

ABSTRACT OF THE DOCTORAL DISSERTATION
THE ADMINISTRATION OF BLOOD AS A PUBLIC GOOD

Administrative law cannot achieve genuine progress unless it identifies values and makes them the subject of its inquiry. One of the most significant issues that should occupy scholarly reflection is the human being as a value and as a subject of legal regulation. Although legal provisions and the public administration authorities acting on their basis are not capable of ensuring health itself, they are able to protect the human being as an integral biological entity and to safeguard human life against existing threats. The protection of human life concerns not only matters related to health protection, but also activities associated with broadly understood security.

One of the elements subject to legal protection is human blood. Blood, as a fluid connective tissue, performs a crucial role in the human body by transporting oxygen and nutrients to cells and by participating in the removal of metabolic waste products. These functions make blood indispensable for the maintenance of vital processes. Owing to its fundamental importance for human life and health, blood possesses significant value not only from a medical perspective but also from a legal one. Its particular role within the healthcare system and its importance for ensuring public safety justify recognizing blood as a good subject to legal protection. In this sense, the concept of blood is used in the title of this dissertation, referring to it as a good of a special nature that requires regulation and protection within the existing legal order.

As a consequence of the experiences of the Second World War, many states introduced mechanisms concerning the collection and distribution of blood. At that time, blood transfusion became a fundamental component of healthcare. The development of medicine led, in the 1970s, to the emergence of an international blood market, within which blood was obtained not only for therapeutic purposes but also as a raw material for the production of blood-derived products. These developments resulted in the need to establish legal regulations aimed at guaranteeing appropriate quality standards for collected blood and, consequently, ensuring the safety of its use both in the process of patient treatment and in the pharmaceutical industry.

The concept of the administration of blood does not appear in the currently binding provisions of the Act on the Public Blood Service. The term administration derives from the Latin verb *ministrare*, meaning to act, direct, manage, or govern. In contemporary understanding, this concept refers to the undertaking of specific actions by entities of public administration provided for by law in order to satisfy defined public needs. For the purposes of

this dissertation, the administration of blood shall be understood as the entirety of activities undertaken by public entities concerning the collection, storage, distribution, transfusion, and transportation of blood.

The task of the state is to ensure the rational administration of blood, to guarantee blood safety, and to counteract threats that may arise in this area. The public blood service constitutes an important component of the healthcare system, the purpose of which is to ensure the health security of citizens. Legal regulations concerning blood are intended to ensure the realization of the constitutional right to the protection of the life and health of both blood donors and recipients. Ensuring the availability of blood should be regarded as an element of the public security system. An insufficient capacity to administer blood may lead to threats to the life and health of patients and, consequently, endanger fundamental constitutional values.

The issue of the administration of blood will be analysed from an institutional perspective, with particular emphasis on the role of the state and specialised public entities in ensuring blood safety. The main research hypothesis assumes that blood constitutes a public good, as it serves the realization of constitutionally protected values, namely human life and health, which justifies treating the administration of blood as an element of public security.

The dissertation consists of four chapters, supplemented by an introduction, a conclusion, and a bibliography. The first chapter is devoted to the issue of health security as an object of protection under administrative law. Undertaking research on this issue required, first and foremost, the clarification of the conceptual framework relevant to these considerations. Concepts such as security, public security, health, and health security are therefore explained. Subsequently, reference is made to axiological issues. The values of human life and health are presented in the context of international law, European Union law, the Constitution of the Republic of Poland, and from the perspective of administrative law.

The second chapter presents the origins and development of blood donation in Poland, explains the concept of blood, and discusses blood as a public good. It then examines the organization of the public blood service by outlining the framework for the provision of healthcare activities, characterizing the organizational units of the public blood service and the activities they perform. The chapter concludes with a discussion of blood safety from a comparative legal perspective.

The third chapter is devoted to the public blood service. It provides a characterization of the fundamental principles of blood donation, discusses the idea of voluntary non-remunerated blood donation, and presents the rules governing the handling of blood as well as

the rights of patients within the public blood service. Furthermore, the chapter analyses the legal forms of administrative action in the area of the functioning of the public blood service.

The fourth chapter contains considerations concerning the supervision of the administration of blood. Given that the analysed supervision pertains to the organizational units of the public blood service, which constitute healthcare entities, the discussion first addresses the regulations resulting from the Act on Medical Activity, and subsequently the provisions contained in the Act on the Public Blood Service, in order to systematize the analysis undertaken. The dissertation also refers to general definitions of supervision and supervisory measures, and discusses the relationship between supervision and control with reference to the issue under examination.

Detailed considerations relating to particular issues associated with the administration of human blood within the Polish system of the public blood service allow for the conclusion that blood constitutes a public good of key importance for the protection of constitutional values, namely human life and health. These values determine the obligation of the state to undertake actions aimed at ensuring their real and effective protection. One of the instruments for the implementation of this obligation is the institutional system of blood administration. A shortage of blood would lead to a threat to public security and, consequently, to a violation of the state's obligation to protect the life and health of its citizens. The entirety of activities undertaken by public entities in the field of the collection, storage, distribution, transfusion, and transportation of blood constitutes an expression of the fulfilment of the constitutional duty of the state in the area of protecting human life and health. Consequently, the administration of blood should be perceived as an important element of public security.