

3.2.2 Regulatory cannot cover all food chains

From the production of food to the entire process of the table, the whole process is very strict, and once the problems arise, the whole process will have a great impact on the whole process. Therefore, it is necessary to supervise food safety effectively and ensure that each process is in the supervision of the corresponding institution. According to the theoretical requirements of food safety, to ensure the continuous flow of food chain, the following conditions must be met: (1) the

production of agricultural products such as atmosphere, soil and water sources (2) fertilizers and pesticides; and (3) food production processing plant, equipment, food raw materials, additives, food Production processing environment, equipment and raw materials; (4) cold storage of food and raw materials, refrigeration transportation, refrigeration sales, shopping malls, supermarkets and other food circulation equipment, places and activities; (5) food containers, packaging materials, food use tools, equipment and materials, etc. But in the light of current food safety regulation, it is only for consumption, production and circulation, and there is only a lack of clarity about the institutions involved in the process, which makes food chains vulnerable to regulatory loopholes in many links. For example, in the context of the food producing environment, this and environmental protection agencies can only be tied together. And the regulation of food manufacturers and market access regulations are closely related. From the food safety access point of view, in accordance with the requirements of the "Measures for the Administration of Food Circulation License," the "food circulation license" on the admittance of the regulatory Mi European claim, is usually the submission and registration of information. However, from the practical point of view, because the food processing enterprise worker's own knowledge level is insufficient, it is unable to submit relevant materials effectively; and the registered business project only covers packing and bulk food, can not be included in the whole food commodity type. In practice, food safety admittance system can't play a supervisory role. For example, it is impossible to construct a network of regulatory networks that can only be clearly defined and coordinated, which will have a great impact on the effectiveness of food safety enforcement (Li, 2014).

3.2.3 Food Industry Chain Regulatory Fault

From the whole link of food circulation, from the raw material to the actual presentation to the finished products before the consumer, the entire process includes circulation, processing and packaging processes. According to the food backtracking system, this requires the enterprise to record the whole process of food production, and construct the food database. The data of the entire product contains the product

component, the process of production processing, and all the information of the product. The food backtracking system makes the industry chain realize the transparency, once in a process of food safety problems, can use the food backtracking system to carry out the trace to the unsafe source, avoid poisonous and harmful substances in the market circulation. This provides a guarantee for the food chain to realize directional regulation.

Many developed countries, or regions with relatively high levels of economic development, undertook a construction of the food backtracking system. The EU's Basic Food Act provides an effective regulation of the food backtracking system, which can't be marketed in the European Union as long as it doesn't have traceability. From December 12, 2003, the United States strictly specified the appropriate food department to register with the FDA in order to better track food safety.

At present, there is no perfect food backtracking system, and knowledge is applied to some industries. In April 2004, the State Food and Drug Administration and other departments conducted the meat industry as a pilot industry in the construction of the food safety credit system, and started the meat food traceability. In April 2006, the vegetable industry began pilot. However, it can be seen from above that this fulcrum is carried out and can not be applied to the retrospective system, and the types of food such as dairy products and pasta are missing in the construction of backtracking system. Therefore, it can't play an effective role in regulation: once a food safety problem occurs, only this phase can be solved, and comprehensive supervision and control cannot be achieved(Rogui, 2014).

3.2.4 Regulatory method is lagging behind and the behavior supervision is insufficient

For the past few years, the state has shown a very obvious characteristic of food security incidents, namely, to expose the media to the corresponding events, to create social public opinion, and then the corresponding regulatory authorities will take appropriate measures to carry out the investigation. If there is confusion in the public, regulators will often prevaricate to "detect undiscovered problems". Based on

the research on the operating model of domestic regulatory authorities, the regulatory response is that there is no problem, and the key point lies in the means of supervision. Over the long term, regulators will use food testing to regulate food safety, and there is no effective regulation of production behavior and the entire process of storage; and, in turn, focus on circulation. The above regulatory approach is the root cause of late regulation of regulation. So it's usually not possible for regulators to notice that unsafe food is in circulation in the market.

3.3 The present situation of the outside food safety system

3.3.U.S. Food Safety Supervision System

The United States, in food safety, took the form of decentralized oversight and did not build on food safety regulators, although some in the United States advocate building a unified regulatory coordinating body, but it has long thought the system has worked brilliantly, so the recommendations are not adopted. At present, in view of the U.S. food safety supervision system, large and cumbersome, the federal 12 departments are the main body, including food safety monitoring, market regulation, food quarantine inspection, law enforcement, food safety accident emergency treatment, food safety research. As can be seen from the relevant summary, the United States is fully able to construct an organizational chart for its food safety regulators, as shown in the following figure: The establishment of food safety regulators in the United States is inextricably linked to its political system. Food safety regulators need to be accountable to Congress, the Supreme Court, the president of the United States, and that regulators will be transparent and open to public coordination. Federal and state food safety regulators ordinate with each other, but the federal government has an absolute right to regulate food safety. According to food safety regulation of 12 departments of the United States, the Food and Drug Administration of the Ministry of Health is responsible for many of the work of food safety supervision, which is supervised by the Ministry of Agriculture and Quarantine of the Ministry of Agriculture, including all food. Including domestic, international

import food, feed, additives, etc. the aim is to guarantee the health and safety of food supply, which is recognized by other countries(Shi, 2013).

American food safety supervision is based on the sound of the legal system, each regulator based on cooperation to complete food safety supervision, so that the supervision of the effective at the organizational level laid the foundation, the regulatory measures of the normative is the United States food safety supervision high efficiency important guarantee.

3.3.2 EU food safety supervision system

The EU's food security regulator specifically covers the European Food Safety Agency, the European Commission, the Food and Veterinary Office and so on. In 1997, the European Commission raised the concept of food safety law and its own attributes. The White Paper on Food Safety has provided regulatory guarantees for the EU's new food safety supervision policy. The seamless regulatory process, from farm to table, was built. Based on this, each member country of the EU is based on its national conditions to meet its own requirements for food safety legal framework. The construction of the system has improved its food certification system and the system of origin labeling, which ensures food safety effectively; besides, the food ingredient labeling system is realized, and consumers can better understand and master food safety information. 41In 2002, the European Union issued the Green Paper on Food Law, which was adopted by the General Foods Act, and in 2002, according to the General Foods act the spirit of the EU is built on an independent food security service within the EU, which is based on EU inputs, but is directly responsible for a full fledged member of the European Union by an executive director. In terms of nature, the Food Safety Agency is actually a risk assessment agency. In 2006, the EU food and feed hygiene law was promulgated on the basis of the Universal Food Act, and EU food safety supervision is becoming more and more complete, so that the seamless regulation of food "from farm to table" can be realized. The EU Food Safety Agency's organizational framework is as shown:

The role of the EU's Food Safety Authority involves a wide range of aspects, and the entire scope of its regulation concerns stakeholders in the entire process of

food safety. The purpose of the construction of the food safety bureau is to make food safety supervision more standardized and transparent so that the EU member states are more comfortable with food safety supervision, and effectively promote the operation and execution of the food safety, so as to effectively solve the problems in the past supervision. And the European Commission has the power to comply with food safety laws and procedures, while fulfilling the regulation of the corresponding department (Shi, 2013). In this context, the role of the Department of Health and Consumer Protection, food safety regulators guarantee food safety and consumer health.

According to the whole measure of food safety supervision in the EU, it is summarized from the practice of food safety, which includes sound food safety responsibility and information traceability system, food safety information label and strict implementation of standard system, rapid response warning and information release system. The system of food safety information traceability system is the whole process monitoring system for the safety of food quality. Mainly because of the end of the last century, the European Union conducted an effective treatment of mad cow disease in the construction of the information monitoring system. This system can carry out effective query on the problem food, so as to recall the problem food in the first time, so that consumers can effectively identify the food, so that the consumers' rights and interests can be effectively protected.

3.4 The Revelation of Foreign Food Safety Supervision System to China

The developed countries, such as the European Union and the United States, are still very comprehensive in terms of food safety supervision and have achieved good results in regulation. As a great country in the global developing countries, China's reference and analysis on the advantages of the developed countries in safety supervision is of great significance to me in food safety supervision.

3.4.1 Scientific ordination of food safety supervision institutions

Different countries have different systems for food safety regulation, so each country has a different classification of regulatory models. There are also some

classifications set up above regulatory agencies. All in all, there are three main types of regulatory models in the world at this stage: "comprehensive supervision, supervision by individual departments, and supervision by many departments." The EU used comprehensive regulation, and the United States was used by the United States to regulate them separately. In each of these three modes, regardless of how, their ultimate goal is to carry out food safety supervision, with a view to ensuring that the national security agencies can achieve a clear and effective implementation of food safety supervision mechanism, thereby effectively improving food safety. The security regulatory mechanism in the United States and its political system are interrelated. And the United States has also designed a very high level of coordination, at the same time forming a regulatory system and coordinating it to effectively implement regulatory objectives. Because of the specificity of the EU market, they chose a comprehensive regulatory model. Food safety supervision should not only help coordinate the economic interests of the domestic market, but also need to communicate effectively with the national security mechanism, so the national regulatory mechanism will face the test of various problems while conducting supervision. The developed countries have already made their initial explorations in the implementation of the system of food safety supervision, and have become more and more reasonable in the supervision function, and summarized the coordination and unification of regulation in different departments and different systems. It is primarily based on the effective planning of the functions between different sectors, leading to the independence of the central coordinating body. Where there is no effective coordination between regulators, it is not possible to play an important role in regulatory compliance and will also duplicate regulatory functions. By then, food safety agencies and functional integration agencies could improve the efficiency of the food safety supervision system to lower costs.

3.4.2 Whole process control of food chain

In Europe and the United States and other developed countries, the food safety mechanism in the control and supervision party to show off has always been the core of the whole process, including the storage and sale, transportation,

packaging, processing, harvesting, production and so on, and the control object mainly has food labels, feed ,Packaging materials, pesticides, fertilizers, means of transportation and other links, and carry out the whole process of supervision, the possibility of a safe risk of food should be given a priority, but also the important link of the supervision mechanism should be carefully watched, and this set problem food traceability system (Xu, 2016). At this stage, the current food safety supervision mechanism in developed countries has already covered the entire network of food chains, which is an enabling system for the long term security of food. The whole process control is at the core of comprehensive, complete, authentic and reliable information at any time. It is the effective way to ensure the efficiency of food safety supervision system by using modern science and technology as a means to ensure the efficiency of food safety supervision system line is based on effective management.

3.4.3 sound regulatory system

The government's food safety supervision must be based on laws and regulations. This is a law based regulatory act. At the same time, laws and regulations must cover all aspects of food and food chains in different categories. To develop sound and sound laws and regulations, formulate regulatory policies, test standards, risk assessment, information dissemination, quality certification and regulatory procedures and law enforcement actions. The regulatory experience of developed countries is reflected in: the perfect legal system is a prerequisite for realizing the safety control performance of food. The lack of laws and regulations often ignores the blind spots of food safety management and government regulation (Tang, 2015). These are the reasons for high risk food safety accidents and accidents. Construction of food safety regulations must be based on scientific, fair, public and public participation. This is not only the basis of legal authority, but also the assurance of consumer confidence and confidence. Strong scientific and technological foundations and high public participation in developed countries provide strong support for a sound food regulatory system.

CHAPTER 4

RECONSTRUCTION OF CHINA'S FOOD SAFETY SUPERVISION SYSTEM UNDER THE TRACEABILITY SYSTEM

4.1 innovation government food safety supervision main body

New Food Safety Law the department of public health under the State Council is responsible for the overall coordination of food safety work, is responsible for food safety risk assessment, food safety standards development, food safety information disclosure, food safety information disclosure, food safety accident handling, quality supervision of the State Council the Governor, the State Administration for Industry and Commerce and the State Food and Drug Administration shall, in accordance with the Food Safety Law and the functions prescribed by the State Council, exercise control over food production, food distribution and catering services. It is clear that the food safety management functions of each department of China are separated completely according to the different links of the food industry chain. The realization of varieties control in China will have a significant impact on the current regulatory system. Therefore, the existing system can be fine tuned for existing problems in China's food safety management. In view of the existing system environment in China's current food safety management system, the Ministry of Health may lead the Ministry of Agriculture, Quality Supervision, Inspection and Supervision and Administration of Food and Drug Administration. To solve the two problems existing in the regulatory system:

First, the division of labor in the regulation system is not clear at this stage, there is always a duplication of execution or multi headed leader, should let a department carry out a special responsibility for the problem, the rest of the departments do not have to participate;

Second, there is no one person monitoring perspective at this stage, and a

strict division of labour is required to specify which departments to manage. And in the process of managing the division of labor, it is necessary to investigate whether the departments have the ability to regulate them.

In conducting regulatory work, it is necessary to conduct in depth exploration, and the need to integrate the "cross section" control with the control of species control, in response to the need for a "field" control, with a very clear delineation of the method of the boundary and the method of perfect cohesion. In particular, we should try to avoid overlapping functions as far as possible, so as to maximize the efficiency of each control efficiency.

Although the Food Safety Act was promulgated, the administration's governing body became clearer after its responsibilities were divided, but the departments were more aware of their jurisdiction. However, the responsibilities and authorities of each department are not clearly defined, and segment control is still not seamless. For certain foods involving multiple areas, there is overlap or division of labour, resulting in inefficiency in the government's control activities. In response to this situation, China established the National Food Safety Commission in February 2010, ranking above the departments of the State Council. As a senior body of food safety in the State Council, 15 departments are involved. The main responsibility is to analyze food safety status, how to deploy and coordinate food safety work; to formulate major policy planning for food safety supervision; and fulfill food safety supervision responsibilities. From the point of view of setting up a regulator, a national food safety committee has been set up to comprehensively control food safety and reduce the cost of law enforcement coordination. However, for the current role of the regulator, the National Food Safety Board still faces challenges in promoting the coordination of existing food safety regulators. Of course, from the practical point of view, it is impossible to establish a single food safety supervision system in the near future. However, strengthening the relationship between government and consumer organizations, strengthening the relationship between governments at all levels, department relations and other stakeholders, increasing the coordination of new institutions, improving inter departmental coordination

mechanisms, and transforming the system into a comprehensive multi functional department system are more detailed real choice. To give full play to the unified coordination and management functions of the National Food Safety Commission, it is necessary to radically change the weak coordination of the relevant administrative departments and weak law enforcement. In all regulatory bodies, resources should be used as effectively as possible to strengthen information exchange, enhance the other's sense of responsibility and carry out frequent and effective cooperation. It should be noted that China is vast and regional differences are obvious. Therefore, to give full play to the role of local food safety supervision system. At present, the provinces have also set up a food safety commission, and the relevant responsible persons shall be moved by the executive vice governor to coordinate the whole province's food safety matters. Of course, in food safety management, we can draw lessons from the experience of the United States, establish a food security regulatory network independent of the central government and local governments. Common management of the establishment of food safety institutions. Through national inspection, the whole city should comprehensively monitor food production and circulation safety. The governments at all levels must strictly lead the responsibility system and take full charge of food safety management in the region and play a role in the local food safety supervision system.

4.2 Innovative government food safety supervision tools and tools

With the lower limit of health indicators in food safety at present, our country's demand for detection technology is also getting higher and higher. The detection units of food institutions in the setting system are more and more close to the socialization of science, and their detection quality is more and more advanced, and the ability of food detection in our country has been improved as a whole. The government should pay special attention to the input of food safety at the grass roots level. At this stage, the safety management mechanism of food safety at the grass roots level has problems in personnel shortage, equipment, funds, etc. Some

county level inspection agencies have stopped functioning, and government built pesticide residues detection centers have stopped functioning. In September 2015, for example, a data analysis from the Office of Audit of Henan Province revealed that in recent years the province has invested in quality inspection institutions for agricultural products, and its funds have been embezzled many times so that the quality inspection stations at the county level could not function properly at this stage. And the diversion of funds and idle facilities is one of the reasons why the training personnel are unable to carry out training at this stage. Therefore, in order to improve the ability of food safety monitoring to improve effectively, in carrying out the equipment investment promotion, also need to carry out the relevant knowledge technology specialized training (Xiang, 2016).

We understand the lack of information in the food safety market, hampering the reputation mechanism and encouraging enterprises to control food safety. In the information society, however, the cost of obtaining information continues to decline. It can be said that the reduction of information costs is also reshaping the food safety market's reputation mechanism. With consumers experiencing cheaper food transaction costs and providing global "word of mouth" information, the market is increasingly responsive to food security controls. In view of this, the regulator promotes the exchange of food safety information through the establishment of an open system of food safety information, so as to achieve the purpose of controlling food safety by using market incentives. In addition, the establishment of a food safety information disclosure system can also improve the efficiency of cooperation among regulators, enhance transparency and enhance public trust in the government. Moreover, raising public awareness of food safety also contributes to the public's willingness to pay for the disease (according to the survey, most consumers are willing to pay for food safety and pay less) food security controls. The next section focuses on the establishment of an enterprise food safety information disclosure system to control the incentive effects of food safety and the need for information disclosure to improve the transparency of controls. Because of the lack of professional knowledge and technical means, consumers get high cost of food safety information.

According to the investigation, 46.9% of consumers believe that one of the most reliable sources of food safety information is the government. Therefore, it is the responsibility of the government to set up a system of information disclosure, collect and manage food safety information, and publicize the food hygiene and safety monitoring information through various media in the whole society on a regular or irregular basis (according to the feedback of the questionnaire). On the one hand, consumers can obtain timely and accurate food safety information, ensure consumers have the right to know the right to know, so that consumers to seek balance between food safety and price is respected and protected. On the other hand, in the absence of safe food information, publish the safety list of food production operators and recommend quality products. By providing sufficient information to consumers, ensuring the good behavior of food safety enterprises is further recognized by the market, the market reputation mechanism can be used to form the fittest mechanism, avoid "adverse selection" "inferior food discharge quality food". For example, on September 1, 2013, the media article "Yar Turquoise Restocked Milk Flavoring" investigated the trust of milk powder. As follow up reports questioned the authenticity of the event, we ignored the truth for the time being. More than 80 percent of consumers, however, use "votes" exposed to food after exposure. Clearly, disclosure of unsafe food is more effective than fines or warnings for companies producing unsafe food. In the market credit mechanism, the profits of enterprises that produce unsafe food through production of food must be lower than the loss of food after exposure to food. In other words, the market credibility mechanism has obvious incentives for enterprises to control food safety. Therefore, as a regulator, accurate information should be issued in a timely manner in the event of food safety problems. Government regulators can promulgate food safety situation to society in time according to the weather conditions, and form a strong enterprise restraint through the market credit mechanism. It can be said that the establishment of a unified coordination of food safety information monitoring, notification, release of the network operation system is a necessary condition for ensuring an orderly and smooth progress of food safety.

4.3 Innovative government food safety supervision mechanism

In order to be able to effectively establish a more comprehensive food safety supervision system, the following points need to be innovated.

4.3.1 Establishing the basic objective of food safety control is public health

The basis of public health is the supervision of the food safety system. Previously, food safety agencies had very many kinds of requirements, and included food quality, animal health, industrial promotion and other safety requirements, so in order to integrate food safety regulation more clearly to public safety, health and consumer health protection, food safety institutions should be reforming and integrating its decentralized functions.

4.3.2 In conducting food safety hazard control, emphasis has been placed on the way from "farm to table"

Today, more food safety issues have emerged from farms to tables, and regulators are aware of the importance of such problems. The dangers of most foods are added to food when they are produced. However, as soon as this hazard occurs, it can be transmitted to other foods in transit. Therefore, the control of the food source also contains interference with many links in the distribution system. Interference in these processes can sometimes interfere with the last option in the supply chain. In order to reduce the cost of risk reduction, control problems in different processes also show alternating phenomena.

4.3.3 Comprehensive and coordinated control methods to ensure food safety

At this stage, there is a way to ensure the safety of food, a comprehensive and coordinated approach. Food production is not only aimed at local or domestic sales, but food is also getting closer to the international stage. The production of food is responsible for the safety and security of local residents, and the need for food safety for consumers from abroad. The rapid development of food and agriculture also requires the use of new food security controls for new food safety treatments. Therefore, it is necessary to perfect coordination method to organize the

comprehensive organization. Improving analysis of current shortcomings and establishing a very effective food safety system for the effective improvement of consumer health needs.



CHAPTER 5

THE POLICY SUGGESTIONS FOR PERFECTING THE FOOD SAFETY SUPERVISION SYSTEM OF CHINA'S GOVERNMENT UNDER THE TRACEABILITY SYSTEM

In 2013, China introduced the Reform and Function Transformation Programme of the State Council this policy, using the law as the premise of the quality supervision bureau, the industry and commerce bureau and the relevant departments of the supervision responsibilities, integrated into a new State Food and Drug Administration, and with the Ministry of Health, the Ministry of Agriculture has formed a "trinity" new pattern. But this time it has reduced the number of regulatory agencies and changed the scope of oversight of the country's food and drug watchdog, as it changed the pattern. Even if there is no more thorough regulation, mainly for our country's National Day, in the deeper level of China's food safety system to improve. And in the new revision of the Food Safety Law, the reform and functional transformation of the State Council should be carried out in the new revision of the Food Safety Law the newly established institutions conduct re planning and amalgamation, but also the right to give their laws, the maximum guarantee of the results of the reform.

5.1 Improve the legal system and clarify the responsibilities of each department

5.1.1 Perfecting the laws relating to food safety law

In view of the measures involved in the traceability system of China's food safety, no more or less abuse the administrative decision making and departmental rules of the State Council. In order to perfect the mandatory restraint mechanism, our country should amend the Food Safety Law in the newly revised in the draft, it is clear that the legal status of the food safety system can be traced back to the legal level and national development strategy. When the time is ripe, the food production and operation enterprises in China reach a certain scale, they will amend the Food

Safety Law in order to ensure the health and safety of the public, the voluntary traceability system should be changed to the food industry for mandatory retroactive regulation.

At present, the relevant departments should speed up the formulation and improvement of the implementation rules for the new Food Safety Law, so that the management departments can do their duty and improve the efficiency of law enforcement. Due to the backwardness of China's food safety regulation system, the system is not perfect, so as to make up for the shortcomings of the system, we can consider some binding rules according to the actual needs, so as to make it possible to practice and practice according to law, according to the consumers' opinions, enterprises and law enforcement departments gradually to form the conformity China's national conditions of multi level food safety regulations. The control department shall increase the number of inspections and randomly spot checks, increase the probability of investigation and investigation of illegal operations, increase the illegal cost, such as the imposition of more illegal cost, or cancel the qualification of its food industry, so that it no longer engages in food production and business activities, or formulates punitive compensation guidelines Policy, so that the illegal enterprise can not be easily copied, so as to increase its criminal cost, so that it exceeds its expected cost of penalty return, so that the negative externality of consumers into the internal cost, to effectively curb the bad behavior of fake and inferior commodities, to safeguard consumer's safety and consumer's lawful rights Yi.

The Supreme People's Procuratorate, the Supreme People's Court, the Ministry of Justice and the Ministry of Public Security issued the legal policy on punishing crimes against food safety in accordance with the law on September 15, 2010. "Notice" contents, national people's courts, judicial administrative organs, various levels of public security organs, procuratorial organs need to carry out comprehensive coordination and exchange, to crack down on food safety problems. At the same time, in the light of the harm of food safety and serious injury to the health of its citizens, it is necessary to severely punish the criminals, implement the severe punishment, carry out the crime crackdown, and also need to be sentenced to

death in accordance with the law in accordance with the seriousness of the crime the scope of application shall be expanded to deprive offenders of the fundamental deprivation of the proceeds of crime; meanwhile, it is necessary to strictly control the circumstances of the application of suspended sentences and the exemption of criminal penalties for criminals who endanger the safety of food safety. The strict legal system can effectively stop the production of food safety, and it has a very clear binding effect on food safety production. At the same time, we should improve the punitive compensation system in the Food Safety Law and the Food Safety Law of 2009 Article 96, which introduces the system of punitive damages, lists producers and operators as the subject of liability. In this Regulation, consumers may also be responsible for the purchase of food that is not in conformity with the safety standards, and shall be jointly and severally liable to the producers and sellers at the same time, and the amount of compensation shall be food please pay 10 times, the price, this law is also our country's first provision on the food safety punitive system. For consumers' rights to be better protected, the National Food Safety Act was revised in 2015. In addition, the newly revised Food Safety Law a corresponding adjustment is made for the amount of punitive damages: consumers may choose to pay 10 times, the damages or three times the damages to the subject of the liability; if the amount of punitive damages is less than 1,000 yuan, whichever is 1,000 yuan. In the Food Safety Law, a punitive compensation system is introduced to protect the rights and interests of consumers and to safeguard public health. In practice, however, the system does not achieve obvious results, but it exposes a lot of deficiencies. Not only do consumers suffer from food safety problems, China's food safety problems can not be improved, but it is getting worse. Therefore, the provisions of the Food Safety Law in our country are in urgent need of perfection. In the case of perfect compensation computer system, in addition to the perfection of the applicable conditions of the punitive damages system, the determination of compensation is also very important in practice, and how much the amount of compensation is set is whether the punishment function of the system can embody the key. At present, the calculation method of penalty compensation in all countries in the world is generally divided into three categories:

the first is the total free discretion mode of the judge, which will give the judge the whole amount of compensation to the judge. The law does not prescribe the hard nature; the second is a floating amount model, which is passed through the law .If the maximum amount and minimum amount are set, the determination of the amount within the scope of the jury shall be determined, and the judge shall make final judgment based on the opinion of the jury; and the third is a fixed amount model. The law provides a clear calculation of the amount of compensation, calculated according to the fixed formula, and the judge has no discretionary power. All three modes have advantages and disadvantages. They should be practical in the specific system. In the case of food safety cases, the application of punitive damages should also reflect the legislative spirit of fairness and justice, and consider different situations in specific cases. In case of case by case basis, the calculation base of compensation shall be based on actual damage, which shall be the basis of actual damage .It also increases the cost of food safety on the basis of adequate protection of the rights and interests of consumers, thus achieving the purpose of effective regulation of food safety.

5.1.2 Establishment of a unified food safety supervision institution

China's Law on Agricultural Law, the cultivation supervision and planting process, the Food Safety Law, the supervision, processing, catering and circulation of the process, the legislation pattern is segmented design, and is very conducive to the establishment of the traceability system in the food supply chain. The food supply chain is a chain of industrial chain which has assembled all the aquaculture production links. Food safety traceability is the transmission and query of the overall unimpeded food supply chain in the food quality at present. This method is set up in the process of processing and breeding. Considering the diversification of agricultural production in China and small and medium sized enterprises such as food processing, the provisions on the cultivation of culture in the Law on Agricultural Products are embedded in the Food Safety Law in the draft, there is a CFDA to monitor the overall link of the food supply chain, and it may not be implemented at this stage. Only by expanding the scale of agricultural production and expanding the organization of food

processing and operation, each process should be unified and managed one step by step. It is only at this stage that legislation will be effectively improved through cooperation between the General Administration and the Ministry of Agriculture.

On April 10, 2013, the State Council promulgated the Guiding Opinions of the State Council on Local Reform and Perfecting Food and Drug Administration System (hereinafter referred to as "Opinions"). "Opinions" decided: "The State Food and Drug Administration shall exercise unified supervision and administration ", accelerate the reform of the supervision and administration system of local food and medicine, and establish a unified food safety supervision and management mechanism. Production, distribution and consumption departments as soon as possible. Governments at all levels should establish a unified food regulator in accordance with the requirements of the Opinions. In order to reduce regulatory links, ensure coordination and coordination among the above mentioned risks and prevent systemic food and drug safety risks, the municipal government shall, as soon as possible, follow the Opinions as soon as possible. The supervision and administration of food and drugs in the county shall be established and administered by the original food safety office, the original food safety office, the General Administration for Industry and Commerce, the General Administration for Industry and Commerce, the Quality and Technical Supervision Department, and the supervision and administration of food and medicine in the county the bureau carries out centralized supervision, at the same time undertake the specific work level of the government food safety committee. At the same time, in light of the requirements of the Reform and Function Transformation Plan of the State Council, the Food Safety Supervision and Administration Group and the inspection and quarantine authorities shall be transferred to the food and drug supervision and administration department for industry and commerce administration and quality technical supervision department the Ministry of Industry and Commerce is required to send a corresponding supervision law enforcement officer, reserve and related funds to the branch office of the grass roots branch office, and the quality supervision department at all levels shall transfer the appropriate supervision personnel, prepare and inspect the food safety

inspection agency, personnel, equipment and related funds, and the specific quantity shall be determined by the municipal government the House is determined to ensure that new food safety regulators have sufficient strength and resources to perform their duties effectively. At the same time, integrated municipal (district) food safety inspection and testing resources will be integrated into the regional food safety inspection and testing center.

More than one point of view, food safety work has very important meaning, but also has very deep influence. The long term stability of food and medicine can be realized effectively, and it is an important prerequisite for the formation of social co governance. Local governments at all levels should grasp the opportunities brought by the system of such reform, make clear division of labor, strengthen the construction of regulatory capacity and try to retry the regulatory forces at the grass roots level, and carry out the responsibilities of their management so that local regulations will be promoted development, so that the food drug managers' legal responsibility is increased, the safe basis of the food and medicine will be stronger, from the protection of the region's food and medicine safety, but also need to consciously understand the food and drug safety supervision of its work on the long term and difficult, vigorously develop food and medicine the overall quality of the industry, the establishment of a good marketing environment, and the development of our country's national conditions, based on the national conditions of our country, will take the drug safety level to the maximum extent.

5.2 Establish a perfect process supervision system

The United States, the European Union and other developed countries have rich experience in risk management and food regulatory technology, and some effective policy measures can provide reference for our country. In the United States, the EU and other developed countries emphasized the whole process of market access and food safety supervision. The control of food market access is the combination of inspection and post inspection of food production processing enterprises. China's food

safety supervision is further improved from the following two aspects. On the one hand, strengthen the access control, inspect the enterprise's qualification to produce processed food, ensure that the enterprise produces safe and reliable food from the source. The review shall include the selection of raw material in food production, production environment, production equipment and inspection capacity of the products, etc. and the production enterprises that do not meet the standards of food quality shall resolutely put an end to them. On the other hand, in order to strengthen the supervision over the production process and sales process of enterprises, once the food production processing enterprise is not in accordance with the standard production, it should stop production immediately and even exit the market, so the food safety supervision system should be established throughout the sales process.

5.3 Establish a scientific supervision mode to monitor the type of supervision as the target

According to the type of practice fruit of the developed countries in the world, there are many advantages: Firstly, it is good for the Zhou Yan and a comprehensive division of labor in the food industry. It is a reasonable starting point for the construction of the supervisory system to produce a large amount of food industry. In contrast, the way the variety is more extensive than that of the link. Not all foods can be categorically divided into raw materials, processing, distribution and consumption, but it can be classified as a food category. Second, because of food safety, the regulatory model that breaks the food chain from one problem to another can't overcome the overlapping and regulatory responsibilities of power vacuum. There is such a scientific reason that "comprehensiveness" is the main principle of food security regulation commonly adopted by all countries. Because food safety is at no stage allowed to have any defects. Any adverse aspect of regulation could lead to a major event in food safety. Regulatory mode cannot be completely "comprehensive". Because China's current food safety supervision system is based on the above mentioned sub regulation mode, if it is to change this model, it is bound to cause a

large scale reorganization of the regulatory system, the cost will be huge. But in the long run, the mode of regulation will not meet the increasingly complex situation of food safety industry. It is only as fast as possible to change the regulatory model and establish a food based regulatory system that is a long term strategy.

5.4 Strengthening behavior supervision

Food Safety Law According to the establishment of food quality safety market access system and food hygiene record system for food production enterprises, and in the process of applying for the record and admittance of enterprises, enterprises have designed a set of HACCP system, sanitary quality system, ISO9000 Quality management system, etc. and also run the two sets and three sets of system documents simultaneously, the enterprise's various management systems are mutually independent and interconnected. This leads to a rise in cost operations of the quality management system. Because of the serious deficiencies in the supervision and processing of enterprises in China at this stage, the improvement of the quality management system of food production enterprises and strict control of all kinds of indicators are very significant for the improvement of the supervision of food processing behavior in our country The effect. And the strengthening of food production enterprises in market access supervision, can largely enter the market's food enterprises' qualification has an effective guarantee, thus effectively prevent the market order chaos, and can get very optimized allocation of resources, fundamentally put an end to it Harmful foods enter the market.

CLOSINGS

Food safety related to people's health and safety has always been the focus of people's attention, but such concerns are often very easy to come up with problems, and food safety has frequently been exposed to various security incidents, so that people's health and property can be damaged. This is partly because a country's social development inevitably goes through such a phase, but the biggest reason is that the food safety supervision system is not perfect. The food safety problems often exposed by the media have made people look alarming, and more and more food safety problems have caused people to "not eat" and "don't dare to eat". The problem of food supervision has gradually aroused widespread concern in the whole society.

At this stage, the main supervision mechanism of China's food safety supervision and administration is to adopt the sub section supervision and the regulation of varieties, and with the concern of the national government in the field of food safety in recent years, the effect of our country on food supervision is obviously improved .But it is still difficult to fundamentally put an end to the food safety problem, such as the birth, gutter oil, lean pork, fake mutton and other series of events, and once again proved our country's deficiencies in food regulation. The main reasons are the following: First, there is a loophole in the food safety supervision system in China, and the supervision of the regulator is not in place, making it unprofitable for the bad businessmen to be made; secondly, the standards in the various food industries have not been unified, and they have not followed the pace of the times to form new identification marks As a result, the standard of food safety is inconsistent with the standard of food safety, and the food inspection cannot reach a unified result, and the food safety cannot be ensured. Therefore, our country's supervision of food field should be strengthened to clarify management responsibilities among various departments, establish uniform food industry standards so as to cooperate with the traceability system to reverse the current situation of food safety in China. Strengthening the supervision intensity and strength of our country in the field of food safety plays an important role in safeguarding the physical and mental health of the

people and maintaining the normal order of the food market.



REFERENCES

- Bai, H. L. (2013). On the construction of traceability system of food safety in China. *Journal of Food Science and technology*, 11 (25), 82-88.
- Connie, J. S. (2013) The innovation and reference of American food Safety Supervision legal system. *Enterprise economy*, 9 (18), 97-98.
- Hu, Z. Y. (2013). Study on China's Food safety supervision system. *Zhongnan University of Nationalities*, 13(13), 23-25.
- Hu, L. (2013). Study on food safety under the view of government supervision. *Jiangxi University of Finance and Economics*, 11(9), 114-115.
- Li, P. (2013). The existing problems and countermeasures of food safety supervision in China. *Hebei Normal University*, 28(11), 51-52.
- Li, L. (2014). Research on Food safety status and supervision system reform in some provinces of China. *Fudan University* 12(12), 85-86.
- Rogui, J. (2014). Study on the construction of government food safety supervision system. *Yunnan University of Finance and Economics*, 13(12), 36-38.
- Shi, T. (2013). Consumer willingness to pay and safe food supply. *Southwestern*, 15 (12), 141-145.
- Shi, D. F. (2013). Discussion on the construction of Food safety supervision system. *China agricultural information*, 16(12), 17-21.
- Tang, X. H. (2015). Study on the construction of traceability system for food safety in China. *Nanjing University of Technology*, 11 (32), 57-68.

Xu, Y. B. (2016). Study on the construction of legal guarantee system of food safety supervision in rural areas of Hubei Province. *Huazhong University of Finance and Economics*, 11(16), 26-27.

Xiang, Q. (2016). Study on the legal system of food traceability. *Zhengzhou University*, 13 (12), 12-13.

