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REVIEW

## Food safety regulatory systems in Europe and China: A study of how co-regulation can improve regulatory effectiveness



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### Abstract

Food safety has received a great deal of attention in both developed and developing countries in recent years. In China, the numerous food scandals and scares that have struck over the past decade have spurred significant food safety regulatory reform, which has been increasingly oriented towards the public-private partnership model adopted by the Europe Union's (EU) food safety regulatory system. This paper analyzes the development of both the EU's and China's food safety regulatory systems, identifies the current challenges for China and additionally considers the role of public-private partnership. The success of co-regulation in the food regulatory system would bring significant benefits and opportunities for China. Finally, this paper recommends additional measures like training and grants to improve the private's sector effectiveness in co-regulating China's food safety issues.

**Keywords:** food safety, co-regulation, public-private partnership, *Food Safety Law of China*, European Union, China

## 1. Introduction

Food safety incidents are often front page news, and present enormous challenges for national food safety regulation. The capacity of food safety regulatory agencies has been seriously questioned due to the recent occurrence of food safety incidents (Fulponi 2006; Cope *et al.* 2010; Hoffman and Harder 2010), and these authorities have been increas-

ingly urged to adopt a more prescriptive and proactive stance (Garcia Martinez *et al.* 2007). For example, the outbreak of mad cow disease in the late 20th century sparked a total overhaul of food safety systems in Europe, while the 2008 "Sanlu milk powder incident"<sup>1</sup> spurred long overdue food safety reform in China. As a result, governments and food industries must contend with how to effectively improve the food safety through the use of existing resources.

Co-regulation emphasizes a synergistic combination of self-regulation and legislative action (Garcia Martinez *et al.* 2007). It has been promoted and developed as a key part of the answer to food safety regulations over the past

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<sup>1</sup> This is China's biggest scandal and took place in 2008 when almost 40 000 infants were hospitalized following the deliberate contamination of milk powder with melamine (nearly 296 000 ill and 6 deaths), [http://news.ifeng.com/mainland/200901/0112\\_17\\_964882.shtml](http://news.ifeng.com/mainland/200901/0112_17_964882.shtml)

decade (Garcia Martinez *et al.* 2007; Rouvière and Caswell 2012) throughout developed economies, including the EU's (Pei *et al.* 2011). In general terms from various academic studies, co-regulation can be identified as a regulation method or strategy that includes both private and public actors' participation in the regulation of specific interests and objectives (Verbruggen 2009; Garcia Martinez *et al.* 2013). According to this definition, co-regulation includes all actors in the food supply chain, such as the food producer, processing factories, the regulatory authorities, the industry association, the consumers, the media, etc. Co-regulation combines self-regulation and legislative action together such that each mutually reinforces the other (Garcia Martinez *et al.* 2007), and its effective implementation enables both the private and public sectors to take steps together towards a win-win situation (Pei *et al.* 2011; Garcia Martinez *et al.* 2013), and leads to increased flexibility for the regulated businesses, improvements in the monitoring role of private bodies, enhanced rule compliance and government cost reductions (Ayres and Braithwaite 1992; CEC 2001; Coglianesi and Lazer 2003; Garcia Martinez *et al.* 2007; Narrod *et al.* 2009; Rouvière and Caswell 2012). Furthermore, the ability to extend food safety regime across the value chain is perhaps even more crucial for developing countries with greater food insecurity. The potential of co-regulation can help to achieve this by using industry incentives, which compensate for weak enforcement capacity and further enhances its appeal in these settings (Unnevehr 2015).

This paper is a study of how co-regulation can improve the regulatory effectiveness based on the food safety regulatory systems in Europe and China. It analyzes the current food safety regulatory system both for European Union and China and specifically considers the role of public-private partnership in the regulation of food safety. What's more, this study reviews and recommends additional co-regulation measures for improving China's food safety regulatory effectiveness and efficiency. The rest of the paper is organized as follows. Food safety regulatory challenges faced by China are discussed in the second section followed by a discussion on the current evolving food safety regulatory system in China in the third section. A summary on the Europe's food safety regulatory system is then presented, while the public-private partnership approach to food safety regulation and the concept of co-regulation in Europe is then presented

in the fifth section. The final section discusses the opportunities and challenges for enhancing co-regulation of the food safety regulatory system in China with key recommendations to form new public-private relationships for China.

## 2. Food safety regulatory challenges in China

Numerous food safety incidents have occurred recently in China (Xue and Zhang 2013), such as the melamine contamination of milk powder (Xiu and Klein 2010), the presence of clenbuterol in pork (Chen 2011) and plasticizer in beverages (Yen *et al.* 2011), the sale of toxic ginger (Anonymous 2013), and the sale of expired meat produced by Fuxi Company (Chen and Ren 2014), all of which have cast doubt upon the country's food safety status and as a result, China's food trade and international reputation have been critically affected (Liu *et al.* 2013). According to the bulletin of China's former Ministry of Health (MOH)<sup>2</sup>, 3 731 cases of serious food poisoning accidents were officially reported between 2003 and 2014, with 125 536 persons involved and 2 315 persons killed, in all (see Table 1 for a list of serious food poisoning cases from 2003 to 2014). However, some experts estimate that the reported numbers of foodborne illness is actually less than 10% of the true number of incidents (Zhang 2005)<sup>3</sup>. Assuming that this underreporting phenomenon is constant over time, the data in Table 1 indicate that China's poor track record of food safety incidents have improved significantly in recent years especially since the beginning of the 21st century. This is due to the improvement of China's food safety regulatory system related to the adoption of new food safety laws and regulations. The causes of food poisoning have also changed dramatically. According to the bulletin, in 2014, the main cause of food poisoning was the presence of microbe contamination<sup>4</sup>, which accounted for 42.5% of all reported incidents and 67.7% of all foodborne illness; followed by toxic plant and animal induced poisoning (38.1% of all reported issues), which also accounted for 70% of the total number of deaths in 2014. This is quite different from the situation in 2003, when chemical contamination was the main cause of all reported incidents (accounting for 38.5%), while toxic plant and animal induced poisoning as well microbe contamination accounted for 21.4 and 25.6% of all

<sup>2</sup> China's Ministry of Health (MOH) was replaced by National Health and Family Planning Commission (NHFPC) in March, 2013 (China News 2013, [http://www.yznews.com.cn/jk/2013-03/18/content\\_4299547.htm](http://www.yznews.com.cn/jk/2013-03/18/content_4299547.htm)).

<sup>3</sup> The reported number may not reflect the true number of incidences due to the deficiencies of China's food safety reporting system and which may result in the possible underreporting of food safety issues, especially in the case of accidents that occur in less developed areas in rural China.

<sup>4</sup> The report in the annual bulletin classifies the causes of food poisoning into four types: (1) toxic animals and plants; (2) microbe contamination; (3) chemical contamination; and (4) other unknown causes.

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