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Substantive preparation and the professional nature of the veterinary civil service

Abstract

The first of the constitutional guarantors of the quality of the civil service is its professional nature. It is the first, but not the only guarantor of the quality of the civil service. However, it is the professional qualifications of people performing public service that directly influence the authority of the State. The professional attribute of the functioning of the civil service, on the one hand, affects the way it is organized, and on the other hand, it can be related to the method of qualifying and recruiting corps members, based on the criterion of substantive preparation: education, knowledge, skills and experience. In the areas of operation of public administration related to the need to use specialized knowledge and experience, the professional condition is met with is met with higher requirements for special substantive preparation. The Veterinary Inspection is an example of a government institution whose personnel are subject to high specialist requirements directly determining the professional nature of its services.

Keywords: veterinary inspection, civil service, professional qualifications, profession of public trust, veterinarians.

Introduction

The civil service corps introduced into the government administration system¹ on the basis of a separate structure is an important element of the effective implementation of the state's tasks². The civil service is recognized as one of the

¹ See Article 153 of the Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws No. 78, item 483).

² D. Dudek, Komentarz do art. 153 Konstytucji [in:] M. Safjan, L. Bosek (eds.), Konstytucja RP. Volume II. Commentary on Article 87–243, Warsaw 2016, p. 811.

key institutions that mobilize human resources necessary to manage public affairs. She is responsible for the preparation and implementation of public policies, as well as for the provision of necessary public services, including ensuring security for citizens in various areas of social life³.

The constitutional goal of the Civil Service Corps indicated in Art. 153 of the Constitution is to ensure professional, reliable, impartial and politically neutral performance of the state's tasks. The system of values underlying this structure also determines its organized character, enabling it to be distinguished and highly specialized. The aforementioned values taken together penetrate the systemic solutions included, in particular, in the Civil Service Act⁴ and they are intended to guarantee the effective operation of public administration in the implementation of public tasks.

At the same time, it should be noted that the civil service has been perceived over the years as an institution that dynamically reacts to changes taking place in its environment, including those resulting from global problems that go beyond the possibilities of individual countries' influence. The aforementioned changes result in particular from the complexity of contemporary challenges, new needs and threats to society, which it has to face with the significant support of public administration. All that requires having the proper skills and competences as well as specialist knowledge, making the current model of a "generalist" official, based on the knowledge of administrative law and general knowledge of management, slowly disappear into the past⁵.

Regardless of the current and future challenges faced by the public administration, traditionally one can distinguish such areas of the civil service corps' activity, which are associated with the need for a higher standard of qualifications, additional substantive preparation related to a separate discipline, supported by appropriate experience. One of them is the area of public administration activities undertaken in connection with the protection against public health threats resulting from the protection of animal health and the safety of products of animal origin. Activities in this socially important area are carried

³ These activities can be qualified as elements that provide security guarantees, and thus be considered as the implementation of the obligation imposed on public authorities in accordance with Article 5 of the Polish Constitution, where the concept of security should be understood broadly, as a state that gives a sense of certainty and stability and guarantees its protection. It should be noted that this concept covers both political and military security, but also legal, material, social and environmental security – see: M. Florczak-Wątor, *Komentarz do art. 5 Konstytucji* [in:] M. Safjan, L. Bosek (ed.), *Konstytucja RP. Volume II. Commentary on Art. 1-86*, Warsaw 2016, p. 288.

⁴ Act of 21 November 2008 on the civil service (i.e. Journal of Laws of 2022, item 1691), hereinafter: uSC.

⁵ See: J. Kozłowski, R. Sobiech, *Civil service today and tomorrow. Key problems and proposed solutions*, Warsaw 2020, p. 2. <https://www.batory.org.pl/wp-content/uploads/2020/09/Sluzbacywilna-dzis-i-jutro.pdf> [downloaded on: 2/10/2022].

out by the Veterinary Inspection⁶, which recruits people with the professional title of veterinarian⁷. Thus, the attribute of professionalism of the veterinary civil service staff is of particular importance. Persons forming the veterinary civil service corps must meet a double standard of professionalism: the first one resulting from belonging to a professional group related to the performance of the profession of public trust⁸, which is the profession of a veterinarian, and the second one resulting from belonging to the civil service corps.

In the light of the above, the question arises what impact the indicated situation, and in particular the requirement of proper substantive preparation, has on the professional nature of veterinary services?

1. Professionalism as a constitutional attribute of the civil service corps

As D. Dudek emphasizes, the first of the constitutional guarantors of the quality of the civil service is its professional character⁹. It is the first, but not the only, guarantor of the quality of the civil service, as an official cannot be professional without being reliable or apolitical at the same time¹⁰. As a matter of fact professionalism in the civil service is a specific instrument of its functioning, a tool to achieve the main goal of the civil service¹¹. M. Zdyb points to a different perspective, who states that the professional qualifications of people performing public services directly affect the authority of the State¹².

It should be stressed that the norms of law do not define the autonomous meaning of the term "professional". It should be combined with the term "profession" or "occupation". These terms also has no normative referents. In the doctrine of law, the definition of the term "occupation" was proposed by K. Wojtczak

⁶ Act of 29 January 2004 on the Veterinary Inspection (uniformed text in: Journal of Laws 2021, item 306 as amended), hereinafter: uIW.

⁷ Act of December 21, 1990 on the profession of a veterinarian and medical and veterinary chambers (uniformed text in: Journal of Laws of 2019, item 1140), hereinafter: uzlw.

⁸ See: J. Helios, W. Jedlecka, Lekarz weterynarii jako zawód zaufania publicznego, "Życie Weterynaryjne" 2022 No. 97 (10), pp. 645 et seq.

⁹ D. Dudek, op.cit, p., 812.

¹⁰ T. Górczyńska, Służba cywilna w konstytucji Rzeczypospolitej Polskiej, [in:] ed. Hauser, A. Wróbel, Z. Niewiadomski (eds.), Konstytucyjne podstawy funkcjonowania administracji publicznej. System Prawa Administracyjnego Tom 2, Warszawa 2012, p. 428, as well as A. Sarota, Realizacja wymogu zawodowego charakteru służby cywilnej w Polsce, Kwartalnik Prawa Publicznego 2007, No. 3 p. 189 et seq.

¹¹ K.A. Wąsowski, Profesjonalizm w służbie cywilnej : cecha działania, cel czy wartość, [in:] Z. Cieślak, W. Drobny (eds.) Polski korpus służby cywilnej i jego zmiany: prace studialne Warszawskiego Seminarium Aksjologii Administracji, Warsaw 2019, s 87.

¹² M. Zdyb, Aksjologiczne dylematy służby publicznej [in:] K. Miaskowska-Daszkiwicz, M. Mazuryk (eds.), Prawne i aksjologiczne aspekty służby publicznej, Lublin-Warsaw 2010, p. 144.

by indicating the elements constituting the *definies* of this concept¹³. The author distinguishes four components that define the *definiendum* referred to here. Thus, the constituent elements of the concept of “occupation” are a specific type of activity, specific qualifications, permanent nature of work and income obtained through work. In the light of the position of the Constitutional Tribunal the term “profession” means an occupation which a person has learned and which he constantly performs for money, deriving a means of subsistence, and at the level of linguistic interpretation the concept of a profession is usually related to the possession of specific skills or qualifications¹⁴.

Referring the above comments to the manner of implementing the constitutional guarantee of the professional character of the civil service corps, it should be noted that, on the one hand, it influences the organization of the civil service as an organized and permanent structure in the public authority system, where being a civil servant is treated as a profession¹⁵ and is permanent, uninterrupted, conscious operation of competent clerical staff.

The professional character can also be related to the method of qualifying and recruiting corps members, based on the basic criterion of professional preparation: education, knowledge, skills and experience¹⁶. Thus, the feature of professionalism can also be understood as an appropriate level of substantive preparation of employees to carry out specific tasks of the state, i.e. to perform them with knowledge of things, using all available knowledge and the highest skills, meeting the conditions required by law in the field of education, knowledge, skills, internship work, work experience, specific qualifications related to a specific position¹⁷. This results in the requirement to establish appropriate qualification requirements for recruitment to the civil service corps, and then - relevant requirements from members of the civil service corps, checked in the course of periodic qualification assessments¹⁸.

The implementation of the above assumption is in particular the resulting from the content of the disposition of art. 99 uSC obligation to define by the Prime Minister the professional qualifications of employees required to perform work in particular official positions, in the scope not regulated in specific provisions¹⁹ as well as the obligation to train employees and subject them to periodic evaluation.

¹³ K. Wojtczak, *Zawód i jego prawna reglamentacja. Studium z zakresu materialnego prawa administracyjnego*, Poznań 1999, p. 32.

¹⁴ See the judgment of the Constitutional Tribunal of 30 May 2000, U 5/99, OTK 2000, No. 4, item 114.

¹⁵ The judgment of the Constitutional Tribunal of December 12, 2002, K 9/2002, OTK ZU 2002, No. 7, p. 1262 et seq.

¹⁶ D. Dudek, *op.cit.*, p. 812.

¹⁷ J. Jagielski, K. Rączka, *Komentarz do ustawy o służbie cywilnej*, Warsaw 2010, pp. 15 et seq.

¹⁸ W. Sokolewicz, *Komentarz do art. 153, [in:] L. Garlicki, M. Zubik (eds.), Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom II*, Warszawa 2016, p. 16.

¹⁹ See: Regulation of the Prime Minister of January 29, 2016 on the determination of official positions, required professional qualifications, official ranks of civil servants, multipliers to deter-

Mentioned perspective is confirmed by the Constitutional Tribunal, which in one of its judgments emphasizes that ensuring the professional performance of tasks by members of the civil service corps requires the creation of conditions guaranteeing candidates for positions in this service to acquire appropriate qualifications, a mechanism for verifying their professional preparation (also during employment) and ensuring reliable recruitment for positions in government administration offices. Professional performance of state tasks within the civil service also requires an appropriate form of employment and stabilization of the profession as well as ensuring constant improvement of qualifications²⁰. Therefore, taking care of the appropriate level of professionalism of civil service employees requires verification of knowledge, experience, and usefulness, not only before being admitted to the civil service corps, but also while in service²¹.

From this perspective, professionalism is equated with the knowledge of things, competence²², appropriate professional level of administration, including the best possible substantive preparation of the members of the civil service corps and their competence to perform tasks facing the government administration²³.

At the end of this part of the consideration, one should recall the position of the doctrine, which also emphasizes the axiological element, which requires treating the civil service in terms of fulfilling obligations towards states and society, and, if necessary, putting individual or group needs of the service above one's own interests²⁴, bearing in mind that serving the state and society in an impartial and professional manner is the main goal of public administration²⁵.

2. Tasks of the Veterinary Inspection as a factor defining professional qualifications

The separation of the inspection as a special administration unit was caused, as was the case with other state administration bodies with special competence, by an increase in the number of public administration tasks, the degree of their complexity and the requirement to have specialized knowledge in veterinary

mine remuneration and detailed rules for determining and paying other benefits due to members of the civil service corps (consolidated text in: Journal of Laws No. of 2022, item 2024), hereinafter: the Regulation.

²⁰ See the judgment of the Constitutional Tribunal of 12th February 2002, K 9/02, OTK-A 2002, No. 7, item 94.

²¹ T. Górzyńska, *op.cit.*

²² J. Jagielski, [in:] J. Jagielski, K. Rączka (eds.), *Ustawa o służbie cywilnej. Komentarz*, Warsaw, p. 26.

²³ B. Przywora, [in:] K.W. Baran (ed.), *Ustawa o służbie cywilnej. Komentarz*, Warsaw 2021, pp. 39–40

²⁴ J. Jagielski, [in:] J. Jagielski, K. Rączka (eds.), *Ustawa o służbie ...*, p. 26.

²⁵ B. Przywora, L. Bielecki, *O potrzebie modernizacji polskiej służby cywilnej – w poszukiwaniu modelu po 20 latach reform*, „*Annales universitatis Mariae Curie – Skłodowska*” 2017, No. 2, p. 83.

matters. The Veterinary Inspection is a collective institution established to perform specific tasks, mainly control ones. The use of the organizational form of inspection suggests entrusting members of the veterinary services with inspection functions, especially those of a specialized nature²⁶. Thus, specialist knowledge resulting from substantive preparation is a necessary condition for the efficient and effective operation of this part of the government administration. The main goal of actions taken by the bodies of this institution is to ensure the state in accordance with the provisions of the law on widely understood veterinary matters related to the protection of public health. Mentioned rules include, in particular, the veterinary legislation contained in the animal health and veterinary public health legislation of the European Union, as well as national laws implementing or enforcing these laws²⁷.

The general formula defining the scope of activities and types of cases for which the Veterinary Inspection was established was expressed in Article 3 sec. 1 uIW. According to it, the Veterinary Inspection, in order to ensure the protection of public health, performs tasks in the field of animal health protection and the safety of products of animal origin, food containing both foodstuffs of non-animal origin and products of animal origin found in agricultural retail trade and imported composite products specified in the regulations. The substantive competence of the Veterinary Inspection is also determined by specific laws, it covers a wide range of activities with a high degree of specialization²⁸.

The area of operation of the Veterinary Inspection is wide, its boundaries are clearly determined primarily by supervisory and control functions, including border controls as well as activities related to combating infectious animal diseases²⁹. The sphere of competence also includes material and technical activities, analytical and research activities, as well as extensive information and promotion activities. In particular, in the area of factual activities undertaken by the veterinary administration, their highly specialized nature is indicated³⁰. It is manifested, for example, in the terminology of some of them taken from medical

²⁶ J. Jagielski, *Inspekcje specjalne w systemie kontroli administracji*, Kontrola Państwowa 1994, No. 4, p. 3.

²⁷ Article 2 section 1 uIW.

²⁸ More on the tasks of the bodies operating within the veterinary inspection structure compare K. Mełgieś, *Główny Lekarz Weterynarii*, [in:] B. Szmulik, K. Miaskowska-Daszkiewicz (eds.) *Administracja publiczna. Ustrój administracji państwowej centralnej. Komentarz*, Warsaw 2012, p. 903 et seq; K. Mełgieś, *Wojewódzki lekarz weterynarii*, [in:] B. Szmulik, K. Miaskowska-Daszkiewicz (eds.) *Administracja publiczna. Ustrój administracji państwowej terenowej. Komentarz*, Warsaw 2012, p. 69 et seq.; K. Mełgieś, *Powiatowy lekarz weterynarii*, [in:] B. Szmulik, K. Miaskowska-Daszkiewicz (eds.) *Administracja publiczna. Ustrój administracji państwowej terenowej. Komentarz*, Warsaw 2012, p. 638 et seq ; K. Mełgieś, *Graniczny lekarz weterynarii*, [in:] B. Szmulik, K. Miaskowska-Daszkiewicz (eds.) *Administracja publiczna. Ustrój administracji państwowej terenowej. Komentarz*, Warsaw 2012, p. 669 et seq.

²⁹ Article 3 section 2 uIW.

³⁰ M. Rudy, *Wstęp do prawa sanitarnego i weterynaryjnego*, Wrocław 2010, p. 277.

science such as: “epizootic investigation” or carrying out “preventive vaccinations”. Among the typical activities undertaken to establish the facts of the case clinical examinations, sampling and laboratory tests are also undertaken. Of particular importance are various types of certificates issued by authorized veterinary service bodies, where the person issuing such an official document must have appropriate knowledge and preparation both with regard to the relevant legal provisions relating to veterinary legislation, as well as the principles of carrying out veterinary checks or making a proper diagnosis³¹.

The wide and specialized range of Veterinary Inspection’s activities determine the legal solutions that place significant emphasis on the appropriate substantive preparation of people recruited to its ranks. This is to ensure the appropriate quality of tasks carried out by veterinary services.

3. Veterinary Inspection within the structures of the civil service corps

The professional nature of the veterinary civil service, which includes employees, officials and persons employed in a higher position in the civil service in the structures of the Veterinary Inspection, is of particular importance due to the fact that all these persons must have appropriate substantive preparation. The qualifications of candidates for positions and offices for this service are combined with specialist knowledge, which relates not only to the proficient knowledge of legal provisions, procedures or the manner of proceeding in a given category of administrative matters. It primarily refers to the appropriate education in a given veterinary field and the knowledge acquired along with it, as the basis for independent assessment of the actual situation and efficient derivation of legal consequences from it in the form and procedure specified by law. The Veterinary Inspection, like other institutions of this type, is related to the organizational structure, which includes competent bodies that perform its tasks: Chief Veterinary Officer, as the central government administration body, at the voivodeship level - voivodeship veterinarian, in poviats - poviats veterinarian and bodies operating at the external borders of the EU - border veterinarians³².

The voivodeship veterinarian, as the head of the voivodeship veterinary inspection included in the combined government administration in the voivodeship, performs the tasks specified in the provisions of veterinary law on his own behalf under the authority of the voivode, and in the scope of ensuring sanitary and epizootic safety he is responsible to the Chief Veterinary Officer. The poviats veterinarian, as the head of the poviats veterinary inspection which is part of the non-combined government administration, reports to the voivodeship veterinar-

³¹ Article 26 uIW.

³² Article 5 uIW.

ian. The border veterinarian, as a non-combined administration body, reports directly to the Chief Veterinary Officer. It should be stated that systemic solutions typical for a collective institution such as inspection have been adopted here. Each of its bodies has its own tasks and competences assigned to it by law, which fall within the sphere of tasks and objectives of the Veterinary Inspection.

Auxiliary offices for servicing the above-mentioned bodies are constituted by the Chief Veterinary Inspectorate, voivodship, powiat and border veterinary inspectorates, respectively³³. In addition, there are official laboratories within the veterinary inspection structures that analyze samples taken during official controls³⁴. The tasks of the Inspection bodies are performed by the Inspection employees and persons appointed to perform specific activities³⁵. Thus, not all persons involved in the implementation of the tasks entrusted to the Veterinary Inspection are members of the civil service corps.

It is made up of employees and officials of the Chief Veterinary Inspectorate³⁶ as well as voivodeship, powiat and border veterinary inspectorates, whose heads are voivodeship, powiat and border veterinarians, respectively. The civil service corps also includes voivodeship veterinarians and powiat veterinarians and their deputies occupying senior positions in the civil service, as well as border veterinarians occupying the position of middle management in the civil service. It should be noted here that the separate inclusion of powiat and border veterinarians and their deputies into the civil service is a certain exception to the adopted rule that both local government administration bodies and heads of provincial (combined) and powiat services, inspections and guards do not enter in the civil service corps, although - in general - the employees of their auxiliary apparatus (offices) do. Coordinating positions in the civil service are occupied by laboratory managers and workshops managers. Independent positions are held by voivodeship veterinary inspectors, heads of local departments, consultants, and senior veterinary inspectors. Specialist positions in the veterinary structure of the civil service are occupied by senior assistant, veterinary inspector, junior assistant and senior veterinary inspector³⁷.

It should be emphasized that with regard to positions included in the civil service, a special principle of recruitment of candidates for the civil service was applied. Recruitment for the positions of a border veterinarian and his deputy is

³³ Compare: Article 11 uIW and the Order of the Minister of Agriculture and Rural Development of April 4, 2022 on the organization of voivodeship, powiat and border veterinary inspectorates (Journal of Laws of the Ministry of Agriculture and Rural Development of 2022, item 11).

³⁴ These are, in particular, veterinary hygiene establishments operating within voivodeship veterinary inspectorates and veterinary laboratories <https://www.wetgiw.gov.pl/nadzor-weterynaryjny/system-laboratoriow-urzedowych> [downloaded on: October 2, 2022].

³⁵ Article 5 section 2 and Article 16 uIW.

³⁶ Article 2 sec. 1 point 2 uSC.

³⁷ Annex No. 1 to the Regulation.

organized by the Chief Veterinary Officer, while for the positions of poviats veterinarians and their deputies - voivodeship veterinarians³⁸.

The consequence of including the indicated positions in the civil service corps is that, on the one hand, these persons have been granted special rights³⁹, and on the other hand, additional obligations have been imposed on them⁴⁰. Therefore, they are obliged, among others, to: reliably and impartially, efficiently and timely perform the entrusted tasks and develop professional knowledge⁴¹, carry out the official orders of their superiors⁴², and in the performance of their official duties may not be guided by individual or group interests⁴³. They are also subject to specific legal liability mechanisms, including disciplinary liability⁴⁴.

4. Specific substantive requirements of veterinary services

The specialized scope of tasks entrusted to the Veterinary Inspection determined the special mode of recruitment of persons performing the functions of supervisors of the Veterinary Inspection bodies that are part of the civil service corps, i.e. voivodeship, poviats and border veterinarians and their deputies. This is manifested primarily in the need to meet the requirement of having appropriate competences verified by appropriate education, professional title, seniority, professional experience and specific qualifications. The recruitment model typical for employment in the civil service corps was used here. It consists in introducing a formal premise and confirmation of actual qualifications⁴⁵. The formal premise refers to education confirmed by certificates and diplomas specified by law, while the actual qualifications refer to professional skills and substantive work experience.

The requirement related to education and professional title requires the candidate to have the right to practice as a veterinarian in the territory of the Republic of Poland. The title of veterinarian is obtained by persons who have completed studies at the Faculty of Veterinary Medicine, while the right to prac-

³⁸ Article 27 uSC.

³⁹ Chapter 7 uSC.

⁴⁰ Chapter 6 uSC.

⁴¹ Article 76 sec. 1 points 4 and 6 uSC.

⁴² Article 77 ust. 1 uSC.

⁴³ Article 78 ust. 1 uSC.

⁴⁴ See: K. Miaskowska-Daszkiewicz, The responsibility of the members of the corpus of the civil services in the Republic of Poland, [w] T. Majerčák, V. Perduková (red.) *Postavenie verejných funkcionárov v právnom poriadku Slovenskej republiky*, Košice 2012, p. 183.

⁴⁵ Zob. A. Dral, Podnoszenie kwalifikacji zawodowych jako środek zwiększania poziomu kompetencji zawodowych członków korpusu służby cywilnej, „*Studia z Zakresu Prawa Pracy i Polityki Społecznej*” 2022, Nb. 2, p. 216.

tice the profession is granted only after obtaining an entry in the register made by the District Medical and Veterinary Council after prior verification of the fulfillment of additional conditions⁴⁶. Obtaining the professional title of veterinarian results in obligatory membership in the veterinary medical self-government and obliges to practice the profession with particular care, based on the principles of veterinary ethics and deontology⁴⁷.

The second group of prerequisites for qualifying a candidate for the position of an authority in the veterinary service or its deputy is related to the experience gained and specific qualifications, which are to guarantee the proper performance of public duties. Regardless of the need to hold the title of veterinarian, candidates must additionally hold the title of specialist in epizootiology and veterinary administration or hygiene of slaughter animals and food of animal origin⁴⁸. It should be emphasized that veterinary studies are general in nature. A veterinarian may obtain the title of a specialist in a given area if he has practiced the profession for at least four years, completed a specialization training according to the program established for a given area of veterinary medicine and passed a specialization exam⁴⁹.

In addition, in the case of a voivodship veterinarian and his deputy, five years of work experience in public administration in the field of veterinary tasks is required. In the case of a poviats and border veterinarian and their deputies, the candidate must have three years of work experience in public administration in the field of veterinary tasks⁵⁰. This requirement is to guarantee experience in efficient management of the administration, including the entrusted human resources in materially relevant matters.

Thus, all persons holding the functions of the Veterinary Inspection authorities must have appropriate qualifications and specialist substantive preparation. It should be stated at this point that only general qualifications are not sufficient here, the legislator means something more, a kind of competence related to specialist knowledge in the field of veterinary medicine, as well as appropriate professional experience and also skills.

In relation to other civil service personnel employed in the Veterinary Inspection, requirements were also laid down regarding the possession of specific qualifications by candidates applying for these positions. For coordinating, independent and specialist positions, with the exception of the senior veterinary inspector, a requirement has been introduced to have a higher education in veterinary or other higher education in the field of matters falling within the competence of the Veterinary Inspection. For the remaining persons, a requirement

⁴⁶ Article 2 uzlw.

⁴⁷ Article 4 uzlw.

⁴⁸ Article 9 sec. 1 point 2c uIW.

⁴⁹ Article 3a uzlw.

⁵⁰ Article 9 ust.1 point 2b uIW.

to have secondary or industry-specific secondary education was introduced⁵¹. Thus, veterinarians may also be employed in the group of persons from veterinary civil services who do not perform the functions of authorities.

Persons remaining in the veterinary civil service corps have a statutory obligation to develop professional knowledge⁵² and thus take care of the development of their own qualifications related to professional preparation and professional performance of the entrusted tasks. Although, as indicated in the doctrine, this obligation is only postulative⁵³, the duty to participate in training⁵⁴, whether central or general, and above all individual and specialized, should be perceived as an absolute obligation of a corps member sanctioned by the provisions of the Act⁵⁵.

The above position is supported by the views of the Constitutional Tribunal, which emphasizes that members of the civil service corps should also acquire the highest possible skills and competences through continuous development of professional knowledge during their employment⁵⁶. This necessity results primarily from the fact that contemporary social relations, where the government administration operates, is characterized by volatility and impermanence, which is associated with frequent changes in the law, and this requires constant updating of knowledge.

In the case of veterinary medicine and public health science, the need to follow medical scientific reports is a prerequisite for the effective implementation of control tasks by the veterinary administration, as well as those related to the prevention and combating of infectious animal diseases. With regard to members of the civil service corps who are veterinarians, the strengthening of professional preparation for the service also results from the professional regulation, which requires members of the professional self-government of veterinarians to practice their profession based on modern knowledge in the field of veterinary medicine and to constantly supplement their knowledge and improve professional skills⁵⁷. The self-government of veterinarians was equipped with appropriate instruments to support their members in the field of training, and statutory obligations in this regard were imposed on it⁵⁸.

⁵¹ Annex No. 1 to the Regulation.

⁵² Article 76 ust. 1 pkt 6 uSC

⁵³ A. Dral, *op.cit.*, p. 216.

⁵⁴ Article 106 ust.1 uSC

⁵⁵ *Zob. A. Dral, op.cit.*, p. 220.

⁵⁶ Judgment of the Constitutional Tribunal of May 2, 2002, SK 20/00, OTK-A 2002, No. 3, item 29.

⁵⁷ Article 5 sec. and Article 6 sec. 1 of the Veterinarian Code of Ethics adopted under Resolution No. 3/2008/VII of the Extraordinary 7th National Congress of Veterinarians of January 26, 2008 on the adoption of the Code of Ethics for Veterinarians https://vetpol.org.pl/prawo/cat_view/591-dokumenty/56-kodeks-etyki-lekarza-weterynarii [downloaded on: 2.10.2022]

⁵⁸ Resolution No. 26/2022/VIII on voluntary continuing education of veterinarians on voluntary continuing education of veterinarians <https://www.vetpol.org.pl/images/uchwaly/uchwa%C5%82y>

Regardless of the above-mentioned regulations affecting the maintenance of the appropriate quality and professional level of the activities of the employees of the Veterinary Inspection during the performance of the entrusted tasks, the instruments provided for in the Labor Code⁵⁹ should also be used. In accordance with the content of art. 9 sec. 1 of the Civil Service, in matters concerning the employment relationship in the civil service, not regulated by the Act, the provisions of the Labor Code and other provisions of the labor law shall apply. According to Art. 103^l of the Labor Code, improving professional qualifications is understood as acquiring or supplementing knowledge and skills by an employee, at the employer's initiative or with his consent. Upgrading qualifications within the meaning of the aforementioned provision includes all forms aimed at acquiring knowledge or supplementing knowledge and skills. In practice, acquiring knowledge, supplementing knowledge and skills will include not only school forms at various levels of education - e.g. studies at universities, post-graduate studies, but also extracurricular forms such as training, courses or seminars⁶⁰.

5. Veterinarians in the civil service corps

Persons holding the functions of Veterinary Inspection authorities and their deputies, as well as other civil servants employed within this institution who are veterinarians, are also members of the medical and veterinary self-government. Can this circumstance affect the situation of them in the civil service corps specially in the context of substantive preparation for performing the public tasks?

The answer to this question indirectly results from the previously conducted considerations. It should be pointed that creation of a professional self-government of veterinarians by virtue of the Act, their obligatory membership in it and equipping this body with the right to supervise compliance with the rules of practicing the profession of a veterinarian requires recognition that the members of this corporation perform a profession of public trust⁶¹. The purpose of the functioning of the self-government of the profession of public trust established which is established in Article 17 section 1 of the Constitution is to supervise the proper performance of the profession within the limits of the public

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⁵⁹ Act of June 26, 1974, Labor Code (consolidated text: Journal of Laws of 2022, item 1510), hereinafter: Kp.

⁶⁰ A. Dral, *op.cit.*, p. 225.

⁶¹ See judgment of the Constitutional Tribunal of May 22, 2001, K 37/00. LEX; J. Helios, W. Jedlecka, *op.cit.* p. 645 et seq.. On the profession of public trust, see M. Szydło, *Komentarz do Art. 17 Konstytucji* [in:] M. Safjan, L. Bosek (ed.) *Constitution of the Republic of Poland. Volume I. Commentary on Articles 1-86*, Warszawa 2016, Legalis, as well as J. Smarż, *Definiowanie pojęcia „zawód zaufania publicznego”, „Studia Prawnicze” 2012, No. 3, p. 123.*

interest and for its protection⁶². In view of the above, the proper performance of the functions of the self-government consists in particular in controlling the way it performs its profession by authorized persons.

Veterinarians in the civil service corps are subject to an enhanced, double standard of assessing the current professional readiness and the quality of professional preparation. Once as members of the civil service corps, the second time as members of the professional self-government of the profession of public trust.

Persons in the civil service corps who are also veterinarians are subject to an enhanced, double standard of assessing the current professional readiness and the quality of professional preparation. Once as members of the civil service corps, the second time as members of the professional self-government of the profession of public trust. Due to the performance of the profession of public trust, they are also subject to additional professional liability - disciplinary liability. According to its rules, a disciplinary offense should be considered a violation of the duty to conscientiously perform the profession in accordance with current veterinary knowledge. In order to avoid this responsibility, it is necessary to constantly improve professional skills and systematically supplement one's knowledge with novelties in the field of veterinary medicine⁶³.

Summary

Summarizing the conducted considerations, which focused on the adopted legal solutions in the perspective of ensuring effective performance of public tasks by members of the veterinary civil service corps guaranteeing their implementation in an appropriate standard of professionalism, several resulting conclusions can be indicated.

Firstly, due to the fact that the adopted organizational form, which is the inspection, under which members of the civil service corps responsible for ensuring veterinary safety operate and the public tasks entrusted to it indicate a highly specialized nature - a higher threshold was introduced for recruitment for positions in its structures qualification requirements, both in terms of formal requirements and actual candidates. Substantive preparation related to the area of performed tasks is of fundamental importance. It specifically defines the professional nature of these services.

This is an example of an area of government administration where the legislator defined the qualification requirements for recruitment for senior positions and middle management in a separate act. The requirement to have appropriate education resulting from veterinary studies or the title of a profes-

⁶² M. Szydło, *op.cit.*

⁶³ See content of the veterinarian's oath constituting an introduction to the Veterinarian Code of Ethics.

sional veterinarian is necessary for the proper identification of factual situations legally qualified related to veterinary safety. Further, having the title of specialist in epizootiology and veterinary administration or hygiene of slaughter animals and food of animal origin is an additional reinforcement for the quality of tasks performed at the level of persons holding the functions of the authority. Required for the positions of voivodship, powiat and border veterinarian and their deputies, additional experience in working in public administration in the implementation of tasks related to veterinary medicine seems to be a guarantee of efficient management of entrusted teams of employees, respectively within the voivodship, powiat or border veterinary inspectorate.

The listed requirements should be considered as minimal, due to the nature of the institution, which is the Veterinary Inspection, whose tasks are primarily control functions. Inspecting persons verifying the facts should be at least at the level of the inspected entities in terms of knowledge and experience, so that the inspection can be carried out effectively.

Secondly, the development of substantive preparation, including the knowledge and qualifications of its staff, is of great importance for maintaining professionalism among veterinary services. In the light of the considerations, the system of professional knowledge development by members of the civil service corps appears to be a complex system.

On the one hand, in the light of the regulations contained in the Civil Service Act, it includes a system of trainings carried out during employment on the principles provided for by this Act, as well as improving qualifications on the basis of the provisions of the Labor Code. The form of raising professional qualifications provided for in the Civil Service Act as a training system and an individual professional development program seems to be necessary in terms of improving the level of professional competence of individual members of the civil service corps and the efficiency and quality of government administration offices. The instrument of periodic evaluation in the civil service is also of great importance for ensuring an appropriate level of qualification improvement.

For members of the veterinary services, the above-mentioned model would not be fully effective, because for the positions of the Veterinary Inspection, where substantive veterinary preparation is required, including specialist knowledge and its updating - it can be fully implemented only in cooperation with the veterinary professional self-government. The aforementioned institution has been equipped with appropriate instruments related to the exercise of care and supervision over the proper and conscientious performance of the profession of a veterinarian. They allow the veterinarian to support the improvement of qualifications by promoting the achievements of veterinary science and providing assistance in improving professional qualifications. At the same time, they make it possible to discipline members of the self-government who neglect their duties in this respect with disciplinary penalties.

The adopted model based on the involvement of veterinarians practicing public trust in the civil service corps operating within the Veterinary Inspection definitely strengthens the guarantees for meeting the professional attribute of its employees and officials. However, it should be emphasized that closer and more coordinated cooperation between the professional veterinary self-government and the administration of the Veterinary Inspection in this area would be expected.

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Merytoryczne przygotowanie a zawodowy charakter weterynaryjnej służby cywilnej

Streszczenie

Pierwszym z konstytucyjnych gwarantów jakości służby cywilnej jest jej zawodowy charakter. Jest to pierwszy, ale nie jedyny gwarant jakości służby cywilnej. Jednak to właśnie fachowe kwalifikacje osób realizujących służbę publiczną bezpośrednio wpływają na autorytet państwa. Zawodowy atrybut funkcjonowania służby cywilnej z jednej strony ma wpływ na sposób jej organizacji, z drugiej zaś można odnosić go do sposobu kwalifikowania i naboru członków korpusu, opartego na kryterium przygotowania merytorycznego: wykształcenia, wiedzy, umiejętności i doświadczenia. W obszarach działania administracji publicznej związanych z potrzebą posługiwania się wyspecjalizowaną wiedzą i doświadczeniem spełnienie warunku zawodowości ma miejsce przy wyższych wymaganiach szczególnego merytorycznego przygotowania. Inspekcja Weterynaryjna stanowi przykład rządowej instytucji, której kadrom stawiane są wysokie wymagania specjalistyczne bezpośrednio determinujące zawodowy charakter jej służb.

Słowa kluczowe: inspekcja weterynaryjna, służba cywilna, kwalifikacje zawodowe, zawód zaufania publicznego, lekarze weterynarii.