

# **Explanation concerning the Cross-Strait Food Safety Agreement**

## **— The Results of the Second Chiang-Chen Meeting (Food Safety)**

Mainland Affairs Council  
November 4, 2008

### **I. The urgency of establishing a cross-strait food safety mechanism**

#### **1. The extensive negative effects of the toxic milk powder incident**

The incident in September of this year in which milk powder imported from the mainland was found upon inspection to be tainted with melamine caused a threat and actual harm to the health of many members of the public in Taiwan. It also created panic among consumers and enormous losses for business operators. Although the government has already taken a series of measures to reduce the harm from this incident, its widespread effects are still seething due to the loss of public trust in the safety of foods imported from the mainland and the demands for those responsible in the mainland to compensate victims for their losses.

#### **2. Actively negotiating the establishment of an institutionalized handling mechanism**

This toxic milk powder incident underlined the importance and urgency of strengthening food safety controls. After the incident occurred, through rapid liaison of the SEF with ARATS, the responsible authorities on the two sides of the Taiwan Strait on September 28 formed teams of experts to conduct communication, and subsequently on October 6 took initial steps to establish a direct liaison channel and reporting mechanism for food safety. To take further steps in establishing an institutionalized handling mechanism for cross-strait food safety, to safeguard the people's health and

welfare, the two sides listed the issue of cross-strait food safety as a main item for discussion at the 2<sup>nd</sup> round of “Chiang-Chen talks,” and vigorously conducted intensive discussion with a view to signing an agreement that would enable the effective safeguarding of cross-strait food sanitation and safety and the health rights of the people.

## **II. Major progress of the Cross-Strait Food Safety Agreement**

The main content of the Cross-Strait Food Safety Agreement signed between the SEF and ARATS on November 4 is as follows:

### **1. Prompt notification of major incidents**

The two sides agree to notify each other of information concerning cross-strait trade food safety, and to carry out prompt notification of major food safety information and suddenly arising incidents affecting the health of people across the Taiwan Strait.

### **2. Coordination mechanism for appropriate handling**

The two sides agree to establish a mechanism for coordinating the handling of major cross-strait food safety incidents, and will adopt eight main measures for the appropriate handling of relevant cases as follows:

- (1) Holding emergency discussions, and exchanging relevant information.
- (2) Suspending the production and export of the products concerned.
- (3) Promptly removing from sale and recalling the products concerned.
- (4) Providing facilitation for field inquiry.
- (5) Verifying and announcing information, and informing each other.

- (6) Providing analysis of the cause of incidents and plans for improvement.
- (7) Pressing responsible parties to properly handle disputes, and providing active assistance to safeguard the rights and interests of injured parties.
- (8) Promptly notifying each other of the status of investigation into pertinent responsibility.

### **3. Expert meetings and work contacts**

The two sides agree to establish a system of regular meetings and mutual visits of experts from the competent authorities on each side, to conduct work contacts and information exchange on each other's food safety laws and regulations, inspection techniques, and regulatory measures.

## **III. Concrete results of establishing a cross-strait food safety mechanism**

### **1. Setting up a cross-strait food safety early-warning system**

- (1) Under the agreement, in future the two sides not only will have to notify each other of information concerning the safety of food in cross-strait trade, but also will have to undertake prompt notification of important food safety information and sudden incidents affecting the health of the people on either side of the Taiwan Strait. Hence, if any case of adulterated food products similar to the melamine incident is again discovered in the mainland, they must promptly notify our side, and provide complete information, to achieve early-warning effect.
- (2) In the future, the two sides will establish a normalized operational exchange mechanism, as a basis for a system of regular meetings and mutual visits by experts from the competent authorities on either side of the Strait, for understanding of each other's food sanitation laws and regulations, inspection techniques, and regulatory measures. This will be conducive to "source control"

and reducing the risk of the inflow of unsafe food.

## **2. Establishing a mechanism for handling major food safety incidents**

- (1) The establishment of a prompt handling mechanism for major food safety incidents covers emergency discussion, exchange of information, suspension of production and export, immediate removal from sale, and recall of products, to ensure that, as soon as a major food safety incident occurs, sufficient information can be obtained to prevent the inflow of unsafe food products and immediately trace the movement of already imported products, so that necessary measures can be taken and crisis handling carried out.
- (2) The agreement provides for the conduct of field inquiry into cases, clarification of problems, and requests for providing analysis of the cause of incidents and plans for improvement, so as to prevent the reoccurrence of similar incidents in the future.
- (3) In the case of major food safety incidents, the two sides will press those responsible to properly handle disputes, and will actively assist victims to seek compensation, to ensure that the rights of both sides' consumers and business operators who have suffered harm are safeguarded, and that those who have incurred losses can obtain reasonable compensation; and the two sides will also keep each other promptly informed concerning the investigation and handling of related responsibility, so as to be able to re-establish confidence in the mainland's related foods.

## **3. Active assistance for victims to seek compensation under the agreement**

- (1) Article 2 Paragraph 1 Subparagraph 7 of the Agreement provides for "Pressing responsible persons to properly handle disputes, and providing active assistance to assure the rights of victims." The two sides fully recognize that the words "assure the rights of victims" in this article cover victims' seeking of compensation from those responsible, and undertake to give active assistance thereto.

(2) In respect of this toxic milk powder incident, the government will actively assist victims to seek compensation from the other side's businesses. The SEF has already set up a service line [(02)-2718-7373, extension 409] for handling victims' compensation claims, with ARATS to provide case assistance on compensation questions via the SEF-ARATS channel. The Consumer Protection Commission and the Department of Health have concrete measures for assisting consumers and businesses to solve problems.

## **IV. Conclusion**

### **1. Preventions, checks and safeguards**

The signing of the Cross-Strait Food Safety Agreement will help enhance communication and mutual trust between the two sides in regard to food safety. For individual cases, the content of the agreement covers ex-ante prevention, prompt action to deal with incidents when they arise, and ex-post seeking of compensation and review of improvement. In the general sphere, it covers operational contacts and information exchange concerning regulatory systems for food safety. On the basis of this agreement, the two sides in the future will expand bilateral liaison and exchanges, establish an institutionalized handling mechanism for cross-strait food safety, enhance regulatory efficiency, and carry out the preventions, checks and safeguards required to achieve the objectives of food safety regulation and protect the health rights of the people on the two sides of the Strait.

### **2. Continuing negotiation, to expand safeguards**

Food safety touches on a broad range of issues. For example, roughly 90% of Taiwan's imports of Chinese medicine ingredients are imported from the mainland, of which about 80% are used in food. For another example, animal feed is an important link in the food chain, and if livestock and poultry consume polluted feedstuffs that cause toxins to build up in their bodies, it will also cause harm to the health of people who consume the meat of these animals.

Therefore, the two sides agree to continue conducting discussion on expanding cross-strait food safety cooperation, to gradually broaden and deepen the scope and mechanisms of food safety cooperation, so as to ensure more effective safeguarding of the health of the people on both sides of the Taiwan Strait.