



## **LEGAL CONDITIONS OF PARTICIPATION OF THE STATE FIRE SERVICES AND ARMED FORCES OF THE FIGHT AGAINST THE IMPACT OF EXTRAORDINARY EVENTS**

**Witalis Pellowski, Robert Pich \***

### **ABSTRACT**

The article presents the problem of the legal conditions for the participation of the Polish Armed Forces in the prevention and disposal of the effects of non-military threats. The content of the article presents guidelines of the National System of Crisis Management, Crisis Management System of the Ministry of National Defence and Emergency System of NATO. Particular attention was paid to the use of the chemical task forces components - designed to perform tasks in cooperation local authorities, administration and fire brigade during the flood on Polish territory.

### **Key words:**

extraordinary events, fire services, armed forces, legal conditions

### **ABSTRAKT**

Článok predstavuje problém zákonných podmienok účasti poľských ozbrojených silách v prevencii a likvidácii vplyvov nevojenských hrozieb. Obsah článku uvádza pokyny z Národného systému krízového riadenia, krízový manažment systému Ministerstva národnej obrany a záchranný systém NATO. Zvláštna pozornosť bola venovaná použitiu chemického úlohy núti komponenty - navrhnutá tak, aby plniť úlohy v súčinnosti miestnych úradov, správy a hasičov pri povodni na poľskom území.

### **Kľúčové slová:**

mimoriadnych udalostí, hasičské služby, ozbrojené sily, právne podmienky

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## **1 INTRODUCTION**

The use of armed forces to provide support to civil authorities to ensure the safety of the citizens of the state, constituted and constitutes one of the basic elements of the organization of national security. This is especially true in situations where fire services, public services and others - established for the institutions are not in a position to carry out their tasks, especially when it comes to specific risks due to natural and anthropogenic hazards [1]. The Polish Armed Forces perform many tasks in the area of prevention of non-military threats. The most important are: disposal of unexploded ordnance carried by mine clearance patrols, monitoring the situation of chemical, biological and radioactive within the National System Contamination Detection and Alert System, as well as carrying out the tasks of search and rescue within the national search and rescue and the Navy rescue system. Current threats to put the army and the new tasks on the part of legislators need to constantly adapt the law to the real needs of the state security [2, 3].

The crisis management system in Poland is a multi-level and consists of the following components:

- disaster management authorities,
- consultative and advisory bodies have jurisdiction to initiate and coordinate activities in the field of crisis management,
- crisis management centers, maintaining a 24-hour readiness to take action.

In accordance with the territorial jurisdiction, the National Emergency Management System create and coordinate its operation, the following authorities:

- ✓ commune administrator (mayor or city president) in the terms of reference established by a voivode,
- ✓ starost, which defines the tasks and control tasks in the area the district, and of emergency life, health, the environment and property management system with the county emergency response team,
- ✓ voivode, which defines the tasks and monitors their implementation in the province, in an emergency threat to life, health, the environment and property management system with the provincial emergency response team.

The membership to Euro-Atlantic and European cooperation structures reinforces the security of the Republic of Poland. NATO constitutes the most important form of political and military cooperation between Poland and its allies. European Union supports Poland's socio-economic development and strengthens its position in the world. The United States of America remains the most important non-European partner of Poland [4].

## **2 LEGISLATION RELATED TO THE TASKS OF CRISIS MANAGEMENT IN THE EVENT OF NON-MILITARY THREATS**

The law regulations on Poland in the field of crisis management are closely correlated with the requirements of the European Union. Acts under the Polish legislation in this regard are:

- Treaty establishing a Constitution for Europe;
- Council Directive (CD) on the physical protection of nuclear material, including annex I and II, opened for signature in Vienna and New York on 3 March 1980;
- CD 82/501/EEC of 24 June 1982 on the major accident hazards of certain industrial activities (Seveso); and (Seveso II) - CD 96/82/EC of 9 Dec. 1996 on the control of major accident hazards;
- CD 91/396/EEC of 29 July 1991 on the introduction of a single European emergency call number;
- Directive 2007/60/WE of the European Parliament and of the Council of 23 Oct. 2007 on the assessment and management of flood risk;
- Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism;
- International Convention for suppression of acts of nuclear terrorism, adopted by the General Assembly of the United Nations on 13 April 2005;
- Council of Europe Convention on the prevention of terrorism, adopted on 16 May 2005 in Warsaw;
- CD Council Directive 2008/114/EC of 8 Dec. 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection;
- CD 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations.

The main tasks of the state administration and local government, implemented as part of crisis management, are contained in the following acts:

*of the Act:*

- The Basic Law - the Constitution of the Republic of Polish - Journal of Laws 1997, No. 78 item. 483
- Law amending the Law on Crisis Management - Journal of Laws 2010, No. 240, item. 1600
- Law amending the Law on Crisis Management - Journal of Laws of 2009 No. 131, item. 1076
- Crisis Management Act - consolidated text - Journal of Laws 2007, No. 89 item. 590
- The Law on State of Emergency - Journal of Laws of 2002, No. 62 item. 558
- The Law on State of Emergency - Journal of Laws of 2002, No. 113, item. 985 and No. 153, item. 1271 and of 2006 No. 104, item 711
- The law of the state of war and the competence of the Supreme Commander of the Armed Forces and the principles of its subordination to the constitutional organs of the Republic Polish - Journal of Laws No. 156, item 2002. 1301
- The law of universal duty to defend the Polish - Journal of Laws 2004, No. 241, item. 2416
- The law of the State Fire Service - Journal of Laws 1991, No. 88, item. 400
- The Law on the Protection of fire - Journal of Laws 1991 No. 81, item. 351

- The Police Act - JL 2002, No. 7, item. 58
  - The Law on Government Administration - Journal of Laws 2007 No. 65, item. 437
  - The law of government in the region - Journal of Laws of 2009 No. 31, item. 206
  - The Law on Regional Government - Journal of Laws 2013 No. 0 pos. 595
  - Act County Government - Journal of Laws 2013 No. 0 pos. 594
  - The Law on Local Government - Journal of Laws 1990 No. 16, item. 95
  - The Law on the Protection of People and Property - Journal of Laws No. 114, item 1997. 740
  - The Law on Protection of Classified Information - Journal of Laws No. 182, item 2010. 1228
  - Water Law - Journal of Laws No. 115, item 2001. 1229
- Regulations:*
- Regulation on the organization of the Government Security Center - Journal of Laws of 2011, No. 86 item. 471
  - The Regulation on the Report of the risks to national security - Journal of Laws 2010 No. 83, item. 540
  - The Regulation on the National Programme for Critical Infrastructure Protection - Journal of Laws 2010 No. 83, item. 541
  - Regulation on the protection of critical infrastructure plans - Journal of Laws 2010 No. 83, item. 542
  - Ordinance setting out the government bodies that create emergency management centers, and the way they operate - Journal of Laws of 2009 No. 226, item. 1810
  - Strategy for the development of the national security system of the Republic of Polish 2022, M.P. 2013. 377
- Ordinances:*
- Decision No. 332/MON, Minister of National Defence on 19 October 2012 on how and when to perform tasks related to the implementation of the "List of projects and procedures for crisis management system" in the Ministry of National Defence - Defence Official Journal No. 86, item 2013. 403
  - Decision No. 53/MON, Minister of National Defence on 5 March 2013 on the introduction into service "manual security sanitary-hygienic and against-epidemic army in time of peace, crisis and war" - Official Journal of 03/06/2013 MON item. 62
  - The decree on the organization and operation of the Government Crisis Management Team - MP 2011 No. 93, item. 955
  - Ordinance on the list of policies and procedures for crisis management system - MP 2011 No. 95, item. 957
    - Annex 5 - stage alarm
    - Attachment 6 - the manner and mode launch projects and crisis management procedures.

### 3 COOPERATION OF THE STATE FIRE SERVICE WITH A POLISH ARMY COMPONENTS

As is apparent from previously mentioned legal acts of the Armed Forces to use in emergency situations need not be preceded by the introduction of extraordinary measures. Army because of having the right amount of material, equipment and trained people are always ready to support the civilian component in dealing with combat and disaster emergencies. The procedure for the use of the military in situations of non-military threats can be carried out in three variants:

*Basic* - is based on the assumption that a representative of a particular level of government in which the threat appeared, which is not able to own forces and means to overcome the requests to the authority of a parent for help. In a situation where the powers and resources to the provincial level are not able to cope with governor returns a written request to the Minister of National Defence for assistance by military units. This, in turn, by the Chief of the General Staff of the Polish Army on the Defence Crisis Management Centre and the appropriate Provincial Military Staff separated the powers and resources of the military units to aid local authorities. Please always keep in mind that such sub-divisions of the armed forces governmental bodies and only direct evidence of the Provincial Chief of Staff of the Military. The basic operating procedure is presented on Figure 1.

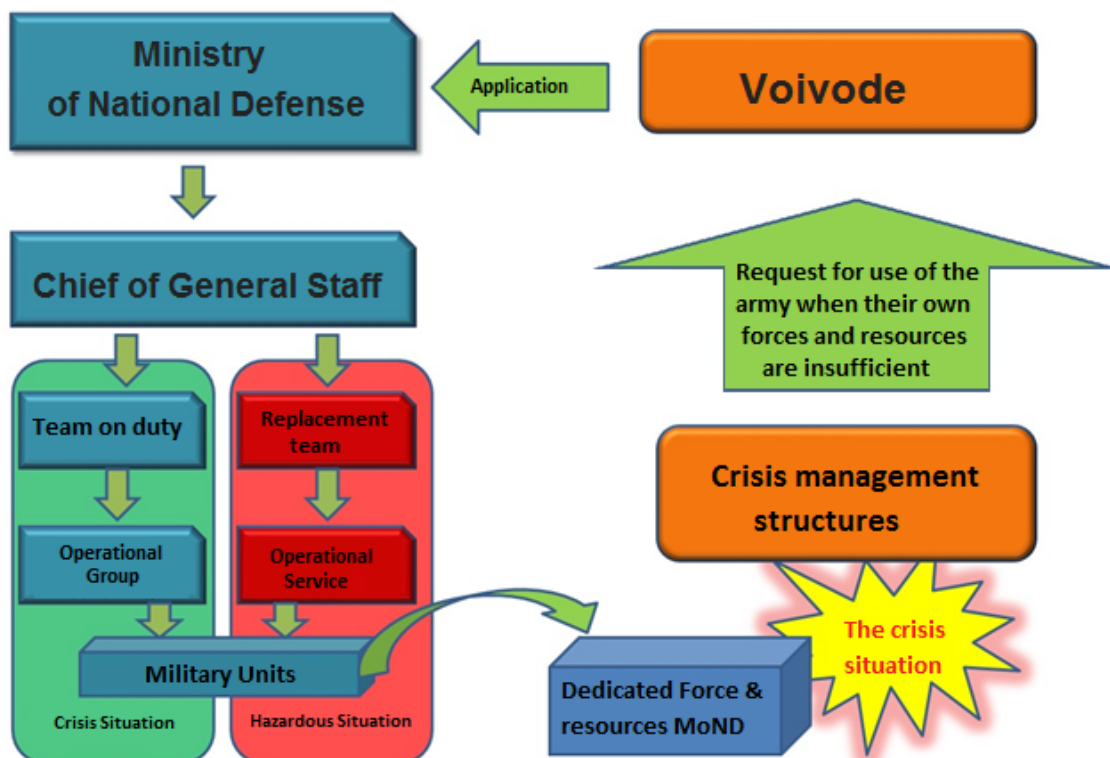


Figure 1 The activation procedure Armed Forces in crisis situations  
(Source: on base documentation of the Regional Military Staff in Zielona Gora)

*An emergency* - differs significantly from the basic namely that in an emergency situation with the rapid course of the commander of a military unit make its own decision to grant support civilian component.

*Prescriptive* - occurs when the introduction of military forces and resources is the decision of the Minister of National Defence and Chief of General Staff ordered the Polish Army commander or the type of the armed forces, corps commander, the commander of the fleet, and the commander of the military unit.

Apart from the fact that in each provincial disaster management plan is defined as the use of armed forces in crisis management is a military action in such cases is regulated by the "Plan to use branches and sub-units of the Polish Armed Forces in the event of an emergency," which in turn contains the plans details such as:

- "Plan of the Polish Armed Forces participate in the defense against terrorism",
- "Plan participation of Polish Armed Forces in the fight against floods and ice phenomena",
- "Plan of the Polish Armed Forces participate in snow removal",
- "Plan of Armed Forces participation in equities fire and rescue and disaster spatial fire",
- "Plan of the Polish Armed Forces participate in the liquidation of consequences of technical failures of toxic industrial agents (TIA) and radiation accidents",
- "Plan of Armed Forces participation in cleaning the area with explosives and dangerous objects",
- "Plan of the Polish Armed Forces participate in search and rescue",
- "Diseases Action Plan".

These plans establish the powers and resources Armed Forces, which are intended to participate in emergency response situations in non-military crisis management. The basis for all efforts to activate the Armed Forces but the written request of voivode to the Minister of National Defence, to assist military units. In special situations requiring emergency action to shorten the procedure may be initiated by telephone through a system of duty services, which does not exempt from the obligation to promptly provide written documents. Referral forces and resources Armed Forces after the acceptance of the proposal by the voivode Minister of National Defence. Parallel to request the Provincial voivode Chief Military Staff preceded by reconnaissance in the scene whereas the available forces and means to formulate the proposal by the Chief of General Staff On-Call Service Operational Crisis Management Center of the Ministry of Defence. Forces and resources designed to assist public administration in emergency situations unless otherwise specified in the plan, are ready to take action:

- on weekdays (from 7.30 to 15.30 Monday to Friday at  $S^1 + 48 h$ )
- on the other days during the  $S + 72h$

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<sup>1</sup> S = start (beginning)

In the event of the need for greater amounts of manpower and resources Armed Forces at the scene than is provided under "any plan to use ...", you can receive them as long as they do not jeopardize the fulfillment of the Armed Forces of their constitutional duties. Appeal procedure above forces and resources is done in a manner analogous to the activation of a body entitled to initiate the procedure for the voivod.

Civil - military coordination is carried out in an emergency and at the request of the civil authorities. The application for co-operation may be made by civil authorities through the Ministry of Interior. In case of emergency, a request may also be made verbally, but as soon as possible should be confirmed in writing. Non-cooperation is treated as a criminal offense. One of the tasks of the armed forces is to create a national network of alert and coordination with the various authorities within the Ministry of Defence. The armed forces may also be employed to organize support for other public services. Responsibility for implementation of this support rests with the commander of the military, although it is responsible for the preparation in this area (responsible for the preparation of such support in terms of planning and organization rests with the civil authorities).

During the floods, the situation is developing in a very dynamic necessary to run the ad hoc task forces. Therefore, it was necessary to maintain the necessary forces and means in duty hours round the clock with a quick readiness to act. Another problem arises when a number of military actions to counter the crisis is to set the task of the army is not designed for it, and so excluded the military to replace municipal services during the action, the military is perfect for actions such as [5]:

- evacuation of people and their property,
- delivery of supplies to disaster areas,
- a pioneering move for rescue groups,
- construction of temporary crossings over obstacles (not demanding projects and building permits),
- strengthening and monitoring of the shafts.

Hence it is clear that the forces designed to replace municipal services will not be able to perform such strengthening embankments or will be insufficient to accomplish this task. Useful in the management of the crisis would also conduct regular training of local government bodies such as the rules on the use of troops in the shares of crisis or their ability to act. As well as carry out training of leaders dedicated task forces with specialists in water management principles such as the strengthening of embankments, to prevent leaching of the base of the shaft.

#### **4 SUMMARY AND CONCLUSIONS**

The Government Security Centre in cooperation with the National Crisis Management System of the situation is not created solely to be managed the emergencies and disasters. It works permanently, trained and perfected. The creation structures (components) task is possible in for special circumstances and accordance

with principles specified in the law. The primary objective of the crisis management system is the effective implementation of projects to ensure the continuity of the safe functioning of the state. It is also associated with the appropriate distribution of information necessary for the implementation of the management process, as well as the methods and measures regulating the functioning of the organization. Based on the results of the studies described in this article - on the functioning of the crisis management system in Poland, it is noteworthy that there are still some problems that require solutions as soon as possible. In conclusion, it is worth noting that cooperation between firefighters and military components in crisis management system is constantly evolving, adapting to the current needs and requirements of the EU. This is a complex and lengthy process, involving politicians, experts, officials, as well as a huge amount of money. But the success of the implementation of the uniform system of emergency response is a prerequisite for security and future existence of Polish society.

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