***Boyko I.V.***

**Ensuring public interest in the field of blood donation**

*Р.D. in Law,*

*Associate Professor at the Department of Administrative Law*

*Yaroslav Mudryi National Law University of Ukraine*

The obligation to ensure public interest in the field of blood and its components donation is entrusted to the state through its agencies, and to the communities through local governments. The role of these institutions in the named area comes down to the following: the establishment of rules of conduct in the field of blood and its components donation; funding for blood donation; licensing of activities in the field of blood donation; maintenance of registries in the field of blood donation, including the National Registry of blood and its components donors; monitoring of blood donation activities; prosecution for offenses in the field of blood donation. Coordination of national legislation with the requirements of the European community requires the adoption of new rules of conduct for legal relations’ in the field of blood and its components donation participants. One of the ways to ensure public interest in the field of blood donation is the introduction of effective administration mechanisms. The forms of response from government agencies to violations in the field of blood and its components donation are the following: bringing the guilty persons to administrative liability, bringing to disciplinary responsibility, revoking a license to carry out economic activities in the field of blood donation.

The interests of different participants are intersected in the field of blood donation. Firstly, person's need to obtain blood in case of treatment or saving of life at the time of illnesses, natural disasters, accidents and catastrophes, epidemics, epizootics and other emergencies. It is an opportunity for people to access high-quality and safe components of donor blood in the required amount, as well as the ability to save their blood for the same purposes in the future. Secondly, satisfaction of the moral and ethical needs of the donor, ensuring the rights and lawful interests of the latter. Тhirdly, the interest of the state and society as a whole in the proper functioning of the blood donation system in the state, including creation of blood reserves for blood supply, storage, use, and the manufacture of preparations therefrom, as well as, prevention of the spread of infectious diseases through the circulation of blood.

The obligation to ensure the public interest in the field of blood and its components donation is entrusted by the state through its agencies and by the communities through local governments. The role of these institutions in this area comes down to the following: the establishment of rules of conduct in the field of blood and its components donation; funding for blood donation; licensing of activities in the field of blood donation, maintenance of registries in the field of blood donation, including the National Registry of blood and its components donors; monitoring blood donation activities; prosecution for offenses in the field of blood donation. Coordination of national legislation with the requirements of the European community requires the adoption of new rules of conduct for participants of legal relations in the field of blood and its components donation.

One of the ways to ensure public interest in the field of blood donation is the introduction of effective administration mechanisms. The basic principles for the formation of the blood donation system are the following: safety, integrity, quality, innovation, accountability, respect and recognition of human as the main value of any system. If talking about effective administration mechanisms, it should be noted that the institutionalization of the blood and its components donation system is needed. There is the tendency of formation of public institutions in the system of public health services and the allocation of these participants with administrative powers, such as coordination, management and monitoring of programs, control over the implementation of managerial decisions of the national blood system. However, the possibility of such a transfer of management powers (delegation) should be provided by legislative acts.

Another way to ensure public interest in blood donation is licensing of related activities. After all, through the licensing institution, the state acquires the opportunity to carry out both preliminary and subsequent control over the activities of medical institutions and other economic entities. The rules for licensing set in current legislation are controversial. Despite the inconsistency in the names of the activities to be licensed, the issue of licensing activities for taking donor blood remain not defined unambiguously. This problem should be solved in favor of the fact that this activity should be attributed to the need for licensing.

Since the right of disciplinary authority is endowed by direct and superior directors, they are also empowered to impose disciplinary penalties for the violation of labor discipline by medical professionals, including those related to non-compliance with medical protocols for taking blood, as well as rules for processing, storing, importing donor blood, its components and preparations made therefrom. Violation of licensed conditions for conducting activities related to the processing, storage, sale of donor blood, its components and preparations, the production of medicines from donor blood, wholesale and retail trade, import of such drugs, as well as activities of umbilical cord blood, other tissues and human cells banks, by the legal entity results in the cancellation of the license. The Ministry of Health of Ukraine has the right to make such a decision.

In Art. 45-1 of the Code of Ukraine on Administrative Offenses, the liability for violation of the established procedure for the collection, processing, storage, sale and use of donor blood and/or its components and preparations, the procedure for controlling the safety and quality of donor blood, its components, preparations and appropriate preservatives solutions, the order of exchange of donor blood, its components and preparations and their import, the order of medical examination of the donor before the delivery of blood and its components is established.

The officials of the State Service of Internal Affairs of Ukraine and its territorial bodies have the authority to draw up a protocol on an administrative offense. This means that the said officials have the right to carry out inspections of the activities of health facilities and other economic entities that carry out the collection, processing, storage, sale and use of donor blood and drugs, as well as to determine whether the rules for monitoring the safety and the quality of donor blood, its components, preparations and appropriate preservative solutions, the order of exchange of donor blood, its components and preparations, and their import, the order of medical examination of the donor before blood and its components donation.

The control authority of this body is limited only to the listed objects. Therefore, such legislative regulation makes it impossible in the lawful manner to bring to administrative liability persons for the offenses provided for in Art. 45-1.The forms of response from government agencies to violations in the field of blood and its components donation are: bringing to administrative responsibility, bringing to disciplinary responsibility, revoking a license to carry out economic activities in the field of blood donation.