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**ADMINISTRATIVE AND LEGAL SUPERVISION
OF THE VETERINARY INSPECTION OVER FOOD SAFETY
IN POLAND – SELECTED ISSUES****Introduction**

The aim of Administrative supervision on the agri-food and food market which is the subject of this study is protecting consumers. It is directly related to consumers' right to health and safety protection¹. There is no doubt that ensuring the security of citizens is the duty of the state and it is a constant pursuit of achieving its highest possible level. It is connected with many legal, organizational and functional problems. In order to protect certain goods, authorized state bodies take actions creating a system of specific legal and non-legal measures. Thus, security in legal language is both a condition subjected to legal protection and the highest value, next to life, health and the environment, which is constitutionally protected².

Safety is the subject of interest of many scientific disciplines which in their research deal with it on various levels of knowledge. The concept can be described as a certain positive state, which consists of a sense of certainty and lack of danger. While the second of these factors is objective and therefore it is possible to diagnose it, the first is understood as the mental state of a person dependent on his subjective characteristics. Discussed approach to the issue is appropriate for sciences such as philosophy, psychology or sociology³. However, for the considerations undertaken in this study, it is appropriate to discuss security in the basis of the legal sciences. It would be in vain though to look for a definition

¹ I. Ozimek, *Ochrona konsumenta na rynku żywności*, Warszawa 2008, p. 24.

² E. Ura, *Nadzór Prezesa Urzędu Ochrony Konkurencji i Konsumentów nad ogólnym bezpieczeństwem produktów*, „Zeszyty Naukowe WSiZiA w Warszawie” 2017, No. 2(39), p. 137.

³ S. Pieprzny, *Administracja bezpieczeństwa i porządku publicznego*, Rzeszów 2014, p. 9.

of security in normative acts, although it should be admitted that the legislator uses the term quite often. It is so called an indefinite term whose essence can be found mainly in doctrine.

The concept usually does not occur alone, but is specified by an adjective or noun. As S. Pieprzny states: “Legal generic character of security is subjective, objective or subjective-objective”⁴. It means that security is associated with the subject or object of protection, and sometimes with both at the same time. However, in normative acts, it will appear in the context of limiting and eliminating existing or potential threats and sources of their emergence. In this sense, we can distinguish many types of security, such as, for example, internal, political, economic, labor, sanitary or food security, which is the subject of this study.

One of the authorities competent to supervise food safety is the Veterinary Inspection. It belongs to the group of entities which are called “services, inspections and guards”. This is a special category of local government administration bodies in various ways included in the system of voivodeship and poviát combined administration (or uncombined, as in the case of poviát veterinary inspector), performing public tasks in the field of protection of public safety and order. These types of entities primarily perform a protective function, which implies the obligation to protect many different values desired individually, as well as to maintain (ensure) objectively desired states of affairs, phenomena and processes. Such bodies are called administrative police⁵.

The article presents the activities of the Veterinary Inspection to protect food safety and selected executive forms that it uses for this purpose.

Legal basis for food safety

In the Polish legal system, food safety standards result directly from EU regulations. Among them, one of the most important is Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 (hereinafter Regulation 178/2002)⁶. The ordinance contains basic definitions, establishes general principles of food law and appoints a specialized body – the Food Safety Authority, which is to safeguard the maintenance of the appropriate level of safety in question. The Regulation applies to all stages of production, processing and distribution of food and feed. The issues of food hygiene and the organization of official controls are governed by four regulations of the European Parliament and of the Council of 29 April 2004:

⁴ *Ibidem*, p. 12.

⁵ J. Dobkowski, *Pozycja prawnoustrojowa służb, inspekcji i straży*, Lex/el.

⁶ Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety OJ L 31 of 1 February 2002.

- Regulation (EC) No. 852/2004 on the hygiene of foodstuffs⁷,
- Regulation (EC) No. 853/2004 laying down specific hygiene rules for food of animal origin⁸,
- Regulation (EC) No. 854/2004 laying down specific provisions on the organization of official controls on products of animal origin intended for human consumption⁹,
- Regulation (EC) No. 882/2004 on official controls carried out to check compliance with feed and food law as well as animal health and animal welfare rules¹⁰.

In Polish national legislation, basic regulations regarding food safety issues are contained in the following legal acts:

- the Act of 25 August 2006 on food and nutrition safety (hereinafter referred to as A.f.n.s.) (pol. Ustawa z dnia 25 sierpnia 2006 r. o bezpieczeństwie żywności i żywienia),
- the Act of 16 December 2005 on products of animal origin (hereinafter referred to as A.p.a.o.) (pol. Ustawa z dnia 16 grudnia 2005 r. o produktach pochodzenia zwierzęcego)¹¹,
- the Act of 21 December 2000 on the commercial quality of agri-food products (pol. Ustawa z dnia 21 grudnia 2000 r. o jakości handlowej artykułów rolno-spożywczych)¹²,

and in the acts determining the functioning of individual inspections responsible for conducting official controls, such as the Act of 15 December 2000 on Trade Inspection (pol. Ustawa z dnia 15 grudnia 2000 r. o Inspekcji Handlowej)¹³, or the Act of 29 January 2004 on Veterinary Inspection (pol. Ustawa z dnia 29 stycznia 2004 r. o Inspekcji Weterynaryjnej)¹⁴.

The most important of the above-mentioned legal acts in relation to the subject of this study is the Act on food and nutrition safety, which was created in order to implement Regulation No. 178/2002 of the European Parliament and of the Council of 28 January 2002. The Act defines food health requirements, requirements for

⁷ Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, OJ Office. EC L 139 of 30 April 2004, p. 1.

⁸ Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, OJ Office. EC L 139 of 30 April 2004, p. 55.

⁹ Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific provisions on the organization of official controls on products of animal origin intended for human consumption, OJ Office. EC L 139 of 30 April 2004, p. 206.

¹⁰ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls carried out to check compliance with feed and food law and animal health and animal welfare rules, OJ Office. EC L 165 of 30 April 2004, p. 1.

¹¹ Dz.U. 2019, Item 824.

¹² Dz.U. 2019, Item 2178.

¹³ Dz.U. 2019, Item 1668.

¹⁴ Dz.U. 2019, Item 910.

compliance with the principles of food hygiene and materials and products intended to come into contact with food, the competence of organs and requirements for conducting official food inspections. In addition, the act in question also contains standards regarding the principles of sales, advertising and promotion of foodstuffs, nutrition requirements for children and adolescents under collective nutrition in kindergartens, other forms of pre-school education, schools, excluding adult schools, industry II level schools and post-secondary schools, as well as in educational system institutions referred to in Art. 2 points 3, 7 and 8 of the Act of 14 December 2016 – Educational Law (pol. Ustawa z dnia 14 grudnia 2016 r. – Prawo oświatowe)¹⁵. In the light of the aforementioned Act, the organs of official food control are the bodies of the State Sanitary Inspection, Military Sanitary Inspection, Veterinary Inspection and Military Veterinary Inspection¹⁶.

However, the above law does not regulate the safety of food products of animal origin. These regulations are contained in the Act on products of animal origin, which indicates the competence of the authorities in the field of hygiene and control of products of animal origin, as well as food containing both foodstuffs of non-animal origin and products of animal origin in agricultural retail trade. In addition, it specifies the requirements to be met by products of animal origin placed on the market, the requirements to be met in the production of products of animal origin and by these products, as well as the manner of carrying out official controls. The said Act also indicates the competence of the Veterinary Inspection authorities in the scope of official product controls, which is regulated by the discussed legal act and, less important from the point of view of the conducted considerations, supervision over compliance with the system of identification and registration of cattle and regarding the labeling of beef and beef products¹⁷.

The concept of food safety

Defining food safety is the most important for further reasoning¹⁸. According to the legal definition, food safety is the general conditions that must be met, in particular regarding the additives and flavors used, levels of contaminants, pes-

¹⁵ Dz.U. 2018 Item 996 as amended.

¹⁶ Art. 73, Item 1 of A.f.n.s.

¹⁷ Art. 1, Item 2 of A.p.a.o.

¹⁸ In the light of Art. 2 of the Regulation 178/2002: “food” (or “foodstuff”) means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. “Food” includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Art. 6 of Directive 98/83/EC and without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC. The author does not elaborate on this issue because of the limited framework of this study.

ticide residues, food irradiation conditions, organoleptic characteristics and activities that must be taken at all stages of production or trade in food to ensure human health and life¹⁹. In this approach, we take into consideration *food safety*, which is part of the broader concept of *food security*, present also in other sciences. It is realized in three dimensions: “1) physical availability of food, which means that the national food economy guarantees coverage of at least the minimum physiological demand, while imports provide food above that minimum demand; 2) the economic availability of food, which means that also the economically weakest households have access to necessary food (thanks to various forms of food aid); 3) the health suitability of a single food product (no impurities) and the food ration consumed (the necessary energy level and the correct proportion of nutrients)”²⁰. However, food security in such a broad approach, as has already been mentioned, is of interest to other sciences. In legal science, the object of focus is to ensure sufficiently effective legal regulations and the system of organs controlling and supervising the food market to determine the correct health quality of food.

According to the statutory definition of food safety, any food that meets the requirements of law and for which all actions required by law have been taken can be considered safe. It should be added, however, that Art. 14, paragraph 8 of the Regulation No. 178/2002 allows the possibility for foodstuff to be considered dangerous if it gives ground for that, despite meeting the requirements of food law. The competent authorities may then take appropriate measures to impose to restrict placing on the market such a product or to withdraw it from the market. Thus, any presumption of exposure to the life or health of consumers, for example through the development of science or other circumstances, results in the actions of authorities to eliminate potential risk. As follows from the above, the food safety standard is the minimum standard that must be met by every food product on the market²¹.

Official food control

This study uses the concept of administrative and legal supervision over food safety by referring to the features constituting this type of activity category and the names commonly used in the doctrine of administrative law. Meanwhile, in the legislation of the European Union, as well as under national law, in a slightly narrower scope, such activities operate under the name of official control. Therefore, it is necessary to discuss this term and present its essence.

¹⁹ Art. 3, Item 3(5) of A.f.n.s.

²⁰ J. Małysz, *Ekonomiczna interpretacja bezpieczeństwa żywnościowego* [in:] *Bezpieczeństwo żywności w erze globalizacji*, ed. S. Kowalczyk, Warszawa 2009, p. 82.

²¹ *Bezpieczeństwo żywności i żywienia. Komentarz*, ed. A. Szymancka-Wesołowska, Lex/el. 2013.

The legal definition of “official control” is set out in Regulation (EC) No. 882/2004. In accordance with Art. 2, point 1 is “any form of control that the competent authority or the European Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules”²². It should be added, that the use of the term “official control” by the EU and Polish legislators requires several important comments. According to the ordinance, official control covers not only the entire food production and marketing process, but also feed and products intended to come into contact with food²³. In addition, the definition suggests that the purpose of inspections is to check compliance with food law rules, while the EU legislature already indicates the executive measures that authorities may apply²⁴. Therefore, according to the doctrine of administrative law, we are dealing not with control, but with supervision, the essence of which is the possibility of binding and authoritative interference in the activities of the supervised entity. To sum up, it should be stated that in EU law the concept of “official control” on the food market goes beyond both the functions performed beyond control and in the subject matter beyond food²⁵.

In Poland, the basic bodies established to supervise food safety are the State Sanitary Inspection reporting to the minister competent for health matters and Veterinary Inspection, which highest body – the Chief Veterinary Officer – reports to the minister competent for agriculture matters. In addition, tasks in this area are performed by the Military Sanitary Inspection, Military Veterinary Inspection and the State Sanitary Inspection of the Ministry of the Interior. However, under the phytosanitary requirements of plants, unprocessed or pre-processed plant materials, the State Inspectorate for Plant Protection and Seed Inspection is competent.

Veterinary Inspection

The basic tasks of the Veterinary Inspection (VI) include the protection of animal health, as well as the safety of animal products and food containing foodstuffs of non-animal origin and products of animal origin found in agricultural retail trade²⁶. Agricultural retail trade is retail trade within the meaning of Art. 3, clause 7 of the Regulation No. 178/2002, and it covers the production of food originating in whole or in part from the own growing, breeding or rearing of the

²² In the light of Art. 2(2) of the Regulation: “verification” means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

²³ This is confirmed by Art. 73 of A.f.n.s. and Art. 1 of the Act of 22 July 2006 on feed (Dz.U. 2019, Item 269).

²⁴ Art. 54 of the Regulation 882/2004.

²⁵ *Bezpieczeństwo żywności i żywienia. Komentarz*, ed. A. Szymecka-Wesołowska, Lex/el. 2013.

²⁶ Art. 3(1) of the Act of 29 January 2004 on Veterinary Inspection (Dz.U. 2018, Item 1557).

food business operator and selling such food to the final consumer²⁷ referred to in Art. 3, clause 18 of the Regulation No. 178/2002, or to establishments conducting retail trade for the final consumer. As it results from the above, VI focuses in its tasks on the protection of animal health, which directly and indirectly affects the maintenance of food safety requirements. Supervision on the specific type of food market, which is agricultural retail trade, is equally important. It should be emphasized that the supervision exercised by the said Inspection plays an important role in ensuring a high level of protection of human life and health, and also protects the economic interests of the consumer. These two goals are basic. Additional objectives are protection of the reliability of commercial transactions, ensuring the free movement of food in the European Union, protection of animal health and living conditions and protection of the environment. They are of particular importance for determining acceptable limits of competences that can be entrusted to public administration bodies, including the said Inspection²⁸.

The Act indicates the instruments with which VI performs its tasks, but it should be emphasized that this is not a closed range. It is worth to mention those that relate to food safety, they are:

- combating animal infectious diseases,
- combating animal diseases that can be transmitted to humans or from humans to animals,
- examination of slaughter animals and animal products,
- conducting official controls,
- supervising the placing on the market of animals and animal by-products,
- supervision of compliance with the provisions covering the area of operation,
- exchanging information as part of information exchange systems referred to in European Union legislation.

Carrying out its tasks, the Inspection cooperates with competent government administration bodies, territorial self-government units, organs of veterinary and veterinary self-government as well as customs authorities.

The legal act in question also defines the organization of the Veterinary Inspection. VI bodies are the Chief Veterinary Officer at its head, the voivodeship veterinarian as the head of the voivodeship veterinary inspection which is part of the combined government administration in the voivodeship, the poviats veterinarian, who is the superior of the poviats veterinary inspection being part of the

²⁷ In the light of that provision: “retail” means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes distribution terminals, catering operations, factory canteens, institutional catering, restaurants and other similar food service operations, shops, supermarket distribution centres and wholesale outlets. By contrast, “final consumer” means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.

²⁸ P. Wojciechowski, *Model odpowiedzialności administracyjnej w prawie żywnościowym*, WK 2016, Lex/el.

non-integrated government administration and the border veterinary surgeon. The Chief Veterinary Officer is appointed and dismissed by the Prime Minister, and he performs his tasks with the assistance of the Chief Veterinary Inspectorate. The system of Inspection bodies is organized on the basis of hierarchical and service subordination.

An official veterinarian responsible for the border inspection has his own competence in the field of veterinary supervision and he performs his tasks with the help of a Border Veterinary Inspectorate and reports directly to the Chief Veterinarian.

Selected activities of the Veterinary Inspection to protect food safety

The Veterinary Inspection has many capabilities regarding the protection of animal health, and thus the protection of food safety. The framework of this study does not allow discussing all of them, therefore only actions to combat infectious animal diseases will be indicated as those which occur in situations of serious threat to food safety and are of a police nature.

Notifications about the possibility of an infectious disease of animals are received first by the poviats veterinary inspector. It is he who immediately takes the necessary steps to detect or rule out an infectious animal disease subject to compulsory control. He also has the obligation to immediately inform the voivodeship veterinarian about the possibility or occurrence of an infectious disease, as well as about his actions leading to the detection or exclusion of the disease. The voivodeship veterinarian forwards the information received to the Chief Veterinary Inspector.

As already mentioned above, the poviats veterinarian has been equipped with the possibility of using authoritative forms of action in the form of orders and prohibitions in order to avoid the threat of epizootic²⁹ safety. In such a situation, the overarching goal of using such measures is to protect public safety and health, including food safety.

For example, to combat infectious diseases, the poviats veterinarian may in the form of an administrative decision with immediate enforceability:

- order the isolation, guarding or observation of sick or infected animals or animals suspected of being infected or ill,
- designate a specific place as an outbreak,
- prohibit the issuing of health certificates, commercial or transport documents,
- order the killing or slaughter of sick or infected animals, suspected of being infected or of disease, or animals of species susceptible to the contagious disease in question,

²⁹ Epizootic – (of a disease) appearing in a large number of animals in the same place at the same time [in:] Cambridge English Dictionary, <https://dictionary.cambridge.org/dictionary/english/> (10.06.2020).

- order cleaning and decontamination of places and means of transport, as well as decontamination, destruction or removal in a way that precludes the risk of spreading an infectious disease of animal feed, litter, natural fertilizers within the meaning of the provisions on fertilizers and fertilization, as well as items in contact with sick, infected animals or animals suspected of being infected or ill,
- prohibit persons who have been or may have been in contact with animals that are sick, infected or suspected of being infected or have a disease, to temporarily leave the outbreak of the disease,
- order the decontamination of objects of persons who have had or may have had contact with sick, infected or suspected of infection or disease animals,
- prohibit the feeding of animals with certain feeds or watering from specific tanks and water intakes,
- prohibit the introduction, carrying out and removal of animals or the importation and exportation of products, animal corpses and feedingstuffs at outbreaks of disease,
- order clinical examination of animals with laboratory sampling, autopsy of animals with taking laboratory samples or specific animal procedures, including vaccinations,
- prohibit the use of animals for breeding,
- specify the treatment of diseased, infected or suspected of infection or disease animals, animal corpses, products and feeds infected or suspected of being infected,
- order entities carrying out activities in the field of processing and use of animal by-products to neutralize animal corpses in connection with the control of infectious diseases, products obtained from these animals and objects in contact with killed animals,
- order the farm holder to take specific measures to protect the farm against infiltration by the infectious agent,
- order the farm owner to take specific actions to enable the sanitary shooting of free-living (wild) animals or to prohibit actions preventing or hindering the making of that killing,
- order the entities involved in the slaughter of animals to carry out slaughter specifying its conditions,
- order entities dealing with the transport of animals or animal corpses to transport them to the indicated places,
- order entities operating in the production of products to process them and, if necessary, to use specific technology for this processing,
- order entities operating in the field of aquaculture production business to take steps to reduce or eliminate the pathogen,
- specify the application of measures other than those listed in points 1–16 resulting from the European Union provisions directly applicable in the system of

Polish law regarding the control of infectious animal diseases, ensuring epizootic safety, in particular preventing, reducing or eliminating threats to public health³⁰.

It should be noted that the above-mentioned actions of the poviats veterinarian in the form of orders, bans and restrictions may apply to animals, people, things and the place. Undoubtedly, all these measures serve to protect animal health, as well as indirectly food safety, and their use is most justified. However, two of them directly affect the type of security under discussion. The first is the prohibition of issuing health certificates, commercial or transport documents, which has the effect of not being able to sell or use animals on the agri-food market. The second one is an order issued to entities operating in the field of product production, leading to their processing and, if necessary, the use of specific technology for this processing.

It should also be mentioned that in the event of a threat of occurrence or occurrence of an infectious disease of animals subject to compulsory control, the poviats veterinarian has the option of issuing a regulation – an act of local law, in which he can introduce many bans and orders regarding the poviats area³¹. However, in a situation where the above threat occurs in an area exceeding one poviats, he immediately informs the competent voivodeship veterinarian. Then the voivode may introduce many extensive restrictions by an ordinance³².

In addition, if the animal owner does not comply with orders, bans or restrictions issued against him, the poviats veterinary officer may order the removal of the deficiencies found within a specified period by means of a decision with immediate enforceability. In the event of failure to comply with the obligations arising from the decision, he has the option of issuing an order to kill or slaughter animals of certain species and may prohibit the keeping of animals of these species on the holding. Additionally, for animals killed, slaughtered or died due to infectious diseases, the holder is entitled to compensation from the state budget, however, when these activities are ordered by the poviats veterinary surgeon, such benefit is not due. This is a kind of sanction for failure to comply with the decision issued by the competent authority. It is also worth adding that when we deal with this type of situation, the poviats veterinarian may, if necessary, call for help the Police authorities, authorized to use direct coercive measures.

All powers of the VI authorities are based on the basic principles of food law, i.e. the principle of risk analysis, the precautionary principle and the princi-

³⁰ Art. 44 §1 of the Act of 11 March 2004 on the protection of animal health and combating infectious animal diseases (hereinafter referred to as A.p.a.h.c.i.a.d.), Dz.U. 2018, Item 1967 (pol. Ustawa z dnia 11 marca 2004 r. o ochronie zdrowia zwierząt oraz zwalczaniu chorób zakaźnych zwierząt).

³¹ More in Art. 45 of A.p.a.h.c.i.a.d.

³² Art. 46 of A.p.a.h.c.i.a.d.

ple of protection of consumer interests³³. Pursuant to Regulation 178/2002 “risk analysis” means a process consisting of three related elements: risk assessment, risk management and risk communication³⁴. Whereby “risk” means the danger of adverse health effects and the severity of such effects as a consequence of the threat³⁵. The precautionary principle is expressed in Art. 7, according to which “In specific circumstances where, following an assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community may be adopted”. The literature indicates that this is a kind of rebuttal of the presumption of legal safety of a foodstuff that meets all food safety requirements. It is also pointed out that it could be called the principle of limited trust. It was created to protect the health of consumers in the event of regulations’ failure to comply with the knowledge progress or in case of scientific uncertainty, especially in the field of toxicology³⁶.

Conclusion

It is the public authority’s responsibility to ensure health safety of food on the market and its quality in the production, marketing, processing and packaging phase, and this requires an effective food quality control system. The state establishes the relevant food law, and also appoints sanitary supervision authorities acting on its behalf, i.e. official food control authorities, and enforces compliance with the provisions³⁷.

³³ Regulation in Art. 3 lists definitions of individual elements of the definition:

11. “risk assessment” means a scientifically supported process consisting of four stages: hazard identification, hazard characterization, exposure assessment and risk characterization,
12. “risk management” means a process, different from risk assessment, consisting of examining policy alternatives in consultation with interested parties, taking into account risk assessment and other legitimate factors, and, when appropriate, selecting appropriate prevention and control options,
13. “risk communication” means the interactive exchange of information and opinions during the risk analysis process on hazards and risks, risk factors and risk perceptions, between risk assessors, risk managers, consumers, feed and food businesses, the scientific community and other parties, with regards to the explanation of the conclusions of the risk assessment and the reasons for the risk management decisions.

³⁴ Art. 3(10).

³⁵ Art. 3(9).

³⁶ M. Taczanowski, *Prawo żywnościowe*, Warszawa 2017, pp. 66–67.

³⁷ J. Kijowski, W. Wyslouch, *Integracja systemu HACCP i systemu według normy PN-EN ISO serii 9000:2001* [in:] *Zarządzanie jakością i bezpieczeństwem żywności. Integracja i informatyzacja systemów*, eds. J. Kijowski, T. Sikora, Warszawa 2003, pp. 131–148.

It should be pointed out that food control is necessary for consumer protection, as well as for other links in the food chain: industry, food production or food trading, as for these one of the utmost objectives is to gain consumer confidence. Both at the level of EU and Polish law, there are many legal acts regarding consumer protection on the agri-food market. They contain the rules and conditions that are required during the production and sale of food regarding information that is provided to the consumer, e.g. commercial grade, but also introduce bodies that ensure compliance with these stringent regulations. One of such bodies is the Veterinary Inspection, which in order to protect the indicated values uses administrative and legal supervision over animal health, as well as the safety of products of animal origin and food containing foodstuffs of non-animal origin and products of animal origin found in agricultural retail trade. In order for mentioned activities to be effective, the bodies of the said Inspection were equipped with the possibility of using many police forms of authority. It should be added, however, that in their activities they should comply with the principles of food law, which additionally justify such activities. Still, one should not forget that in every rule of law, interference in the sphere of rights and freedoms must always be based on the principle of proportionality. The reference to this principle can be found in the cited EU regulations, where it was indicated in relation to the precautionary principle that: “Measures adopted on the basis of paragraph 1 shall be proportionate and no more restrictive of trade than is required to achieve the high level of health protection chosen in the Community, regard being had to technical and economic feasibility and other factors regarded as legitimate in the matter under consideration”³⁸. Moreover, it should not be forgotten that this is one of the basic constitutional principles which should guide public authorities.

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³⁸ Art. 7 §2 of the Regulation 178/2002.

Ura E., *Nadzór Prezesa Urzędu Ochrony Konkurencji i Konsumentów nad ogólnym bezpieczeństwem produktów*, „Zeszyty Naukowe WSIZiA w Warszawie” 2017, No. 2(39).
Wojciechowski P., *Model of administrative responsibility in food law*, WK 2016, Lex/el.

Summary

Legal sciences, raising food safety as the subject of research, focus mainly on striving to ensure sufficiently effective legal regulations and the system of bodies controlling and supervising the food market that determine the correct health quality of food. One such body is the Veterinary Inspection. And while it focuses in its tasks mainly on the protection of animal health, it directly and indirectly affects the maintenance of food health requirements. Supervision exercised by the said Inspection plays an important role in ensuring a high level of protection of human life and health, and also protects the economic interests of the consumer. These two goals are basic. Additional objectives are protection of the reliability of commercial transactions, ensuring the free movement of food in the European Union, protection of animal health and living conditions and protection of the environment. They are of particular importance for determining acceptable limits of competences that can be entrusted to public administration bodies, including the said Inspection.

The article presents the activities of the Veterinary Inspection to protect food safety and selected executive forms that it uses for this purpose. These types of entities are equipped with such forms of activity because they fulfill a protective function in the public administration system. However, this function implies the obligation to protect many different values desired individually, as well as maintain (ensure) objectively desired states of affairs, phenomena and processes.

Keywords: administration, supervision, food safety, veterinary inspection, consumer protection

ADMINISTRACYJNOPRAWNY NADZÓR INSPEKЦИИ WETERYNARYJNEJ NAD BEZPIECZEŃSTWEM ŻYWNOSCI W POLSCE – ZAGADNIENIA WYBRANE

Streszczenie

Nauki prawne, podnosząc jako przedmiot badań bezpieczeństwo żywności, skupiają się głównie na dążeniu do zapewnienia odpowiednio skutecznych regulacji prawnych i systemu organów sprawujących kontrolę i nadzór nad rynkiem spożywczym, które determinują prawidłową jakość zdrowotną żywności. Jednym z takich organów jest Inspekcja Weterynaryjna. I o ile skupia się ona w swoich zadaniach głównie na ochronie zdrowia zwierząt, to jednak w sposób bezpośredni i pośredni wpływa na zachowanie wymagań bezpieczeństwa żywności. Sprawowany przez omawianą Inspekcję nadzór pełni istotną rolę w zapewnieniu wysokiego poziomu ochrony życia i zdrowia człowieka, a ponadto chroni interesy ekonomiczne konsumenta. Te dwa cele mają charakter podstawowy. Dodatkowymi celami są: ochrona rzetelności transakcji handlowych, zapewnienie swobodnego przepływu żywności w Unii Europejskiej, ochrona zdrowia i warunków życia zwierząt oraz ochrona środowiska. Mają one szczególne znaczenie dla wyznaczenia dopuszczalnych granic kompetencji, jakie mogą być powierzone organom administracji publicznej, w tym omawianej Inspekcji.

Artykuł przedstawia działania Inspekcji Weterynaryjnej mające na celu ochronę bezpieczeństwa żywności oraz stosowane przez nią wybrane formy władcze o charakterze policyjnym. Tego rodzaju podmioty są wyposażone w takie formy działania, ponieważ pełnią w systemie administracji publicznej przede wszystkim funkcję ochronną. Natomiast z tej funkcji wynika powinność ochrony wielu zróżnicowanych wartości pożądaných jednostkowo, jak i utrzymania (zapewnienia) obiektywnie pożądaných stanów rzeczy, zjawisk i procesów.

Słowa kluczowe: administracja, nadzór, bezpieczeństwo żywności, inspekcja weterynaryjna, ochrona konsumenta