

食品安全行政責任之分析

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目 次

壹、前言

貳、行政責任之意義與種類

參、各國食品行政監督機構與處罰方式

肆、我國食品安全行政監督機構與處罰方式及救濟方法

伍、結論

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摘 要

食品行政監管為食品安全之基礎，食品安全監管機制主要包括食品監管體制與食品安全制度兩個方面，雖各國食品安全監督機構與行政處罰方式不同，但其目的均在如何監管食安不至發生問題，讓消費者安心享用食品，食品安全以行政監管方式有其獨特之優勢，為民事追償及刑事處罰所不能替代之功能，因行政介入在事前，可防患於未然，效果較佳，民事追償與刑事處罰均在事後，難以收到防止危險之效果，在歐美各國均以行政上風險分析之監管方式，落實「從農場到餐桌」每一階段之食安問題，值得我國借鏡。

An Analysis of Administrative Liability for Food Safety

Jin-Tian Chiu

Abstract

The Food safety supervision mechanism mainly consists of two systems, i.e., the food regulatory system and the food safety system. Although different countries may have different food safety supervision mechanisms and administrative penalties, they all have the same purpose of supervising the safety of food in order to ensure the consumers to enjoy the food without worrying about its safety. Having intervened the system in advance can prevent the likely damages from its bud; moreover, the Food Administrative Supervision Mechanism is so unique that cannot be replaced by either Civil Damage Recovery Claim or Criminal Punishment against the wrongdoer, as the latter two mechanisms are both remedies afterwards, and not able to avoid food safety hazards. Many European countries and as well as the United States administrates the food safety hazards by analyzing the risks of administration which has effectively pushed the Food Administrative Supervision "from the farm to the dining table". It's a good manner worth learning by us.