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## A Case Study: Selected Issues Regarding Combating Infectious Animal Diseases

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## A CASE STUDY: SELECTED ISSUES REGARDING COMBATING INFECTIOUS ANIMAL DISEASES

### INTRODUCTION

The article attempts to analyze the issue of preventing the spread of infectious animal diseases by competent state authorities. This issue will be presented on the example of the avian influenza virus. The incidence of this disease is relatively diverse in individual EU countries, which results from specific factors that affect the emergence or development of the virus itself. These include, among others, the climate, the species of farmed fowl, veterinary practices and the movement of birds themselves in a specific area. These factors influenced the occurrence of this disease in a large number of European countries<sup>1</sup>, as can be seen, this disease was spreading relatively quickly between individual countries.

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<sup>1</sup> Currently, 23 European countries have reported the presence of avian influenza virus subtype H5N8 in wild birds: Austria, Bulgaria, Croatia, Montenegro, Czech Republic, Denmark, Finland, France, Greece, Spain, the Netherlands, Ireland, Germany, Poland, Portugal, Russia, Romania, Serbia, Slovenia, Switzerland, Sweden, Great Britain and Hungary.

Taking into account the speed of its spread, it is important to point out the significance of the tasks to be faced by the administrative structure of the Veterinary Inspection. Not only the effectiveness of the competent veterinary services, but also cooperation with other structures will determine the speed of detection of the disease outbreak and the effectiveness of its combat.

The effectiveness of the undertaken measures should contribute to the prevention of highly contagious influenza, which will allow to avoid the necessity to take extraordinary measures, such as: a state of natural disaster. The obligatory cooperation, in particular with the police, also needs to be emphasized.

The aim of the article is the attempt to answer the question how legal regulations in practice contribute to combating this disease and whether existing legal solutions are sufficient.

The article uses a dogmatic method based on the analysis of selected generally applicable regulations and local law. The article ends with closing remarks.

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## INTERNATIONAL COOPERATION

It is well known that in the case of the analyzed disease it is difficult to talk about limiting its spread due to state borders. Therefore, the above problem can not be considered without referring to cooperation in this respect, because infectious diseases of animals, in particular birds, do not recognize state borders, so close cooperation between countries is necessary. On the international forum - the European Community - work is conducted on new legal regulations regarding Community anti-HPAI measures<sup>2</sup>, in which representatives of the Main Veterinary Inspectorate and the Ministry of Agriculture and Rural Development actively participate. The European Commission, in consultation with the Member States, issued a number of decisions determining their activities in the period of the threat of the occurrence of avian influenza and introduces and repeals prohibitions on imports and trade with countries affected by the avian influenza virus (HPAI). Particular importance was given to help in combating endemic avian influenza in non-European countries<sup>3</sup>.

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<sup>2</sup> For the first time, avian influenza was identified in Italy in 1878. Avian influenza viruses are subtypes of the type A influenza virus. Avian influenza viruses are designated according to HA and NA surface proteins. Epidemics of avian influenza in recent years have caused viruses of the subtypes H5N1, H9N2, H7N1, H5N2 and H7N1. The form of bird flu in birds can be mild or rapid and spread rapidly. For example, the virus of the H9 subtype always causes mild symptoms, the H7 virus - mild or violent symptoms depending on the strain, the H5 virus always causes a rapid course of the disease. Viruses that cause a rapid course of a rapidly spreading disease are also called "high pathogenic avian influenza viruses". Epidemics of bird flu cause economic losses for the poultry industry and farmers. H7 and H9 viruses always cause a mild disease in people.

<sup>3</sup> E.g.: Article 29 § 2 point B - Framework Agreement on comprehensive partnership and cooperation between the European Union and its Member States, on the one part, and the Socialist Republic of Vi-

Cooperation in this area also includes countries from outside the Union, exemplified by the exchange of letters constituting an agreement with New Zealand concerning amendments to Annex V to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products of 28 July 2004<sup>4</sup>.

The task of cooperating states is to coordinate the activities undertaken by various international organizations and direct them to those areas where assistance is most needed. An example may be the decision of the Commission of 20 October 2005 amending Decision 2005/693/EC concerning certain protection measures in relation to bird flu in Russia (notified under document number C (2005) 4176)<sup>5</sup>, as well as the Commission Implementing Regulation (EU) No 2016/39 of 14 January 2016 amending Annex I to Regulation (EC) No 798/2008 in terms of the entry for Mexico on the list of third countries, territories, zones or groups from which the import into the Union and the transit through its territory of certain poultry commodities is admissible in connection with highly pathogenic avian influenza<sup>6</sup>.

Limiting the deliberations to the area of the Republic of Poland, it should be noted that the solutions already taken at the EU level for the threats of bird flu in the analyzed area are essential. In particular, one should indicate at this point such regulations as:

- Commission Implementing Decision (EU) 2017/417 of 7 March 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States<sup>7</sup>;
- Art. 8 § 1 of the Commission Decision of 26 November 2009 approving the annual and multiannual programs and the Community's financial contribution to combating, controlling and monitoring of certain animal diseases and zoonoses, submitted by Member States for 2010 and subsequent years (notified as a document No. C(2009) 9131) (2009/883/EC)<sup>8</sup>;
- Chap. XII 'Bird flu surveillance programs in poultry and wild birds' of the Commission Decision of 30 November 2006 approving programs for combating and monitoring of animal diseases, certain transmissible spongiform encephalopathies (TSEs) and for the prevention of zoonoses provided by Member States for 2007 (notified under document number C(2006) 5677)<sup>9</sup>;

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etnam, on the other part, done at Brussels on 27 June 2012, Journal of Laws of 2017, item 618; Article 31 § 1 - Framework Agreement on comprehensive partnership and cooperation between the European Community and its Member States, on the one part, and the Republic of Indonesia, on the other part of 9 November 2009, Journal of Laws of 2014, item 1006.

<sup>4</sup> [http://eur-lex.europa.eu/legal-content/PL/ALL/?uri=CELEX:21997A0226\(02\)](http://eur-lex.europa.eu/legal-content/PL/ALL/?uri=CELEX:21997A0226(02)).

<sup>5</sup> O. J. EU. L No 276, p. 68.

<sup>6</sup> O. J. EU. L No 11, p. 3.

<sup>7</sup> <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:32017D0417>.

<sup>8</sup> O. J. EU. L No 317, p. 36.

<sup>9</sup> O. J. EU. L No 337, p. 46.

- Chap. IV ‘Bird flu surveillance programs in poultry and wild birds’ and Annex III of the Commission Decision of 30 November 2006 approving programs for combating and monitoring of animal diseases, certain transmissible spongiform encephalopathies (TSEs) and for the prevention of zoonoses provided by Bulgaria and Romania for 2007 and amending Decision 2006/687/EC (notified under document number C(2006) 5702)<sup>10</sup>;
- EFTA Surveillance Authority Decision No 300/08/COL of 21 May 2008 approving a plan in the event of the threat of avian influenza provided by Norway<sup>11</sup>.
- Combating the threat of avian influenza is also associated with specific financial expenditure on the EU side, as additional activities carried out by the Member States’ structures require significant additional resources:
  - Commission Implementing Decision of 30 November 2011 on the financial contribution of the Union allocated towards the emergency measures taken to combat avian influenza in Poland in 2007 (notified under document C(2011) 8722) (2011/799/EU)<sup>12</sup>;
  - Commission Implementing Decision of 17 June 2011 establishing the financial contribution of the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Germany in 2007 (notified under document C (2011) 4161) (2011/353/EU)<sup>13</sup>.

## NATIONAL LAW

Presenting in brief the genesis of legal acts adopted in the territory of the Republic of Poland regarding the combat of animal diseases, it is necessary to point to the first Polish legal act that regulated the fight against infectious diseases, which was the Act of 1844 - contagious and non- contagious diseases - in force in the Kingdom of Poland. In other areas, Russian, Austrian or German legislation was in force. In turn, in the interwar period, it was the ordinance of the President of the Republic to combat contagious animal diseases of August 22, 1927<sup>14</sup>, which was in force for almost 70 years. In the period after 1990, the Act of 24 April 1997 on combating infectious diseases of animals, examination of slaughter animals and meat and the State Veterinary Inspection was in force<sup>15</sup>.

The currently applicable legal act is the Act of 11 March 2004 on the protection of animal health and combating infectious animal diseases<sup>16</sup>. The provisions of the Act were developed in the discussed scope by implementing acts and documents, such as.:

<sup>10</sup> O. J. EU. L No 337, p. 57.

<sup>11</sup> O. J. EU. L No 257, p. 18.

<sup>12</sup> O. J. EU. L No 320, p. 47.

<sup>13</sup> O. J. EU. L No 160, p. 88.

<sup>14</sup> Journal of Laws of The Republic of Poland No 77, item 673.

<sup>15</sup> I.e. Journal of Laws of 1999 No. 66, item 752; valid until April 30, 2004.

<sup>16</sup> I.e. Journal of Laws of 2014, item 1539.

- regulation of the Minister of Agriculture and Rural Development on combating avian influenza of December 18, 2007<sup>17</sup>;
- regulation of the Minister of Agriculture and Rural Development amending the regulation on the management of measures related to the threat of highly pathogenic avian influenza, fowl plague of 16 February 2006<sup>18</sup>;
- regulation of the Minister of Agriculture and Rural Development on the implementation of a Program aimed at detecting the prevalence of infections with viruses that cause avian influenza for the years 2017-2019 of 4 January 2017<sup>19</sup>;

On the basis of these provisions, the competent administrative structures issue documents that allow the application of these provisions in practice:

- decision No. 67 of the Commander-in-Chief of the State Fire Service regarding the appointment in the Headquarters of the State Fire Service of a team for monitoring the threat of highly pathogenic avian influenza, fowl plague and influenza pandemic of December 10, 2007<sup>20</sup>;
- Announcement of the Chief Veterinary Officer regarding the occurrence in Poland of the 65th outbreak of highly pathogenic avian influenza in poultry of 17 March 2017<sup>21</sup>;
- Announcement of the Chief Veterinary Officer regarding the occurrence in Poland of the 64th outbreak of highly pathogenic avian influenza in poultry of 10 March 2017<sup>22</sup>;
- Information from the Chief Veterinary Inspector on the free range and bird flu of 8 March 2017<sup>23</sup>.

The analysis of the above legal acts allows to draw a conclusion that the structure of issued legal acts was shaped by the legislator in a correct manner, it should also refer to the issued documents. It should be remembered that the legal acts themselves do not solve the significant problem of combating the examined disease, and therefore as shown the documents issued by the competent public administration authorities should first of all „translate” the provisions into practice, and in particular help in their application in a given actual situation.

<sup>17</sup> Journal of Laws No 239, item 1752; The provisions of the Regulation implement the provisions of Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.01.2006, p.16).

<sup>18</sup> Journal of Laws No 26, item 198.

<sup>19</sup> Journal of Laws of 2017, item 105.

<sup>20</sup> Official Journal of the Headquarters of the State Fire Service No. 2, item 44.

<sup>21</sup> [https://www.wetgiw.gov.pl/694---kategoria\\_komunikaty-prasowe-i-aktualnosci---komunikat-glownego-lekarza-weterynarii-w-sprawie-wystapienia-w-polsce-65-ogniska-wysoce-zjadliwej-grypy-ptakow](https://www.wetgiw.gov.pl/694---kategoria_komunikaty-prasowe-i-aktualnosci---komunikat-glownego-lekarza-weterynarii-w-sprawie-wystapienia-w-polsce-65-ogniska-wysoce-zjadliwej-grypy-ptakow).

<sup>22</sup> [https://www.wetgiw.gov.pl/694---kategoria\\_komunikaty-prasowe-i-aktualnosci---komunikat-glownego-lekarza-weterynarii-w-sprawie-wystapienia-w-polsce-64-ogniska-wysoce-zjadliwej-grypy-ptakow](https://www.wetgiw.gov.pl/694---kategoria_komunikaty-prasowe-i-aktualnosci---komunikat-glownego-lekarza-weterynarii-w-sprawie-wystapienia-w-polsce-64-ogniska-wysoce-zjadliwej-grypy-ptakow).

<sup>23</sup> [https://www.wetgiw.gov.pl/694---kategoria\\_komunikaty-prasowe-i-aktualnosci---wolny-wybieg-a-grypa-ptakow](https://www.wetgiw.gov.pl/694---kategoria_komunikaty-prasowe-i-aktualnosci---wolny-wybieg-a-grypa-ptakow).

## COMBATING INFECTIOUS ANIMAL DISEASES

The issue of combating infectious animal diseases should be considered through the prism of functioning administrative structures<sup>24</sup>. Taking into account EU structures, it should be concluded that the assessment of the risk is primarily the responsibility of Member States and specialized agencies such as: the European Food Safety Authority (EFSA)<sup>25</sup> and the European Center for Disease Prevention and Control (ECDC)<sup>26</sup>. Since 1982, the EU has a notification system to prevent the spread of some contagious diseases. Accordingly, Member States have an obligation:

- to notify the Commission of the occurrence of the disease using the animal disease reporting system<sup>27</sup>,
- to combat incidents of certain infectious diseases to prevent their spread to farm animals in the EU<sup>28</sup>.

In the guidelines for the control of animal diseases issued in 2014, the World Organization for Animal Health (OIE) underlined the importance of international cooper-

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<sup>24</sup> Data for 2017 - 17 outbreaks were detected in the Lubuskie Voivodship - large farms that deal with the production of turkeys, geese and ducks. In the Wielkopolskie Voivodship, the disease occurred in slaughter ducks in 3 outbreaks; in Warmian-Masurian - in turkeys for fattening in 2 outbreaks; Dolnośląskie - on one farm of laying hens. In addition, the virus was detected in the following voivodships: Dolnośląskie, Opolskie, Małopolskie, Mazowieckie, Świętokrzyskie and Podkarpackie in poultry in farmyard farming (a total of 20 outbreaks). The virus in dead wild birds was detected in the Zachodniopomorskie, Mazowieckie, Dolnośląskie, Opolskie, Małopolskie and Łódzkie voivodships, mainly on silent swans, but also on single hybrids and silver gulls. <http://www.farmer.pl/produkcja-zwierzeca/drob-i-jaja/43-ogniska-ptasiej-grypy-w-polsce,69509.html>.

<sup>25</sup> Sec. III - 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, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4). EFSA issues opinions on existing and emerging food-related threats. These opinions are taken into account in EU rules and principles as well as in the decision-making process and thus contribute to protecting consumers against food chain threats. EFSA is responsible for the sector, among others, animal health and welfare - [https://europa.eu/european-union/about-eu/agencies/efsa\\_pl](https://europa.eu/european-union/about-eu/agencies/efsa_pl).

<sup>26</sup> Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing the European Center for Disease Prevention and Control of 21 April 2004 (OJ L 142, p. 1).

<sup>27</sup> The system was introduced by Council Directive 82/894 / EEC of 21 December 1982 on the notification of animal diseases in the Community (OJ L 378, 31.12.1982, p. 58); ADNS (Animal Disease Notification System) - a system for reporting the occurrence of infectious animal diseases in countries that are included in the application, documenting the development of an epizootic situation and notifying all countries about reported cases of disease. The system enables immediate access to information about an epidemic of infectious animal diseases and ensures the implementation of early warning, which allows for a quick response and control of the epidemiological situation. This has a direct impact on the trade of animals and products of animal origin, both on the internal market of the EEA and with third countries. The ADNS system allows to determine the epizootic status of any area and indirectly contributes to the safety of public health, e.g. by introducing the requirement of specific actions on products of animal origin coming from areas constituting an outbreak of infectious disease.

<sup>28</sup> Currently, 23 European countries have reported the presence of avian influenza virus subtype H5N8 in wild birds: Austria, Bulgaria, Croatia, Montenegro, Czech Republic, Denmark, Finland, France, Greece, Spain, the Netherlands, Ireland, Germany, Poland, Portugal, Russia, Romania, Serbia, Slovenia, Switzerland, Sweden, Great Britain and Hungary.

ation in this regard and pointed out that States should, as far as possible, work towards harmonizing disease control programs at the level of world regions. This is important because diseases can be transmitted across borders, especially by wild animals.

## COMBATING BIRD FLUE

This matter is regulated in two executive regulations:

- Regulation of the Minister of Agriculture and Rural Development on plans for preparedness to combat infectious animal diseases of October 28, 2003,<sup>29</sup>
- Regulation of the Minister of Agriculture and Rural Development on the list of infectious animal diseases for which plans for their combat readiness are drafted of November 21, 2008<sup>30</sup>.

On the basis of the presented legal regulations, the Veterinary Inspection authorities have the power to issue guidelines<sup>31</sup>. The mentioned documents will shape tasks imposed also on other organizational units. As an example, reference can be made to the “Guidelines for police units to protect the action of combating highly pathogenic avian influenza” issued on 10 November 2005<sup>32</sup>. The above document shapes the principles of cooperation between two administrative structures, such as veterinary inspection and the police. District Veterinary Officer and District Police Commander and, respectively, Provincial Veterinary Officer and Provincial Police Commander determine the rules for the exchange of information, contact details of persons who are available 24 hours a day, directly responsible for cooperation and making decisions on the mobilization of measures for combating the disease in the outbreak itself<sup>33</sup>. The indicated entities provide District and Provincial Commanders with data on the distribution of poultry farms in the district and province in order to plan the possible use of police forces to enforce order, commandments and prohibitions issued by Veterinary Inspection authorities in the zones around outbreaks of the disease<sup>34</sup>. For this purpose, so-called “working contacts” are established in order to agree on common actions<sup>35</sup>. Guidelines impose on the District Veterinary Officers the obligation to conduct training of police officers in the field of, e.g.<sup>36</sup>:

- basic information about the virus of the highly pathogenic avian influenza (HPAI),

<sup>29</sup> Journal of Laws No 188, item 1845.

<sup>30</sup> I.e. Journal of Laws of 2015, item 440.

<sup>31</sup> E. Marszałkowska-Krzyś, *Zwalczanie ptasiej grypy a regulacje prawne*, „Prawo i Medycyna” 2006, no 2, p. 88-98.

<sup>32</sup> [http://old.wetgiw.gov.pl/files/2375\\_wytyczne%20dla%20jednostek%20policji.pdf](http://old.wetgiw.gov.pl/files/2375_wytyczne%20dla%20jednostek%20policji.pdf).

<sup>33</sup> Ibidem.

<sup>34</sup> Z. Zaporowska, *Wokół prawnych aspektów zagrożenia ptasią grypą*, „Ochrona Środowiska” 2008, no 2, p. 20-25.

<sup>35</sup> [http://old.wetgiw.gov.pl/files/2375\\_wytyczne%20dla%20jednostek%20policji.pdf](http://old.wetgiw.gov.pl/files/2375_wytyczne%20dla%20jednostek%20policji.pdf).

<sup>36</sup> Ibidem.



- precise determination of what can be imported and exported from the outbreak, from and through the infected area and on what principles<sup>37</sup>,
- indication of the catalog of people who can stay in the outbreak and the rules of leaving and entering from and to the outbreak of the disease,
- indication of a rendering plant from the area of a given district, to which killed birds, eggs intended for destruction, feed are to be sent, etc.,
- defining the time limits for bans and orders in individual areas around the outbreak of the disease.

Another example of such activities may be the “Guidelines of the Chief Veterinary Officer for poultry farmers” developed on 16 February 2016<sup>38</sup>. These guidelines include, among others, “Recommendations for small-scale poultry farmers - housing breeding”, special emphasis must be given to the number of so-called family agricultural farms. The “Guidelines” contain the following tips<sup>39</sup>:

- feeding and watering the poultry in enclosed spaces, to which wild birds do not have access;
- keeping poultry in the closure or on a fenced space, provided that they are prevented from contact with wild birds (use of protective nets, roofing);
- isolation from other poultry, ducks and geese;
- storage of feed, including forage, in enclosed spaces or under airtight covering, preventing contact with wild birds;
- avoiding watering birds and cleaning poultry houses with water coming from outside the farm (mainly from water reservoirs and rivers);
- reporting to the veterinary surgeon, voivode, mayor and other local authorities of the observed fall in lay or sudden, increased poultry deaths;
- washing hands with soap and water after each contact with poultry or wild birds;
- giving off clothing used in activities connected with the handling of poultry.

<sup>37</sup> Judgment of the Court of Justice of May 22, 2014, C-56/13 - Theses: 1. Art. 2, paragraph 1 l. a) and Art. 3 paragraph 2 l. c) Commission Decision (2006/115/EC) of 17 February 2006 concerning certain protection measures in relation to highly pathogenic avian influenza in wild birds in the Community and repealing Decisions 2006/86/EC, 2006/90/EC, 2006 91/EC, 2006/94/ EC, 2006/104/EC and 2006/105/EC (OJ L of 2006, No. 48, p. 28, as amended), on the one hand, oblige the Member State concerned to be established in an area where the presence of particularly contagious bird flu has been found in wild birds, a three-kilometer protection zone, and on the other, prohibit the transport of poultry and other birds kept in captivity by that zone, except for transit by main roads or railways and transport to direct slaughter in a slaughterhouse (...), [www.eur-lex.europa.eu](http://www.eur-lex.europa.eu), Legalis.

<sup>38</sup> [http://old.wetgiw.gov.pl/files/2377\\_wytyczne%20dla%20hodowcow%20drobiu.pdf](http://old.wetgiw.gov.pl/files/2377_wytyczne%20dla%20hodowcow%20drobiu.pdf); At EU level: Commission Decision of 30 November 2005 amending Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza virus and subtype H5N1 from wild birds to poultry and other living birds in captivity and a predictive early detection system in special risk areas (notified under document number c (2005) 4687) of November 30, 2005 (Official Journal of the EU, No. 316, p.).

<sup>39</sup> *Ibidem*.

## GENERAL REGULATION OF THE VOIVOD

In practice, in the event of an outbreak of the analyzed disease, the appropriate local law act regarding the orders and prohibitions is issued by the competent voivod. These acts are issued on the basis of Art. 46 paragraph 3 of the Act of 11 March 2004 on the protection of animal health and combating infectious animal diseases<sup>40</sup>, in case of a threat of contagious disease in the area exceeding the area of one district, the voivod, at the request of the provincial veterinarian, by regulation, specifies the area of the occurrence of contagious disease or the area at risk of the disease as well as orders and prohibitions.

After extinguishing the outbreak of the disease, the voivod repeals the regulation at the request of the provincial veterinarian (Art. 46 paragraph 5). A condition for the entry into force of the acts of the local voivod is their announcement in the provincial official journal, in accordance with Art. 13 point 1 of the Act on the publication of normative acts and certain other legal acts<sup>41</sup>. The publication of the regulation in the provincial official journal is obligatory. According to Art. 46 paragraph 4 of the cited Act, it enters into force on the day of making it public in a manner customarily adopted in a given area. However, if the area of the disease or the threat of disease does not exceed the area of one county, then the regulation is issued by the District Veterinary Officer – on the basis of Art. 45 paragraph 1 of the Act.

The analysis of the above-mentioned regulations clearly shows the form of a local law act which is the voivod's regulation. The regulations also introduce the obligation to cooperate with other authorities in issuing the above regulation.

Referring the above considerations to practice, one can point to the regulation issued by the Voivod of Opole. The authority issued Regulation No. 0510/P/1/2017 of January 9, 2017 on combating highly pathogenic avian influenza (HPAI) in the districts of: Namysłowski and Kluczbork<sup>42</sup>. The regulation introduces two areas:

- the infected area (§ 1)<sup>43</sup>;
- the threatened area (§ 2)<sup>44</sup>.

<sup>40</sup> I.e. Journal of Laws of 2014, item 1539, with changes.

<sup>41</sup> I.e. Journal of Laws of 2017, item 1523.

<sup>42</sup> Official Journal of the Voivodship Opole of 2017, item 141.

<sup>43</sup> 1) from the south: from the intersection of railway tracks with Strzelecka Street in the village of Domaszowice to the intersection with the national road No. 42, the lime road joining the village of Wielołęka and Międzybrodzie (excluding these towns) to Duczów Mały, until crossing with the national road No. 42;

2) from the east: in a straight line from the railway tracks towards the village of Duczów Mały, including the village, and then through the village of Duczów Wielki (including it) to the village of Świniary Małe;

3) from the north: from Świniary Małe, along the road to Polkowskie, including the village, and then on a straight line to the road Strzelce-Woskowice Górne;

4) from the west: along the Woskowice Górne-Strzelce road to the road no. 42 and this way to the northern administrative districts of Domaszowice to Strzelecka street.

<sup>44</sup> 1) from the south: from the village of Staroścín, starting from Dąbrowska street, Opolska street and

Analyzing the provisions of the voivod's regulation, in the scope of orders, it is possible to indicate their legitimate division depending on the area. At the same time, pursuant to Art. 78 paragraph 4 of the Act on the Protection of Animal Health and Combating Infectious Diseases of Animals - Who does not comply with orders, bans or restrictions issued for the purpose of combating an infectious animal disease or preventing such disease, listed in Art. 46 paragraph 3 points 2-6, 8a and 10 – is subject to a fine, restriction of liberty or imprisonment of up to 3 years.

Practical implementation of the Regulation requires the assistance of other services, e.g.: increasing police patrols, local security services and the Road Transport Inspectorate in the above areas. This cooperation should be aimed at checking and enforcing the implementation of the Regulation, including in particular the prohibition of exports from the infected and endangered areas of live animals and their bodies and meat.

Doubts that arise from the analysis of universally binding provisions of law and local law concern for example: providing by the Police «assistance of their own means of transport» in order to transport samples for diagnostic tests or providing «assistance» in the infected or threatened area, if the intervention would be required for safety and public order. It seems that such activities should result from the obligation to cooperate with competent administrative structures and the superior objective of health safety of the inhabitants of a given area<sup>45</sup>.

## SUMMARY

Modern states as well as their respective administrative structures are not able to independently prevent and combat infectious animal diseases, in this case bird flu. The emergence of the disease causes its effects in the economic sphere, but also affects certain political activities on an international scale.

The currently valid legal regulations that have been presented in the study should be considered consistent and sufficient, bearing in mind that the regulation itself will not solve the problem.

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further along the municipal road to Wołcz, then in a straight line through the town of Lubnów, cutting through the forest area to the village of Wąsice; further through the forest area in a straight line to the eastern border of the administrative district of Wołczyn;

2) from the east: from the eastern administrative border of Wołczyn in a straight line through the town of Teklusia to the western border of the administrative village of Bruny, then crossing the forest area to the border of the Opolskie / Greater Poland voivodships at the level of Teklin;

3) from the north: from the border of the Opolskie Voivodeship with the Wielkopolskie Voivodeship on the highness of Teklin in the westward direction to Iglowice (including);

4) from the west: from Iglowice in a straight line to Rychnów including BukowaŚląska, heading south towards Staroścín including Gręboszów and Siemysłów.

<sup>45</sup> Regulation of the Voivod of Opole no. 0510/P/2?2017 of February 17, 2017, repealing the regulation on combating highly pathogenic avian influenza (HPAI) in the counties of: Namysłowski and Kluczbork.

The analysis of selected legal acts allows to draw a conclusion that the mere issue of a legal act without the cooperation of appropriate structures will not solve problems with the owner who does not apply the provisions of the local law, excessive interest of mass media and other third parties who want to enter the threatened area. Referring to the issues of cooperation, one can not omit the local government unit of a given level. Undoubtedly, in the case of this entity, cooperation should include the organization of manual workers for auxiliary work, e.g. loading of poultry submitted euthanasia, preparation of the surface for disinfection, transfer of equipment to be burnt, etc. Help in burying dead animals on the farm, arranging an excavator and/or a vehicle to transport dead animals on the farm. These efforts should be supported by the local law regulations.

In summary, conducting prevention and information activities among poultry farmers, controlling vehicles in terms of transported cargo, or checking the enforcement of legal regulations introduced in this area – in practice should contribute both to reducing possible outbreaks of the disease and to combating it quickly.

## Bibliography

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**Summary:** This article undertakes an analysis of preventative problems faced by national authorities when dealing with infectious animal diseases. This examination is based on the example of the pathogenic avian influenza, commonly known as ‘bird flu’. Its incidence is comparatively varied among the EU member states; a result of a number of factors which influence the occurrence and spread of said virus, including, but not limited to, climate, species of domesticated fowl on farms, veterinarian practices, and the general movements of birds in a given area. These factors affect the occurrence of said disease in a majority of European states, as observed in the relatively rapid spread of the disease between countries. The objective of the article is to answer the questions of how Poland’s current regulations work practically in combating the considered disease, and whether these current regulations are sufficient.

The analysis uses the dogmatic method focusing on the general, effective regulations and local laws. The examination ends with closing remarks.

**Key words:** infectious animal diseases, bird flu, veterinarian inspectorate

## WYBRANE ASPEKTY ZWALCZANIA CHORÓB ZAKAŹNYCH ZWIERZĄT NA WYBRANYM PRZYKŁADZIE

**Streszczenie:** Artykuł podejmuje próbę analizy problematyki zapobiegania przez właściwe organy państwa rozpowszechnianiu się chorób zakaźnych zwierząt. Zagadnienie to zostanie przedstawione na przykładzie wirusa zjadliwej grypy ptaków. Zapadalność na nią jest stosunkowo zróżnicowana w poszczególnych państwach unijnych, co wynika z określonych czynników, które wpływają na powstanie czy też rozwój samego wirusa. Do nich można zaliczyć między innymi: klimat, gatunek ptactwa hodowanego w gospodarstwach rolnych, praktyki weterynaryjne oraz przemieszczanie się samych ptaków na określonym obszarze. Wspomniane czynniki wpłynęły na wystąpienie tej choroby w dużej liczbie państw europejskich. Jak można zauważyć, choroba ta szerzyła się stosunkowo szybko pomiędzy poszczególnymi państwami. Celem artykułu jest próba odpowiedzi na pytanie, jak regulacje prawne w praktyce przyczyniają się do zwalczania wspomnianej choroby oraz czy istniejące rozwiązania prawne są wystarczające. W artykule zastosowano metodę dogmatyczną polegającą na analizie przepisów powszechnie obowiązujących oraz prawa miejscowego. Całość zamykają wnioski końcowe.

**Słowa kluczowe:** choroby zaraźliwe zwierząt, ptasia grypa, inspekcja weterynaryjna