



# Strengthening the Legal and Policy Framework for International Disaster Response in Poland

An analysis of the Polish legislation and policies in light of the  
European Union *Host Nation Support Guidelines*  
and the International Federation of Red Cross and Red Crescent Societies  
*International Disaster Response Guidelines*

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## Introduction

This report has been prepared by the Polish Red Cross (PCK) under the project: “Implementation of the EU Host Nation Support Guidelines” currently being put into effect jointly with the partner Red Cross Societies and the International Federation of Red Cross and Red Crescent Societies (IFRC), in cooperation with the Directorate General for Humanitarian Aid and Civil Protection (DG ECHO) of the European Commission, a co-founder of the Project. The latter’s background documents are EU *Host Nation Support Guidelines* (HNS Guidelines) and *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance* (IDRL Guidelines), unanimously voted by states parties to the Geneva Conventions and all the components of the International Red Cross and Red Crescent Movement at the 30th International Conference of the Red Cross and Red Crescent.

The comprehensiveness and reliability of the study was ensured by involvement of the following experts: international relations specialist experienced in Union Civil Protection Mechanisms and familiar with HNS and IDRL guidelines; sociologist responsible for choosing appropriate methodology and adequate research and data collection techniques; two lawyers ensuring the correctness of the legal analysis in the report; and a PCK trainee supporting with an overall contribution. The initial study focused on the analysis of the national legal and institutional system, from several points of view: legislative and theoretical and practical. Primarily the objective was to determine possible gaps and obstacles within the system, likely to hamper the reception of international disaster relief. The aim was, therefore, to work up recommendations aimed at improving the quality and efficiency of the activities consisting in saving human lives and dignity and in reducing the suffering and damages brought about by natural disasters. Part and parcel of the project is the final objective, i.e. to help state authorities implement EU HNS Guidelines.

National partner of the PCK in the project was the State Fire Service (PSP). Cooperation was also established and consultations carried out with key crisis management and disaster response stakeholders. The respondents included representatives of: the National Headquarters of the State Fire Service (KG PSP), the Government Centre for Security (RCB),

the National Security Bureau (BBN), the Ministry of the Interior (MSW), the Ministry of Administration and Digitisation (MAC), the Ministry of Transport, Construction and Maritime Economy (MTBiGM)<sup>1</sup>, the Ministry of Finance (MF), the Ministry of Health (MZ), the Ministry of National Defence (MON), the Headquarters of the Border Guard (KG SG) and PCK. Public authorities support ensured high quality of contents and multifaceted approach to the analysed subject. Collected information enabled better diagnosis of the actual legal and institutional setup.

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<sup>1</sup> Currently, since November 2013, Ministry of Infrastructure and Development (MIR, Ministerstwo Infrastruktury i Rozwoju).

## Acronyms and definitions

### Acronyms

ABW	Agencja Bezpieczeństwa Wewnętrznego (Internal Security Agency)
BBN	Biuro Bezpieczeństwa Narodowego (National Security Bureau)
CECIS	Common Emergency Communication and Information System (System Komunikacji i Informacji Kryzysowej)
CZK	Centrum Zarządzania Kryzysowego (Crisis Management Centre)
DRiOL	Departament Ratownictwa i Ochrony Ludności w MSW (Rescue and Protection of Population Department of MSW)
EADRCC	Euro-Atlantic Disaster Response Coordination Centre (Euroatlantycki Ośrodek Koordynacji Reagowania w Przypadku Katastrof)
DG ECHO	Directorate General for Humanitarian Aid and Civil Protection (Dyrekcja Generalna ds. Pomocy Humanitarnej i Ochrony Ludności)
EFTA	European Free Trade Association (Europejskie Stowarzyszenie Wolnego Handlu)
EOG	Europejski Obszar Gospodarczy (European Economic Area)
ERCC	Emergency Response Coordination Centre (Centrum Koordynacji Reagowania Kryzysowego)
EU	European Union (Unia Europejska)
HNSG	Host Nation Support Guidelines (Wytyczne w zakresie wsparcia przez państwo-gospodarza)
IDRL	International Disaster Response Law (Międzynarodowe prawo dotyczące reagowania w przypadku klęsk i katastrof)
IFRC	International Federation of Red Cross and Red Crescent Societies (Międzynarodowa Federacja Stowarzyszeń Czerwonego Krzyża i Czerwonego Półksiężyca)
INSARAG	International Search and Rescue Advisory Group (Międzynarodowa Grupa Doradcza ds. Poszukiwania i Ratownictwa)
KCKRiOL	Krajowe Centrum Koordynacji Ratownictwa i Ochrony Ludności (National Centre for Coordination of Rescue Operations and Civil Protection)
KCZK	Krajowe Centrum Zarządzania Kryzysowego (National Crisis Management Centre)

KG PSP	Komenda Główna Państwowej Straży Pożarnej (National Headquarters of the State Fire Service)
KPZK	Krajowy Plan Zarządzania Kryzysowego (National Crisis Management Plan)
KSRG	Krajowy System Ratowniczo-Gaśniczy (National Firefighting and Rescue System)
MAiC	Ministerstwo Administracji i Cyfryzacji (Ministry of Administration and Digitalization)
MIC	Monitoring and Information Centre (Centrum Monitoringu i Informacji)
MKCK (ICRC)	Międzynarodowy Komitet Czerwonego Krzyża (International Committee of the Red Cross)
Model Act	Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance IFRC (Wzorcowy dokument ułatwiający i regulujący początkową pomoc w odbudowie w ramach IFRC)
MON	Ministerstwo Obrony Narodowej (Ministry of National Defence)
MSW	Ministerstwo Spraw Wewnętrznych (Ministry of the Interior)
MSZ	Ministerstwo Spraw Zagranicznych (Ministry of Foreign Affairs)
MTBiGM	Ministerstwo Transportu, Budownictwa i Gospodarki Morskiej (Ministry of Transport, Construction and Maritime Economy) <sup>2</sup>
NATO	North Atlantic Treaty Organization (Organizacja Paktu Północnoatlantyckiego)
NGO	Non-Governmental Organization (Organizacja pozarządowa)
OCHA (UN OCHA)	Biuro ONZ ds. Koordynacji Pomocy Humanitarnej (UN Office for the Coordination of Humanitarian Affairs)
ONZ (UN)	Organizacja Narodów Zjednoczonych (United Nations Organization)
PRC	Polish Red Cross (Polski Czerwony Krzyż)
PSP	Państwowa Straż Pożarna (State Fire Service)
RCB	Rządowe Centrum Bezpieczeństwa (Government Centre for Security)
RP	Rzeczpospolita Polska (Republic of Poland)
RZZK	Rządowy Zespół Zarządzania Kryzysowego (Government Crisis Management Team)
EUT	European Union Treaty (Traktat o Unii Europejskiej)
UMOL/ UCPM	Unijny Mechanizm Ochrony Ludności / Union Civil Protection Mechanism

<sup>2</sup> Currently, since November 2013, Ministry of Infrastructure and Development (MIR, Ministerstwo Infrastruktury i Rozwoju).

v-OSOCC	Virtual On-Site Operations Coordination Center (Wirtualne Zlokalizowane Centrum Koordynowania Operacji)
WE (EC)	Wspólnota Europejska (European Community)

### Definitions<sup>3</sup>

- 2.1. Government administration – section of the public administration comprising central state authorities and offices thereof, as well as a number of nationwide and field institutions providing public services to individuals and organisations.<sup>4</sup>
- 2.2. Self-government administration – field representation of local communities that are required by law to independently fulfil public administration functions.<sup>5</sup>
- 2.3. Alert – one of the functions of the nation’s detection and notification system used for the dissemination of defined signals and/or messages about an imminent threat by responsible bodies.<sup>6</sup>
- 2.4. Technical failure – sudden, unexpected damage or destruction of a building, technical device or a system of technical devices resulting in an interruption of use or loss of functionalities. It may also be caused by cyberspace events or terrorist acts.<sup>7</sup>
- 2.5. Natural disaster – an event caused by forces of nature, in particular thunderstorms, earthquakes, strong winds, intensive precipitation, prolonged periods of extreme temperatures, landslides, fires, droughts, floods, ice incidents on rivers, sea, lakes and water reservoirs, mass infestations of pests, plant or animal diseases, outbreaks of human infectious diseases, or other elements. It may also be caused by cyberspace events or terrorist acts.<sup>8</sup>
- 2.6. Calamity – a natural disaster or technical failure that may cause life or health risks to a large group of people, significant property losses or large-scale environmental

<sup>3</sup> Reference: Act on the General Obligation to Defend the Republic of Poland, of 21 November 1967, Act on the State of Natural Disaster of 18 April 2002, Crisis Management Act of 26 April 2007, Fire Protection Act of 24 August 1991, Treaties of the European Union and on the Functioning of the European Union (consolidated), Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, *Słownik terminów z zakresu bezpieczeństwa narodowego* [Dictionary of National Security-related terms], National Defence University, Warsaw, 2008; websites: [www.ock.gov.pl](http://www.ock.gov.pl) , [www.msw.gov.pl](http://www.msw.gov.pl), [www.polskapomoc.gov.pl](http://www.polskapomoc.gov.pl).

<sup>4</sup> *Słownik terminów z zakresu bezpieczeństwa narodowego* [Dictionary of National Security-related terms], National Defence University, Warsaw, 2008.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Act of 18/04/2002 on the state of calamity, Article 3(3) and Article 2.

<sup>8</sup> Act of 18/04/2002 on the state of calamity, Article 3(2) and Article 2.

damage; effective calamity relief and protection may be provided only with the use of extraordinary measures, through the cooperation of various authorities, institutions, specialised services and units acting under a single command.<sup>9</sup>

2.7. Civil defence (CD) – activities intended to protect people, workplaces, public facilities and cultural heritage, rescue and provide aid to the injured during wartime, as well as ensure cooperation in overcoming calamities and environmental threats and removing their effects. The current CD structure in Poland is regulated by the Act of 21/11/1967 on the general defence obligation of the Republic of Poland (references of the Polish Journal of Laws: Dz.U. 2004, Nr 241, poz. 2416, as amended) and related implementing regulations, as well as by the 1977 Amendment Protocol I to the Geneva Conventions of 1949, which was adopted by the Republic of Poland in 1991 (Dz.U. 1992, Nr 41, poz. 175). In accordance with Article 17(1) of the Act, the central body of the government administration responsible for CD is the Head of the National Civil Defence (OCK). The Head of OCK is appointed by the Prime Minister at the request of the minister in charge of internal affairs, who is the superior of the Head of OCK.<sup>10</sup>

2.8. Civil protection – in Poland civil protection is not defined by law; currently, the notion is taking shape in the light of European Union instruments, in particular the Lisbon Treaty, decision of the European Parliament and of the Council on the Union Civil Protection Mechanism 1313/2013/UE of 17/12/2013 and earlier<sup>11</sup>. In 2003 Poland signed a memorandum of understanding with the European Community on Poland's participation in the Community Mechanism to facilitate reinforced cooperation in civil protection assistance interventions (Memorandum of Understanding). On the national level, an attempt to define this term was made in the bill on civil protection of 2009, however the bill has not been adopted yet. As of today, civil protection is a broad term encompassing public administration and individual activities aimed at safeguarding life, health and property, maintaining

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<sup>9</sup> Act of 18/04/2002 on the state of calamity, Article 3(1).

<sup>10</sup> Act of 21/11/1967 on the general defence obligation of the Republic of Poland, Article 137; and: [http://www.ock.gov.pl/portal/ock/2/16/STRUKTURA\\_OBRONY\\_CYWILNEJ.html](http://www.ock.gov.pl/portal/ock/2/16/STRUKTURA_OBRONY_CYWILNEJ.html)

<sup>11</sup> Council Decision of 23/10/2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (2001/792/EC, Euratom), as well as Council Decision 8/11/2007 establishing a Community Civil Protection Mechanism (2007/779/EC, Euratom).

favourable environmental conditions, providing social and psychological assistance to victims; its scope is broader than that of civil defence and the two notions should be kept separate.

2.9. Humanitarian aid – according to the Polish legislators it is one of the components of development cooperation and involves, in particular, ensuring assistance, care and protection for people affected by armed conflicts, calamities and other natural or man-made humanitarian crises.<sup>12</sup> There is no clear statutory definition of this term in Poland. In spite of this, interviews carried out during the study showed that the term is broadly used in Poland both in theory and practice of response to calamities, often in reference to international documents, in particular those from the EU and UN.<sup>13</sup>

2.10. Rescue assistance – organised action intended to rescue people, animals and property threatened by an emergency, as well as to locate, contain or eliminate the threat. For the main Polish stakeholder in this area – the State Fire Service (PSP) – it involves primarily rescue activities organised and managed by PSP and other authorised stakeholders.<sup>14</sup>

2.11. Crisis situation – a situation with negative impact on the safety of people, property of significant size or environment, causing serious impediments to the operation of competent public administration bodies due to the lack of adequate resources.<sup>15</sup>

2.12. Crisis management – activities of public administration bodies, constituting a part of national safety management, whose aim is to prevent crisis situations, prepare for planned containment, respond to crisis situations, overcome their effects, restore critical resources and infrastructure.<sup>16</sup>

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<sup>12</sup> Act on development cooperation of 16/09/2011, Article 2(2).

<sup>13</sup> In particular: *The European Consensus on Humanitarian Aid* - Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01), 2008; *Treaties on the European Union and on the Functioning of the European Union* (consolidated); *Barnier's Report* – Barnier, Michel, *For a European civil protection force: Europe aid*, 2006; Council Regulation (EC) No 1257/96 concerning humanitarian aid, 1996; and Resolution 46/182 of the UN General Assembly (A/RES/46/182), 1991.

<sup>14</sup> Act of 24/08/1991 on the State Fire Service, Article 7.

<sup>15</sup> Act of 26/04/2007 on Crisis Management, Article 3(1)

<sup>16</sup> Act of 26/04/2007 on Crisis Management, Article 2

## Methodology

Several research methods were applied in parallel in the project. Initially, desk research was conducted using existing source documents and secondary data – Polish and international legislation, national operational regulations (plans, strategies, procedures), reports, databases, publications and other information available in the Internet. An in-depth verification of the gathered materials allowed us to establish compliance of national laws with international legislation, in particular *Host Nation Support Guidelines*, *International Disaster Response Law Guidelines* as well as *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*. The analysis of institutional and legal environment enabled key research questions to be formulated and then used in the field stage of the study.

The next step was 16 interviews with the total of 46 experts, conducted between 26.06.2013 and 23.08.2013. The interviews followed qualitative social research methodology and the following research techniques were used: in-depth interview (IDI) and focus group interview (FGI). Interviews were carried out with representatives of national public institutions, central level authorities, ministries and NGOs. Units that could not participate in an interview were asked to answer, via e-mail, specific questions formulated during the field study. Explanations thus provided supplemented the information obtained during direct interviews and were also included in this report.

Whenever representatives of ministries or other offices concerned were unavailable within the time-limit set, email messages were sent containing particular questions, conceived during the field investigations. The feed-back provided information complementary to the outcome of face-to-face interrogations, both sources being taken into account in the present report.

Interviews and correspondence provided a broad range of empirical data that were subsequently analyzed and interpreted. The material collected by the experts enabled authors to draw conclusions on experiences and practices of hosting international support in

case of calamities and disasters occurring in Poland. Moreover, certain barriers and gaps in the national system were pointed out and appropriate recommendations formulated.

## **BACKGROUND**

### **1. Country's Profile Outline<sup>17</sup>**

#### **1.1. Geographic Location, List of Neighbours, Map**

The Republic of Poland (RP) is located in Central Europe, and its current borders were demarcated in 1945. In the West Poland borders the Federal Republic of Germany, in the South the Czech Republic and Slovakia, in the East Ukraine, Belarus and Lithuania, in the North the Kaliningrad Oblast, which is a part of the Russian Federation, and mainly with the Baltic Sea. In total, state borders are 3511 km long, the coastline – 770 km long, and the administrative surface area is 312,679 km<sup>2</sup>. In terms of area, Poland is the 9<sup>th</sup> country in Europe and 70<sup>th</sup> in the world. Apart from land, Poland also supervises the area of 12 nautical miles of Baltic Sea coastal waters and has been granted privileges in the exclusive economic zone covering part of Southern Baltic. As for physics and geography, the longest border extends in mountainous regions – 34.5%, while 27% run along rivers, 14.7% along seashore and the remaining 23.8% in different locations

#### **1.2. Climate, Lie of the Land**

Poland lies within the temperate transitional oceanic and continental climate zones that are shaped by mild air masses from the Atlantic region and drier air from the interior of the continent. The co-occurrence of the two weather fronts causes constant weather changes and significant average temperature variations in individual years. Weather variation and unreliability of forecasts are visible both in the short and long term. Due to weather cycles of roughly 7 years, seasons that are hot and dry for a few years change to temperate and rainy, and the other way round.

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<sup>17</sup> Based on the data of the Central Statistical Office and: [www.en.poland.gov.pl](http://www.en.poland.gov.pl); [www.stat.gov.pl](http://www.stat.gov.pl); [www.indexmundi.com](http://www.indexmundi.com); [www.eubusiness.com](http://www.eubusiness.com); [www.worldbank.org](http://www.worldbank.org); [www.ec.europa.eu/energy](http://www.ec.europa.eu/energy).

Apart from the incoming air masses, an important element shaping weather in Poland is the European Lowland that enables air masses unhindered by natural obstacles to move quickly from the Atlantic Ocean and the North Sea. Another factor is the country's location away from large water reservoirs and close to the central part of Eurasia. The only significant basin is the Baltic Sea, whose influence is visible in the northern part of Poland.

### **1.3. Administrative Structure**

Poland is a unitary, centralised state with uniform internal structure and administrative division into units that are subordinated to higher-level bodies and that are not politically independent. Following the latest administrative reform (1/1/1999), Poland's administration has a three-tier structure with 16 regions (tier I), 380 counties (tier II) and 2479 municipalities, including 306 urban municipalities, 1571 rural municipalities and 602 mixed urban-rural municipalities. In terms of surface area, the smallest region is Opolskie with 9,412 km<sup>2</sup>, and the largest one Mazowieckie with 35,558 km<sup>2</sup>; the latter includes the capital city of Warsaw.

### **1.4. Total Population, Major Agglomerations and Population Concentrations, Population Density**

With 38.5 million inhabitants, Poland is the 6<sup>th</sup> country in Europe and the 34<sup>th</sup> in the world in terms of population. Women constitute 52%, and men 48% of the population. The current life expectancy is 71.6 years for men and 80.2 for women. Poland undergoes significant age structure changes: the society is ageing and the percentage of people in post-working age is growing. In 2011, the share of people aged above 65 was 17.5%, while the share of people in the pre-working age (0-17 years) was estimated at 19%. The average age in Poland is 37.8 years.

Like in other European Union countries, low population growth rate of ca. 0.9‰ is a significant problem. Population growth rate has been growing slowly since 2004, however

the total fertility rate of 14 live births per 10 women is too low to ensure 2.1 children per woman necessary for inter-generational replacement.

Ca. 61% of the population resides in urban areas. Warsaw, the nation's capital, is the largest urban centre with 1.7 million inhabitants (or ca. 4.5% of Poland's population). Other large agglomerations are: Cracow (766,500 inhabitants), Łódź (753,200), Wrocław (633,000) and Poznań (568,000). In terms of population, the smallest region is Opolskie with 1,013,950 inhabitants, and the largest one Mazowieckie with 5,285,604 inhabitants. Śląskie region with 375 persons/km<sup>2</sup> has the highest population density, while Podlaskie with 59 persons/km<sup>2</sup> the lowest. Nationwide, the population density is 123 persons/km<sup>2</sup>.

### **1.5. Economy and Raw Materials**

At the beginning of 1990s Poland underwent a radical economic transformation from a central planning system to a capitalist market economy. State-owned enterprises were privatised, law was liberalised, numerous industries were restructured and the country opened up to foreign investments. Since Poland's accession to the European Union in 2004, structural funds granted under the cohesion policy have been contributing to rapid economic development of the country. Poland's economy avoided the recession that started in 2009, and the current data published by the Central Statistical Office (GUS) and Eurostat shows that in terms of economic growth in 2012 the country ranked 5<sup>th</sup> among the then EU 27.

In spite of the positive trends, gross national product *per capita* continues to be significantly lower than the EU average and the unemployment rate (over 12% in 2012) is higher than in other EU member states. After a period of dynamic economic development, the economy slowed down due to the worldwide crisis. The inflation rate, however, is still low and the relative quality of life of a large portion of the society is improving. Increasing economic stratification of the society is a persistent problem in Poland; wealth is accumulated in large cities, in particular Warsaw, and the western part of the country with better links to other EU member states, while eastern regions are among the poorest areas.

Poland is one of the EU's largest coal producers and its dependence on foreign supplies of this raw material is relatively low. Coal plays an important role in the economy as the source of electricity and heat and as an export commodity. A side effect of its common use are high CO<sub>2</sub> emissions.

The economic development of Poland translates into higher consumption of other energy raw materials as well, such as oil and natural gas. The country depends on supplies of these raw materials, in particular from the Russian Federation. There are plans to diversify economic partners through the launch of a liquid natural gas (LNG) terminal, possible construction of the first nuclear power plant and increased use of renewable energy sources. As of today, the latter cover only ca. 4% of the total demand (biomass – 2%, wind – 1.1% and hydropower – 0.5%).

## **2. Potential Calamity Scenarios**

### **2.1. Possible Threats<sup>18</sup>**

Outline of threats, risk assessment, information about critical infrastructures, as well as tasks and responsibilities of the crisis management process stakeholders in Poland can be found in the National Crisis Management Plan (KPZK). This Plan is based on the National Security Threats Report, which in turn is developed pursuant to the Act of 26/4/2007 on crisis management and Regulation of the Council of Ministers of 30/4/2010 laying down the list of the most serious potential threats that may cause a crisis situation. The report does not employ a typical scenario-based approach, however on the basis of the detailed list and description of threats contained in the KPZK it is possible to determine the most frequent threats in Poland, their location, probability of occurrence and potential effects on the population, environment and infrastructure. Threats and their effects are described in more detail in the National Security Threats Report containing risk maps. However, this document is confidential, due to the fact that some information holds a security classification given by their authors.

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<sup>18</sup> Based on: *National Crisis Management Plan*, Government Centre for Security, Warsaw, 2012; *Periodic threats in Poland (update)*, Government Centre for Security, Warsaw, 2013

On the regional level, threats are listed in the Regional Crisis Management Plans developed pursuant to Article 14(2)(c) of the Act on crisis management of 26/4/2007 and guidelines of the Minister of the Interior and Administration of 4/11/2010. The Plans take into account local conditions, determine the public administration's role in crisis prevention, in preparing resources for potential crisis situations and in overcoming their effects. The Plans support regional crisis management teams in planning and implementing emergency measures, as well as facilitate the preparation of decision proposals for the head of the crisis management team. The Plans enable full use of available resources and coordination of crisis management process stakeholders.

In Poland there are different potential natural threats that often occur simultaneously, overlap and cause calamities of the greatest scale and scope. Historical analysis shows that the most frequent calamities include floods, gales and tornadoes, landslides, low temperatures and droughts, forest fires and influenza epidemics. The body first and foremost responsible for monitoring these threats and civil protection in this area is the Institute of Meteorology and Water Management (IMiGW), as well as: National Water Management Authority (KZGW), Chief Flood Prevention Committee, Polish Geological Institute and the State Sanitary Inspection.

So far, the most probable and frequent calamity in Poland is flood. In accordance with Article 9(1)(10) of the Water Law Act of 18/7/2001, *flood* means "the temporary covering by water of land not normally covered by water resulting from the overflow of water from natural watercourses, reservoirs, canals and from the sea that causes risk for human life and health, environment, cultural heritage and economic activity"<sup>19</sup>. Floods may occur in different times of year and be caused by: precipitation, thaw, storm, ice dam, failures of hydraulic structures or wrong water management in reservoirs. Floods may also be divided into local, regional and national, depending on the area covered. Floods in Poland are usually caused by precipitation. The risk is the highest in five southern regions: Małopolskie, Podkarpackie, Śląskie, Opolskie and Dolnośląskie.

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<sup>19</sup> Water Law Act of 18/07/2001 (original text: Dz. U. 2001 r. Nr 115 poz. 1229), (consolidated text: Dz. U. 2012 r. poz. 145).

Another threat is gales, tornadoes and strong local winds, in particular those blowing in mountainous areas: halny and foehn. Regions with the highest wind probability are: eastern part of the Słowińskie Shoreland, north-eastern part of the Masurian Lake District, the Silesian Beskids, the Żywiec Beskids and the Little Beskids, the Silesian Foothills, the Gorce Mountains, the Bieszczady Mountains and Masovia. Tornadoes are the most frequent near Opole and continue up to the Suwałki region. Halny occurs in the Tatra Mountains, while foehn in the Karkonosze Mountains. Gales usually occur from November to March, halny and foehn – from October to February, and tornadoes – from June to August.

Landslide is a sudden movement of ground, rock or erosion material along a slope caused by forces of nature (e.g. saturation of ground with water due to precipitation, earthquake) or human activity (undermining or excessive load of the slope). This phenomenon occurs frequently in areas with certain geological structure, in particular natural slopes, valleys, along water reservoir coastlines, water springs, escarpments, embankments and excavations. Landslides are active primarily from May to August and during floods.

Strong frost occurs when air temperature drops below  $-20^{\circ}\text{C}$ , causes death and material losses. In Poland, between 100 and 300 people die every year due to hypothermia; the lowest temperatures are observed in mountainous areas and in the north-eastern lowlands.

Fires – uncontrolled combustion processes in a place unintended for that purpose – they normally occur from March to September, and they pose a threat to the whole country, particularly regions overgrown with homogenous coniferous forests. Ca. 95% of forest fires are caused by man. A phenomenon somewhat related to them are droughts.

Influenza is a severe viral infectious airborne disease of the respiratory system. The number of infections increases seasonally, at times transforming into epidemics. The beginning of the influenza season in Poland is late September / early October. December and January are a period of stabilisation and the increase in infections begins anew in February and lasts until March or April, depending on the virus type and weather conditions. Epidemics of infectious

diseases, including influenza, might occur all over the country, particularly in large concentrations of people.

## **2.2. List of calamities and disasters in Poland in the recent years<sup>20</sup>**

2010: Floods, 25 fatalities

2008 and 2009: Extreme temperatures, 294 fatalities

2006: Collapse of the exhibition hall roof in Chorzów, 65 fatalities

2005: Extreme temperatures, 191 fatalities

2003: Fire of Gdańsk refinery

2002: Fire of Trzebinia refinery

1989, 1999, 2000, 2001, 2002: Extreme temperatures, 64, 154, 84, 207 and 183 fatalities, respectively

1997: Floods, 56 fatalities

1992: Fires, 35 fatalities

1928: Thunderstorm, 82 fatalities

## **2.3. Experiences with accepting aid from abroad by Poland to date – selected examples**

### **2.3.1. Calamities**

- **Flood, 2010**

Intense rains, which occurred in Poland and Central Europe in late May / early June 2010, led to the formation of two flood waves, which covered a considerable part of the region. Water flooded many areas in Poland, first in May and again in June. 25 persons were killed, 30 thousand people were evacuated, 2,157 towns and villages were covered by water, and the losses resulting from the flood were estimated at PLN 12 billion, i.e. approx. EUR 3 billion.

On 17.05.2010 scattered, intense precipitation and the worsening situation of spates in rivers resulted in the necessity to inform the Monitoring and Information Center (MIC) in DG

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<sup>20</sup> Based on: *Vademecum - Civil Protection. Country profiles - Poland*: [http://ec.europa.eu/echo/civil\\_protection/civil/vademecum/pl/2-pl.html](http://ec.europa.eu/echo/civil_protection/civil/vademecum/pl/2-pl.html)

ECHO, through the CECIS information exchange system, about the flood hazard and the possible escalation of the situation.

On 18 May, under an appendix to the bilateral agreement, 2 heavy duty pumps were dispatched from the Czech Republic, and on the same day the pumps commenced operation in the Dolnośląskie Voivodeship. On 19 May at 3:39 AM Poland activated the EU Community Civil Protection Mechanism and requested assistance from the UE countries in the form of Civil Protection modules groups equipped with heavy duty pumps (min. 600cm<sup>3</sup>/h). The Command Post of the KG PSP communicated, via the CECIS system, an official request from the Republic of Poland for assistance of rescue teams equipped with heavy duty pumps. Within the KG PSP staff, a team of officers for foreign support coordination was created. Starting from 20 May, international groups from EU member states (Germany, the Czech Republic, Denmark, the Netherlands, France, Lithuania, Latvia, Estonia) arrived in Poland and commenced operation in designated places. On 23 May, the first group from Ukraine entered the Polish territory (the second group arrived on 24/25 June), and their arrival was possible under the provisions of the agreement concluded between the Polish government and the Cabinet of Ministers of Ukraine on cooperation and mutual assistance in preventing catastrophes, calamities and other emergency situations and on eliminating their consequences.

The total number of 18 foreign groups, 301 rescuers and 55 heavy duty pumps participated in the activities related to eliminating the risks and effects of the flood during the first wave, and 10 international groups, 147 rescuers and 27 heavy duty pumps during the second wave. Rescuers from abroad carried out operations in 9 voivodeships, and their tasks were primarily related to pumping out water from overflow areas. The last groups left Poland on 30 June. Poland was provided with in-kind aid by the United States of America - purchasing heavy duty pumps - and the Russian Federation - transferring heavy duty pumps, generating sets and boats. During the entire operation, PSP closely cooperated with MIC (current ERCC), EADRCC and National Contact Points of the supporting states.

Details of the dates of arrival and the duration of stay of each foreign group are presented in the following table:



Note: The total number of rescuers, taking into account cases of substitution during the operation is of ca 580. Groups from Germany have been split up because of two flood tides, because the same modules had been used twice.

On the basis of the *Report summarising flood-related rescue operations and activities for eliminating threats during the May-June 2010 flood* (PSP Headquarters, Warsaw 2010), it can be concluded that the operation was recognized as exceptionally effective and successful. An analogous opinion expressed by PSP representatives is supported by the following excerpts from the summary Report:

- international groups acted effectively, showing commitment and professionalism;
- the support mechanism under bilateral agreements and regional agreements on cross-border assistance proved efficient;
- cooperation between foreign groups and local staffs as well as communication between the contact points of the countries providing assistance and the host country were evaluated very positively, also by EU forums;
- the CECIS system properly fulfilled its function as an information exchange platform;
- cooperation with EU MIC/ERCC was seamless in most situations;
- communication via liaison officers proved to be an efficient system, although one requiring improvements;
- the estimated time of international groups' work in individual regions often failed to reflect the facts, which resulted from high dynamics and large area of actions;
- cooperation with border authorities and the police with respect to facilitating the entry of foreign convoys to and their mobility across Poland was exemplary.

Due to the extent and severity of the event, the possibility to declare the state of calamity was considered during the flood but this idea was abandoned for legal and political reasons. Since the Act on the state of calamity of 2002 entered into force, the emergency regime has never been declared in Poland<sup>22</sup>.

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<sup>22</sup> Among the interviewed respondents the opinion prevailed that the state of emergency has not yet been introduced, because the grounds to introduce it were insufficient. Acts on states of emergency define the particular operation method of the public administration authorities and the limitations of the rights and freedom of men and of the citizen. The respondents agreed that in the case of a flood such solutions would be unjustified – a different situation would occur in case of e.g. epidemic or radioactive contamination. During the

- **Flood, 1997<sup>23</sup>**

Intense rains, which occurred in the first half of July 1997 over southern Poland, the Czech Republic and Austria, resulted in strong spates and, in effect, in a flood. The flood affected the area of southern and western Poland, the Czech Republic, eastern Germany, north-western Slovakia and eastern Austria, causing death of over a hundred people and damage to property estimated at nearly USD 4.5 billion.

In Poland, circa 2% of the country's territory was under water, and 56 citizens were killed. 40 thousand people lost their life's belongings, and 680 thousand homes, 843 schools and 45 bridges were destroyed. Tens of thousands of people were temporarily deprived of access to drinking water and electricity, and efforts made by authorities and local communities, apart from rescuing lives, health and livestock, were also focused on rescuing property, objects of historical value and cultural heritage assets.

The scale of the hazard and heavy damage caused by the flood triggered a quick response from abroad. The United Nations Department of Humanitarian Affairs, which operated at that time, began monitoring the situation in Poland as early as on 7 July. In turn, on 11 July, the first rescue units arrived from Germany, and soon after – from Switzerland, Lithuania, Ukraine, Sweden, Hungary, Denmark and Austria. The United States European Command offered 250 thousand food rations from the *IFOR* supplies. Food transport was arranged by the Hungarian government. Individual states also provided material assistance: funds, medical supplies, food, tents, clothes and water treatment products. Groups of specialists, such as doctors and flood damage restoration technicians, were also sent.

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catastrophes occurring in Poland in recent years, the authorities of government and self-government administration operated efficiently within the framework of the permanently applicable provisions of law, and the response phase did not require introducing special remedies.

<sup>23</sup> <http://reliefweb.int/report/poland/poland-floods-situation-report-no-7> [date of access: 18.09.2013]

### 2.3.2. Anthropogenic disasters<sup>24</sup> – unintentional accidents

- **Collapse of the exhibition hall roof in Chorzów, 2006**

The disaster in the International Katowice Fair occurred on 28/1/2006 at an exhibition of carrier pigeons. It was the greatest disaster of that kind in the contemporary history of Poland. When it happened, there were circa 700 visitors and exhibitors in the hall. As a result of the roof collapse, 65 persons were killed and over 170 persons were injured. Among the causes of the tragedy, structure and workmanship errors, prior damage to the roof, and a thick layer of snow that was not regularly removed are mentioned.

PSP units arrived at the site within 15 minutes after the event. The actions taken by the service were focused on rescue operations and recovering casualties from under debris. The total number of over 1,500 officers took part in the action, with significant aid from medical rescue teams, Mountain Volunteer Rescue Service (GOPR) units, Search and Rescue Groups, the police and military police as well as the fair participants, the hall guards and the locals.

Despite a high level of difficulty of the rescue action, due to the continuous risk of collapse of the surviving part of the building and temperature of more than ten degrees below zero, Poland did not request support from abroad. The only team from outside Poland was a group of German rescuers (private individuals not connected to the official rescue services of Germany) who came to Poland on their own initiative – however, due to the lack of confirmation of their qualifications and a sufficient number of Polish rescuers, they were not allowed to take emergency actions.

It is worth mentioning here that Poland is bound by international regulations on man-made disasters:

- *The UN Economic Commission for Europe's Convention on the Transboundary Effects of Industrial Accidents (Emergency Convention) of 17/3/1992.* Poland signed it in 1992 and

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<sup>24</sup> Caused by humans.

ratified it in 2003 as a result of Council Decision 98/685/EC. It was implemented on 7/12/2003.

- Council Decision 98/685/EC of 23/3/1998 concerning the conclusion of the Convention on the Transboundary Effects of Industrial Accidents.

- Council Directive 2004/80/EC of 29/4/2004 relating to compensation to crime victims, implemented in the Republic of Poland by the Act of 7/7/2005 on state compensation to victims of certain intentional crimes, amended on 3/4/2009.

### **2.3.3. Anthropogenic disasters – intentional actions, terrorist threats**

Poland is not among the countries that are directly threatened with terrorist attacks and has not been a victim of such large-scale attacks to date. However, the possibility that terrorist organisations might be interested in Poland cannot be definitely excluded, especially in the context of Poland's cooperation with the USA, its membership in NATO, involvement in conflict regions and neighbourhood of regions such as the Northern Caucasus, Central Asia or the Maghreb, where activities of extremist groups are recorded.

Poland supports initiatives of international organisations and anti-terrorist coalitions, it is a party to 14 out of 18 UN conventions and protocols on combating terrorism, it supported the adoption of the *Global Counter-Terrorism Strategy* by the UN in 2006, and it supports work on the *Comprehensive Convention on International Terrorism* (CCIT). Within the EU, it introduced the *European Arrest Warrant*, it engages in work performed by counter-terrorism working groups, it took on rotating presidency in the EU Council Working Party on the International Aspects of Terrorism – *COTER* in the second part of 2011, and pursued the project on implementing the *Prüm Decision* since June 2011.

Poland has been successively introducing regulations aimed at performing obligations following from the signed conventions and membership in organisations to the Polish legal order. The National Security Strategy, which responds to new threats, such as terrorism and proliferation of weapons of mass destruction, has been in place in Poland since 2007, while the Act on state border protection and amendments to the Act on aviation law, which also

refer to the issues of terrorism, entered into force in 2011. The same is true about the Act of 2007 on crisis management and the National Crisis Management Plan adopted in 2012.

Institutionally, the government work on preventing, detecting and combating terrorism are coordinated by the Minister of the Interior. The Interministerial Team for Terrorist Threats (MZTT) has been operating since 2006 as an assisting authority of the Council of Ministers, ensuring cooperation of the government administration within the discussed area, and the Government Centre for Security (RCB) aimed at creating an efficient and effective crisis management system has been operating since 2007. An institution that is directly engaged in counteracting and combating terrorist threats is the Internal Security Agency (ABW), as part of which the Anti-Terrorist Centre (CAT) was established in 2008.

Penalisation of terrorist crimes is based on the Polish Criminal Code of 1997, as amended, which provides for criminal liability for terrorist crimes and for indirect violation of the law through acts related to terrorist activities, e.g. financial crimes and involvement in a criminal organisation. The Code defines terrorist crime as follows: a prohibited act punishable by imprisonment, committed for the purpose of: seriously threatening many people; forcing Polish or another state's public authorities or a body of an international organisation to take or abandon specific actions; causing major disturbances in the political system or economy of the Republic of Poland, another state or international organisation – and a threat to commit such an act. (Article 115(20)).

## RESEARCH MATERIAL

### 3. Brief analysis of applicable legal and institutional regulations

#### 3.1. International and regional legal grounds

##### 3.1.1. The United Nations (UN)

- **Responding to calamities in the UN system**

The major entity responsible for humanitarian aid in the United Nations system is the Office for the Coordination of Humanitarian Affairs (OCHA), set up in 1998 for the purpose of mobilizing and coordinating humanitarian relief and of assuring coherence of the activities of all the actors concerned. The scope of work of this agency intertwines with the range of activities of the Inter-Agency Standing Committee (ISAC), a broad multifaceted platform of UN agencies, funds and programs, government agencies, Red Cross and Red Crescent Movement's components and NGOs.

- **Poland's membership in the UN and cases of using the UN aid<sup>25</sup>**

Poland is one of the founding members of the UN (since 1945) and it has been actively participating in the work of the UN organisations and specialised agencies, such as the International Labour Organisation, the International Fund for Agricultural Development, the United Nations Educational, Scientific and Cultural Organisation (UNESCO), as well as the International Monetary Fund and the World Bank.

Poland used the UN aid in 1997 when the southern part of the country was devastated by the "flood of the century". 56 people died, 140,000 were evacuated and damage costs were estimated at USD 3 thousand M, amounting to 2.7% of Poland's GDP.

The Department of Humanitarian Affairs (which was replaced by OCHA a year later) became interested in the situation in Poland and had begun monitoring the situation in Poland even before the flood wave peak occurred. Subsequently, in cooperation with the Polish permanent diplomatic mission in Geneva, sent an emergency relief coordinator and USD

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<sup>25</sup> [www.msz.gov.pl](http://www.msz.gov.pl); [www.unocha.org](http://www.unocha.org); [www.reliefweb.int](http://www.reliefweb.int); [www.gdansk.pl](http://www.gdansk.pl); [fts.unocha.org](http://fts.unocha.org).

30,000 as part of immediate humanitarian support. Eventually, the total value of the aid provided by the Department amounted to approximately USD 26 million. A request for aid was made by PSP – on the grounds of Poland’s membership in the UN and participation in the International Search and Rescue Advisory Group (INSARAG) – and it was responded by Germans, Belgians, the French and Czechs.

Similarly, in 2001, when heavy rains caused local floods, damage amounting to ca. USD 200 million, death of several people and evacuation of over 300 inhabitants, OCHA supported Poland by purchasing sets of hepatitis vaccines.

### **3.1.2. North Atlantic Treaty Organisation (NATO)**

- **Responding to calamities within NATO**

NATO’s role goes beyond military operations and comprises also the issues of civil planning in case of calamities and disasters going beyond the response possibilities of the afflicted state. In the Strategic Concept of 1999, NATO adopted an extended approach to the issue of security, indicating that large-scale crisis events in the civil area might pose a threat to security and stability. States cannot rely any more on their capacities to cope with huge disasters, in particular of non-symmetric character. A more recent document – *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, adopted by heads of States and of Prime Ministers at the NATO Lisbon summit in 2010 – refers to assuring security through crisis management and provides for a wide range of actions aimed at the efficiency of all the operations performed in that field.

Support of State authorities in the protection of population should prove effective in case of whether natural, or man-made disasters. Even if the above mentioned protective role and civil defence remain within the scope of responsibility of member states, their mutual commitments and cooperation are likely to upgrade the quality and effectiveness of the activities carried out. The tools at the Treaty’s disposal are crisis response operations, differing from the “common defence” aim, stipulated by Art. 5 of the Washington Treaty. Among them are peace support, peace enforcement and peace building missions, as well as conflict prevention and humanitarian operations.

The Euro-Atlantic Disaster Response Coordination Centre (EADRCC) is the main NATO mechanism serving coordination of aid to states afflicted by a calamity or disaster. It is responsible for administering the declared humanitarian aid, providing information, analysing experiences, organising seminars and running application or field exercises and trainings for rescue services.

NATO also organises international *Crisis Management Exercise* primarily aimed at reviewing NATO crisis management procedures at the strategic level, including civilian and military staff at the levels of member states and of the headquarters, as well as States associated in the Partnership for Peace and other international organizations, as observers.

- **Poland's membership in NATO and cases of using NATO forces<sup>26</sup>**

Poland was one of the first post-communist states to join NATO. That event took place in 1999 and since then Poland has been an active participant of multiple NATO operations, including *Operation Active Endeavour* in the Mediterranean and the Kosovo Force in the Balkans. A natural consequence of the accession was the adoption of the assumptions concerning the form of NATO *Host Nation Support* (HNS) by the Polish Council of Ministers in 2001. An integral part of HNS is the Civil-Military Cooperation (CIMIC) component, which is oriented, among others, on enhancing agreements and correlations between the NATO commander and international and non-governmental organisations as well as civil authorities and the local inhabitants, and which constitutes the basis for cooperation in the case of calamities and crisis situations. The HNS issues are discussed in the *Regulation of the Council of Ministers of 15/6/2004 on the conditions and procedure of planning and financing the objectives pursued as part of the state defence preparations by government administration authorities and local government authorities* (Dz. U. 2004 nr 152 poz. 1599) and in the documents of the General Staff of the Polish Armed Forces: In the *Doctrine of support by the host state (DD/4.5)* of 2005 and the *Instruction Considerations, assumptions and procedures of pursuing support objectives by the host state (DD4.5.1A)* of 2008.

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<sup>26</sup> [www.nato.int](http://www.nato.int); [www.rcb.gov.pl](http://www.rcb.gov.pl).

The armed forces may support civil authorities in emergency situations, and the Minister of National Defence and Polish Armed Forces are among the actors responsible for a range of objectives designated for them by the *Act on Crisis Management* of 2007 (in particular for the objectives within the third management phase, i.e. response), the *Act on the state of calamity* of 2002, and the *Act on general defence obligation* of 1967. Also in accordance with KPZK, specific forces and funds of the Ministry of Defence are allocated for crisis response, and pursuant to the confidential ministerial *Crisis Management Plan*, e.g. reconstruction units to be deployed in particularly dangerous areas or chemical units responsible for decontamination are currently being formed. In the case of calamities and disasters in Poland, the Polish Armed Forces cooperate with numerous entities: PSP, the police, health service in the event of evacuation, protection of the site and immediate aid provision. Starosts, presidents and voivodes<sup>27</sup> can take part in prior procedural exercises for cooperation of relevant services. The recent floods in Poland proved effectiveness of this cooperation.

NATO played a significant role in responding to the Polish government appeal for international aid in flood damage remediation in 1997. NATO's coordination as part of EADRCC allowed an effective and targeted use of the support provided to Poland.

### **3.1.3. European Union (EU)**

- **Responding to calamities within EU mechanisms**

The provisions of the Treaty of Lisbon confirmed the principle of preference for the EU member states concerning civil protection and regarded supporting and complementing

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<sup>27</sup> *Starost* is a government official elected by the poviats council. He supervises the work of poviats' organisational units and local services, inspections and guards. *President* of a city is a one-person executive authority in municipalities, elected in direct election. In smaller cities and urban-rural communes mayor is the equivalent of president, and in rural communes – *voit* is the equivalent. *Voivode* is the head of joint government administration in voivodeships.

According to the Act on Poviats Self-Government of 5 June 1998 the starost organises the work of poviats' executive body and the poviats starosty, controls poviats' current affairs and represent the poviats on the outside. The Act on Voivode and Government Administration in the Voivodeship considers the voivode to be the Council of Ministers' representative in the voivodeship.

specific activities and ensuring operational cooperation and cohesion of national civil protection services as the Community's objective.

The unit competent in the discussed area in the European Commission is the Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO) Its predecessor was the European Community Humanitarian Aid Office (ECHO), established in 1992, transformed in 2004 into Directorate General for Humanitarian Aid and supplemented, in 2010, with civil protection. Of the latter, Directorate General for the Environment was in charge earlier. In 2010, Kristalina Georgieva was appointed as the first Commissioner responsible for International Cooperation, Humanitarian Aid and Crisis Response. The development and the competence transfer to DG ECHO were intended to raise efficiency, enhance cooperation and improve the decision-making process

Within the EU Council civil protection is being dealt with by the Working Party on Civil Protection (PROCIV), where the Poland is represented by the National Headquarters of the State Fire Service (KG PSP). In 2011, while holding the half-year Presidency of the Council of EU, made crisis communications a priority in the area of civil protection. Workshops organized in Poland and addressing related key issues for experts from UE member states preceded the Council's conclusions about the subject. EU has a broad set of tools for calamity protection at its disposal, which comprises all crisis management phases. The primary instrument is the Union Civil Protection Mechanism (UCPM) established in 2001 and revised in 2013, to be put in action in emergency, as a feed-back to appeals launched by the State affected. It can be used within or outside the EU territory. Now, should any of the 32 states participating in the Mechanism (28 EU members, Iceland, Liechtenstein, Norway and FYROM), be threatened, it can make a request for help through the Common Emergency Communication and Information System (CECIS), functioning 24/7.

The CPM operating core was the Monitoring and Information Centre (MIC), which was transformed into the Emergency Response Coordination Centre (ERCC), in 2013. The Mechanism facilitates mobilisation of intervention teams, experts and other resources; it streamlines coordination, thus reducing the number of casualties, damage to property, economy and environment; as well as consolidates social solidarity and cohesion.

Moreover, under the Council Decision of 2007, the Civil Protection Financial Instrument (for the period 2007-2013) was established to enable the provision of financial support for rescue operations within the Mechanism as well as the financing of preventive measures and activities increasing the EU's readiness to respond. In force as from 1 January 2014 until 31 December 2020, a new decision on a Union Civil Protection Mechanism provides funding for actions in this field.

Other crucial components of the civil protection system include:

- Disaster Preparedness ECHO (DIPECHO) The program was launched in 1996 and dedicated to disaster preparedness, focusing on training and informing the population, as well as on early warning and planning, in particular in natural disaster-prone places. At present eight regions under threat are covered: the Caribbean, Central America, South America, Central Asia, South Asia, and South-East Asia, East Africa and South Africa, South-West Indian Ocean and Pacific Region
- Health Emergency Operations Facility Health Emergency Operations Facility is a body set up to inform the European Commission of epidemic threats. It also coordinates cooperation between EU member and non-member states.
- Civil protection modules and the CECIS system. CP modules and CECIS constitute the resources of member states, to be dispatched through the Mechanism, if needed, wherever relief operations take place. A module is a self-sufficient and autonomous predefined task- and needs-driven arrangement of member states' capabilities or a mobile operational team of the Member States representing a combination of human and material means, that can be described in terms of its capacity for intervention or by the task(s) it is able to undertake. PSP has presently the following modules, registered within CECIS: 1 Urban Search and Rescue (MUSAR), 1 Heavy Urban Search and Rescue (HUSAR), 4 High Capacity Pumping (HCP), 1 Chemical, Biological, Radiological and Nuclear (CBRN) Detection and Sampling, as well as 6 Ground Forest Fire Fighting using Vehicles (GFFFV).
- Training system and Expert Exchange System within UCPM. A training scheme and an Exchange of Expert in the field of civil protection (EoE), joint exercises, exchange programs accessible to professionals of different disciplines. Training courses combine theory with practical skills, focusing on international guidelines and operational procedures.

Participants should be able to assume missions within an expert team or to work as a CP module leaders.

- **Poland's membership in the EU, the status of the European legislation in Polish legislation and the events of using the EU aid with respect to calamities**

Poland became a member of the EU on 1/5/2004. The activity within this organisation is one of the priorities of the Polish foreign policy and is significant from the viewpoint of this report. It involves the membership in the Schengen area, the European Economic Area and the Group of Six (the so-called G6). Above all, however, it is reflected in numerous legislative and institutional solutions implemented in Poland in connection with its membership in the EU structures.

With regard to the correlations between the Polish and EU legislation, on 11/5/2005 the Polish Constitutional Tribunal decided that the Community law has precedence over national acts but it does not have an automatic primacy over the constitution. The national and EU standards should coexist based on amicable interpretation and cooperative parallel application. The Constitution "shall be the supreme law of the Republic of Poland", according to Art. 1 item 1 of the basic law. However, its Art. 9 stipulates that the RP "shall respect international law binding upon it". As an implied constitutional consequence, apart from laws and regulations promulgated by the national legislator, rules and other provisions generated outside the Polish law-making framework are in force; therefore the RP legal system is of multi-component nature. Within this setting, national and Community laws should co-exist, interpretable on a non-conflictual basis and applicable in a spirit of cooperation. With regard to the RP legislative system, the EU law is not a foreign one altogether, since it results from an approval of the treaties concluded by all the member states, including the RP (treaty law) or with the participation of nationals of EU countries<sup>28</sup> here again including the RP (community law introduced, collateral).

Poland received humanitarian aid from the EU prior to its full formal membership – in 2001, the European Commission transferred additional funds (USD 12.750 million) to Poland as aid

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<sup>28</sup> Judgement of 11.05.2005, [http://www.trybunal.gov.pl/OTK/teksty/otkpdf/2005/K\\_18\\_04.pdf](http://www.trybunal.gov.pl/OTK/teksty/otkpdf/2005/K_18_04.pdf) [access as from: 18.10.2013]

for the reconstruction of damage caused by flood within the pre-accession PHARE programme.

Since the launch of the European MIC in 2007, Poland requested support for its rescue forces once – due to the 2010 flood, referred to in section 2.3.1. on the experience of receiving foreign aid by Poland.

#### **3.1.4. Membership in other international and regional organisations**

- Since 1991:
  - Visegrad Group
  - Central European Initiative
  - Council of Europe
- Since 1992:
  - Council of the Baltic Sea States
  - Central European Free Trade Agreement
- Since 1995:
  - World Trade Organization
  - The Organization for Security and Co-operation in Europe
- Since 1996:
  - Organisation for Economic Cooperation and Development and International Energy Agency affiliated thereto.
- Since 2000 :
  - Community of Democracies
  - Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM)
- Since 2001:
  - Salzburg Forum

Additionally, the Republic of Poland is an observer at the Arctic Council and the International Organisation for the French-Speaking World. It is not, however, a participant of the *EUR-OPA Major Hazards Agreement (Partial Agreement on the Prevention of, Protection Against, and*

*Organization of Relief in Major Natural and Technological Disasters*) – a cooperation platform established by the Committee of Ministers of the Council of Europe in 1987, Resolution (87) 2.

### **3.1.5. Crucial bilateral agreements and understandings**

#### **Agreements:**

- Agreement between the Government of the Republic of Poland and the Republic of Croatia on Cooperation in Protection against Technological and Natural Disasters, and in Relief of Their Consequences (Zagreb, 17/9/2003).
- Agreement between the Republic of Poland and the Czech Republic on Cooperation and Mutual Assistance in Case of Technological and Natural Disasters and Other Emergencies (Warsaw, 8/6/2000).
- Agreement between the Republic of Poland and the Federal Republic of Germany (FRG) on Mutual Assistance during Technological and Natural Disasters and Other Serious Accidents (Warsaw, 10/4/1997).
  - Agreement between the Government of the Republic of Poland and the Government of the French Republic on Cooperation in the Field of Internal Affairs (Warsaw, 12/9/1996)
- Agreement between the Government of the Republic of Poland and the Government of the Lithuanian Republic on Cooperation and Mutual Assistance in Case of Technological and Natural Disasters and Other Serious Accidents (Warsaw, 4/4/2000).
- Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Cooperation in Prevention of Technological and Natural Disasters, and in Relief of Their Consequences (Warsaw, 25/8/1993).
- Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on Cooperation and Mutual Assistance in Prevention of Technological and Natural Disasters and Other Emergencies, and in Relief of Their Consequences (Warsaw, 19/7/2002).
- Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation and Mutual Assistance during Technological and Natural Disasters and Other Serious Accidents (Bratislava, 24/1/2000).

- Agreement between the Government of the Republic of Poland and the Government of the Republic of Slovenia on Cooperation in the Prevention of Natural Disasters and Other Accidents, and in Relief of their Consequences (Warsaw, 13/4/2005).
- Agreement between the Republic of Poland and the Republic of Hungary on Cooperation and Mutual Assistance in Prevention of Technological and Natural Disasters and Other Serious Accidents, and in Relief of Their Consequences (Warsaw, 6/4/2000).

**Understandings:**

- Understanding between the Ministry of the Interior and Administration of the Republic of Poland and the Ministry of Interior of Brandenburg on Cooperation and Mutual Assistance During Technological and Natural Disasters and Other Serious Accidents (Słubice, 21/3/2003).
- Understanding between Ministry of the Interior and Administration of the Republic of Poland and the Ministry of the Interior of Mecklenburg-Western Pomerania on Cooperation and Mutual Assistance During Technological and Natural Disasters and Other Serious Accidents (Słubice, 21/3/2003).
- Understanding between the Ministry of the Interior and Administration of the Republic of Poland and the Ministry of the Interior of Free State of Saxony on Cooperation and Mutual Assistance During Technological and Natural Disasters and Other Serious Accidents (Słubice, 18/7/2002).

Understandings with German lands include regulations that are essentially analogous to each other. They all constitute a supplementation to the Agreement on mutual aid during disasters and calamities between the Republic of Poland and FRG of 1997; they stipulate mutual aid provided by rescue groups (Article 3 of each of the understandings), information and topographic map exchange (Article 4), experience sharing, joint trainings, competitions and other forms of cooperation (Article 8). The persons authorised to send the support request abroad from Poland are: the Chief Commander of PSP and voivodes (of the Dolnośląskie and Lubuskie regions in the case of Saxony; of the Zachodniopomorskie and Lubuskie regions in the case of Brandenburg; and of the Zachodniopomorskie region in the case of Mecklenburg-Western Pomerania, respectively) and the local county starosts.

Numerous similarities can be indicated also in the contents of bilateral agreements between Poland and neighbouring countries. Above all, in accordance with each of them, the authority competent to appeal for foreign aid in Poland is the Minister of the Interior and Administration<sup>29</sup>, and coordination and overall management of rescue operations are responsibilities of the competent authorities of the Party requesting for aid (only in the case of Slovenia the competent authorities of both parties appoint their representatives who approve the cooperation programme and financing). The basic manner of providing support is sending rescue groups and specialists, in-kind aid and information exchange. Agreements with Russia, Slovenia, Hungary and Croatia define such cooperation slightly differently: Agreements with Russia, Slovenia, Hungary and Croatia define such cooperation slightly differently: with Russia, as mutual assistance in rescuing and addressing damages; with Slovenia, as cooperation on reciprocal and goodwill bases, to the extent of possibility, as well as data exchange, extending help and training; with Hungary as exchange of information, training, dispatch of rescue teams and experts; and with Croatia, as exchange of information and experiences, training, dispatch of rescue teams and exchange of publications.

Under the agreements<sup>30</sup>, on foreign personnel's entering Poland, members of rescue groups should present their service cards and authorisation certificates; they are not required to have visas, travel documents or residence permits; their professional qualifications, competences and the right to wear uniforms are recognised. The equipment and in-kind aid brought into the country are not subject to prohibitions or restrictions applicable in a non-emergency context. The understandings with Ukraine and Hungary stipulate that the equipment and aid resources are free from duty, taxes and other financial encumbrances in respect of export and import, provided that their deployment in line with their intended use is documented; and with the Russian Federation – that the parties undertake to simplify the customs procedure during cross-border transportation of the equipment and in-kind aid, examine the possibility to obtain the necessary permits as quickly as possible in the case of

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<sup>29</sup> Currently the office of the Minister of the Interior and Administration is not functioning since it was divided in 2011 into the Ministry of the Interior and the Ministry of Administration and Digitisation. Currently this responsibility lies within the obligations of the Minister of the Interior.

<sup>30</sup> It is worth mentioning that the discussed agreements concern official aid between countries, *explicite* they do not include the regulations concerning the co-operation with non-governmental organisations within the mentioned scope.

transporting abnormal size cargos and other special cargos and use the transport infrastructure free of charge, as well as permit flights to appropriate places in the country which needs support. In accordance with the agreements concluded with the Czech Republic, Slovakia, Lithuania and Germany, when entering the country afflicted by a calamity, the party providing support shall present a list of the transported equipment and in-kind aid, with no international road transport permits or international insurance of the vehicles used when providing aid being required. Moreover, such vehicles are exempted from payments for using motorways and roads. Aircraft can also be employed for transporting rescue groups, individual specialists, equipment and in-kind aid, as well as directly when providing aid. By analogy, in the case of Ukraine and Hungary, when crossing the border, rescue group managers shall present a list of the transported equipment and vehicles to the competent customs authorities of the destination country.

As regards the operation costs, they are incurred by the party providing aid – which is regulated by all discussed bilateral agreements – which might additionally undertake to cover expenses, if any, arisen in connection with the wear, damage, destruction or loss of its own equipment (treaties with the Czech Republic, Slovakia, Ukraine, Lithuania and Germany).

In light of the analysed understandings, parties customarily waive any and all claims for damages against each other in the case of the occurrence of damage to property caused by a member of a rescue group or an individual specialist in connection with the performance of the objectives arising from a given understanding. Moreover, apart from the direct calamity situation, countries cooperate in terms of early warning, forecast preparation, prevention and elimination of the effects of disasters and calamities, trainings, research programmes and specialised courses. The bilateral agreement with Ukraine provides additionally for improving the emergency detection system, comprising early warning facilities, whereas the agreement with Russia – for an exchange of experts, including scientists, as well as of information and technological know-how, for organizing common conferences, workshops and seminars; for joint planning, conceiving and putting into effect research projects and displays; preparing publications, reports and focused investigations; likewise for removing consequences of industrial breakups and natural disasters.

In practice, the cooperation with FRG proved successful when the Federal Agency for Technical Relief (THW) participated in eliminating the effects of the 1997 flood in the Dolnośląskie and Lubuskie regions and in 2010, when Germany supplied high suction pumps to Poland. According to PSP, the cooperation with Germany is exemplary and its teams are perfectly prepared to provide aid in the case of calamities. Bilateral solutions are valued in Poland due to the simplicity of procedures and response time of the supporting party. The efficient trans-boundary cooperation with Lithuania, the Czech Republic and Slovakia is attributed to a large extent to the methodological instructions agreed at the central level between the Chief Commander of PSP and his counterparts in the three countries. PSP and the competent entities from neighbouring countries established the information exchange methodology and the principles for providing mutual aid, if necessary, and subsequently designated regional contact points activated in emergency situations.

Despite negotiations of the draft agreement on rescue cooperation, an effective Polish-Belarusian understanding on mutual aid and cooperation with respect to calamities has not been introduced thus far. Works on such document, however, were resumed in 2013. Moreover, an agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on early notification of nuclear accidents and on cooperation with respect to radiological safety of 1994 has been in force.

**3.1.6. Crucial international agreements on disaster response to which Poland is a party:**

Treaty	Signature	Ratification	Entry into force
The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations	18 June 1998	-	-

International Convention on the Simplification and Harmonization of Customs procedures (Kyoto Convention) Annex J.5	A revision of the convention of 1974; only the ratification of amendments was mandatory	9 July 2004	3 February 2006
Convention on temporary admission of 26 June 1990 (Istanbul Convention)	12 September 1995 (joining the convention with annexes A and B1);	12 December 1995	
	24 November 2000 (annexes B.2, B.3, B.4, B.5, B.6, B.7, B.8, B.9, C, D, E)	16 June 2001	
Convention on Civil Aviation of 7 December 1944 (Chicago Convention)	7 December 1944	20 November 1958 ( <i>ex proprio vigore</i> , in accordance with the Constitution of 22 July 1952)	
Convention on the Safety of United Nations and Associated Personnel	17 March 1995	9 March 2000	21 June 2000
Convention on Civil Protection	-	-	-
Food Aid Convention of 1999 (London Convention)	Poland had the opportunity to sign and ratify the treaty, from 11 July to 31 December 2012, but failed to do so; however, the EU managed, by signing it on 1 August and approving on 28 November. The precedent agreement of 1999 r. became invalid in 2012 .	28 July 2006	15 September 2006
- New Food Aid Convention (legally binding since 1 January 2013)	Poland was a state party to the Convention and could have joined it from 11 June to 31 December 2012. Assessing the current situation, Poland is considering now the possibility of signing the new version of the convention.		
- Convention on nuclear accidents - Amended version (protocol of 12 September 1997 to the Vienna Convention of 1963)	23 January 1990		23 April 1990
	Acceptance, ratification and endorsement – 14 May 2010		

## **3.2. The Polish legal system**

### **3.2.1. The political system of the Republic of Poland and its characteristics<sup>31</sup>**

Poland is a parliamentary democracy whose political system is defined by the Constitution of 2/4/1997. The legislative authority is constituted by the two-chamber parliament composed by the lower chamber – the Sejm – and the higher chamber – the Senate. Deputies are elected for a 4-year term of office by direct universal suffrage and secret ballot under a proportionate counting system. The senators' term of office is also of 4 years, and the suffrage is direct, secret and universal likewise. The executive bodies are the Council of Ministers (cabinet) and the President. The former, consisting of the Prime Minister and of the remaining ministers, holds responsibility for concluding international agreements which require ratification, and can accept or revoke other international agreements. In compliance with the basic law in force, the President is the head of state, the supreme representative of Poland and the guarantor of the continuity of state authority, representing the country in international affairs, ensuring observance of the Constitution, safeguarding the sovereignty and security of the state, as well as the inviolability and integrity of its territory.

The third authority is composed of Courts and Tribunals. The Supreme Court is a court of cassation, empowered to handle cassations and appeals from sentences or decisions of courts of second instance, except for specific cases. The Tribunal of State examines responsibility of the major state bodies and high-ranking civil servants and, regarding the fulfillment or the scopes of their mandates, adjudicates upon any infringement of constitutional or statutory provisions, having no constituent elements of criminal act; in the case of the President, upon criminal and taxation offences. As for the Constitutional Court, it is authorized to examine the compliance with the RP basic law of the activities of state agencies. Its task are to review the constitutionality of the acts passed and of international treaties to be concluded and ratified, as well as to settle demarcation disputes of the main

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<sup>31</sup> [www.poland.gov.pl](http://www.poland.gov.pl)

constitutional bodies and to evaluate, in this respect, aims and activities of political parties. It also rules on constitutional complaints.

### **3.2.2 Internal legal acts regarding disasters<sup>32</sup>**

- **CRISIS MANAGEMENT and EMERGENCIES**

1. Constitution of 2 April 1997 (especially chap. XI, Art. 228-234).
2. Act on Crisis Management of 26 April 2007.
3. Act on Natural Disasters of 18 April 2002.
4. Act of 22 November 2002 on compensation for loss of property caused by reduction of citizen's freedom and human rights under a state of emergency.
5. Act of 23 July 2003 on the protection and guardianship of monuments.
6. Cabinet's regulation of 15 December 2009 on the determination of the government administration bodies charged with setting up crisis management centers, and their operating mode.
7. Cabinet's regulation of 30 April 2010 concerning the Report on threats to National Security.
8. Cabinet's regulation of 30 April 2010 on national critical infrastructure protection programme.
9. Cabinet's regulation of 30 April 2010 on plans of critical infrastructure's protection.
10. Constitution of the Republic of Poland of 2 April 1997 (in particular, section XI, art. 228-234).
11. Council of Europe Convention on the Prevention of Terrorism of 16 May 2005.
12. Government statement, of 14 May 2008, reaffirming the validity of the Council of Europe Convention on the Prevention of Terrorism signed on 16 May 2005 in Warsaw.
13. Prime Minister's Order No 74 of 12 October 2011 on a list of projects and procedures for crisis management.
14. Prime Minister's regulation of 11 April 2011 on the organization and operating mode of the Government Centre for Security.

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<sup>32</sup> Based on: *Wykaz Aktów Prawnych. Wybór, Stan prawny: 18.02.2013* [List of Legal Acts. Selection. As at: 18/02/2013], Urząd Miejski w Słupsku, Wydział Bezpieczeństwa i Zarządzania Kryzysowego, Słupsk, 2013.

15. Prime Minister's regulation of 11 October 2011 on the organization and operating mode of the Government Team for Crisis Management.
16. Prime Minister's regulation of 27 December 2012 on the organization and operating mode of a system collecting and making available information and data concerning the location of the network's terminal wherefrom connection has been made to emergency numbers, e.g. „112”.
17. Regulation of the Minister of Culture of 25 July 2004 on the protection of monuments in the event of armed conflict and crisis situation.
18. Regulation of the Minister of the Interior and Administration of 31 July 2009 on the organization and operating mode of emergency warning centres, including such facilities at the voievodship level.

- **CIVIL DEFENCE and CIVIL PROTECTION**

1. Act of 21 November 1967 on universal obligation to defend the Poland.
2. Cabinet's regulation of 25 June 2002 on the scope of activities of the National Civil Defence's chief, as well as of his/her counterparts at the voievodship, district and communal levels.
3. Cabinet's regulation of 29 March 2005 on positions considered as equivalent to the performing of civil defence tasks and on exempting from professional obligations by employers their staff members appointed to civil defence service for the purpose of countering the effects of natural and man-made disasters, as well as environmental threats.
4. Cabinet's regulation of 7 January 2013 on systems for detecting contamination and on report their occurrence and characteristics to competent authorities.
5. Regulation of the Minister of National Defence of 27 April 2006 on determining categories of reserve servicemen, whose transfer to civil defence service requires an assent of the Chief Recruiting Officer.
6. Regulation of the Minister of National Education of 23 December 2008 on the core curriculum for pre-school education and for standard education programmes in different types of schools.
7. Regulation of the Minister of National Education of 28 August 2009 on mode of civil defence training.

8. Regulation of the Minister of the Interior and Administration of 26 September 2002 on the civil defence service.

● **ORDER, PUBLIC SECURITY and HEALTH PROTECTION**

1. Act of 18 July 2001 Water Law.
2. Act of 15 November 1984 Transport Law.
3. Act of 16 IX 2011 on specific measures concerning a reduction of flood impact.
4. Act of 29 November 2000 Atomic Law.
5. Act on communal guards, of 29 August 1997.
6. Act on fire protection, of 24 August 1991.
7. Act on mass events security, of 20 March 2009.
8. Act on preventing and combating contaminations and diseases in humans, of 5 December 2008.
9. Act on Public Prosecution, of 20 June 1985.
10. Act on the National Medical Rescue Service, of 8 September 2006.
11. Act on the Police, of 6 April 1990.
12. Act on the State Fire Service, of 24 August 1991
13. Act on the State Veterinary Inspection, of 14 March 1985.
14. Act on veterinary inspection, of 29 January 2004.
15. Act on social assistance of 12 March 2004 (Art. 39 and 40).
16. Act on particular rules for reconstruction, renovation and demolition of buildings destroyed or damaged as a result of natural disaster of 11 August 2001.
16. Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks.
17. Regulation of the Minister of the Interior and Administration, of 18 February 2011, on detailed principles of organisation of the national emergency and fire-fighting system.
18. Regulation of the Minister of the Interior and Administration, of 31 July 2011, on detailed principles of management and cooperation of fire-fighting units participating in emergency operations.
19. Regulation of the Ministers: a) of the Environment, b) of Transport, Construction and Marine Economy c) of Administration and Digitalization, and d) of the Interior, of 21 December 2012, on elaborating maps of flood threats and maps of flood risks.

- **LAW AND ADMINISTRATION**

1. Act on government administration of 4 September 1997 (Art. 6 section 1 point 4b and 4c).
2. Act of 20 July 2000 on promulgation of normative acts and certain other legal acts.
3. Act of 23 January 2009 on voivodeship and government administration in a voivodeship.
4. Act of 26 June 1974 Labour Code.
5. Act on public finance of 27 August 2009.
6. Act on the income of local government units of 13 November 2003.
7. Act of 27 October 2010 on the public utility activity and volunteer activity.
8. Act of 5 June 1998 on district self-government.
9. Act of 5 June 1998 on voivodeship self-government.
10. Act of 8 March 1990 on communal self-government.

### **3.2.3 Authorities and their competences: contact points, coordination in crisis situations, information flow**

Three problem areas coexist in the Polish action management and coordination system: crisis management, civil defence and civil protection.

The responsibility for crisis management is borne by the Council of Ministers, and in urgent cases – by the minister competent for home affairs. The Council of Ministers is supported by the Government Team for Crisis Management – an opinion-forming, initiating and consulting authority – and by the RCB, which ensures substantive and organisational support.

The ministers in charge of government administration divisions and central office managers perform, in accordance with their competence, crisis management objectives. Specified authorities are obliged to establish Crisis Management Centres for the purpose of ensuring efficient information flow. With this respect, the leading role of a coordinator is fulfilled by the Crisis Management Centre located in the RCB.

Special competences in the area of crisis management are held – due to supervising the operation of rescue services and public security and order – by the Minister of the Interior.

This Minister performs crucial actions in the phase of preventing, planning, responding and eliminating the effects of events in Poland. The Ministry of the Interior (MSW) prepares the crisis management plan of its government administration division, in which it includes, among others, procedural and functional assumptions for accepting foreign aid (the Standard Operating Procedure titled “Procedure of applying to international organisations for aid in the case of a crisis situation in Poland going beyond the response capacities of Polish entities or the forces and resources held as well as accepting aid”). The actions regarding civil protection, civil planning, crisis management and civil defence are performed in the Ministry by the Rescue and Civil Protection Department.

With respect to foreign aid acceptance coordination, the National Centre for Rescue Coordination and Civil Protection is crucial. This entity, which is a part of the National Headquarters of PSP structures, fulfils the function of the National Contact Point, which is responsible for collecting information about emergency situations from cooperating entities, applying for foreign support, and accepting and coordinating the provided international aid.

The Minister of Administration and Digitisation is also significant in the emergency management system, since this Minister issues guidelines for regional crisis management plans, approves such plans and supervises voivodes in the area of crisis management at the regional level.

Crisis management at lower public administration levels is the responsibility of voivodes, starosts and voits (presidents, mayors) in cooperation with combined and non-combined services.

The authorities competent in the analysed domain are described in depth below:

- **Under the Act of 21/11/1967 on the general obligation to defend the Republic of Poland**

RESPONSIBLE AUTHORITY: The Chief of the National Civil Defence (OCK) – pursuant to Article 17(1), the central government administration authority for civil defence. The Chief is appointed by the Prime Minister on request of the minister competent for home affairs (interior), to whom the Chief of OCK is subordinate. The field authorities for civil defence are voivodes, starosts, voits (presidents or mayors).

COMPETENCES: preparing draft assumptions for the civil defence operations; determining general principles of pursuing civil defence objectives; coordinating specified undertakings and supervising the performance of civil defence objectives by the government administration authorities and local government authorities Extending the application of the Act of 1967, on the grounds of the *Cabinet's regulation of 25 June 2002 on the scope of activities of the National Civil Defence's chief, as well as of his/her counterparts at the voivodeship, district and communal levels*, National Civil Defence chiefs set tasks and monitor their performance, while managing activities consisting in preparation and execution of civil defence initiatives according to the pattern: NCD chief coordinates activities of voivodeship CD chiefs, the latter – of his/her poviats counterpart, who, coordinates activities of the communal CD chief; the latter – of his/her counterparts in institutions, companies, emergency rescue organizations and other entities operating in the communal territory.

Since 2000, the Chief of OCK has been the Chief Commander of PSP<sup>33</sup>. Such a solution resulted from organisational and legal transformations in Poland as a consequence of the public administration reform of 1999. The status of PSP rescue and fire-fighting units changed at that time – since 1/1/1999 they have no longer been separate organisational units but they have been part of county or city headquarters. In 2000, the organisational structure of the National Headquarters of State Fire Service was reorganised and adapted to the performance of new civil defence and crisis management objectives. By the Decision of the Minister of the Interior and Administration, the Office for Crisis Management and Civil Protection was liquidated, and the positions of KG PSP and the Chief of OCK were combined under the Regulation of the Prime Minister of 22/3/2000. This Regulation changed the status of the National Headquarters of PSP as it combined the issues of fire protection, rescue and civil defence in one office at the central level. A new organisational unit – *the National Centre for Rescue Coordination and Civil Protection* – the primary responsibilities of which is managing the national rescue and fire-fighting system and civil protection in Poland, was established in the National Headquarters Currently the National Civil Defence's orientations

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<sup>33</sup> In the period 2005 – 2007, the Chief of Civil Defence (Szef OCK) function was held by the Undersecretary of State in MSWiA.

are determined in the NCD Chief's instructions of 18 November 2013 for civil defence in 2014, the instruments aim being to strengthen the protection of population and to pave the way for new regulations, likely to define further functioning of CD in the RP.

- **Under the Act of 24/8/1991 on the National Fire Service**

1. RESPONSIBLE AUTHORITY: The Chief Commandant of the State Fire Service (KG PSP) – appointed and dismissed by the Prime Minister on request of the minister competent for home affairs.

COMPETENCES: managing the work of the National Headquarters of State Fire Service and the national rescue and fire-fighting system; initiating research undertakings and studies concerned with fire protection and rescue; maintaining international cooperation and dispatching PSP units to rescue and humanitarian operations abroad; introducing higher PSP operation capability in the situation of increased probability of a natural disaster or technical failure; organising national and international rescue exercises.

The command post of the The Chief Commandant of the State Fire Service is located in the National Centre for Coordination of Rescue and Protection of Population (KCKRiOL) oPSP and is crucial from the viewpoint of accepting international aid in the case of calamities and disasters. Its functions include dispatching PSP forces and resources to international rescue operations, exercises or humanitarian aid operations; coordinating PSP's participation in international operations in Poland or abroad; as well as ensuring proper information flow and analysing the availability of rescue resources. The Chief Commandant of the State Fire Service, pursuant to the decision of the Council of Ministers or of the Minister of the Interior on requesting for aid, is obliged to coordinate the participation of foreign rescue services in activities in Poland under the signed international agreements – in particular by ensuring information flow, based on communications from the Rescue Operation Manager or the command post of the Regional Commander of PSP competent for the location, as well as through launching foreign rescue or humanitarian aid procedures regarding the administration of resources and their transport across the country to the indicated assembly point or the event site. The Chief is at the same time an international contact point as part of the cross-border and international cooperation; an HNS contact point as part of the KG PSP objective performance; a humanitarian aid coordinator, in accordance with the concluded

understandings. The Chief is also the head of the Crisis Management Centre / the Command Post of the Chief Commandant of State Fire Service and was performing the objectives of the Crisis Management Centre of the minister competent for home affairs (CZK MSW)<sup>34</sup>.

2. RESPONSIBLE AUTHORITY: The minister competent for home affairs (interior).

COMPETENCES: determines detailed principles for equipping PSP organisational units and the framework organisation of PSP headquarters, and applies to the Prime Minister for appointing/dismissing the Chief Commander.

- **Under the Act of 18/4/2002 on the state of calamity**

During a calamity, the respective voivode (president, mayor) manages activities within the commune, in order to prevent or remove the effects of the calamity (Art. 10). By way of analogy, starosts in poviats and voivodes in voivodeships assume the same function (Arts 11 and 12)

1. RESPONSIBLE AUTHORITY: Voivode/mayor/president – the state of calamity in one municipality

COMPETENCES: Voivode/mayor/president may give binding instructions to auxiliary unit authorities, managers of the organisational units established by the municipality, managers of fire protection units operating in the municipality and managers of organisational units temporarily placed at the voivode's/mayor's/president's disposal by the competent authorities and dispatched to perform objectives in the municipality.

2. RESPONSIBLE AUTHORITY: Starost – the state of calamity in more than one municipality

COMPETENCES: Starost may give binding instructions to voivodes (mayors, presidents), managers of the organisational units established by the county, managers of county services, inspectorates and fire service, managers of fire protection units operating in the county and managers of organisational units temporarily placed at the starost's disposal by the competent authorities and dispatched to perform objectives in the county.

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<sup>34</sup> Based on: W. Kaczor, *Rola stanowiska kierownika komendanta głównego państwowej straży pożarnej jako międzynarodowego punktu kontaktowego* [Role of the command post of the Chief Commandant of the PSP as an international contact point], Warsaw, 2013.

3. RESPONSIBLE AUTHORITY: Voivode – the state of calamity in more than one county

COMPETENCES: Organisational authorities and units of the government administration and of the regional local government administration operating in the region as well as other forces and resources delegated at the voivode's disposal and dispatched to perform such actions in the region, including units and subunits of the Armed Forces of the Republic of Poland, are subordinate to the voivode.

4. If the forces and resources held by the vojt (mayor, president), starost, voivode or representative are insufficient, there is a possibility to introduce the obligation of personal and in-kind performances consisting in: providing first aid, actively participating in rescue operations or other tasks designated by the rescue operation manager, performing specific work, providing the held immovable or movable properties for use, making rooms available to evacuated persons, making use of the property in a specific manner and to a specific extent, accepting the property of the injured or evacuated persons for storing and guarding, securing the animals and plants or seeds which are at risk, standing guards, securing one's own sources of drinking water and food against pollution, contamination or infection, as well as making them available to evacuated or injured persons, securing the cultural heritage assets that are at risk. Moreover, the enumerated entities may introduce necessary limitations of freedom as well as human and citizens' rights to the extent permitted by the Regulation of the Council of Ministers on introducing the state of calamity.

5. The vojt (mayor, president), starost or voivode operate with the assistance of a municipal, county or regional crisis response team, respectively, and the Government Team for Crisis Management. The tasks of the Teams are: 1) monitoring the occurring disasters and making a forecast about the situation, 2) putting into effect procedures and programs about disaster response, 3) elaborating and updating crisis reaction plans, 4) planning support for action managers at lower levels of the public administration, 5) making conditions to allow the coordination of humanitarian aid, 6) realizing a communication policy.

6. RESPONSIBLE AUTHORITY: Minister competent for home affairs – the state of calamity in more than one region

COMPETENCES: The minister may give binding instructions to local government authorities and specific government administration authorities, and is obliged to inform the President and the Prime Minister of the Republic of Poland about the effects of the calamity and actions taken to prevent or eliminate them.

7. RESPONSIBLE AUTHORITY: The Council of Ministers

COMPETENCES: It introduces the state of calamity – on its own initiative or on request of the competent voivode. The Council of Ministers may also extend the state of calamity for an indefinite period (upon the Sejm’s consent), and if the causes of the introduction cease, the Council lifts the state of calamity in the entire area of its application or in a part of such area. It also determines specific principles for the participation of detachments and units of the Polish Armed Forces in preventing or eliminating the effects of the calamity.

8. RESPONSIBLE AUTHORITY: The Minister of National Defence

COMPETENCES: the Minister may transfer detachments or units of the Polish Armed Forces to a given voivode along with dispatching them to perform tasks related to preventing or eliminating the effects of the calamity where the use of other forces and resources is impossible or insufficient.

The government and the local authorities are obliged to cooperate and exchange information about preventing disasters or dealing with their consequences.

- **Under the Act of 26/4/2007 on crisis management**

1. RESPONSIBLE AUTHORITY: The Council of Ministers

COMPETENCES: it is responsible for crisis management in Poland (in urgent cases, the minister competent for home affairs is responsible for management) and it designates the government administration authorities which will form crisis management centres. The Council also approves the *Report on threats to the national security* prepared by the ministers managing government administration divisions, managers of central offices and voivodes; and it adopts the *National Programme for Critical Infrastructure Protection* by a resolution.

2. RESPONSIBLE (OPINION-FORMING AND CONSULTING) AUTHORITY: the Government Team for Crisis Management

COMPETENCES: 1) preparing propositions for using the forces and resources necessary for bringing the crisis situations under control; 2) consulting with respect to the coordination of actions taken by government administration authorities, public institutions and services in crisis situations; 3) providing opinions on final reports on the activities taken in connection with crisis management; 4) providing opinions on the infrastructural needs.

3. RESPONSIBLE ENTITY: RCB

COMPETENCES: serving the Council of Ministers, preparing draft opinions and statements as well as technical and organisational service of the work of the Government Team for Crisis Management and the minister competent for home affairs with respect to crisis management, and coordinating the performance of objectives in the following areas: 1) civil planning; 2) monitoring potential threats; 3) preparing the launch, in the case of emergence of threats, of the crisis management procedures; 4) cooperating with the organisational sections and units of NATO, EU and other international organisations; 5) organising, running and participating in trainings and exercises in crisis management; 6) ensuring information flow between the Polish and foreign crisis management structures; 7) performing the permanent duty objectives as part of the state's defence readiness; 8) cooperating with the Head of the Internal Security Agency with respect to counteracting, preventing and eliminating the effects of terrorist acts; 9) performing planning and programme objectives related to critical infrastructure protection.

4. RESPONSIBLE AUTHORITY: ministers and managers of central offices

COMPETENCES: they develop crisis management plans taking into account: 1) the analysis and assessment of the possibility of threats, including ones for the critical infrastructure; 2) detailed manners and resources of responding to threats as well as reducing and eliminating their effects; 3) organisation of the monitoring of threats and the permanent duty as part of increasing the state's defence readiness; 4) organisation of the critical infrastructure protection. Additionally, they create crisis management teams responsible for making a periodic assessment of threats for the purpose of the Report on the threats to the national security.

Selected ministers and managers of central offices create crisis management centres.<sup>35</sup> Their tasks include: a 24-hour duty to ensure information flow for the purpose of crisis management; cooperation with crisis management centres of the public administration authorities; supervision over the operation of the detection and alarm system and the population early warning system; cooperation with environment monitoring entities; cooperation with entities carrying out rescue, search and humanitarian operations; documentation of the actions taken by the centre; performance of the permanent duty objectives for the purpose of increasing the state's defence readiness; cooperation on all government administration levels with respect to informing and communicating instructions to be executed in the 24-hour system for health protection units in cases of emergency and interruptions of the system operation.

All ministers and managers of central offices as well as voivodes and starosts create crisis management teams. Their objectives include: assessing the actual and potential threats which might affect the public security and forecasting risks; preparing proposals for actions and presenting requests regarding the performance, change or forbearance of the actions provided for in the regional crisis management plan to the voivode; communicating the information related to the threats to the public; providing opinions on crisis management plans.

- **Under the Act of 18/7/2001 Law on use and conservation of inland waters<sup>36</sup>**

1. RESPONSIBLE AUTHORITY: The minister competent for water management

COMPETENCES: the Minister submits to the Sejm the information about managing waters regarding, among others, the status of civil protection and property protection against flood

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<sup>35</sup> Government administration authorities responsible for creating crisis management centres are defined by the Regulation of the Council of Ministers of 15/12/2009 on determining government administration authorities to create crisis management centres and the manner of operation thereof (Dz. U. 2009 nr 226 poz. 1810).

<sup>36</sup> The Law on use and conservation of inland waters (Dz. U. of 2001 Nr 115, poz. 1229) implements Directive 2007/60/EC of the European Parliament and Council of 23/10/2007 on the assessment and management of flood risks (the so-called flood directive). This Directive entered into force on 26/11/2007 and it obliges all member states to plan actions regarding flood protection in accordance with the framework specified therein.

or drought; participates in determining the requirements regarding the preparation of flood hazard maps and flood risk maps as well as the scale of flood hazard maps and flood risk maps by a regulation.

2. RESPONSIBLE AUTHORITY: President of the National Water Management Authority

COMPETENCES: a central government administration authority; prepares a preliminary flood risk assessment.

## 4. Legal Regulations Concerning the Actions Carried Out in Calamity Situations

### 4.1. Definition of a Calamity

The term is specified in the *Act of 18/4/2002 on the state of calamity* (Article 3(1)), which defines calamity as a natural disaster or technical failure that may cause life or health risks to a large group of people, significant property losses or large-scale environmental damage. Effective calamity relief and protection of people may be provided only with the use of extraordinary measures, through the cooperation of various authorities, institutions, specialised services and units acting under a single command.

### 4.2. Monitoring, Early Warning and Disaster Response Readiness<sup>37</sup>

Chapter 9.2 of *HNSG* contains detailed information on issues related to the call for aid.

Section 7 of Chapter II of *IDRL Guidelines* promotes the development of effective system of crisis response.

#### 4.2.1. International Mechanisms

- Bilateral agreements – as has already been mentioned in the paragraph on bilateral agreement of the Republic of Poland with its neighbouring states, the parties cooperate on forecasting, prevention, early warning and elimination of effects of calamities and disasters.

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<sup>37</sup> Based on: J. Zwoliński, *Koncepcja wykrywania zagrożeń, ostrzegania i alarmowania* [The concept of threat detection, warning and alerting], Office for Civil Protection and Defence of the KG PSP, Warsaw, 2010; A. Kwasiborski, *Rola i zadania Stanowiska Kierowania Komendanta Głównego PSP w przypadku wystąpienia sytuacji kryzysowej* [Role and responsibilities of the command post of the Chief Commandant of the PSP in response to a crisis situation], KG PSP, 2012; and [www.msw.gov.pl](http://www.msw.gov.pl) and [www.ock.gov.pl](http://www.ock.gov.pl).

- EU – is active in all stages of crisis management (prevention, preparation, response and recovery), does not replace the competences of member states in this area. The EU realizes its activity through many tools like the Union Civil Protection Mechanism (UCPM, 2001, 2003, 2013) of 2001 and the new mechanism decision of 1<sup>st</sup> January 2014 with its operating core, the Emergency Response Coordination Center (ERCC).
- NATO – the following systems are implemented within the Alliance in order to improve the crisis response process: Response System, Warning and Alert System, Operating Planning System, as well as crisis response mechanisms and tools under the civil planning (NATO Civil Emergency Planning Crisis Management Arrangements, CEP CMA). The Civil Emergency Planning (CEP) has an important place in the Alliance, within this Planning in 1998 the Euro-Atlantic Disaster Response Coordination Center (EADRCC) was created. It works 24/7, it receives requests for aid from countries where a disaster happened and coordinates the support provided by the Alliance's member states and partner countries.

#### **4.2.2. National Statutory Basis**

- *Act of 21/11/1967 on the general defence obligation of the Republic of Poland (Article 17(5)).*
- *Regulation of the Council of Ministers of 25/6/2002 concerning the detailed scope of operations of the Head of the National Civil Defence, civil defence heads in regions, counties and municipalities (Article 2(1)).*

And :

- *Guidelines of the Head of the National Civil Defence of 17/12/2010 concerning general principles for the preparation and ensuring operation of the detection and alerting system and the emergency early warning system in regions, counties and municipalities laying down general rules for establishing regional detection and alerting systems and early warning systems, their collaboration with the components operating in counties and municipalities and coordination with the national system related to implementation of tasks in the area of alerting and warning the population about any threats.*

### 4.2.3. Institutions and Procedures in the Republic of Poland

Basic information:

- The national early warning and alerting point: command post of the Chief Commander of PSP
- The organisational path of detection and alerting: Municipality Head (Mayor, City President) -> Staroste -> Voivode (regional governor) -> Minister in charge of internal affairs
- Ongoing technical solutions: replacement of electric sirens with electronic ones; implementation of the Cell Broadcast system; media, Internet and telephone operators.
- The role of civic awareness: educational programmes in schools; training at workplaces; meetings of local communities and social organisations.

Information on potential threats in the Republic of Poland are sent daily from the local level to the regional and the ministerial Crisis Management Centres, which forward them to the RCB. The collected and processed data is prioritised, catalogued and aggregated into daily and problem-specific reports by the RCB.

Pursuant to the Crisis Management Act of 2007, the monitoring, planning and forecasting of potential threats is conducted at all levels of administration. Specific ministers, heads of central authorities and voivodes are obliged to prepare partial reports that make up the *National Security Threats Report*. Crisis management plans at the central, regional, county and municipality levels are also prepared. They include an analysis and assessment of the possibility of occurrence of threats in a given area, threat risk maps and a record of available forces and resources.

The competent entity to collect, transform and analyze information about the national firefighting and rescue system, as well as the civil protection and the crisis management system is the Rescue and Civil Protection Department of the Ministry of Interior, in cooperation with the PSP, the head of the Civil Protection, with RCB and with the Ministries of National Defence and Foreign Affairs.

The National Crisis Management Plan (KPZK) developed on the basis of a confidential National Security Threats Report is an important component of the system. In that public document are selected, identified and analyzed hazards, passed to the operational part: security network, the emergency management phases and the definition of the responsible entity for each phase.

The KPZK covers threat monitoring organisation, the tasks of its participants and the warning and alerting structure. The information on threats, warnings and alert signals are transmitted via the available means of communication and coordinated by Crisis Management Centres. Some of their tasks are to guarantee access to systems and means of communication, to spread information and launch alerts about hazards by transmitting messages and announcements through means of communication and public address.

Currently, the Central Reporting Application (CAR) system is being implemented in Poland – at the request of the Ministry of Administration and Digitalization by the Podlasie Voivodeship Office in cooperation with the RCB – to enable collection of comprehensive information on threats from the local level up to the central level and to reduce the amount of data being duplicated by officers on duty in the Crisis Management Centres. In a disaster situation, to move forces and resources to the affected area, RCB uses an interactive tool: the *Geographic Information System*, which allows access to the appropriate information, like the availability of rescue equipment and of rescuers, which results in a shortening of the dispatch time.

Early warning is implemented pursuant to the Regulation of the Council of Ministers of 7/1/2013 concerning contamination detection and notification systems and competence of authorities in these matters. The above provided the basis for unification and replacement of the previous warning signal system based on mechanical sirens with two signals: to announce and call-off an alarm with an option of broadcasting voice announcements. The second way of informing involves mass media. Work is in progress on enhanced threat notification systems and the use of hybrid TV as well as text messages. Work is under way on more efficient and sophisticated systems to warn the population about hazards. To achieve that, it is planned to use hybrid television and SMS text messaging. The Project is based on the *Cell Broadcast System (CBS)*, which was launched in the Netherlands.

The National Contamination Detection and Alerting System (KSWSiA) was established pursuant to the aforementioned regulation. The system is supervised and coordinated by the Minister of National Defence with support of the Central Contamination Analysis Centre of the Armed Forces. The National Contamination Detection and Alerting System has elements subordinated to five ministries (national defence, interior, environment, health and infrastructure). These elements are:

1. The contamination detection and alerting system including:

- the Contamination Detection System of the Polish Armed Forces, supervised by the Ministry of National Defence;
- the networks and systems that monitor epidemics and communicable diseases in Poland and the national contact points for international monitoring systems that monitors dangers for life and health of large population groups, supervised by the Ministry of Health (State Sanitary Inspectorate);
- the system of early detection stations and of radiation monitoring points, coordinated by the President of the National Atomic Energy Agency (PAA);
- supervised by the voivodes, at the respective level, detection and alert systems and early warning stations;
- the detection and alert system that is defined in the National Fighting Plan for Combating Environmental Threats and Maritime Pollution (e.g. the Maritime Search and Rescue Service).

2. Bodies and agencies responsible for analyzing and evaluating contamination situations and for preparing, announcing and launching interventions.

### **4.3. Request for Help, Commencement, Coordination and Discontinuation of its Receipt**

#### **4.3.1. Statutory Basis**

- Regulation of the Minister of the Interior and Administration of 18/2/2011 concerning the detailed principles of organisation of the national rescue and fire-fighting system.

- The P – 21 Procedure of the KG PSP. Organisation of operation of international forces and resources in the territory of Poland while accepting international rescue assistance.
- The P – 18 Procedure of the KG PSP. Exchange of information between the National Centre for Coordination of Rescue and Protection of Populaton (KCKRiOL) of the KG PSP and international contact points while providing rescue assistance to the countries that request such assistance.

#### **4.3.2. Commencement and Coordination of International Assistance**

In terms of territorial range, two types of rescue assistance received in the territory of the Republic of Poland may be distinguished:

**1.** Assistance in the border zone provided by border rescue resources in case of minor incidents. It is accepted and coordinated by the County Headquarters (KP) or City Headquarters (KM) of the PSP pursuant to relevant bilateral agreements. They are performed without any active involvement of the central level; however, it is necessary to inform the KCKRiOL of the situation. The territorially competent KM or KP PSP from the border counties where the rescue operation takes places is responsible for providing information about acceptance of forces and resources from neighbouring countries and their coordination.

Upon the occurrence of an incident in the border zone, the information between the countries providing assistance is exchanged through the territorially competent contact points at the county level (reporting to the regional level) using the forms from appendices to the relevant Methodology Guidelines and bilateral agreements. This communication is performed mainly by fax, phone or electronic mail.

**2.** The assistance provided as requested by the central level in the territory of the entire Republic of Poland due to the large size of an incident and in the case where the Polish rescue services are insufficient. Such assistance is coordinated by the national contact point

in the National Centre for Coordination of Rescue and Protection of Population (KCKRiOL) of the KG PSP.

- **Multi-Lateral Assistance**

Poland requests and receives international rescue assistance in the event of a major calamity or disaster pursuant to the situation assessment performed by the rescue commander in consultation with the staff of the rescue operation and having counted available national forces and resources in view of the scale of the incident. Occurrence of a calamity on a scale that exceeds the capabilities of the national rescue and fire fighting system (KSRG) or equipment is the basic condition for requesting assistance. First of all, the Chief Commander of the PSP applies for permission to request external support to the Minister of the Interior. The Minister forwards the application to the government where the Council of Ministers of the Government Team for Crisis Management makes a joint decision on requesting assistance.

Thus, where shortage of relevant forces and resources has been found in the country or where using them would disrupt the continuity of operating security in a part of the country, an official request for assistance, including a detailed description of demand for a specific type of a rescue group, is submitted via the Polish international contact point in the KCKRiOL of the PSP to international coordination centres.

- ERCC (through the CECIS system)
- UN OCHA (through the V-OSOCC system)
- NATO (through the EADRCC, AID MATRIX)

The contact points send the request to the member states of the given organisation and when they receive assistance proposals, the information is sent back collectively in tabular form to the contact point in the KCKRiOL. Then Poland reviews its needs and sends to the relevant international coordination centre the feedback on acceptance of a given group or equipment including specification of a potential target location and data of the person in charge of accepting the assistance (liaison officer). ERCC/ UN OCHA/ EADRCC sends this information to the member states, which then prepare and send assistance pursuant to the specification as submitted by Poland.

If several countries provide assistance, Poland establishes a team coordinating the operations of international rescue groups. Such team cooperates directly with the operation staff, provides assistance to the rescue operations commander and is in charge of proper

utilisation of international forces, updating of maps and situation documents as well as preparation of documents and providing them to the operation staff and international control points. The operations of Polish groups are coordinated by the operation staff appointed by the relevant order of the Chief Commandant of the PSP, while international groups are coordinated by the international staff which is a part of the operation staff and may involve the EU Civil Protection Team sent by ERCC (EUCPT) located at the place selected by the Polish rescue operations commander.

- **Bilateral Assistance**

It is performed pursuant to the terms and conditions and within the scope provided for in relevant bilateral agreements. International coordinating elements (ERCC, OCHA, EADRCC) are not involved although they should be informed about the situation. Information on need for assistance, proposal and approval is, as a rule, exchanged between the national contact points on the basis of relevant forms; sometimes between the diplomatic posts of the countries involved - in such a case the Ministry of Foreign Affairs should inform Ministry of Interior immediately on the circumstances, and the MSW should submit the decision further to the KCKRIOL. The Polish-German model is a perfect solution for bilateral and trans-border assistance.

The interviewees asked to assess European information exchange channels were critical about the response time under CECIS, which was considered too long, especially in comparison to the response time of neighbouring states. It was emphasised that rescue teams should arrive in the incident area within 24 hours, as non-compliance with this response time reduces the effectiveness of the provided assistance.

- **Coordination**

Rescue units arriving to the Republic of Poland operate under the Polish rescue system (KSRG). They are coordinated by the National Centre for Coordination of Rescue and Protection of Population, which delegates their rights to the Regional Rescue Coordination Posts, and they delegate their rights down to the county or city command posts. The actual regional operations commander in the territory of a region is the Regional Commander of the PSP or his deputy. All tasks are supervised by the voivode, who coordinates the flow of

information but has no impact on the management of the crews coming from abroad. The voivode, via the Regional Crisis Management Centre, also manages acceptance of assistance from international non-governmental organisations. There are no detailed and uniform guidelines in this area, however.

As the coordinating centre in the country, the KCKRiOL receives the information on ongoing needs from the WSKR. Upon the consent of the Chief Commander of the PSP, an operations officer of the KCKRiOL determines which rescue resources can and should be directed to the disaster site. As the duty service, the KCKRiOL is capable of and authorised to launch so-called resources of the central operating reserves of the Chief Commander, i.e. the KSRG. PSP units and other KSRG units may be relocated to the incident site.

It is a good practice to allocate so-called liaison officers to international rescue teams – in compliance with the EU HNS guidelines, the role of whom involves ensuring physical and telecommunication connection with national rescue structures. The officer is an intermediary between the national Reception and Departure Centre (RDC), On-Site Operations Coordination Centre (OSOCC) and the Local Emergency Management Agency (LEMA). The institution of a liaison officer has not been regulated on the system level, but it is defined by international operating procedures of the PSP.

The evaluation undertaken by the Ministry of Interior and the State Fire Service showed that the coordination structure in the event of calamities and disasters is clear for the arriving parties, and Poland adopts rescue models in a proper and effective manner. In practice, international officers have positively assessed the care provided by liaison officers.

### **4.3.3. Completion of Operations**

According to the internal Procedure P-21 of the NHQs of the State Fire Service, upon completion of rescue operations a Departure Registration Point should be established in places from which rescue teams are to leave Poland. Its basic task is to prepare a briefing venue and to collect information from all international groups departing from the country.

Pursuant to the procedure, a rescue group leaves the country under the care of a liaison officer and under police and/or fire service escort

In the case of assistance teams other than official rescue groups operating under bilateral or international agreements and cooperating with the fire service, there are no precise regulations pertaining to the departure from the country.

#### **4.4. Personnel:**

EU *HNSG* do not address the issue of privileges and immunities for emergency relief personnel. The guidelines in point 9.4.2 confirm the existence of separate agreements concerning this issue. A similar position is adopted in section 16 of Chapter V of *IDRL Guidelines*, where it is not recommended to change the existing agreements and international law, including the law relating to privileges and immunities.

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The personnel of foreign missions located on the Polish territory are covered by the privileges written in the Geneva Convention of 1961 on diplomatic relations. The scope of the rights contained in the Convention includes inter alia the possibility to use the flag and symbol of the sending State, the inviolability of the premises of a diplomatic mission, exemption from taxes and duties, inviolability of diplomatic post, inviolability of the diplomatic representative and jurisdictional immunity of diplomats. Subjectively these privileges include diplomatic and administrative and technical missions of the sending State.

As far as immunities and privileges for employees of specific international organisations are concerned, the following agreements are binding upon Poland:

- The Convention on the Privileges and Immunities of the United Nations (1947)
- The Convention on the Privileges and Immunities of Specialized Agencies (1947)
- Protocol (no. 36) on the Privileges and Immunities of European Communities (1965)

##### **4.4.1. Entry of International Personnel: Visas and Work Permits**

According to point 9.4.2 of *HNSG*, member states should prepare legal solutions enabling temporary authorisation to take legal action on their territory by assisting countries and

other international organisations. The set of such authorisations includes opening bank accounts, concluding employment contracts and sale contracts and disposing of property.

#### **4.4.1.1. General EU Rules:**

One of the fundamental freedoms of the European Community is the free movement of persons (Title IV of the Lisbon Treaty). As an EU Member State, Poland is subject to Council Regulation (EC) No 539/2001 of 15/3/2001 pertaining to the visa requirement when crossing the external borders as well as Regulation (EU) No 1211/2010 of 15 December 2010 amending it. According to these standards, a Member State may provide for exceptions to the visa obligation including, among others, in relation to flight crew and attendants of emergency or rescue flights and other helpers in the event of disaster or accident. The EU legislation allows, but does not impose any obligation, to waive visa procedures for personnel that provides assistance in the case of calamities and disasters.

Also the Schengen Agreement of 14/6/1985 provides for free movement in the territory of the states signatories of the Agreement for citizens of those states and for other persons who cross the external borders of the area covered by the Agreement. The Schengen states grant uniform entry and stay visas. Poland joined the Agreement on 21/12/2007.

The freedom of movement for workers was ensured for the first time by Council Regulation (EEC) No 1612/68 of 15/10/1968, amended by Regulation No 492/2011 of 5/4/2011 and Directive 2004/38/EC of 29/4/2004. Although these regulations do not refer strictly to assistance in the event of calamities and disasters, pursuant to their provisions humanitarian organisation employees with EU citizenship should not face any barriers while entering another country to provide assistance. The citizens of non-EU countries must meet internal requirements pertaining to the entry to the territory of a given country. In the case of Poland, the requirements are specified by the Act of 13/6/2003 on foreigners, pursuant to which a foreigner who enters Poland has to justify the purpose and conditions of the planned stay and have a valid travel document, a visa, medical insurance of specific value and sufficient funds or an invitation. There are exceptions to these rules while handling or participating in a humanitarian and rescue operation. Pursuant to Article 15(2), the

obligation to present means of support or documents confirming the capability of obtaining them does not apply to foreigners crossing the border pursuant to some international agreements or to provide charity assistance or participate in rescue operation. Similarly, a visa (national or Schengen, issued in line with Article 2(5) of the EU Visa Code) may be issued to a representative of a foreign country agency or an international organisation in order to perform their official obligations; a person participating in a humanitarian assistance programme; and in general in order to cross the border on humanitarian grounds, on grounds of national interest or because of international obligations.

In the case of receipt of international assistance under the EU, the provisions of Regulation No 562/2006 of 15/3/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) apply. Pursuant to them, every person, regardless of their nationality, may cross internal borders without border check. According to Article 5(4c) of the Schengen Borders Code, third-country nationals may be authorised by a Member State to enter its territory on grounds of national interest or because of international obligations.

#### **4.4.1.2. System Solutions in the Republic of Poland:**

The Border Guard (SG) and the minister in charge of foreign affairs are the entities competent for the regulation of border crossing and issuing visas. The legislation regulating entry and stay of foreigners in the territory of Poland is the responsibility of the Office for Foreigners, subordinated to the Ministry of Interior.

As a rule, there are no separate regulations pertaining to the entry and stay of foreigners intending to provide humanitarian assistance in Poland. Pursuant to general guidelines, EU citizens may enter the territory of the Republic of Poland with a valid travel document or other documents confirming their identity and citizenship. A family member of an EU citizen who is not an EU citizen may enter Poland presenting a valid travel document and a visa, if required. Foreigners who are not EU-citizens should obtain a document that will entitle them to enter and stay in this territory and should meet specific entry conditions.

As far as simplifications for foreigners who came to provide humanitarian assistance are concerned, EU citizens and their families may benefit from the right to stay provided in the Act of 14/7/2006 on entry into, stay in and departure from the territory of the Republic of Poland of EU citizens and members of their families, and so they take advantage of simplified principles of entry and stay and are exempt from immigration procedures. In relation to foreigners who are non-EU citizens, the Act on foreigners of 13/6/2003 allows exemption of persons entering Poland to provide voluntary assistance or to take part in a rescue operation from the obligation to have sufficient means of support or documents confirming a possibility to obtain them (Article 15(2)(2) and (3)). An entry permit pursuant to Article 21(a) of the Act on foreigners is issued by the commander of an SG facility. Foreigners who intend to provide humanitarian assistance in the Republic of Poland may also apply for a visa at an external border in case of extraordinary situations if the person did not have any opportunity to apply for a visa before.

Privileged mode of border crossing by assistance teams is acceptable. Pursuant to paragraph 10 of the Regulation of the Minister of Internal Affairs and Administration of 15/12/2006 concerning border control performed by SG officers, border control may be waived or limited in relation to entities set out therein. Pursuant to section 11, border control is performed as priority service to: rescue team members and experts with their equipment and assistance measures, as well as crews of fire engines, sanitary vehicles and persons participating in rescue operations.

Application of international agreements on facilitating border crossing is the responsibility of the Chief Commander of the SG pursuant to the Border Guard Act of 12/11/1990. Regional branches of the SG are notified about any entries of foreign assistance teams by regional structures of the PSP. The KCKRiOL provides information through which border crossing a given transportation of materials or people will cross the border.

#### **4.4.1.3. PSP Regulations:**

Pursuant to the internal Procedure P – 21: *Organisation of Operation of International Forces and Resources in the Territory of Poland while Receiving International Rescue Assistance* of the National Headquarters of the State Fire Service, point 5.3.1.1 *Customs and Passport Procedures (with EU and non-EU states)*, in the event of international rescue assistance

officially requested by the authority of the Republic of Poland appointed for this purpose (Chief Commandant of the PSP), the procedure is clear and consistent. Recommended points of border crossing are specified in a formal request for international assistance sent to ERCC, EADRCC or UN OCHA or possibly in direct contacts between contact points of participating countries. Then an application for facilitating the crossing of the Polish border to international rescue groups or for simplifying or waiving customs procedures, particularly if the country providing the assistance is not an EU country is sent by the NHQ of the State Fire Service to the Chief Commandant of the Border Guard. The NHQ of the State Fire Service and the country providing assistance exchange appropriate forms with information on the profile of the forces and resources of the rescue group. This document is presented to customs services and SG officers. In the case of EU Member States and candidate countries, European Commission regulations concerning border crossing in case of crisis situations apply.

The Polish international contact point, located in the National Centre for Coordination of Rescue and Protection of Population, receives information pertaining to the time and place of arrival of a rescue group to the Poland from the ERCC, EADRCC, UNOCHA or the national contact point of the given country. The responsible persons on the Polish side organise Reception and Departure Centre. When most of the rescuers come to the country otherwise than by air, a Force Reception Point can be organized in an area of force concentration, for example in an operational base close to the disaster area and which is often used for accommodation of international groups.

A good practice, implemented in Poland in compliance with the EU HNS guidelines, is to appoint a liaison officer who can speak a foreign language, is experienced in leading international rescue operations, has negotiation skills and can work in difficult conditions. Such officer is responsible for receiving the rescue group and supporting its work during the operation.

At the domestic level, the Agreement between the Chief Commandant of the Border Guard and the Chief Commandant of the State Fire Service of 24/11/2009 on cooperation and mutual collaboration in hazard prevention and elimination.

#### **4.4.2. Rights of Employees and Recognition of Professional Qualifications**

In point 9.4.2 of *HNSG* it is emphasised that assisting personnel may possess specific skills and qualifications which are regulated in the affected state. Therefore member states should recognise the relevant professional qualifications of relief personnel for the time of humanitarian assistance.

According to Section 16c of Chapter V of *IDRL Guidelines*, the affected states should have accelerated procedures concerning temporary recognition of qualifications of foreign medical personnel, architects, engineers, drivers and other professions, and authorisations necessary to provide effective emergency assistance.

##### **4.4.2.1 EU General Statutory Base:**

EU legislation defines the manner of recognising professional qualifications obtained in EU Member States in order to begin working in another EU state, the European Economic Area or in Switzerland. The main legal act in this area is *Directive 2005/36/EC of the European Parliament and of the Council of 7/9/2005 on the recognition of professional qualifications* and *Directive 2013/55/EC of 20/11/2013* amending it. The objective of the Directive is to assure to every EU citizen the recognition of his/her qualifications to pursue a profession or run a business activity in a member state, different from the one, in which the qualifications were acquired. The Directive guarantees the possibility of permanently pursuing a profession or performing temporary cross-border services.

##### **4.4.2.2. System Solutions in the Republic of Poland:**

Directive 2005/36/EC was implemented in the Polish legislation by the Act of 18/3/2008 on the principles of recognising professional qualifications obtained in EU Member States. The directive contains neither specific provisions on natural disasters and calamities nor professional qualifications of humanitarian employees. Thus, these issues are not governed by the Act of 18/3/2008, either.

If a given profession is regulated in Poland, a person who acquired qualifications in another member state needs to have them officially recognised. Qualifications may be acquired upon submission of an application and undergoing proceedings in which a relevant authority

reviews the adequacy of the educational background and qualifications allowing the practicing of a given profession in the country in which they were obtained. The verifying authority issues a decision or, in the event of any objections obligates the applicant to undergo an adaptation internship or a test of skills. A list of professions that are regulated in Poland is available on the website of the Ministry of Science and Higher Education.

The principles of recognising qualifications for sectorial professions such as: physician, dentist, nurse, midwife, pharmacist, veterinary surgeon and architect have been regulated in the following acts:

- Act on the professions of a nurse and a midwife (15/7/2011)
- Act on the professions of a physician and a dentist (5/12/1996)
- Act on pharmacy chambers (19/4/1991)
- Act on the profession of a veterinary surgeon and medical veterinary chambers (21/12/1990)
- Act on professional associations of architects, civil engineers (15/12/2000)

Concerning the cross-border services, the EU citizens who pursue a profession or run a business activity in an EU country in accordance with the national legislation, have the right to exert remunerated activities in another member state in the same profession or occupation. Before providing a service for the first time, the provider has to present to the authority that recognizes professional qualifications a written statement about his/her intention to embark on the venture and a confirmation of insurance coverage (policy or other means), needed for exerting the activity concerned. The statement should be resubmitted periodically. In case of professions regulated or likely to affect the public health or security, should a deficient performance pose a serious risk to clients or induce an important health damage, the competent authority of the receiving country can control the professional qualifications of the service provider before the beginning of his/her activity. The list of professions the Polish authorities can control is contained in the Regulation of the Council of Ministers of 5/3/2009 on determining the professions, in case of which procedure can be initiated to recognize vocational qualifications (Dz. U. Nr 38, poz. 302).

#### **4.4.2.3. PSP Regulations:**

State Fire Service assumes that rescuers who are part of the foreign groups sent by other countries in response to a formal request for assistance sent by Poland will be equipped with the appropriate equipment to carry out relief actions and will have the skills and qualifications appropriate to their tasks. However, if they are sent to assist the given government of the country, e.g. in the case of giving aid, e.g. within the framework of bilateral agreements. In the case of accepting aid within the Union Civil Protection Mechanism the recognition of professional qualifications will not be carried out. Rescuers from other countries who would arrive in the so-called civil protection modules (e.g. high-efficiency pumps module) will be able to carry out rescue operations in accordance with Polish needs for aid. As part of the Mechanism it is possible to submit "demand" on an expert with specific skills, such as expertise, authorizations, operation of equipment, etc. Declarations of competence is somehow authorized by the national civil protection authorities who appoints the expert according to Polish demand. Relevant information will be included in the CECIS system.

A similar situation occurs in the case of receiving aid from rescue groups with UN certification within INSARAG - there is no need to carry out the procedure of their official recognition. According to national experts, having a UN certificate or reporting the fact of possessing it to the CECIS base or to the country accepting help within UN to VOSSOC, certify the technical and logistical preparation for delivering aid.

#### **4.4.3. Involvement and cooperation with local staff**

Satisfactory data was not be obtained.

### **4.5. Customs Procedures and Import/Export Terms and Conditions**

In point 9.4.1 of *HNSG* it is suggested that countries should waive customs procedures, tariffs and limitations, which could result in delays in providing international assistance. Inspections, crossing fees and other administrative procedures will also be subject to limitation. *IDRL Guidelines* in Section 17 of Chapter V contain a similar set of suggestions relating to import and export.

#### 4.5.1. Statutory Basis

- The Lisbon Treaty – Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) – providing for a common free movement of goods.
- Council Regulation (EC) No 1186/2009 of 16/11/2009 setting up a Community system of reliefs from customs duty – including in title II Chapter XVII, Articles 74 to 80 of part C "For the benefit of disaster victims" related to the customs duty reliefs for goods imported by authorised state organisations or other charitable or philanthropic organisations if they are intended for distribution free of charge to victims of disasters or to be made available free of charge to the victims of such disasters while remaining the property of these organisations.
- Council Regulation (EEC) No 2913/92 of 12/10/1992 establishing the Community Customs Code.
- Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, that amended, consolidated and simplified customs legislation, combining it in a single legal instrument.
- Council Regulation (EC) No 150/2003 of 21 January 2003 suspending import duties on certain weapons and military equipment, including Art. 2 item 4, on the use of certain goods for training purposes or on the temporary use of these goods by the military forces or other forces for civil purposes due to unforeseen or natural disasters.
- Regulation of the Minister of the Interior and Administration of 15/12/2006 on border control performed by SG officers, providing for priority customs clearance in the case of transportations with humanitarian aid and in other particularly justified cases.

The legislation in the Republic of Poland in the area in question follows from the Community law. The Customs Service, operating pursuant to the Customs Service Act of 27/8/2009, is responsible for ensuring protection, security and legal compliance of inbound/outbound transport of goods from the European Community customs territory. The Customs Policy

Department<sup>38</sup> is in charge of the issues pertaining to customs procedures in the Ministry of Finance.

Upon accession to the EU, Poland was covered by the customs union. As a rule, collection of customs duties does not apply to goods from EU Member States, but only to the non-EU goods, according to rates specified in the Common Customs Tariff.

Consequently, application of either import or export customs duties, but also of any charges with equivalent effects, has been prohibited. The trade in goods between Poland and other EU members is based on the principles of internal trade. Customs legislation, as a matter of fact, is not applied to the import from other EU member countries. Import duties are only applied to non-EU goods, according to rates resulting from the Common Customs Tariff. Regulations pertaining to customs reliefs for goods imported from third countries for the benefit of disaster victims are included in Council Regulation (EC) No 1186/2009 of 16/11/2009 setting up a Community system of reliefs from customs duty (Articles 74 to 80).<sup>39</sup>

If goods intended for the benefit of disaster victims are imported to Poland on the request of a domestic charitable organisation, this organisation is obligated to report such imported goods in a customs office of the Republic of Poland and to apply for releasing them from import duties.

On that basis, customs officers can take the decision to suspend import duties on certain goods. Later, the customs authority solicits the Ministry of Finance, to submit a request to the European Commission for an appropriate exemption decision. Furthermore, the institution or organization that provides the goods must remain in contact with the receiving

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<sup>38</sup> The Head of Customs Service controls 4 departments: Customs Policy Department, Excise and Games Duty Department, Customs- Excise Control and Gambling Control Department, and Customs Service.

<sup>39</sup> According to the explanation of the representatives of the Ministry of Finance, the issue of the time frame and the financial burden in this respect is regulated by the indicated Regulation No. 1186/2009. When e.g. a non-profit organization makes customs declaration of goods with an application to exempt them from customs duty, customs official makes a decision to suspend customs duty – examination of such an application is made at the time of accepting this application by customs authority, i.e. immediately and without burdening the abovementioned organization.

organization in Poland. If a Polish NGO receiving, from a counterpart abroad, long-term aid earmarked for victims of a disaster wants to obtain import duty exemption, it must take the responsibility for the goods and should distribute them to those in need. Customs services control the imported in-kind aid and verify, to which national organization or institution it is forwarded. The duty exemption mechanism, firmly based on the Community law, was already used in Poland, for example in the 2010 flood, when institutions requested to be exempted from duties on imported rescue equipment, like boats, generators and motor pumps. In that context the Ministry of Finance made a request to the European Commission for a duty exemption based on the Article 76 of the Regulation No. 1186/2009. After consultation with the member states (they all have to take a position on this particular issue – 75% of total import duties contribute to the EU budget), the European Commission issued a decision favorable to Poland. Afterwards, the RP Ministry of Finance gave the EC a list of approved organizations and information about the amount and type of imported goods that have been exempted from duties, among other by the Polish Red Cross with a category breakdown.

In the case of arrival of rescuers from outside the EU area or from the EEA with equipment, a temporary customs procedure is applied; under this procedure, it is recorded that the given equipment was brought into the territory of Poland and it must be taken away upon completion of assistance provision.

If there is any need to transport hazardous materials, e.g. explosives, such transport will be subject to the standard principles applicable to transportation of hazardous materials.

#### **4.5.2. Special Issues: Food, Medication, Animals**

Point 3 of Section 18 in Chapter V of *IDRL Guidelines* encourages affected and transit states to reduce administrative and legal barriers of export, import and transit of medical devices within the scope not related to jeopardising public risk. Points 9.3 and 9.4 of *HNSG* also address this issue.

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The EU legislation grants customs reliefs and tax exemptions for specific goods brought into the country for a particular purpose, intended for free distribution among disaster victims or for the benefit of aid agencies in the disaster site. Pursuant to the community legislation, the definition of "goods" is broad, therefore provisions releasing goods from customs duties and VAT may also apply to food and medication.

Legal regulations pertaining to off-tariff limitations do not provide, as a rule, for any preferential terms for goods imported for the benefit of disaster victims. If trading in a given type of goods is subject to an obligation to obtain a permission, concession, etc., such obligations also need to be satisfied while importing aid for disaster victims.

- **Food**

There is extensive community legislation governing the quality of food intended for trading. None of these provisions applies directly to food intended for disaster victims. The following standards are implied to be related to this issue:

- EU Regulations: 178/2002/EC, 882/2004/EC and 852/2004/EC and the Polish Act of 25/8/2006 on food and feeding safety consistent with these regulations.
- EU Regulations: 853/2004/EC and 854/2004/EC and the Polish Act of 16/12/2005 on products of animal origin.
- Directive 97/78/EC – implemented by the Act of 27/8/2003 on veterinary border control
- Directive 2002/99/EC – implemented by the Regulation of the Minister of Agriculture and Rural Development of 16/9/2010 and partly by the Act of 16/12/2005 on products of animal origin. Directive 93/119/EC – implemented by the Act of 21/8/1997 on animal protection, replaced by the Council Regulation (EC) No 1099/2009 in force since 1<sup>st</sup> January 2013.

- **Medication**

As described above, medical products are considered in the Community Law as goods, so for them, general requirements are applicable to taxes and duty exemptions.

The role of the EU in this area is limited to regulating the procedures of manufacturing and issuing permissions for specific medical products in order to ensure their safe trading. Basic

EU and international regulations in this area, including the official position of Poland on them, are listed below:

- Directive 2001/83/EC – implemented in the Republic of Poland by the Act of 6/9/2001 Pharmaceutical law; modified by Directive 2004/24/EC of 31/3/2004.
- Directive 2003/94/EC – implemented by the Regulation of the Minister of Health of 1/10/2008.
- Single Convention on Narcotic Drugs (1961) – ratified by the Republic of Poland on 21/12/1965.
- Convention on Psychotropic Substances (1971) – ratified by the Republic of Poland on 3/11/1978.
- Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1990) – ratified by the Republic of Poland on 30/4/1994.

- **Animals**

The Community legislation provides for a free movement of domestic animals between Member States if they have appropriate passports, and animals from third countries if they have recognised certificates of health. Despite the lack of an explicit reference of the described procedures to rescue dogs, it may be considered that they are also covered by similar rules of conduct. The EU does not provide for any exceptions in relations to animals crossing the border in order to support rescue and humanitarian actions. Elements of interest for us may be found in Regulation 998/2003/EC amending Council Directive 92/65/EEC; Commission Decision 2003/803/EC; and in Council Directive 91/496/EEC, amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC and amended by Directive 2008/73/EC. All aforementioned regulations are reflected in the Polish Act of 11/3/2004 on protection of animal health and combating infectious diseases in animals.

#### **4.6. Disposing of Unused Humanitarian Goods**

In point 4 of Section 17.d in Chapter 5 of *IDRL Guidelines* it is emphasized that states or other relief actors should take responsibility for removing and disposing of any unwanted and unused relief recovery goods, particularly if they may pose a threat to human health or the environment.

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If goods which were imported to Poland without any customs duties or taxes and have not been utilised during the disaster remain in the country, they must be distributed as intended. They can be transferred to NGOs or to a social welfare centre, which will take care of further distribution.

Regarding taxation issues (VAT), unused humanitarian goods should serve their intended purpose. They could be allocated just for persons in need, not necessarily for the specific humanitarian reasons why they were sent to Poland that justified their exemption from the tax on goods and services. Under no circumstances may they be sold or used contrary to their intended use unless regular customs duties and taxes are paid.

The experience shows that goods provided free of charge by dispatching countries may remain in the Republic of Poland and may be potentially used in future operations (high-performance pumps left for further use of the PSP after the flood in 2010). Practitioners claim that procedures concerning redundant, unwanted, inadequate or excessive goods are not clear. Should the goods once exempted from import duties be used against their purpose, appropriate taxes will be charged.

#### **4.7. Taxation**

In Section 21 of Chapter V of *IDRL Guidelines* it is emphasized that the affected state should implement exceptions in terms of tax on operations directly related to providing humanitarian assistance.

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Currently, the EU members have the exclusive competence to create direct taxes rules – however, on grounds of Article 115 of the Treaty on the Functioning of the European Union steps are being taken towards harmonization of direct taxes. Meanwhile, harmonization process of indirect taxes (VAT and excise duty) is under way.

- **Personal Income Tax**

Pursuant to Article 3(2a) of the Act of 26/7/1991 on personal income tax, hereinafter referred to as the "PIT Act", natural persons who do not reside in the territory of the Republic of Poland are obliged to pay tax on income made in the territory of the Republic of Poland, so called "limited tax obligation". The provision concerning the unlimited tax

obligation is applied in view of double taxation agreements concluded by Poland and drafted pursuant to the OECD Model Tax Convention on Income and on Capital. The OECD provisions and, consequently, regulations of the Republic of Poland do not provide for any exemptions from tax burdens for international rescue and humanitarian teams. At the same time, however, the majority of double taxation agreements regulate issues related to income of “government employees”. Thus, if rescue or humanitarian aid workers who are neither Polish residents nor citizens receive remuneration from the state that provides the assistance, such income will not be subject to taxation in the Republic of Poland.

The Polish PIT Act provides for exemption from the income tax on the value of services received by volunteers and from volunteers pursuant to the Act of 24/4/2003 on public benefit operations and voluntary work.

- **Corporate Income Tax**

Pursuant to Article 1 of the Act of 15/2/1992 on corporate income tax and on amending certain acts regulating the taxation principles, referred to as the “CIT Act”, those tax payers who have their registered office or management in the territory of the Republic of Poland are subject to tax obligation on the entire income, regardless of the place where it was made; those taxpayers who do not have registered office or management in Poland pay tax only on the income made in the territory of the Republic of Poland.

Article 12(4)(16) of the CIT Act indicates that the value of volunteers’ services, in line with the Act of 24/4/2003 on public benefit and voluntary work, is not classified as income. Article 17, on the other hand, stipulates exemptions for indicated income (e.g. obtained from governments of foreign states, international organisations or international financial institutions, derived from non-returnable aid, granted under unilateral declaration or agreements concluded with those states, organisations or institutions by the Council of Ministers of the Republic of Poland, the relevant minister or government agencies) made by specific entities (e.g. public benefit organisations or entities whose statutory aim is philanthropy, health protection and social support).

- **Value Added Tax**

Pursuant to the EU requirements, the VAT regulations effective in Poland are subject to harmonisation and are subject to the provisions of the EU directives, in particular Council Directive 2006/112/EC of 28/11/2006 on the common system of value added tax and Council Directive 2009/132/EC of 19/10/2009 as regards exemption from value added tax on the final importation of certain goods.

In the national legal order, VAT exemptions in the event of external aid in case of disasters are governed by the provisions of Article 63 of the Act of 11/3/2004 on value added tax, referred to as the "VAT Act". That provision specifies the beneficiaries and conditions for applying tax exemptions. The provisions of the Article apply to social organisations and organisational units using specific accounting procedures. They may not be invoked in relation to equipment and materials intended for disaster/calamity recovery.

Pursuant to Article 61 of the VAT Act, tax exemptions also cover import of e.g. medication, clothing, food products, sanitary and cleaning products and other articles intended for health preservation or protection and medical articles, imported by social or charitable organisations, or intended for free distribution among people who need help.

Exemptions set forth in Article 61 and 63 are applicable in the event of exemption from customs duty (Article 81 of the VAT Act). Analogous preferences are also provided for in relations to Intra-Community acquisition of goods (Article 44 of the VAT Act). Moreover, tax exemption covers import and Intra-Community acquisition of goods such as human organs and human milk, blood, blood plasma, blood cells or blood derivatives of human origin that are not medication.

- **Local Taxes and Fees**

Humanitarian aid organisations may be obligated to pay stamp duties and civil law transactions pursuant to Article 1(1) of the Act of 9/9/2000. In the case of an aid organisation having the status of a public benefit organisation pursuant to the provision of Article 8(2a) of the Act, civil law transactions performed solely in relation to free public benefit operations are be exempt from taxation.

- **Excise Tax**

The Act of 6/12/2008 on excise tax provides for the exemption of international organisations from excise tax in Article 31(1)(3), and the provisions of Article 39 thereof allow the minister in charge of public finances to apply exemption from excise tax i.a. in the event when this is justified by a significant interest related to public safety.

## **4.8. Transportation and Movement**

In point 9.3 of *HNSG* it is recommended to ensure problem-free entry for the arriving personnel of foreign assistance. All member states should - *a priori* determine places of entry for rescue groups in the form of a catalogue including roads, rivers, railways, airports, seaports, etc. These wordings are also included in sections 16.1.d, 19 and 24.2 of Chapter V of *IDRL Guidelines*.

### **4.8.1. EU Regulations**

- Council Regulation (EC) No 2411/98 of 3/11/1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered.
- Vienna Convention on Road Traffic (1968, Poland since 1968/1984) and 1971 European Agreement complementing the Convention.
- Directive 91/439/EEC and Directive 2006/126/EC on driving licenses.
- Council Regulation (EEC) No 881/92 of 26/3/1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.
- Council Regulation (EEC) No 3118/93 of 25/10/1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State.

### **4.8.2. System Solutions in the Republic of Poland**

- **Road Transportation**

Pursuant to Article 64e(2) of the Act of 20/6/1997 Traffic Road Law, the Minister in charge of Transportation may waive the obligation to obtain a permission for transit of a non-standard

vehicle in the case of a vehicle that passes as a part of humanitarian or medical assistance, provided the permission for transit has been obtained from administrators of roads necessary for the driving route. The waiver is issued at the request of the interested entity and a relevant government, local government or humanitarian organisation authority.

Pursuant to the Act of 20/6/1997 Road Traffic Law, a driver of a privileged vehicle may, provided he/she exercises special care, disregard road traffic, stops and parking regulations and traffic signals, though exclusively when participating in operations related to saving human life, health or property; ensuring public safety or order; or while driving in a column of privileged vehicles.

The procedure of exemption from fees for the users of a public road has been set forth in detail in Article 13 of the Act of 13/3/1985 on public roads, pursuant to which exemption from specific fees apply to inspection and state protection services: Police, Road Transportation Inspection (IRD), Internal Security Agency (ABW), Intelligence Agency (AW), Military Counter-Intelligence Service (SKW), Central Anti-Corruption Bureau (CBA), Border Guard (SG), Prison Service (SW), Customs Service (SC), vehicles of rescue services, and vehicles used in rescue service or during a calamity, vehicles of the Polish Army vehicles or of foreign armies pursuant to international agreements binding on the Republic of Poland. Pursuant to Article 13(5) of the law, users of a public road, when providing humanitarian or medical assistance, are exempt from parking fees and fees for passing through bridges and tunnels located in the course of public roads and ferry crossings in public roads. The exemption is granted upon a decision of the minister in charge of transportation, at the request of the applying entity.

The applicable regulations do not provide for exemptions from fees for humanitarian aid trips. The above issue pertains to all toll roads in Poland regardless of the fact who collects the toll and what is the category of vehicles. In the event of vehicles performing rescue operations, fire protection units, medical or chemical rescue teams, entities entitled to perform the tasks in the area of mountain and water search and rescue, they are exempt from manual tolls collected on motorways by the General Director for National Roads and Motorways (GDDKiA) – this pertains to passenger cars and motorbikes – and concessionaires

(regardless of the category of the vehicle) if they are privileged vehicles in road traffic or if they participate in an operation related to saving human life, health or property or a ensuring public safety or order. In the event of the so called electronic toll collected by the GDDKiA from heavy vehicles (above 3.5 tonnes) and buses, the fire protection units and medical rescue teams (regardless of the fact whether they are privileged vehicles or not) are exempt from the toll. Other vehicles used in the rescue service are not exempt from electronic toll.

It is a common practice that international aid teams escorted by Polish services are exempt from all transportation fees.

- **Rail Transportation**

A major national entity coordinating rail transportation is the company Polskie Koleje Państwowe Polskie Linie Kolejowe S.A. (Polish National Railways Polish Railway Lines, PKP PLK), the administrator of the national railway line network. Pursuant to the Act of 28/3/2003 on railway transportation, the PKP is obligated to allocate routes to licensed carriers pursuant to the “Rules for Allocation of Routes to Trains and the Use of Allocated Train Routes by Railway Carriers within the Train Timetable” with the provisions pertaining to crisis management as a functional attachment. The Rules apply to each carrier who signs an agreement on allocation of a route with the PKP PLK, and while respecting it the carrier must comply with the provisions on crisis management.

In a crisis situation, the PKP PLK appoints teams at individual management levels that are made up by representatives of the PKP PLK, Railway Security Service (SOK), railway carriers and specific companies. So far, the PKP PLK has not acquired experience in organisation of humanitarian aid transports. Representatives of both PKP Intercity and PKP Cargo have participated in crisis management staffs, e.g. during the flood or Euro 2012.

- **Air Transportation**

The minister in charge of transportation is the superior government administration authority competent for civil aviation and supervising the operation of foreign civil aviation in the Republic of Poland within the scope set forth by the Act of 3/7/2002 Aviation Law. The

utilisation of the indicated airport for the needs of aviation operations related to combating calamities is dynamically determined in the case of a specific event.

Article 76 of the Aviation Law exempts aircraft performing flights in order to prevent calamities from take-off, landing and stopover fees; this does not apply to flights performed under regular business operations. Navigation fees are collected by the Polish Air Navigation Service Agency pursuant to Commission Regulation (EC) No 1794/2006 of 6/12/2006 laying down a common charging scheme for air navigation services and Commission Implementing Regulation (EU) No 391/2013 of 3/5/2013 laying down a common charging scheme for air navigation services. Additionally, fees for air transportation are regulated by the Regulation of the Minister of Infrastructure of 14/4/2004 on airport fees for national aircraft performing flights related to ensuring public security, state security, protection of a state border or search and rescue.

- **Sea Transportation**

Transportation of loads by sea is governed by the provisions of the Act of 18/9/2001 based on the provisions of the *International Convention for the Unification of Certain Rules of Law relating to Bills of Lading* of 25/8/1924. There are no national legal regulations related to sea transportation of cargo or passengers in the situation of calamities and disasters. There are also no detailed provisions on humanitarian assistance provided by sea vessels stipulating any facilities/exemptions due to the fact of providing assistance by the non-public sector. Article 8(5) and (6) of the Act of 20/12/1996 on harbours and marinas contains a general indication that no harbour fees are collected from vessels of the Navy, SG, Police and vessels performing special government service or, following the mutuality principle, from vessels of armed forces of NATO member states.

#### **4.8.3. Fire Service Regulations**

Pursuant to the internal procedure P-21, in order to ensure efficient transportation of international teams, the KG PSP sends a letter to the Chief Commander of the Police with a request for escorting the forces and resources of the rescue groups that have arrived from the border crossing point to the operations venue. Based on the decision of the KCKRiOL Director, the Fire Service forces may be dispatched to escort the rescue group. Dispositions

with this respect are developed and sent by the international contact point of Poland placed in the NHQs of the State Fire Service. Pursuant to the procedure, the liaison officer goes to the force receipt point or directly to the border crossing, airport, railway station, etc., collects a rescue group and then, together with the police escort and/or the fire service pilots it to the natural calamity/disaster site or to the operations headquarters. While moving, the Polish services use audio and light signals and the foreign services are entitled to use light signals only. Upon completion of their operations, the rescue group may be escorted from the incident site to the state border crossing point using the same procedure.

#### **4.9. Telecommunications**

In points 6 and 9.3 of *HNSG* it is emphasized that that the governments of the Member States of the European Union should prepare telecommunications means in case of events which require the involvement of foreign assistance. The need to maintain communication between groups and the authorities of the state receiving aid is particularly emphasized. Point 2 of Section 18 in Chapter V of *IDRL Guidelines* indicates that the affected state should waive or accelerate the transfer of all required telecommunications licenses and remove the barriers connected with the use, export and import of technology and telecommunications equipment. The receiving state should give priority to rescue groups in terms of access to means of communication, radio frequency and satellite data related to emergency operations.

##### **4.9.1. EU General Statutory Base:**

At the community level, the telecommunications issues are governed by: Directive 2002/21/EC of the European Parliament and of the Council of 7/3/2002 on a common regulatory framework for electronic communications networks and services and Directive 2002/20/EC of the European Parliament and of the Council of 7/3/2002 on the authorisation of electronic communications networks and services.

##### **4.9.2. System Solutions in the Republic of Poland:**

Both directives are reflected in national legislation by the Act of 16/7/2004 Telecommunications Law, which provides that radio frequency bands should be allocated only to national institutions. MSW has the resources of radio frequencies which are provided

by PSP. After obtaining information on the preferred frequency ranges for different rescue groups, at the request of Information and Telecommunication Bureau of the NHQs of the State Fire Service, the Department for Information and Communication from the Ministry of the Interior with regard to their frequency resources allocates the agreed frequency for a certain time for a specific group. According to EU HNS, the liaison officer for a foreign module appointed by Poland will contact with WSKR, city/county command post and with the national LEMA staffs by the radio, supporting a given rescue group. It is a rare practice to allocate a radiotelephone to the commander of the foreign team, mainly due to language issues. It is worth noting that this may cause potential limitations for international relief actors.

As Polish experience shows, each rescue group certified by the UN is equipped with own means of telecommunications. As the conditions of telephone communication, both landline and mobile, may vary significantly, the most efficient and safest manner of communication is wireless (radiotelephones) or satellite communication. Organisation of communication in Poland is the responsibility of the rescue operations coordinator. A commander of the arriving group receives information from the OSOCC, where there is a list of functions and phone numbers. If there is a problem, e.g. with the variety of wireless radio and telephone communication systems, the liaison officer should coordinate the connection with international teams.

Pursuant to the respondents' comments, no real problems have occurred in telecommunication during joint rescue operations.

#### **4.10. Currency Exchange and Opening Bank Accounts**

Free movement of capital in the EU is one of the youngest EU treaty liberties. For the first time, it was fully recognised in Directive 88/361/EEC of 1988, and currently it is based on Articles 63-66 supplemented with Article 75 and 215 of the Treaty on the Functioning of the European Union (TFEU). Although the provisions of the Community legislation do not refer specifically to the issue of unlimited flow of capital in emergency situations, the general provisions may be applied also in an emergency context. The Foreign

Exchange Law of 27/7/2002 and the Regulation of the Minister of Finance of 20/4/2009 on general foreign exchange permissions, as well as Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26/10/2005 on controls of cash entering or leaving the Community.

Regulation No 1889/2005 applies both to EU Member States and to persons entering or leaving the territory of the Union and carrying cash of a value of EUR 10,000.00 or more. There regulation contains no specific provisions on the transportation of cash in terms of providing assistance in the case of a calamity.

Bearing in mind countries belonging to the EU but not to the Eurozone, the ERM II exchange rate mechanism was introduced. The European Council expressed its consent for its implementation at the moment of commencement of the third stage of the Economic and Monetary Union in 1999. In relation to Croatia's accession to the Union in 2013, the European Central Bank and national central banks of the Member States whose currency is not euro, executed an agreement laying out operating procedures of the exchange rate mechanism at the third stage of the Economic and Monetary Union.

As far as opening bank accounts is concerned, it is covered by the Act of 29/8/1997 Banking Law. The issue of the bank account agreement is governed by Article 725 of the Civil Code. The applicable regulations contain no detailed information on entities entitled to open accounts; potential objections in this area may be addressed in banking rules. Therefore banks, as independent enterprises, have some discretion in executing agreements with various entities. Specific limitations arise from the Act of 16/11/2000 on anti-money-laundering and financing of terrorism.

## **4.11. Extended Working Hours**

### **4.11.1. EU Regulations**

The general principles of work organisation and conditions are governed by Directive 2003/88/EC of the European Parliament and of the Council of 4/11/2003 concerning certain aspects of the organisation of working time, which lays out general requirements of

occupational health and safety and maximum working time, holiday leaves and work at night and in a shift system. Article 17 provides for a number of discretionary exceptions to general rules due to "peculiar characteristics of given operations". The most important for this study are section 1 (a) concerning managing executives and other persons responsible for autonomous decision-making, and as regards the need to ensure the continuity of services, section 3 (c) (iii) and (iv) on the press, radio, television and cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services, as well as gas, water and electricity production, transmission and distribution. In no place does the Directive require key government offices to remain open in extended time framework at the moment of occurrence of a calamity or any other emergency circumstances.

Separate sectorial work organisation provisions are set forth for road transportation, work on the sea and civil aviation.

#### **4.11.2. System Solutions in the Republic of Poland:**

In principle, the national legislation does not limit the number of hours of overtime worked in connection with an emergency situation. Pursuant to Article 151(1), Article 178 and Article 203(1) of the Labour Code, overtime work is acceptable when a rescue action has to be performed in order to protect human life or health, protection of property or environment or elimination of an emergency/failure.

The obligation to ensure uninterrupted daily rest does not apply to the cases of conducting rescue operations to save human life, health, property or environment or to remedy a failure; work involving supervision of equipment or connected with being partially ready to work – in such cases, the daily working time can be extended to 16 hours; and employees hired to guard property or protect of people, as well as company fire brigades and company rescue services – in such cases, the daily working time can be extended to 24 hours.

Other regulations pertain to employees of the Civil Service and officers of various services who perform extraordinary tasks in the situation of calamities or disasters.

In most institutions, the issues of potential extension of working time are governed by internal regulations and codes, and in the emergency context they are dictated by pragmatic approach.

#### **4.12. Responsibilities of the Host Country and Foreign Entities Providing Assistance**

In accordance with point 8 and 9.4.3 of *HNSG*, Member States should ensure the safety of rescue groups and secure their equipment. Section 22 of Chapter V of *IDRL Guidelines* recognizes that countries affected by a disaster should take all necessary steps to ensure the safety of rescue assistance. At the same time, foreign rescue groups should take the necessary safety measures during the planning their own outreach activities.

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An officer of a foreign rescue crew bears criminal liability before the authorities of his country of origin in the event of improper provision of assistance. The Republic of Poland, however, is liable for any losses they caused and is the addressee of potential claims from any injured Polish citizens. As for legal consequences with respect to public officials responsible for responding in the event of disasters and catastrophes – according to information received from the representative of the Ministry of Administration and Digitization – they are incur criminal, civil and business liability for their act or neglect on the general principles of legislation in force in the Republic of Poland concerning the civil service corps, public servants and local government officials.

#### **4.13. Security and Insurance**

General regulations on security for rescuers during missions are provided for in the *INSARAG* guidelines, but they pertain solely to rescue groups registered in the UN OCHA system. Similarly, Polish standards apply to official rescue teams sent by third countries; in order to avoid any hazard, they are required to subordinate to the national command; this command, in turn, is to take care of basic needs and security conditions of the rescuers. Police and, potentially, troops of the Armed Forces of the Republic of Poland (Article 18 of the Act on police of 6/4/1990) provide support in this respect. The issue of accident insurance is also the responsibility of the dispatching states, thus it is consistent with the needs of regular

rescue groups from the countries that delegate them. A separate insurance is provided by the European Commission to experts who are delegated as part of EUCPT teams.

There is no regulation in the Republic of Poland addressed to foreign NGOs providing rescue or humanitarian assistance. According to information gained from Social Insurance Company (ZUS), pursuant to article 6 section 1 of the social system act (Journal of Laws of 2013 item 1442) all persons who in Poland are, inter alia employees or contractors are subject to mandatory social insurance. Pursuant to the provisions of the Act, coverage with Polish insurance may be made after the conclusion with a Polish entity of an employment contract or other contract raising social insurance obligation, and performing work under these agreements in the territory of Poland. At the same time, however, based on article 5 section 2 of the Act, foreigners whose stay in Poland does not have a permanent character and who are employed in foreign diplomatic agencies, consulates, missions, special missions or international institutions are not subject to social insurance, unless international agreements provide otherwise.

In the case of people from the EU, professionally active persons in the territory of member states at the same time are subject to social protection in only one country. In this case the place of residence of the employee or the employer's seat is of no consequence. Temporary delegation to work abroad is the exception to the rule.

## **5. Role of the non-governmental sector (NGO) and National Red Cross Association in Assistance Management in Case of disasters**

According to the *2014-2017 Rescue and Civil Protection Program (PRIOL)* – provided to the PCK for the purposes of this report by the Rescue and Civil Protection Department (DRiOL) of the MSW, which is a joint project of Ministers: of the Interior, Administration and Digitisation, Health and National Defence, cooperation with NGOs is an important element of civil protection in the Republic of Poland. While specifying the most significant actors of this sector, the PRIOL indicates social rescue organisations, especially Voluntary Fire Brigades (OSP), Mountain Volunteer Search and Rescue (GOPR), Tatra Volunteer Search and Rescue

(TOPR), Water Voluntary Search and Rescue (WOPR), Mazurian Voluntary Search and Rescue (MOPR), Mazurian Rescue Service (MSR) and PCK. It is considered that these organisations should have opportunities to integrate more closely and cooperate more effectively with state rescue services, including the PSP.

Professional rescue operations are performed under two national systems:

- The National Firefighting and Rescue System that unifies operations undertaken by the PSP and other national rescue entities (Maritime Search and Rescue Service (SAR), Mining Rescue Stations, Police, ambulance service, Border Guard) and NGOs (GOPR, WOPR, TOPR, PCK Rescue Groups) in the situations when life, health, property or environment are at risk. The KSRG constitutes an integral part of the state security system, and its tasks involve combating the effects of calamities and technical, environmental and medical rescue operations at all levels of administration.
- National Medical Rescue (PRM) appointed to save human life and health and made up of the emergency notification centres (CPR), Medical Rescue Teams (ZRM), Helicopter Emergency Medical Service (HEMS), fire service, Hospital Emergency Wards (SOR) and support units, e.g. PKC Rescue Groups.

Additionally, the PCK Rescue System has been functioning all over the territory of the Republic of Poland, with trained rescuers ready to undertake actions in harsh terrain and weather conditions and equipped with proper personal protection measures and professional rescue equipment. This system is made up of the following groups:

- Rescue Groups (GR PCK) – trained and equipped adequately for participation in a major disaster in the capacity of Rescue Patrols;
- Medical Rescue Groups (GRM PCK) – arranging a Field Medical Point where qualified medical assistance is provided to victims;
- Special Rescue Groups (GRS PCK) – undertaking rescue operations in line with the unique role of the given Group and in order to provide support to Rescue Patrols in their search efforts.

At present, there are 22 Groups that operate within the PCK Rescue System (1 GRS, 1 GRM, 20 GR) with 470 members and 6 Humanitarian Assistance Groups consisting of 83 members.

In the effective legal order of the Republic of Poland, rescue services and civil protection are governed by numerous laws and secondary legislation, and their powers and scopes of operations are distributed among a number of public authorities and non-governmental organisations. NGOs account for an important component in the civil protection area. Their operations in this respects are regulated by:

- Act on Public Benefit and Volunteer Work of 24 April 2003.
- Act on associations of 7 April 1989.
- Act on foundations of 6 April 1984.
- Act on the fire protection of 24 August 1991.
- Act on the Polish Red Cross of 16 November 1964.
- Act on the public utility activity and volunteer activity of 27 October 2010.
- Act on the safety and rescue in the mountains and organized ski areas of 18 August 2011.
- Act on the safety of persons in water of 18 August 2011. Regulation of the Minister of the Interior and Administration of 14 September 1998 on the scope, detailed conditions and mode of including fire protection units in the National Firefighting and Rescue System (KSRG).
- Regulation of the Minister of the Interior and Administration of 18 February 2011, concerning the detailed principles of organisation of the National Firefighting and Rescue System (KSRG).

Within the scope of cooperation of the Head of the OCK with NGOs in the provision of humanitarian assistance, agreements were concluded with the following institutions: GOPR, TOPR, WOPR, MSR, PCK, PAH, Caritas Polska.

In international perspective, rescue cooperation is streamlined in the relations between Poland and a supporting state or Poland and an international organisation (EU, UN, NATO). The transfer of assistance under these mechanisms does not take direct account of non-governmental organisations; rescue assistance is granted to the state, which is entitled to

request it via an authorised centre.<sup>40</sup> Acceptance of assistance entails legal, financial, political and similar consequences, which is why the decision to apply for assistance must be well-thought.

In the Act on crisis management of 2007, non-public entities are not indicated as fundamental participants of the crisis prevention, preparation, response and recovery processes. The third sector is also taken into account in the KPZK, however not at the crisis intervention stage, but rather when using long-term assistance at a local level. Cooperation and coordination of actions with NGOs in this respect is the responsibility of the Minister of the Interior and the voivodes.

The interviewees could not imagine a situation when an international NGO offers its services to the KCKRiOL, and the KCKRiOL accepts it as it cannot obtain any assistance from abroad under international or bilateral mechanisms. Should the organisation have unique powers or resources, its offer could potentially be accepted, always with reference to specific circumstances, hierarchy of needs and prior verification whether a given resource can be obtained via an institutional channel.

There is no explicit legal regulation pertaining to acceptance of assistance from foreign NGOs. Also, Poland is not a signatory of the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations (Council of Europe, 24/4/1986).

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<sup>40</sup> Assistance provided within the framework of the Red Cross is special and unique.

## 6. Conclusions and recommendations

### Conclusions

- Effective synchronisation with the EU legal systems in general and with the systems for civil protection in particular, not encumbered with any major charges.
- Participation in numerous forums and regional and international organisations dedicated to or featuring components pertaining to the issue of calamities.
- Conclusion of bilateral agreements governing the terms and conditions of mutual assistance in the event of calamities and disasters with all neighboring countries apart from Belarus (it should be noted, however, that in 2013 the draft text of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on collaboration in preventing catastrophes, natural disasters and other serious accidents and removing their consequences was signed, and the documentation was submitted to the Ministry of Internal Affairs in order to start the procedure of obtaining approval for the signing of the said Agreement).
- Broad relevant national legislation, which is, however, not free from objections. Basic defects:
  - Lack of coherence, uniformity and comprehensive approach to all task areas of civil defence, dispersion of regulations in this area in various legal acts, excessive standardisation of some aspects and insufficient standardisation of others.
  - Regulations partially outdated and inadequate to current circumstances; no explicit specification of tasks in the civil protection area, powers of authorities and obligations of citizens in that area.<sup>41</sup>
  - Definition gaps, no statutory precision of key terms ("civil protection", "humanitarian assistance") - using functional and/or foreign definitions.

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<sup>41</sup> Particularly, the Act on the general defence obligation of the Republic of Poland of 1967 that was developed during the Cold War period is, according to the interviewees, archaic and inconsistent with modern reality; moreover, it specifies the manner of implementation of certain civil defence tasks without providing comprehensive details as to what tasks they should include.

- Unclearly defined responsibility of individual entities participating in crisis management and response; existing legislation indicates several entities simultaneously responsible for identical issues.

- Existence of national documents governing national security issues and all phases of crisis management in a holistic manner, e.g. the *National Crisis Management Plan* (KPZK) of the RCB.<sup>42</sup>

- Strong centralisation with a dominating role of government administration and, at the same time, limitation of the role of local communities and local governments. Simultaneously, the existence of numerous national entities that are co-responsible for, among others, calamities and crisis management (ministries, PSP, RCB). In a positive perspective, this proves the significance of the issue in question and guarantees a multidimensional approach to this issue; in a negative perspective, it means that the borders of powers are not clear, tasks are overlapping and there is no clarity.

- Gradual departure from ministerial approach, which impedes a holistic process approach to crisis issues – a beneficial process that may lead to stronger and more effective collaboration of the involved entities

- Lack of systematic and consistent cooperation and communication between: the President – the Government – NGOs – the State Fire Service (PSP).

- Recent (2010) structural changes and separation of the Ministry of the Interior and the Ministry of Administration and Digitisation from the Ministry of Internal Affairs and Administration and the Ministry of Infrastructure translate into incomplete adaptation of the structure of new ministries to their statutory powers and tasks; a transition phase and final positioning of both ministries is in progress.

- Clearly determined powers and scope of operation of the PSP, the chief actor of rescue operations, which ensures effectiveness of the operational level in crisis response. The State

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<sup>42</sup> KPZK is a document aimed at breaking the existing ministerial approach dominating in Poland and at systematising and providing a synthetic view on the plethora of entities, acts and practices pertaining to crisis issues. At the same time, however, the Plan recommends solutions that may seem to be unreasonable and sometimes even harmful, e.g. duplication of already functioning elements (what is meant here are daily and partial reports aggregating information from specific ministries and regions, which are to some extent analogous to and overlap reports received by the KG PSP from subordinated regional headquarters). KPZK does not specify procedures effective from the moment of acceptance of assistance from abroad; it clearly defines the process of agreeing on a decision to apply for assistance and actual submitting of a support request, but it skips numerous problems arising at the moment of providing assistance – its adequacy, distribution, reporting, provision of feedback, etc.

Fire Service is an innovative formation, which is effective and well-organised, it consistently improves its experience in rescue operations, compliance with international standards, qualifications of their officers and quality of equipment as well as develops good practices. At the same time, however, it has been pointed out that PSP accumulates excessive responsibilities and powers.

- Ambiguous evaluation of the office of the Head of the National Civil Defence, and in particular the combination of his function with the position of the Chief Commandant of the State Fire Service – no clear determination of powers and concrete actions as well as excessive number of allocated tasks, which impedes or prevents their efficient performance. According to the Supreme Audit Office (NIK) it should be noted that “Poland still has problems with building up of a coherent system to deal with crisis situations. Next to each other there are crisis management structures and civil protection units – their tasks duplicate and their competences overlap. Moreover some key elements in the system have serious deficiencies. The structure and organization of the civil protection in Poland is since many years anachronistic. (...) In recent years many Acts concerning civil protection ceased to apply, but have not been replaced.” NIK considers that among the main causes of that problem are inconsistencies of provisions concerning tasks and structures in different Laws or the lack of appropriate regulations – which results in duplicating tasks and overlapping competences. NIK’s assessment reveals that the civil protection is still unprepared for an effective realization of tasks resulting from the Additional Protocol to the Geneva Conventions of 12 August 1947.<sup>43</sup>

- No regulations on cooperation with non-governmental sector (the initiative of the NGO forum at the Chief of the Civil Defence is currently dead). The non-governmental segment remains in the institutional void and is treated as a support element mainly in relation to local operations. In the event of NGOs from abroad, when they want to provide assistance to the Republic of Poland, they have to activate their own, non-governmental rescue/humanitarian channels. However, the respondents indicate a change in trends concerning the involvement of NGOs in the institutional sphere of crisis management, as

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<sup>43</sup> Supreme Audit Office (Najwyższa Izba Kontroli), *Informacja o wynikach kontroli. Przygotowanie systemu ochrony ludności przed klęskami żywiołowymi oraz sytuacjami kryzysowymi*. KPB-4114-01-00/2012. 2013. Vide: <http://www.nik.gov.pl/aktualnosci/nik-o-zarządzaniu-kryzysowym-2013.html> [06.12.2013].

well as robust and constructive activity of voluntary units (OSP, WOPR, TOPR, GOPR and GR PCK)

- No adequate system solutions related to education of the society on calamity hazards and cooperation with institutions. In reply, first initiatives to educate the society have been undertaken at the central level: in cooperation with the Polish TV, MAC implements a regional warning system, i.e. a mechanism using hybrid TV to publish warnings on regional hazards on TV screens; the Ministry of Interior has recommended developing a handbook of conduct during rescue operations, promotion of relevant expertise and investment in professional equipment for the purposes of training and professional development.
- Innovative project implemented by the RCB and MAC: Central Reporting Application (CAR) enabling input of data in real time and enhancing the flow of information between regions and the Crisis Management Centres.<sup>44</sup>
- Scarce practical experience of the Republic of Poland in receiving international assistance – no large scale disasters exceeding national capabilities and remedies. Nevertheless, experience shows that the Polish management system in the event of crisis situations is efficient, effective and has high quality. A good practice of involving a liaison officer to welcome international assistance teams and optimise as well as coordinate their actions is particularly noteworthy.

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<sup>44</sup> The data acquisition process will be automated, self-government structures will be relieved from the necessity to prepare specifications of information in various layouts, statistics will be generated on an on-going basis. The RCB will serve as the information gathering point. At present, this application is at the pilot stage; in 2014 the national implementation will be initiated. The CAR is modelled after the CECIS system and the Euromaster tool (used in Poland during Euro 2012), but it is adjusted to the unique Polish legal and administrative reality.

## Recommendations

It is recommended and considered justified:

- To implement comprehensive regulations on civil protection, to be developed in consultation and cooperation between all entities of the management system in the event of a crisis situation/calamity; defining clearly the concept of civil protection, its tasks, objectives and structures; indicating the responsible entities and specifying their powers, obligations, operating tools and mutual dependencies.<sup>45</sup>
- To depart from the ministerial approach and domination of the central structures, to enhance the process of cooperation and operations coordination between ministries.
- To reinforce partnership and exchange of opinions, experiences and good practices between the government and non-government sector.
- To analyse, evaluate and potentially re-develop the scope of tasks and powers of the PSP and the Chief of the Civil Defence.
- To complement and reinforce education of the society on handling a crisis situation/calamity.

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<sup>45</sup> The last draft of the a act was developed in 2009, but so far it has not undergone the legislative procedure. The MSW intensified work on the subsequent draft of assumptions for the new act and currently intra-ministerial arrangements are conducted in this regard. On the other hand, the necessity for a new act on civil protection is challenged due to the relatively short time for which the Act on crisis management has been in force.