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**Normative
Dimension of Crisis
Management System
in the Third Republic
of Poland in an
International Context
– Organizational
and Economic
Aspects**

Nr 98

Studia i Monografie
Łódź-Warszawa 2019



SPOŁECZNA AKADEMIA NAUK
ŁÓDŹ

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Translation: Sławomir Hajnas

Cover design: Marcin Szadkowski

Typesetting: Witold Kowalczyk

Studia i Monografie nr 98
ISBN 978-83-64971-71-6

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Admission

The end of the Cold War has caused far-reaching changes in the security environment. In the sense of losing their military threats, the list of non-military threats has definitely expanded. In this context, the NATO North Atlantic Alliance Summit was held in Rome on 7–8 November 1991, during which the NATO Strategic Concept was enacted. In this document, for the first time, the military dimension of security was mentioned later than political, economic, social and environmental ones. The strategy set the direction of changes in security processes. The civilian sector – previously referred to as the service with respect to the military – has grown into the central pillar of national security. This process has been accelerated by intensifying disarmament trends, reducing spending on the military security sector, and reducing the size of the army. Moving away from conflict resolution with the help of force required finding alternatives. The quantitative and qualitative increase in threats was an additional factor that stimulated the development of new ways of solving problems.

One of the solutions to the above problems may be the use of, in the area of security, scientific management output. The subject matter is of great cognitive importance. In today's world, priority is given to managing potential conflicts and transforming them into co-operation, monitoring and detecting inconsistencies in development and security processes, preventing conflicts, distortions and errors in specific parts of the security system, including eliminating and limiting factors contributing to the occurrence of these conflicts, disturbances and errors, and continuous and systematic corrections. Crisis management is of vital importance in this regard, the use of which in the shaping of security processes

enables not only peace but also a certain level of prosperity, which is one of the most important determinants of modern security.

The current research problem is also subject to changes in the security environment. Many crises in the modern world are characterized by transnational, cross-border character. Under certain circumstances, the pace of development of the international situation exceeds the possibilities of perception of public authorities. Effective prevention of their occurrence can only be achieved through joint efforts that will contribute to improving the level of security not only in Poland but also throughout the world.

The integration and disintegration processes on the one hand, offer the opportunity to solve the problems that arise, and on the other hand – they generate the risk of uncontrolled development of the situation. The same is true with the information revolution, which on the one hand provides the possibility of better resolution of swollen problems, and on the other hand – significantly increases the level of danger. Necessary, from this perspective, it seems to extend the scope of research concerning the sphere of crisis management in the III RP (Third Republic of Poland), with an international aspect. Poland's national security is embedded in international conditions – understood as the basis of common standards and priorities. The research goal is that the analysis of a research problem, so crucial to the national security of Poland, has not been carried out by any of the researchers until now (the conclusions and generalizations that will be presented in the Conclusion can be used to improve the organizational and economic aspects of the Polish crisis management system and to improve the effectiveness of the tools used to manage crisis situations).

In the above mentioned research area, five research tasks were identified: (1) presentation of theoretical aspects of crisis management; (2) presentation of the normative dimension of organization of the crisis management system of the Third Republic of Poland; (3) analysis of normative financing of the crisis management system in the III RP; (4) showing the normative dimension of the European Union crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland; (5) analysis of the normative dimension of the North Atlantic Treaty Organization's crisis management

system and its implementation in the legal and organizational order of the Third Republic of Poland. These tasks are an essential element of the structure of this thesis.

The main objective of the research is to analyse the organizational and economic aspects of the normative dimension of the crisis management system of the Third Republic of Poland in an international context. In addition, the purpose of the study is to verify hypotheses, assuming that: (1) both expenditures planned in the state budget for the performance of crisis management tasks and the funds incurred for achieving this objective in the III RP, in the years 2008–2017, were systematically increased; (2) the normative basis of the crisis management system in the Third Republic of Poland was determined by the organizational and legal solutions developed in the European Union and NATO.

The research facility is the crisis management system of the III RP. The subject of the study, on the other hand, is the organizational and economic aspects of the normative dimension of the Polish crisis management system, as well as the impact of organizational and legal solutions of the European Union and NATO on the current shape of the system.

The scope of research on the international context of organizational and economic aspects of the normative dimension of the crisis management system of the Third Republic of Poland was limited to the analysis of organizational and legal solutions of the European Union and the North Atlantic Treaty Organization and their impact on the current shape of this system. Adoption of such a narrow understanding of the international environment is due to the influence of these organizations on the overall security relations in Poland (confirmation of the validity of the adopted solution is that in *the crisis management act expresis verbis* only those two organizations were mentioned).

The temporal scope of research on the normative dimension of financing of the crisis management system in the Third Republic of Poland will be limited to the years 2008–2017. The enactment of 2008 as the opening point for the research is due to the fact that, for the first time in the state budget for this year, expenditure on the implementation of crisis management tasks had been planned. The closing date of the study of expenditure incurred for the implementation of crisis management tasks is 2017 – this is due to the fact that this is the last year in which an analy-

sis of the ratio of expenditures incurred for the implementation of crisis management tasks can be carried out to the level of expenditure planned for this purpose in the Budget Act.

The structure of the thesis has a problem-solving character. It follows from the accepted problems of detailed and formulated research hypotheses. The need to analyse the above issues related to the research area was taken into account in the structure of the dissertation, divided into five chapters.

Chapter 1 presents the theoretical aspects of crisis management – as a system, methodology and activity for the establishment of safety standards. In the first subsection, the analysis have covered placing a crisis situation in the national security system. In subsection two, crucial from the point of view of the research problem, the term: crisis management system has been clarified. In the last subsection of this section, crisis management is presented in the context of universal security management – this approach has enabled a model crisis management process, based on the experience of economic sciences. The purpose of this chapter is to introduce the subject and show its broader context.

In chapter 2 of the study, the normative dimension of organization of the crisis management system of the Third Republic of Poland was subjected to analysis. While subsection 1 outlines the normative basis of organization of the crisis management system in the Third Republic of Poland, the second part of this chapter presents the research problem of the organization of the crisis management system in the Third Republic of Poland – based on the previously existing civil protection system in Poland (the analysis covers both the competencies of the national crisis management bodies, the Government Crisis Management Unit, the Government Security Center, the crisis management teams and centers operating within individual ministries and central government administrations as well as those operating at the lower levels of the administrative division of the country – ie the Voivodes, organizational units competent in crisis management in voivodeship offices, voivodeship teams and crisis management centers – at the level of the voivodeship, starosts, organizational units competent in crisis management matters in powiat starosts and district crisis management teams and centers – at the district/powiat level, as well as mayors, city presidents, organizational units competent for crisis management in gminas

or towns; municipal or city crisis management teams and centers – at the municipality level).

Chapter 3 describes the normative dimension of financing the crisis management system in the III RP. The first part of the chapter describes the normative basis for financing the crisis management system. In the second part of the chapter, the analysis covers the financing of the crisis management system in the Third Republic, in the light of normative acts such as Budget Laws.

Chapter 4 describes the normative dimension of the European Union crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland. The first part of this chapter analyses the normative basis of the European Union crisis management system. Subsection 2 of this chapter presents the research problem of the organization of the European Union crisis management system – taking into account the two dimensions of its functioning: external and internal. The last subsection presents the normative aspect of the activities of the Polish internal security institutions within the European Union crisis management system. In this context, this part of the thesis has covered the normative basis for the activities of the Government Security Center and the Financial Stability Committee – formed as part of the legislative process, the aim of which was to implement the legal acts legislated by the institutions of the European Union.

Chapter 5 presents the normative dimension of the North Atlantic Treaty Organization's crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland. In the first part of this chapter, the normative basis for the Alliance's crisis management system has been analysed. The study covers both NATO strategic concepts and other documents from the North Atlantic Council, North Atlantic Cooperation Council and the Euro-Atlantic Partnership Council. Subsection 2 of this chapter presents the research problem of the organization of the NATO crisis management system. This part of the thesis covers the components of this system and the procedures for introducing individual crisis response measures (including the six phases specified in *the NATO Crisis Response Manual*). The last section presents the normative aspect of the activities of Polish internal security institutions within the framework of the North Atlantic Treaty Organization's crisis

management system. In this context, the analysis covers the normative framework for crisis management activities of the Government Security Center as well as the Prime Minister and ministers competent for internal and foreign affairs – formed within the framework of the legislative process aimed at implementing legislative acts enacted by the bodies of the North Atlantic Treaty Organization.

A multi-faceted study has forced many test methods. The usefulness of the given method has been evaluated by the prism of its usefulness for the achievement of specific research objectives. The elements of system analysis were used in the development of the conceptual approach and in the construction of this thesis. This is due to the fact that the purpose of the thesis is to present a crisis management system in Poland in the widest possible (international) context – taking into account Poland's membership in the European Union and NATO. The application of the system analysis method has led to the identification of a specific structure of the examined problem – reflected in the system of the thesis. The descriptive method was used in Chapter I to present theoretical aspects of crisis management. The following chapters also used other research methods. The historical genetic method and the political decision-making method have proved to be most useful in the second chapter, which presents the normative dimension of the organization of the crisis management system of the Third Republic of Poland (they were also used in chapters 4 and 5 to analyse the normative dimension of the crisis management system of the European Union and the Organization of North Atlantic Treaty and their implementation in the legal and organizational order of the Third Republic). The statistical and comparative method was used to analyse the level of financing of the crisis management system in Poland (in the light of the data included in the budgetary laws and the budget implementation reports passed by the Council of Ministers). Moreover, the least squares method was used to identify the development trend of both the expenditures planned in the state budgets for crisis management tasks and the funds incurred for achieving this objective in the III RP in 2008–2017. However, the institutional and legal method was more widely used, and the normative method created in addition to the purposes of this thesis. The second method is a method of studying bilateral correlation between axiology and legislation. It assumes, firstly, the influence of

the ideal vision of reality, the legitimacy of the legislative process, on the nature of the legal norms being created, and secondly, the creative power of the latter in the field of modeling social norms. In practice, it can be used to manage processes in organizational structures – both formal and non-formal. This method is anchored in the theory of ideal types according to Max Weber¹ and praxeology according to Ludwig Von Mises² and represents an anthropocentric approach to science as such, as well as to its subject (in this case the socio-economic and administrative-political reality) as a function of human experience.

In accordance with the above, the researcher determines certain, abstracted from reality – in terms of selected, relevant, for the exploration process, distinctive features - hyperbolized models, constituting reference points for real structural and processual entities. There is, however, a feedback loop between the inductive and deductive approaches with a strong emphasis on the other side of the relationship in relation to the epistemological issues. In the real world we are dealing with an amalgam of transient features, where everything is connected with each other, therefore, it is impossible to determine clear demarcation lines, without resorting to a priori established distinctions and divisions made in the mental space of the explorer. It is worth mentioning, however, that the complete reference to deductive models with the total omission of the specificity of the studied matter inevitably leads to the creation of a theory that does not correspond to reality and thus is useless, such an approach is alien to the critical formula of scientific research used in this work. In other words, a priori, fundamental and invariant models of possible experience are confronted with a posteriori experience in the course of the pre-exploratory process, as a result of which variant models are created, characteristic for a specific

1 On the theme of the Weber's theory of ideal types see more: M. Weber, *Etyka protestancka a duch kapitalizmu*, Lublin 1994; Idem, *Etyka gospodarcza religii światowych*, t. 1, *Taoizm i konfucjanizm*, t. 2, *Hinduizm i buddyzm*, t. 3, *Starożytny judaizm*, Kraków 2000; Idem, *Gospodarka i społeczeństwo. Zarys socjologii rozumiejącej*, Warszawa 2002; Idem, *Racjonalność, władza, odczarowanie*, Poznań 2004.

2 This economist expressed his methodological concepts in the research of economic processes: L. von Mises, *Ludzkie działanie. Traktat o ekonomii*, Warszawa 2007; Idem, *Teoria pieniądza i kredytu*, Warszawa 2012; Idem, *Interwencjonizm*, Kraków 2000; Idem, *Biurokracja*, Lublin 1998; Idem, *Ekonomia i polityka. Wykład elementarny*, Warszawa 2006; Idem, *Mentalność antykapitalistyczna*, Kraków 2000.

reference space, which are then used as a specific matrix for proper analysis of the examined object and internal relations between its elements – this allows to record measurable deviations of the existing facts from the assumptions established for them.

The specific, applied in the paper, form of the submitted method – related to the ratio of legal norms to the considered reality – takes into account two functions, namely descriptive (*de facto* already characterized above) and regulatory. Therefore, we are dealing not only with epistemological norms that constitute the human, general and detailed, image of the world, but also, what is important, with the creative norms contained in the sphere of legislation, which have a different effect on the change of the initial state of affairs. The component of ideal types therefore remains in a permanent, functional relationship with the praxeological aspect; the former is essential, while the latter is pragmatic, in other words, teleological.

The teleological perspective makes it possible, in an ontological sense, to distinguish between humanities and social sciences – in the broadest sense of the term – and natural sciences, focused on causality, while the domain of human activity is also not devoid of motivations of a caustic nature, therefore, unstructured actions of *hic et nunc*, conditioned by more or less random stimuli from outside (in fact simple reactions), must be distinguished from systematic, having a broader temporal perspective, activities aimed at an autonomously chosen goal (gr. *telos*), the pursuit of which is connected with a pragmatic selection of instruments and methods of achieving it.

Individual human initiative can be extrapolated, through generalization, to entities of an institutional nature, which conduct a structured, systemic activity, conditioned on the one hand by legal norms, and on the other by organisational culture and the context of its functioning. These non-legal factors do not always correspond to the intentions of the legislators expressed in the normative acts, which, however, does not discredit their systemic character, but it indicates a deviation from their ideal types. Capturing these deviations not only leads to interesting theoretical conclusions, but also provides a basis for practical undertakings to introduce reforms.

Naturally, the previously presented essential factor is more related to the inspiration of Max Weber's thought, and the pragmatic approach

to the reception of Ludwig von Mises' work; thus, the creative synthesis of the achievements of both thinkers resulted in the creation of an original normative method. Incidentally, both scholars represented economic sciences. Weber co-created the foundations of sociology, starting from economic positions. His magnum opus called *Protestant Ethics* and the *Spirit of Capitalism* treated, in accordance with the title, about the influence of socio-ideological attitudes of a religious profile on work, accumulation of resources and thus on the emergence of the economic system that still dominates today.

This German classic also dealt extensively with rationalisation issues that are important for the economy. No different than Mises, an outstanding representative of the Austrian school of economics, whose most famous work, entitled *Human Action*. *The treatise on economics* contains valuable methodological reflections, formulated on the basis of the reflection on the economic nature of man.

Thanks to the implementation of an innovative methodological system based on the achievements of the coryphaeus of world economic thought, the approach to the whole of the issues studied in this work has been economized. Therefore, the economic method obviously refers to the issue of financing the crisis management system, which is important for this work, but – which should be given special attention – it applies to all the deliberations on the systems themselves in normative and organisational terms. The value of the presented research is to restore the discipline of management to its original, proper status of the field of science originating from economic sciences, with which it is linked not only by the method, but also by the spectrum of research subjects. In this case, for example, the normative formula of limiting the costs of organizing a crisis management system is explored, where it is impossible to omit, among others, the problems of effectiveness of the use of material, human and organizational resources, or intellectual capital, etc. In this case, the normative formula of limiting the costs of organizing a crisis management system is explored. To conclude the current topic, it is worth stressing that the theory of ideal types and praxeology constitute the basis of coherence of all five chapters, of which this dissertation is composed, starting from theoretical issues, through strictly normative issues – including the economic analysis of

law – and ending with a typically organisational thread, essential for the verification procedure, showing to a varying extent the abnormal socio-economic reality, and through its prism – also administrative and political realities.

The problem of crisis management was repeatedly undertaken in the Polish literature of the subject. Many monographs have been written on this subject: *Principles of crisis management. Crisis management in public administration* by Janusz Ziarko and Jolanta Walas-Trębacz³, paper entitled: *Crisis management in situations of non-military threats* written by Eugeniusz Nowak⁴, publication *Crisis Management in Poland* published by Marek Jabłonowski and Leszek Smolak⁵, or monograph by Witold Lidwa, Wiesław Krzeszowski and Wojciech Więcek entitled *Management in crisis situations*⁶. On the other hand, the normative dimension of the crisis management system was discussed by lawyers (an example may be the publication of *the Crisis Management Act. Commentary* by Mirosław Pawełczyk and Piotr Sokal⁷ and the study of *Crisis Management. Practical guide to the amendment of the law* written by Witold Skomra⁸). Much of the aforementioned items have become obsolete (all papers issued before 2009), and the rest did not cover the evolution of the normative dimension of the crisis management system of the Third Republic of Poland (the authors focus only on presenting the shape of the above-mentioned system – most often in the context of activities of entities authorized to undertake activities in this field).

It should be noted that in the Polish literature of the subject, the problem of financing the crisis management system is almost absent. Except for a few pieces of books and scientific articles dealing with this issue

3 J. Ziarko, J. Walas-Trębacz, *Podstawy zarządzania kryzysowego. Zarządzanie kryzysowe w administracji publicznej*, Kraków 2010.

4 E. Nowak, *Zarządzanie kryzysowe w sytuacjach zagrożeń niemilitarnych*, Warszawa 2007.

5 *Zarządzanie kryzysowe w Polsce*, edited by M. Jabłonowski, L. Smolak, Pułtusk 2007.

6 W. Lidwa, W. Krzeszowski, W. Więcek, *Zarządzanie w sytuacjach kryzysowych*, Warszawa 2010.

7 M. Pawełczyk, P. Sokal, *Ustawa o zarządzaniu kryzysowym. Komentarz*, Warszawa 2014.

8 W. Skomra, *Zarządzanie kryzysowe. Praktyczny przewodnik po nowelizacji ustawy*, Wrocław 2010.

solely from the theoretical⁹ or self-governmental¹⁰ point of view, none of the researchers undertook an analysis of the financing of public administration at the national level based on data from the budgetary decrees and the annual reports on implementation of the state budget prepared by the Council of Ministers. No author also undertook an analysis of the international determinants of the normative dimension of the crisis management system of the Third Republic of Poland (which seems important in the context of Poland's membership in the European Union and NATO). The aim of this thesis is therefore to fill in the above-mentioned gaps in the literature of the subject.

Research focused on the organizational and economic aspects of the normative dimension of the crisis management system of the Third Republic of Poland in an international context required analysis of legal acts, documents, scientific and journalistic papers and online materials. This dissertation is based primarily on primary sources. During the analysis of the normative dimension of the crisis management system of the Third Republic of Poland, sources such as *the Constitution of the Republic of Poland of April 2, 1997*¹¹, *the Act on the Departments of the Government Administration of 1997* and *the Crisis Management Act of 2007*¹², together with its amendments, were helpful. In turn, to present the problems of financing the crisis management system in the Third Republic of Poland, data from the Budget Bills and the annual reports from the implementation of the state budget prepared by the Council of Ministers was highly useful. The provisions of the treaties concluded between the member states of the European Union, resolutions of the meetings of the European Council, records of European security strategies concerning the European Union crisis management system were useful for presenting the normative dimension of the European Union crisis management system and its implementation in the legal and organizational order, as well as

9 K. Nizioł, *Finansowanie z budżetu państwa wydatków na zarządzanie kryzysowe*, "Prawo Finansów Publicznych" 2011, No. 1.

10 Galiński, *Financial Aspects of Crisis Management in Local Governments in Poland*, "Slovak Scientific Journal Management: Science and Education" 2014, Vol. 2 (3).

11 *Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku*, OJ. 1997, No. 78, Item. 483.

12 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym*, OJ. 2007, No. 89, Item. 590, art. 3.

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regulating legislation binding member states (primarily such as regulations, directives and decisions). On the other hand, the research centered around the normative dimension of the North Atlantic Treaty Organization's crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland required the use of both the NATO strategic concepts as well as documents of the North Atlantic Council (primarily declarations and final communications), the North Atlantic Cooperation Council (mainly work plans for dialogue, partnership and cooperation) and documents of the Euro-Atlantic Partnership Council (in particular the action plans and summaries of the Chairman of the Council).

Finally, it should be emphasized that the results of the present research may firstly be a scientific value for scientists undertaking analyses of crisis management systems, as well as, secondly, didactic value, helpful to students of national security and internal security and related fields. Thirdly, attention should also be paid to the practical dimension of the research carried out, as a reference point for the activities of constituting and executive bodies as well as employees of crisis management teams and centers – all levels of administration, from central state authorities to basic local government units – oriented on the implementation of relevant/adequate legal regulations of the European Union and the North Atlantic Alliance into the normative system of the Third Republic of Poland.

Chapter 1

Theoretical aspects of crisis management

The purpose of this chapter is to present in a synthetic way the theoretical aspects of crisis management – as a system, methodology, and activity for the establishment of safety standards. In the first subsection, the analysis will cover the location of the crisis in the national security system. The starting point for deliberations will be to highlight the priority of security needs for individuals, social groups and the state¹³. This section will provide definitions of key concepts such as security (including the etymological context of this term) and national security. Due to the fact that the second category of research – national security – is recognized as one of the core areas of activity of the state, which is aimed at, among others, counteracting the occurrence of all kinds of threats – in this subsection there will be presented threats to national security classified on the basis of the most commonly presented objective criterion in the literature. Showing the multiplicity and diversity of threats in today's globalized world is meant to enable us to understand a definite increase in the scope of national security in question, which was narrowly understood until the 1990s – only as a military aspect. The absurd approach to restricting national defense to the military sphere appeared in Poland during the “flood of millennia” of 2007, when the existing legal system did not enable to use the armed forces to remove the effects of this crisis (the

¹³ In this thesis, the state will be understood as a forced organization, equipped with the attributes of superior authority in order to create order and protect against the threats (both external and internal) of individuals and social groups inhabiting its territory. M. Gulczyński, *Nauka o polityce*, Warszawa 2007.

huge scale of losses contributed to the rapid enacting laws that extend the perception of national security in Poland to non-military threats). In this context, it seems necessary to define challenges for the functioning of the national security system, such as crisis situations (the analysis will cover the groups of factors that may lead to them), and the development of effective self-regulation mechanisms (activities that are the domain of crisis management). Proper understanding of crisis management system as a method of solving security problems requires clarification of the meaning of the terms: system and management system. All these research categories (system, management system and crisis management system) will be analysed in subsection two of this chapter. In the last section of this section, crisis management will be presented in the context of universal security management. This approach will allow to show a model crisis management process based on the experience of economic sciences.

1.1 Placing a crisis situation in the national security system

Security is the primary, existential need of individuals, social groups, and states¹⁴. It is significant that, in the hierarchy of the needs by Abraham Harold Maslow – the researcher representing the direction of international relations – safety and security occupies the supreme position immediately after the physiological needs¹⁵ (see Figure 1).

Clayton Alderfor also recognized the fundamental need for security. In his ERG motivation theory, human needs have been defined in the form of three overlapping categories: existence, relatedness, and growth. Here, too, security needs were placed in the pyramid base of the hierarchy of human needs (in the category of existence)¹⁶ (see Figure 2).

14 J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa*, Warszawa 1996, p. 18.

15 Abraham Maslow assumed that there is a possibility of classifying human needs based on five categories that can be ranked according to their hierarchy. The unit first strives to meet the needs of the lower order – and only then – the needs of a higher order. It should be emphasized that in Maslow's opinion the lack of satisfaction of the need for security is a brake on the development of the unit. A. H. Maslow, *A Theory of Human Motivation*, "Psychological Review", 1943, Vol. 50, pp. 370–396.

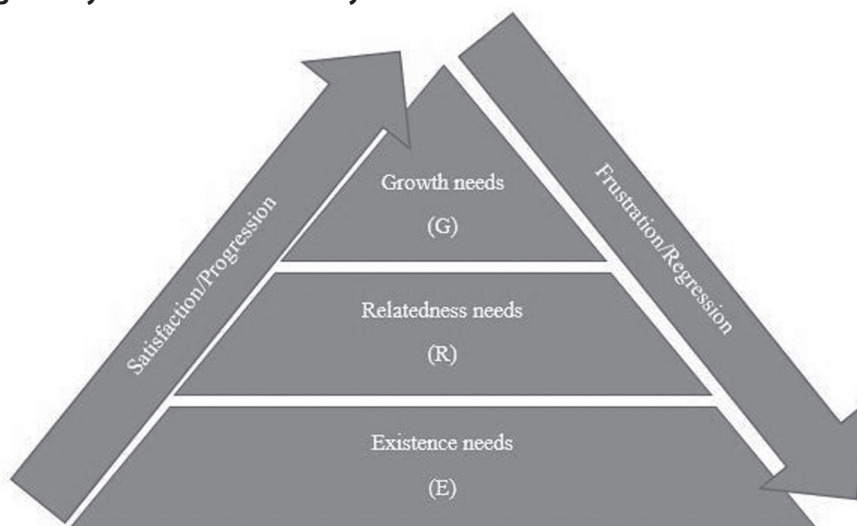
16 Clayton Alderfor assumed that the progressing process of satisfying the needs of the higher categories was accompanied by a frustrating process of failing to meet other

Fig. 1. Hierarchy of human needs by Abraham Maslow



Source: A. H. Maslow, *A Theory of Human Motivation*, "Psychological Review" 1943, Vol. 50, pp. 370–396.

Fig. 2. Clayton Alderfer hierarchy of Human Needs



Source: Own study based on: R. Griffin, *Podstawy zarządzania organizacjami*, Warszawa 2001, p. 463.

needs (lower categories). In his opinion, as a result of persisting frustration, the individual will begin to strive for more complete satisfaction of the needs of the lower order. The frustration of failure is dependent on the fuller satisfaction of the needs of the lower categories.

Roman Kuźniar, a former advisor to the President of the Republic of Poland for international affairs, also attributed a high rank of security field. In his opinion, “in the flood of slogans like «first, economy» or «first, man», we quickly forget that the foundation of all that «first» is security. It is the primary existential necessity of individuals, social groups, and finally states. This is not only about survival, integrity or independence, but also about the security of development that protects and enriches the identity of the individual or the nation. This security depends on what is going on around us, from the external environment, to which we may be exposed, and it depends on us – our health and our ability to cope with such threats”¹⁷.

Despite the fact that social science researchers attach considerable importance to safety, until now they have failed to reach a single universally accepted definition of the term. The multiplicity of definitions is related to the fact that representatives of particular fields of science perceive security through the prism of their discipline and through the prism – whether or not they are aware – of methodological positions¹⁸.

The point of departure to indicate the meaning of the term “security” can be classic (lexical and etymological) concept of this term. The term “security” derives from the Latin word *sine* (without) *cura* (worry, fear, anxiety)¹⁹. Etymologically, this term refers to a sense of danger (and the need to remove it to bring about a certainty). In many languages, including Polish, as Ryszard Zięba has rightly pointed out, the notion of security “proves a *prima facie* sense of danger to the feeling that one is safe”²⁰. The concept of no custody means

17 R. Kuźniar, *Po pierwsze bezpieczeństwo*, „Rzeczpospolita” January 9, 1996. See also: P. G. Hristov, *Global dimensions of security and their projections into bulgarian law*, “Globalization, the State and the Individual” 2018, No 2(18), pp. 8 and n.

18 M. Cieślarczyk, *Teoretyczne i metodologiczne podstawy badania problemów bezpieczeństwa i obronności państwa*, Siedlce 2009, p. 9. See e.g.: X. M. Иванов, М. П. Иванова, Социальная безопасность малых и средних предприятий, „Journal of Public and Municipal Administration” 2015, No. 3 (18), p. 64-71.

19 *Słownik terminów z zakresu bezpieczeństwa narodowego*, edited by J. Kaczmarek, W. Łepkowski, B. Zdrodowski, Warszawa 2008, p. 14.

20 R. Zięba, *Kategoria bezpieczeństwa w nauce o stosunkach międzynarodowych*, [in:] *Bezpieczeństwo narodowe i międzynarodowe u schyłku XX wieku*, edited by D. B. Bobrow, E. Haziak, R. Zięba, Warszawa 1997, p. 3.

that there is no need to provide protection resulting from the state of “freedom from threats”²¹.

The term “security” can be defined both in terms of subjective (i.e., feeling and perception of threats) as well as objective (refers to real dangers without the sphere of feeling). Accepting the perception of security in both of the above mentioned aspects makes it possible for four situations to occur: (1) insecurity (the threat is real and so is perceived); (2) obsession (inadequate perception of a minor threat as great); (3) the state of false security (inadequate perception of a great threat as a small one); (4) security status (threat is insignificant, so is also seen)²². Such perception of security (i.e. subjective and objective) allows researchers to include in their work both praxeological and psychosocial issues.

The term “security” can also be understood in a multidimensional perspective. The basic safety dimensions include: (1) subjective (individual, national, international, global); (2) the subject matter (including values, means, tools); (3) processual (shaped by policies, strategies, interdependencies); (4) structural-implementation (including organizations, institutions, activities)²³. It should be noted here that in the literature of the subject, the first two dimensions (i.e. subjective and objective)²⁴ are the most important. The other (processual and structural-implementation) is merely a complement to the subjective criterion and the security dimension in question.

Security can also be understood as a certain standard of public order, enabling the state to perform its basic functions, guaranteeing territorial integrity, independence, sovereignty and sustainable development. Such security means: (1) eliminating risk factors, reducing risks, preventing risks and minimizing potential impacts; (2) preparing the environment, system and society to cope with the effects of these threats, which cannot be prevented; (3) and adequate response to the crisis; (4) the creation of

21 J. Popis, Źródła i konsekwencje zagrożeń, [in:] *Zarządzanie kryzysowe*, Vol. III, *Dylematy zagrożeń i bezpieczeństwa państwa*, Legnica 2013, p. 12.

22 D. Frei, *Sicherheit Grundfragen der Weltpolitik*, Stuttgart 1977, pp. 17–21.

23 E. Nowak, *Zarządzanie kryzysowe w sytuacjach zagrożeń niemilitarnych*, Warszawa 2007, p. 11.

24 M. Brzeziński, *Kategoria bezpieczeństwa*, [in:] *Bezpieczeństwo wewnętrzne państwa. Wybrane zagadnienia*, edited by S. Sulowski, M. Brzeziński, Warszawa 2009, pp. 33–34.

acceptable conditions for the survival of the population in difficult circumstances – including the post-disaster reconstruction process – that will make the community and the environment more resilient to the effects of similar threats in the future²⁵.

This is how security will be understood in this thesis. In the above definition, both static and dynamic nature of security can be discerned. Security in this thesis will be understood both as a state and a process of continuous, systematic action for its creation and maintenance (normative approach). It is wrong to consider the expectation that safety can be achieved in these circumstances as a result of the one-time activity of individuals, groups, states, or international communities.

Subjects of such security can be all entities having their own interests and striving for their realization. They can be single individuals, social groups, or nations, as well as international communities and the whole of humanity. Accordingly, different types of security can be distinguished: (1) individual (personal); (2) group (ancestral, tribal); (3) national (state); and (4) international (regional, global).

From the point of view of the subject matter of this thesis, it is also important to define the concept of national security. Whereas national security and state security must be considered strictly in terms of different conceptual categories, from a practical point of view, at the present stage of historical development (in the epoch of national states), they can be treated as identical²⁶. Such a state occurs in the Polish legal system – *the Constitution of the Republic of Poland dated April 2, 1997*, in which in one place the state security is used to describe the security of the state

25 J. Gołębiewski, *Zarządzanie kryzysowe w świetle wymogów bezpieczeństwa*, Kraków 2011, p. 34.

26 S. Koziej, *Bezpieczeństwo: istota, podstawowe kategorie i historyczna ewolucja*, “Bezpieczeństwo narodowe” 2011, No 2, p. 20. The concept of a nation in this thesis will be a community of people with ethnic, economic, political, social and cultural backgrounds created in the historical process manifesting itself in the consciousness of its members. This community may be in a given territory a sovereign who, by means of constitutional processes, emanates from its composition the authorities and determines their powers. These authorities represent the nation and act on behalf of the state. The nation can take legislative initiatives, make decisions by referendum, and change the authorities in certain situations.

(the Republic of Poland) and in another one – national security (e.g. the establishment of the National Security Council)²⁷.

Among the many definitions of national security presented in the literature of the subject, one deserves mentioning, in which national security is treated as the purpose of state institutions to “provide internal and external conditions conducive to the development of the state, its vital interests, and protection against existing and potential threats”²⁸. This definition implies that national security is a central task of state policy, and the goal of national security policy – the protection of the state (including the public) against real and potential internal and external threats (both military and non-military). Similarly, national security is understood by the authors of the Dictionary of national security terms (more broadly, they only cover the subject-matter of state activity). In their view, national security is “one of the key areas of state activity to ensure survival, but first and foremost the development and freedom of national interests in a particular security environment, by taking up challenges, exploiting opportunities, reducing risks and counteracting all kinds of threats to its interests”²⁹.

It should be assumed that the threat to national security is a combination of internal or external factors, in which: (1) there may be a high probability of restriction or loss of conditions to undistorted existence and internal development, or violation or loss of sovereignty of the state and its partner treatment in international relations, resulting from the use of various forms of violence – in particular political, military, economic, psychological; (2) action or sequence of events grossly jeopardize, in a relatively short period of time, the quality of life of a particular country, or has a serious threat of limiting the possibility of political choices by state authorities or non-governmental organizations³⁰. These threats in the literature of the subject are most often classified on the basis of objective criteria: political, military, economic, social and ecological³¹.

27 *Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku*, OJ. 1997, No. 78, Item. 483, art. 135.

28 *Leksykon politologii*, edited by A. Antoszewski, R. Herbut, Wrocław 1997, p. 35.

29 *Słownik terminów z zakresu bezpieczeństwa...*, p. 17. Such understanding of the term national security was accepted in this thesis.

30 E. Nowak, *Zarządzanie kryzysowe w sytuacjach...*, pp. 13–14.

31 Cf. Z. Ciekanowski, *Rodzaje i źródła zagrożeń bezpieczeństwa*, „Bezpieczeństwo i technika pożarnicza” 2010, No. 1, pp. 27–46. See also: T. Szczurek, *Resort obrony*

The political threat is understood both as a state and a process in which the intensified activity of organized social or political entities prevents the State from fulfilling its functions³². The activities of the aforesaid entities may, in consequence, lead to the overthrow of legally elected authorities. In turn, military threats include the use or threat of use by entities of international law (in particular the state) of military power, including in the form of demonstrations of force, military sabotage, military blockades, military blackmail, military provocations, border incidents, military coups, armed border clashes, military interventions, armed assaults of informal groups³³. Economic threats, on the other hand, concern the production, exchange and distribution of goods in the state and the rational use of them in order to multiply general prosperity. They may take the form of, among others. economic blockade, organized crime, or financial speculation³⁴. The social threats refer to cases of danger of loss of life and health, national and ethnic identity of particular communities and social and public safety³⁵. These include, in particular, terrorism, human rights violations and fundamental freedoms, cultural and religious prejudices, discrimination against national, ethnic, cultural, religious and linguistic minorities, gender discrimination, nationalism, chauvinism, xenophobia, social pathologies, social alienation, devaluation of human relations, brutalization of human relations, collapse of the health protection system and demographic crises. On the other hand, ecological threats are defined as such changes in the natural environment, which pose a danger to living beings or their property. The exemplification may include: uncontrolled exploitation of natural resources, large pollution of

narodowej w zarządzaniu kryzysowym w latach 1989–2009, Warszawa 2009, pp. 20 and n.

32 M. Merczyńska, *Bezpieczeństwo narodowe państwa polskiego. Uwarunkowania i zagrożenia*, „Prace naukowe Akademii im. Jana Długosza w Częstochowie. Res Polticae” 2011, Vol. IV, p. 62.

33 A. Urbanek, *Państwo jako podmiot bezpieczeństwa narodowego – ujęcie dziedzinowe*, [in:] *Wybrane problemy bezpieczeństwa. Dziedziny bezpieczeństwa*, edited by A. Urbanek, Słupsk 2013, p. 27.

34 A. Czubaj, *Miejsce jednostki we współczesnym pojmowaniu bezpieczeństwa*, „De Securitate et Defensione. O Bezpieczeństwie i Obronności” 2016, No. 1(2), p. 69.

35 M. Brzeziński, *Bezpieczeństwo społeczne z perspektywy bezpieczeństwa wewnętrznego*, „Zeszyty Naukowe WSOWL” 2013, No. 3(169), pp. 6 and n.

water, air, soil, lack of municipal and industrial waste management, violation of water relations in the environment (reversal of rivers, lack of rational forest management) leading to soil erosion, landslides and chaotic urbanization, nuclear tests, natural disasters (long drought, severe frosts, floods, fires, strong winds, earthquakes, heavy rainfall) and industrial³⁶.

In today's globalized world, all of the aforementioned threats can interpenetrate, occur singly or in complexity, and sometimes even take on avalanche character. In some situations, one type of threat can be transformed into another.

Attention to the multiplicity and variety of threats has led to a marked increase in the scope of the national security in question. While in the past it was conceived and organized exclusively in the military (military defense) aspect, nowadays – besides political, military, economic, social and environmental factors – it covers even technological or IT aspects³⁷. Absurd approach, assuming a narrow perception of national security in Poland, became apparent during the so-called “flood of the millennium” in 2007, when it was necessary to amend the *provisions of the 1967 Universal Defense Law*³⁸, to use the armed forces as the primary tool of national defense, which equated national defense with defense against military aggression³⁹.

36 Ibid.

37 Formed in the 20th century, the perception of security in the context of the threat of war is erroneous. Given the historical perspective, the greatest threats to humanity were non-military threats – particularly natural forces: natural disasters, epidemics and endemics (infectious diseases in a specific area of the globe), climate change, etc. Examples of infectious disease scales include the Spanish flu epidemic (1918–1919), which killed 21.5 million people – more than twice as much as during World War I warfare – and the plague epidemic brought in 1347 to Europe from Asia (it killed about 30% of the European population (about 25 million), which in relation to the population was more than five times the number of fatalities killed during the operations of World War II in Europe). *Obrona narodowa w tworzeniu bezpieczeństwa III RP*, edited by R. Jakubczak, Warszawa 2003, p. 52.

38 Ustawa z dnia 21 listopada 1967 roku o powszechnym obowiązku obrony Polskiej Rzeczypospolitej Ludowej, OJ. 1967, No. 44, Item. 220.

39 Ustawa z dnia 17 lipca 1997 roku o zmianie ustawy o powszechnym obowiązku obrony Rzeczypospolitej Polskiej, OJ. 1997, No. 80, Item. 495. In Article 1, the legislator introduced a provision whereby “The Armed Forces of the Republic of Poland may participate... in the fight against natural disasters, extraordinary threats to the environment and the elimination of their effects”. In addition, according to the provisions

Constant variability and unpredictability of events, as well as the consequent surprise, are the basic determinants of the functioning of the national security system. Difficult to predict changes are due both to the natural environment and to the nature of social life. The impact of the attributes of volatility, unpredictability and surprise on the national security system should be defined in the form of three theses, which assume: (1) the perception of national security as a dynamic process; (2) recognition of the theory of static perception of security as threatening national security; (3) adoption of a strategy for the active establishment (organization) of the foundations of the national security system – focused not only on responding to emerging crises, but above all on taking measures to prevent them from occurring. The whole national security system – including all its subsystems⁴⁰ – should be prepared for effective operation in the three possible states of the state: (1) the normal state in which national security entities meet their objectives in accordance with the assumptions by taking actions aimed at maintaining such a situation; (2) a crisis in which the achievement of national security objectives is disturbed by the actual loss of control over the course of events; and (3) the extraordinary situation introduced in situations of particular danger to people, their property, infrastructure, the environment and the state when ordinary constitutional measures have proven insufficient to restore “normal” status⁴¹. The national security system – as a legal and organizational system covering all state structures responsible for national security tasks – should therefore be prepared ahead of time for emerging threats and capable of rapid adaptation to take action against those that have not been previously foreseen.

of Article 1, issued on the same day, *Act amending the Police Act* to help combat natural disasters or extraordinary environmental threats may be used by soldiers of the Police Gendarmerie. *Ustawa z dnia 17 lipca 1997 roku o zmianie ustawy o Policji*, OJ. 1997, No. 80, Item. 499, art. 1: “In the event of a natural disaster or an extraordinary environmental threat, when the police forces are insufficient to perform their tasks in the field of protection of public safety and order, the Prime Minister may, at the request of the Minister of Interior Affairs and Administration, order the use of soldiers of the Gendarmerie to assist the police”.

40 In this thesis it is assumed that the national security system includes the control subsystem (authority), the military subsystem (military) and the civil subsystem (non-military).

41 E. Nowak, *Zarządzanie logistyczne w sytuacjach kryzysowych*, Warszawa 2008, pp. 41–49.

An important challenge for the functioning of the national security system is the crisis situation. This concept covers a time span with difficult to define boundaries. The term of the crisis is characterized by a state of growing destabilization, manifested as a violation of social ties, the possibility of losing control of the course of events and the escalation of the threat⁴². Analyses of many crises make it possible to conclude that the escalation of threats (which may result in a crisis) contributes to downplaying the development of events, the lack of undertaking corrective actions or the loss of control over them.

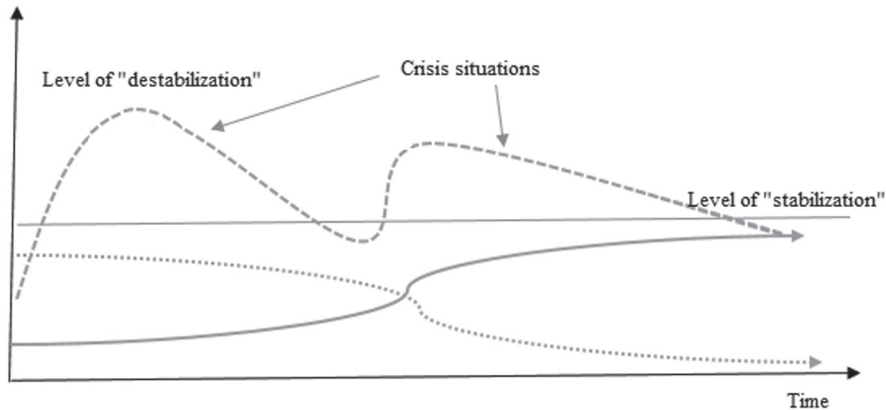
The crisis situation is conditioned by the course of many processes that close within acceptable limits (standard or stabilization). It must be assumed that a crisis situation is a state in which specific processes are going out of the stabilization zone (solutions that may be acceptable)⁴³. A new quality that goes beyond the accepted stabilization boundary will be understood as a crisis. The problem in these circumstances is to determine the level of stabilization (acceptable risk), the value of which will depend on the ability of national security actors and changes in the environment (see Figure 3). This border is determined by many factors: tradition, law, accepted norms, customs, living conditions and level of social tensions.

An analysis of many crises makes it possible to conclude the very fact that exceeding the level of stabilization by a given process is not immediately apparent (in some situations it may even be imperceptible over a long period of time). Both the beginning of the crisis as well as the climax of its phase – referred to as the crisis⁴⁴ – are difficult to determine.

42 E. Nowak, W. Kitler, *Zarządzanie kryzysowe w sytuacji klęski żywiołowej*, „Zeszyt Problemy TWO” 2006, No. 1(45), p. 30. The concept of a crisis situation can also be understood as a factor affecting the level of security of people, property in a significant size or environment, causing significant restrictions on the functioning of the competent public administration due to the inadequacy of the forces and means.

43 A. Czupryński, *Zagrożenia i kryzysy – próba kategoryzacji*, [in:] *Zarządzanie kryzysowe*, Vol. I, *Uwarunkowania teoretyczne, prawne i organizacyjne*, edited by B. Wiśniewski, B. Kaczmarczyk, Legnica 2012, pp. 56 and n. See also: Д. Димитров, Ц. Цветков, Икономическа сигурност, кризи и среда за иновации сектора за сигурност и отбрана, „Годишник на УНСС” 2014, no. 3, p. 94.

44 While in the opinion of Wiesław Otwinowski every crisis is different, yet all have some common features. He included: surprise, lack of necessary information for further action, delayed reactions, loss of control (real or perceptible), development of

Fig. 3. Placement of crisis situations in the context of the course of social processes

Source: own elaboration.

The term “crisis” can also be used to denote a situation that is a consequence of a threat that leads to a breakdown or significant weakening of social ties, while disrupting the functioning of public institutions – to the extent that the measures taken to restore order do not justify the introduction of one of the extraordinary measures provided for in the Constitution (martial law, state of emergency, state of natural disaster)⁴⁵. It can therefore be concluded from the above-mentioned definition of a crisis that the crisis begins even in peacetime, and that it ends in the peak

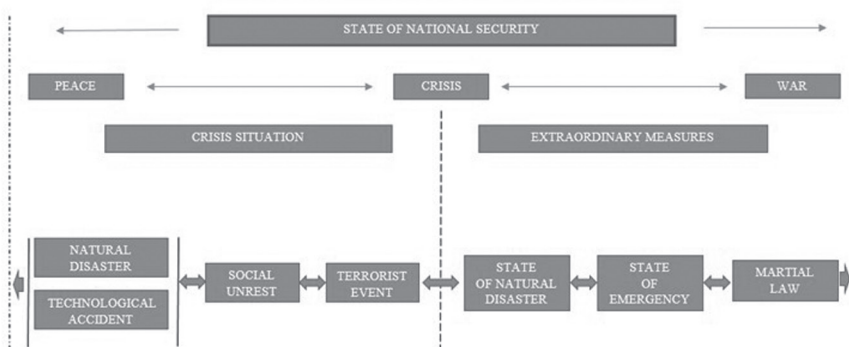
the situation, threat of vital interests, mental tension, meticulous external control exercised by the media and the public, panic, Interruption of normal decision-making processes. W. Otwinowski, *Kryzys i sytuacja kryzysowa*, „Przegląd Naukowo-Metodyczny. Edukacja dla Bezpieczeństwa” 2010, No. 2, p. 87. See also: Z. Zamiar, A. Sosnowski, *Wybrane aspekty zarządzania bezpieczeństwem państwa*, Kielce 2001, p. 46 and n.

⁴⁵ According to *Constitution*, “In situations of particular danger, if ordinary constitutional measures are inadequate, any of the following appropriate extraordinary measures may be introduced: martial law, a state of emergency or a state of natural disaster”. *Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku...*, art. 228. The issue of extraordinary measures has been regulated in three acts: *Ustawa o stanie klęski żywiołowej*, OJ. 2002, No. 62, Item. 558, as amended, *Ustawa o stanie wyjątkowym*, OJ. 2002, No. 113, Item. 985, as amended, *Ustawa o stanie wojennym oraz o kompetencjach Naczelnego Dowódcy Sił Zbrojnych i zasadach jego podległości konstytucyjnym organom Rzeczypospolitej Polskiej*, OJ. 2002, No. 156, Item. 1301, as amended. See also: J. Rogozińska-Mitruć, *Podstawy zarządzania kryzysowego*, Warszawa 2010, p. 50.

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of the crisis, when it is imperative to introduce one of the extraordinary measures to restore order (see Figure 4)⁴⁶.

Fig. 4. Placement of the crisis situation in the national security system



Source: E. Nowak, *Crisis management in situations...*, p. 20.

As can be seen from the above figure, two groups of factors may be present for the emergence of the crisis: (1) hazards caused by natural forces, including natural disasters; and (2) anthropogenic risks as a consequence of human activities, to which technical failures, social unrest and terrorist events are classified⁴⁷.

The first of the above-mentioned groups of factors – hazards caused by the forces of nature – is characterized in particular by the complexity, the variety of causal factors, the dependence on random environmental factors, the dynamic nature, the presence on a large territorial area, the variety of effects of direct threats to people, their property, environment and infrastructure, individual and unique mileage, as well as overlapping effects on the components of the environment in temporal and spatial sense. Natural disasters include: seismic shocks, intense precipitation, strong winds, long-lasting extreme or very high temperatures, fires, floods, mass pests, plant, animal and human diseases⁴⁸. The large scale of

⁴⁶ E. Nowak, *Zarządzanie kryzysowe w sytuacjach...*, p. 19.

⁴⁷ K. Sienkiewicz-Małyjurek, *Skuteczne zarządzanie kryzysowe*, Warszawa 2015, p. 26. See also: J. Gołębiewski, *Propedeuetyka zarządzania kryzysowego*, Warszawa 2015, pp. 19–21.

⁴⁸ An exhaustive list of events related to the activities of natural forces involved in natural disasters is provided in the Act. See: *Ustawa z dnia 18 kwietnia 2002 roku*

occurrence of the above-mentioned events, which may pose a threat to a significant part of the population, may give rise to a state of emergency (due to natural disaster).

In the group of anthropogenic factors, the following were distinguished: (1) technical failures – perceived as sudden, unexpected damage or destruction of industrial and municipal facilities, transport devices, buildings and others (their characteristic feature is that they can be caused by several different events occurring simultaneously); (2) social unrest – the consequences of an internal political crisis (caused by e.g. corruption, electoral fraud or lack of effective crisis management), economic (caused by e.g. high levels of unemployment, pauperization of society or the presence of organized crime), social (caused e.g. by discrimination of national, ethnic, linguistic or linguistic minorities, or weakness of the health system) or local external threats (understood as, inter alia, internationalization of internal conflicts, interventions in the internal affairs of a given country or major environmental pollution)⁴⁹; (3) terrorist attacks – perceived as a threat or use of force or violence directed against natural persons, utilities, critical infrastructure facilities or means of public transport to achieve a specific political purpose⁵⁰.

It should be emphasized that various parameters are taken into account during the analysis of crises. One of the most commonly used – in the context of the need to timely launch reaction procedures – is the ruthlessness of the crisis as a probability of the occurrence of the ad-

o stanie klęski żywiołowej, OJ. 2002, No. 62, Item. 558, art. 3, para. 1, p. 2. It is apparent from natural law that natural catastrophes include, in particular, events related to the operation of natural forces such as atmospheric disturbances, seismic shocks, strong winds, intense precipitation, extreme temperatures, landslides, fires, droughts, floods, ice phenomena on rivers and oceans, lakes and water bodies, mass pests, plant or animal diseases or infectious diseases of humans, or the action of another element.

49 It should be noted that social unrest can take the form of strikes, demonstrations and other methods of social protest.

50 G. Wilk-Jakubowski, *Nowe formy terroryzmu międzynarodowego*, [in:] *Bezpieczeństwo RP w wymiarze narodowym i międzynarodowym*, edited by M. Marszałek, G. Sobolewski, T. Konopka, A. Cyran, Kielce 2012, pp. 71–82. See also: K. Liedel, *Terroryzm – charakterystyka zjawiska*, [in:] *Zarządzanie kryzysowe*, Vol. II, *Diagnoza rozwiązań praktycznych w zakresie bezpieczeństwa wewnętrznego*, Legnica 2012, p. 56 and n.

verse event (threat) and the expected size of its impact⁵¹. The predicted ruthlessness of the crisis influences the assessment of the ability to react and predict the inconvenience of the effects of a particular threat to the population. It also determines the scope and scale of organizational and technical arrangements to meet the requirements of rational response. It may also be a stabilizer for political decision-making in system solutions (e.g. reducing or increasing the ability to respond to selected threats, optimizing preparation, forecasting financial expenditures, launching provisions)⁵².

In conclusion, crises – caused by both anthropogenic factors and natural forces – should be regarded as a permanent element of the national security system enabling development (understood as the emergence of quantitative and qualitative changes in the existing system)⁵³. Crises are the consequence of the lack of adequate response to the development of crisis situations. They appear as a result of a fundamental violation of the balance or excessive interference in the system. As a result of the crisis, there are disturbances in the functioning of the various components of the system, the lack or delayed activation of systems detecting and correcting emerging crises. Each crisis requires the implementation of pre-prepared legal norms, procedures, programs and actions. In these circumstances, it is rational to create effective self-regulatory mechanisms that are the domain of crisis management.

51 Both of these variables are predicted – they refer to the future. Therefore, there are errors in the forecasting that result both from the quality of information held and the approach of the personnel to the threat. Deviations from the predicted value of the crisis parameter are due to the need to obtain information from a number of sources that may be incomplete (fragmentary) or considered to be unreliable – even when the first signs of a threat occur. They are also determined by the level of professionalisation (depending on their knowledge, skills, social competencies). It should be noted that the value of the variables that contribute to the ruthlessness of the crisis may change, provided that more and more reliable information is obtained, based on more accurate analyses of the situation and the improvement of the competence of the staff.

52 There are other parameters of the crisis, such as: (1) intensity – measured by the quality and size of the resources used in the response (as opposed to the ruthlessness of the crisis – this factor is determined after the fact) and (2) violence – understood as an assessment of the course of events for damage and losses.

53 R. Wróblewski, *Zarys teorii kryzysu*, Warszawa 1996, p. 10.

1.2 Concept of crisis management system

The starting point for defining the concept of crisis management is to present the meaning of the terms: system and management system.

The first of the aforementioned notions – the system – in the literature of the subject has an extremely broad meaning, which depends to a large extent on the context of the analyses carried out⁵⁴. Biologist considered the creator of the so-called general theory of systems – Ludvig von Bertalanffy – treated the system as a “whole consisting of parts that were in a state of interaction”⁵⁵. Likewise, this term was understood by Peter Michael Senge⁵⁶. On the other hand, Leszek Krzyżanowski wrote about the system using the term “set of elements (...) distinguished in any object (...) because of the relationship between them (...) expressing some sort of arrangement”⁵⁷. “This approach has specific consequences. First and foremost, the existence of a set in which certain relationships occur is a necessary but insufficient condition to create a system. Essentially, this part of the concept is associated with the ordering of the set – hence only some subsets of elements turn out to be subsystems. From the foregoing conclusion, it emerges that different systems can be represented by specific scheduling relationships (allowing the subsystems to be isolated and described).

The above definitions do not take account of the relationship between the system and the environment. Such conceptual understanding of the system has both positive and negative sides. On the one hand, it enables the definition of systems with not clearly defined boundaries; on the other hand, it is omitted that the system is separated from the environment – defined as elements not belonging to it but related to them⁵⁸.

54 J. Woźniak, P. Zaskórki, *Systemowe aspekty projektowania i doskonalenia organizacji oraz kształtowania jej bezpieczeństwa*, [in:] *Projektowanie i doskonalenie organizacji w aspekcie jej bezpieczeństwa i usprawnienia procesów informacyjno-decyzyjnych*, edited by J. Woźniak, Warszawa 2015, p. 99 and n.

55 L. von Bertalanffy, *Ogólna teoria systemów. Podstawy, rozwój, zastosowania*, Warszawa 1984, p. 48.

56 P. M. Senge, *The Fifth Discipline – The Art and Practice of the Learning Organization*, New York 1991, p. 122.

57 L. Krzyżanowski, *O podstawach kierowania organizacjami inaczej*, Warszawa 1999, p. 188.

58 M. Bielski, *Podstawy teorii organizacji i zarządzania*, Warszawa 2004, p. 20.

The essence of the system for Hubert Witczak is three conceptual categories: system, environment and universum (universe)⁵⁹. The observer located in the universe – in order to know its fragment – specifies the object of his cognitive interest, calling it a system, while all the elements located outside of it are called ambient. Labeling system boundaries is a difficult task because of the variability of the universe and the relationships that exist between the elements of the set. These features of the system were also taken into account by Horst Steinmann and Georg Schreyögg. By defining the system as a unit of action, they pointed to “the need to overcome complexity and environmental variability (...) by creating their own structures that enable the system to deal with its relations with the environment”⁶⁰. The definitions given above allow us to assume in this work that the system is a fragment of the surrounding reality, having an internal structure, and therefore consisting of parts arranged in accordance with established rules defining their mutual relations.

On the other hand, the management system – the second of the previously mentioned concepts – is “a hierarchical superstructure of the executive hierarchy and is composed of management posts, decision-makers and specialized cells and organizational positions focused on identifying and resolving managerial tasks”⁶¹.

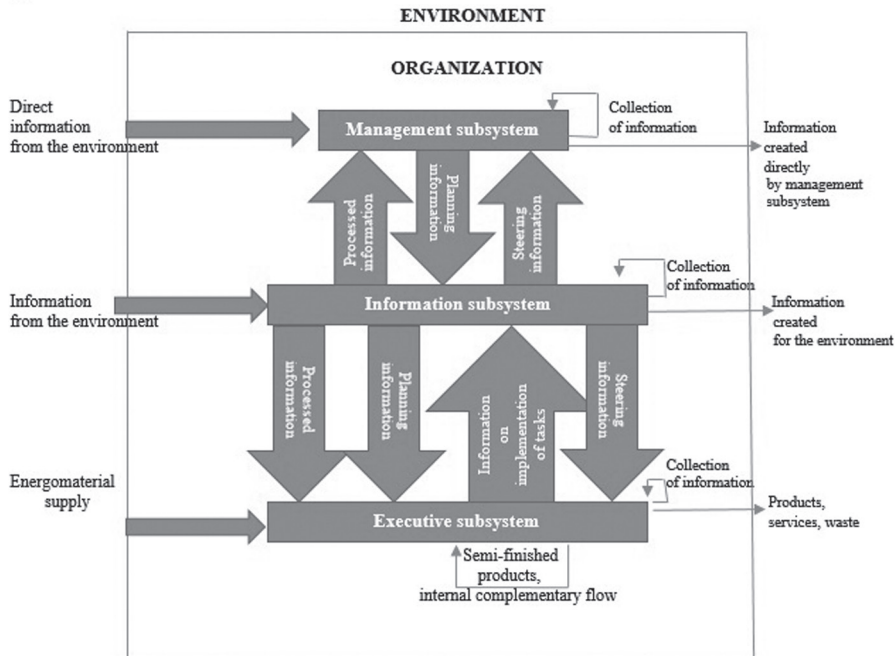
The management system in this thesis will be understood as an integral subsystem of the organization, “consisting of a set of management factors and their properties that allow organizations to continually adapt to changing environmental conditions”⁶².

59 E. Urbanowska-Sojkin, P. Banaszyk, H. Witczak, *Zarządzanie strategiczne przedsiębiorstwem*, Warszawa 2004, pp. 23–34.

60 H. Steinmann, G. Schreyögg, *Zarządzanie. Podstawy kierowania przedsiębiorstwem, koncepcje, funkcje, przykłady*, Wrocław 1995, p. 42.

61 *Współczesne kierunki rozwoju nauk o zarządzaniu w kontekście dokonań naukowych Profesora Adama Stabryły*, edited by H. Bieniok, Kraków 2014, pp. 137–138.

62 M. Tarnowska, *Organizacyjne uwarunkowania sprawności wdrażania systemu kompleksowego zarządzania jakością w przedsiębiorstwach przemysłowych*, Poznań 2009, p. 15.

Fig. 5. Location of management subsystem in organization

Source: own elaboration.

The so conceived organization consists of the following subsystems (see Figure 5): (1) management subsystem, which is responsible for analysing the environment and interior of the object, and making decisions relating to goals and missions and the ways and programs of their implementation (adjustment is made by modifying the appropriate stimuli resulting in the alignment of the deviations from the established targets); (2) executive subsystem – implementing tasks defined by the management subsystem (its task is to process resources and deliver services); (3) information subsystem – an ingredient necessary for the efficient functioning of the organization because the exchange of information is a prerequisite for proper interaction (the information system aims to meet the information needs of decision-makers – they must have access to the information they need to make the right decision)⁶³.

⁶³ Т. Иванов, Мениджмънт на сигурността и отбраната, София 2009, р. 75 and n.

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Such an organization is an open system. It engages in exchanges with the environment: the organization's products or services are adopted by the environment, which in turn supplies the organization with energy factors that enable it to continue or expand its business. In an effort to develop – the organization must anticipate changes in the environment, adapting to its needs and requirements⁶⁴.

Crisis management – on a systemic basis – is also seen as an open system that communicates with the environment through “inputs” and “outputs”. You can distinguish two aspects of this approach. In the first of these – the so-called “black box method” – the attention of researchers is focused on the relationships between organizations and the environment (bypassing intranet processes). In the second case, the so-called “transparent box method”, the researchers focus on analysing the interior of the system and its mechanisms, bypassing the processes taking place in its environment.

This understanding of the crisis management system makes it possible to carry out research into: (1) the location of the crisis management system at different levels of administration, taking into account the different organizational and social dimensions; (2) the objectives and boundaries of the crisis management system; (3) the nature of crisis management in terms of an open system that operates on different, interdependent and integrated levels of management, which consists of a variety of elements and processes within the network of interrelated and diverse connections; (4) the behavior of a crisis management system sensitive to the diverse influences that cause changes in its functions, components and interactions⁶⁵.

Crisis management on a systemic basis can also be understood as a rational, multi-dimensional system of activities of people undertaking activities at several levels of administration, embedded in society and jointly with it, subject to development processes, interacting with other service organizations designed to perform specific functions that the fulfillment is associated with: (1) the arrangement of individual, group

64 A.K. Koźmiński, *Organizacja*, [in:] *Zarządzanie. Teoria i praktyka*, edited by A.K. Koźmiński, W. Piotrowski, Warszawa 2002, pp. 31–32.

65 J. Ziarko, J. Walas-Trębacz, *Podstawy zarządzania kryzysowego. Zarządzanie kryzysowe w administracji publicznej*, Kraków 2010, p. 117.

and social values, norms and symbols that constitute a single and public order (understood as a set of mechanisms that determine the direction and manner of human activity), which give rise to certain attitudes, motivations, creating conditions that protect human existence; (2) unitary and group activity triggering the appropriate forces and means to achieve a specific quality of action (understood as procedures and practices that maximize the use of resources and opportunities) through which individuals or organized groups of people (usually within the institution) recognize, fight, struggle and overcome threats caused by the forces of nature or human activities)⁶⁶.

In the above-mentioned definitions crisis management is understood as an extremely extensive and complex research area in which the normative and active aspects can be distinguished. Such an approach to the analysis of the crisis management system allows both the presentation of its legal conditions (understood as norms or values) and the actions taken by the legitimate entities.

For the purposes of this thesis, it has been adopted, by analogy with the structure of the management system, that the crisis management system is to be understood as “internally coordinated and creating a whole, dynamically developing the three essential subsystems (management subsystem, subsystem of information links within the organization, subsystem of methods and activities, that is the rules of functioning of the organization), which together carry out one essential goal: to reduce the impact of crisis factors on the functioning of the organization and, if so, minimize their impact and effects”⁶⁷.

The above definition implies that three basic subsystems can be defined in the crisis management system: (1) management subsystem (also referred to as the management apparatus), which consists of separated central and local public administration bodies (both governmental and local governmental), management business organizations, utility companies and non-governmental organizations; executive committees of executive units implementing specific procedures (e.g. state and volunteer fire departments, emergency services, services and inspections

66 Cf. J. Ziarko, *Uwagi o przedmiocie nauki o bezpieczeństwie*, „Problemy bezpieczeństwa” 2007, No. 1, p. 98.

67 E. Nowak, *Zarządzanie kryzysowe w sytuacjach...*, p. 46.

in the security and public order system); (2) intranet information subsystem within the organization that performs tasks such as delivering decision support messages, providing communication between the various components of the organization, meeting the needs of the subordinate executive subsystem and the environment; (3) the subsystem of methods and activities consisting of organizational and information resources (in particular, codified organizational knowledge resources, sets of decision-making and commanding procedures, interaction and cooperation, and material and technical resources necessary for their use) and instruments that allow continuous, direct or indirect impact on a crisis management facility⁶⁸ (including rights and obligations under international and national laws and agreements and crisis management agreements and contracts).

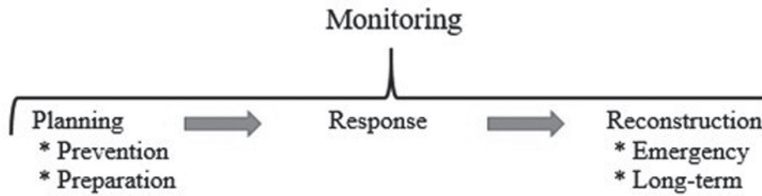
The crisis management system in question is part of a broader national security management system, which aims to provide conditions for the survival and development of the state (including its elemental parts) in all aspects of its operation.

1.3 Crisis management in the context of universal security management

Crisis management is a special kind of management in general. Its atypicalness is due to the fact that the rate is the life and health of the people, the protection of their property and the environment in which they exist. For this reason, the crisis management system – ready to respond to emerging threats and capable of eradicating them – should be regarded as one of the most important elements of the universal security system.

Based on experience in economic sciences, a model crisis management process has been developed, which has been transferred to the level of general security (Figure 6).

⁶⁸ Crisis management includes the public (both individuals and large social groups), rescue and firefighters (broadly understood as all entities authorized to take action in the field of emergency response) and elements of the economic and natural environment.

Fig. 6. Model crisis management process

Source: own elaboration.

This model consists of four phases⁶⁹.

The first is planning. It consists of two sub-phases: prevention and preparation. Preventive measures are taken in the sub-phase of prevention, eliminating or reducing the possibility of a crisis, such as the mapping of risk areas, construction of technical equipment (including dams, water barriers, reservoirs), inventory organization, in the area of crisis management, as well as the development of the warning and alarm system. In turn, preparation is understood as planning how to respond to anthropogenic threats such as technical failures, social unrest, and terrorist or natural-occurring hazards. This sub-phase also includes actions to increase the resources, forces and measures needed to respond effectively in the event of a crisis (e.g. public education, service training, or the provision of a population information system)⁷⁰. In this stage, non-technical activities are carried out properly, which can significantly minimize the effects of the incident, reduce losses and restore the conditions necessary for normal operation in a shorter time⁷¹.

The second phase of crisis management is the response⁷². This phase is conceived as the most readable in the crisis management process. In response, the system performs the task of managing the crisis as efficiently

69 In some countries – as in the Netherlands – in the model crisis management process there is another separate stage, proactive actions understood as structural preparation in the area of special care, planning and risk assessment (example may be a ban on floodplain construction).

70 C.W. Nowak, *Systemy informatyczne wspierające zarządzanie kryzysowe*, „Przedsiębiorczość i zarządzanie” 2009, Vol. 10, No. 6, p. 7.

71 R. Grocki, *Zarządzanie kryzysowe. Dobre praktyki*, Warszawa 2012, p. 43.

72 Two successive phases: response and reconstruction – include the stage of implementation of crisis management.

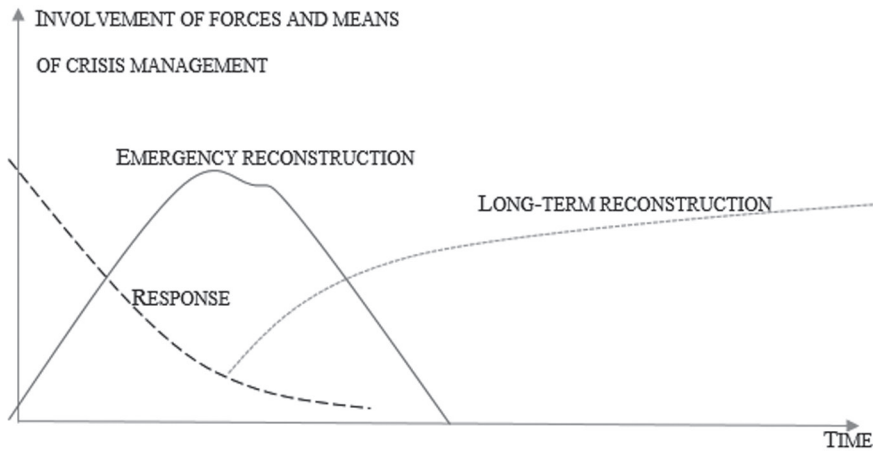
as possible through appropriate disposition of forces and resources. The activities undertaken in this phase include both halting the development of threats, providing assistance to the victims and limiting the extent of damage by coordinating rescue and security measures – in particular the isolation of the threatened area, the search for and removal of victims from the threat zone, giving them the first aid, maintaining order and protect the property of people while carrying out rescue operations, as well as evacuate people from areas recognized as endangered and provide the basic conditions necessary to survive. The quality and effectiveness of this crisis management phase depends on the level of readiness achieved in the earlier phase (ie planning).

The next phase of crisis management is reconstruction – which is still underway during the response phase (many of the projects are implemented in parallel). It consists in restoring the functioning of all elements of the system. At this stage you can distinguish two subphases: temporary and long-term reconstruction. While in the case of the first phase the focus is primarily on restoring the state's primary functions of the system⁷³, in the second, the activity includes reconstruction of destroyed infrastructure (in particular telecommunications, energy, transport, water and sewage), which will contribute to increase the level of preparation of crisis management entities in case of recurrence of a similar situation⁷⁴. Due to the nature of the tasks performed during this phase – it usually lasts the longest (it can last for months or even years)⁷⁵. The experiences of countries affected by major crises make it possible to conclude that international assistance is essential in this phase, which enables the construction of a new, safer reality for the people and the environment.

73 This phase is subject to minimum acceptable quality assurance standards. Cf. G. Wilk-Jakubowski, *Logistic Management in Crisis Situations*, "Vadyba. Journal of Management Lietuvos Verslo Kolegija" 2014, No. 1(24), p. 72.

74 Long-term restoration is a continuation of temporary rehabilitation, but its implementation is already taking place after the endangered life, health and property of people or the environment.

75 G. Wilk-Jakubowski, *Zarządzanie logistyczne w sytuacjach kryzysowych na przykładzie organizacji zabezpieczenia logistycznego po katastrofie budowlanej w Chorzowie*, [in:] *Blisko obywatela. Bezpieczeństwo i zarządzanie kryzysowe na poziomie lokalnym*, edited by W. Saletra, A. Zagórska, Kielce 2016, p. 252.

Fig. 7. Modeling of the phase of reaction and reconstruction

Source: own elaboration.

The last phase to be analysed in this thesis is monitoring as a process of systematic observation of anti-crisis measures aimed at continuous correcting decisions. Monitoring – in the face of the fact that any crisis situation contributes to uncovering the imperfections in the relationships between the various elements of the crisis management system – enables it to gradually increase its effectiveness⁷⁶.

The analyses carried out in this chapter show that: (1) security is the primary, existential necessity of individuals, social groups and states, and a certain standard of public order that enables the state to perform its basic functions (in particular guaranteeing territorial integrity, sovereignty and sustainable development); (2) security is a central task of state policy, and that the goal of national security policy – protection of the state (including the public) against threats – both military and non-military; (3) the increase in the multiplicity and diversity of real and potential threats caused by the forces of nature and human activities determines the need to adopt a strategy for the active establishment (organization) of the foundations of the national security system – focused not only on responding to emerging crises, but above all on taking measures to prevent them from occurring; (4) the whole national security system should be

⁷⁶ A. Kurkiewicz, *Zagadnienia wstępne*, [in:] *Zarządzanie kryzysowe w samorządzie. Podstawy organizacyjno-prawne*, edited by A. Kurkiewicz, Warszawa 2008, pp. 20–21.

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prepared for effective operation in the normal state (in which the national security entities pursue goals as intended by taking actions aimed at maintaining such a situation), in crisis (when the achievement of goals by national security entities is impeded by the actual loss of control over the course of events) and in an extraordinary state (introduced in situations of particular danger to people, their property, infrastructure, environment and state when ordinary constitutional measures prove insufficient to restore “normal situation”); (5) crisis situations – understood as all factors generally affecting the level of security of people, large size property or the environment, causing significant limitations on the action of the competent public administration, due to the inadequacy of its forces and means – must be regarded as a permanent element of the national security system enabling its development; (6) failure to respond appropriately to crisis situations contributes to the escalation of the threat and the culmination of its crisis phase, there is a disturbance in the functioning of the national security system manifested by the break or significant weakening of social ties and the inability of the public institutions to achieve their objectives; under these circumstances, it is necessary to create effective self-regulatory mechanisms to prevent, detect and correct crises, based on pre-established legal norms, procedures, programs and activities – i.e. activities that are the domain of a crisis management system; (7) crisis management system is an internally coordinated and integrated, dynamic development of the three core subsystems (management subsystem, intra-organization communication subsystem, method and activity subsystem), which together achieve one single goal: reducing the impact of crisis factors on the functioning of the organization; if they occur – to minimize their impact and effects; (8) based on experience in the field of economic sciences, a model approach to the crisis management process (which includes phases such as planning, response, reconstruction and monitoring) has been developed, which can be transplanted to universal security.



Chapter 2

Normative dimension of organization of crisis management system in the Third Republic of Poland

The aim of this chapter is to present the normative dimension of organization of the crisis management system of the III RP. The analysis of the provisions of the most important source of law in Poland, the *Constitution of the Republic of Poland dated April 2, 1997*, will be the starting point. It should be stressed that this document sets out the principles and norms applicable in the state in all areas of human life – including in the sphere of security and crisis management in broad terms. In the next part of the thesis I will present legal solutions related to the organization of the crisis management system in the III Republic. The analysis will cover, inter alia, legal acts regulating the issues of crisis management such as the *1997 Government Administration Act*, the *Crisis Management Act of 2007* and the *Act amending the Crisis Management Act of 2009*⁷⁷ (concerning the last two acts of the investigation will also apply to their projects submitted to the Marshal of the Sejm (Parliament)). The second part of this chapter will present the research problem of the organization of the crisis management system in the III Republic of Poland – created on the basis of the existing civil protection system in Poland. Priority will be given to the competencies of national crisis management bodies, such as the Government Crisis Management Team, the Government Security Center, crisis management teams and centers operating within individual ministries and central governmental bodies. In the further part of the

⁷⁷ Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy o zarządzaniu kryzysowym, OJ. 2009, No. 131, Item. 1076.

study, the research will cover the competences of entities functioning at the lower levels of the administrative division of the country: voivodeships, organizational units competent in crisis management matters in voivodeship offices, voivodeship teams and crisis management centers – at the level of voivodeship, starosts, organizational units competent in crisis management in powiat starosts and in powiat teams and crisis management centers – at powiat level, as well as mayors, provosts of towns, city presidents, organizational units competent in crisis management in municipal (or city) offices and communal (or city) crisis management centers at the municipality level.

2.1 Normative bases of organization of crisis management system in the Third Republic of Poland

The most important source of law in Poland is the *Constitution of the Republic of Poland dated April 2, 1997*. In line with the provisions of Article 5 of this legislation, “the Republic of Poland (...) shall ensure freedom and human and civil rights and the security of citizens, protect national heritage and ensure the protection of the environment, guided by the principle of sustainable development”⁷⁸. According to this legal regulation, one of the tasks of the state (public authority) is to provide citizens with a safe, secure and healthy life. Referring to the analysis of the *Constitution* in the area of crisis management, it is the principle that expresses the fundamental constitutional value, which is a model for all other legal norms – especially those relating to crisis management. According to this article, public authority is to provide citizens with security while respecting their rights and freedoms. In turn, in accordance with Article 7 of the *Constitution*, “public authorities operate on the basis of and within the limits of the law”⁷⁹. This rule (called legalism) obliges all bodies – including those obliged to conduct crisis management activities – to

⁷⁸ Ibid., art. 5. The duty of the State to ensure the security of citizens – by its explicit formulation in the first chapter of the *Konstytucja* – has been elevated to the rank of one of the most important tasks of the state. Cf. *Polskie prawo konstytucyjne*, edited by W. Skrzydło, Lublin 2009, p. 128.

⁷⁹ *Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku...*, art. 7.

show legitimacy in taking any action. Article 38 of the *Constitution* should also be addressed in the area of crisis management, which states that “the Republic of Poland shall provide every man with legal protection of his life”⁸⁰. It should be stressed that crisis management is aimed at such protection of life, by planning and carrying out rescue operations in places of disasters, natural disasters and other events endangering people’s lives, health and property. To sum it up, the *Constitution*, as a legislative act of paramount importance, has the power to protect citizens’ lives, health and property, as well as the preservation of national heritage⁸¹ (also in the event of a crisis), imposing on the public authorities the obligation to realize those values⁸².

It should be noted that until 1997 the issues of the protection of life, health and property of people and the environment in Poland in the context of the crisis management system were regulated only by civil legal acts issued during the period of functioning of the Polish People’s Republic. The basic framework of this system was defined by *the Act of 21 November 1967 on the Universal Duty of defending the Republic of Poland*⁸³. This legal status was maintained until 1997. Tragic floods in 1997 revealed the shortcomings of the existing legal solutions⁸⁴. In the following years, new legal and organizational solutions were proposed.

Of particular importance in this context is *the Law on Government Departments* where the head of the Interior Department, in particular the protection of security and public order, civil protection, fire protection and the prevention of natural disasters and other similar events threatening universal security, have been entrusted to the minister in charge

80 Ibid., art. 38.

81 Ibid., art. 5, 74, 76.

82 Ibid., art. 68, 74, 146.

83 *Ustawa o z dnia 21 listopada 1967 roku o powszechnym obowiązku obrony Rzeczypospolitej Polskiej*, OJ. 1967, No. 44, Item. 220. This act was amended by *Ustawa z dnia 25 października 1991 roku o zmianie ustawy o powszechnym obowiązku obrony Polskiej Rzeczypospolitej Ludowej oraz niektórych innych ustaw*, OJ. 1991, No. 113, Item. 491.

84 Since 1st January 1997 the issue of civil defense has been within the competence of the Minister of Internal Affairs and Administration. Earlier decisions on civil defense issues were made by the Minister of National Defense. Cf. *Ustawa z dnia 21 czerwca 1996 roku o urzędzie Ministra Spraw Wewnętrznych i Administracji*, OJ. 1996, No. 106, Item. 491, art. 3.

of internal affairs⁸⁵, who was obliged to initiate and develop government policies in this field, and to submit initiatives in the field of drafting legislative acts and draft normative acts to the Council of Ministers⁸⁶. The minister responsible for internal affairs is responsible for both the implementation of government policy and the coordination of its implementation (by organs, offices and organizational units that are subordinate to or supervised by the government) within the scope of his department. By exercising his powers, in 1998, the Minister of Internal Affairs and Administration set up a Crisis Response Team to coordinate actions to prevent and combat natural disasters as well as human-induced disasters and their effects (12 April)⁸⁷ and the Office for Management Crisis and Population Protection (26 November), which was to serve the Head of Civil Defense of the Country. The legal form of the appointment of the last mentioned office raises objections – in line with the law in force in Poland, the office could only be appointed by way of a law and not by a ministerial decision⁸⁸.

It should be noted that, due to political disputes, all bills that were considered by the Sejm (Parliament) before 2007 have not been valid. This applies both to *the government's draft law on civilian readiness and civilian crisis management in the time of peace* submitted to the Marshal of the Sejm, Maciej Płażyński by Jerzy Buzek on April 18, 2000 (not implemented due to the presidential veto)⁸⁹, *the parliamentary draft law on citizen*

85 Ustawa z dnia 4 września 1997 roku o działach administracji rządowej..., art. 29, para.

1. At a later stage – in 2002 – under *ustawa o zmianach w organizacji i funkcjonowaniu centralnych organów administracji rządowej i jednostek im podporządkowanych oraz o zmianie niektórych ustaw* in the Interior Department, supervision over mountain and water rescue and supervision over the activities of the Police, The State Fire Service, the National Civil Defense, the President of the Office for Repatriation and Aliens, the National Criminal Information Center and the Office of Government Protection. Cf. *Ustawa z dnia 1 marca 2002 roku o zmianach w organizacji i funkcjonowaniu centralnych organów administracji rządowej i jednostek im podporządkowanych oraz o zmianie niektórych ustaw*, OJ. 2002, No. 25, Item. 253, art. 52.

86 Ustawa z dnia 4 września 1997 roku o działach administracji rządowej..., art. 34.

87 In the same year, the Interdepartmental Crisis Management Group was established at the level of the Council of Ministers.

88 Formally, the Office was liquidated on April 15, 2000.

89 Rządowy projekt ustawy o gotowości cywilnej i cywilnym zarządzaniu kryzysowym w czasie pokoju, print No. 1861 of April 18, 2000.

safety and crisis management on April 30, 2004⁹⁰, *the governmental draft law on crisis management* submitted to the Marshal of the Sejm, Włodzimierz Cimoszewicz by Marek Belka on April 26, 2005⁹¹ (these projects were considered jointly only at first reading – in line with the principle of discontinuance of parliamentary work, they were not forwarded to the Sejm for the next parliamentary term) and *the parliamentary draft law on the security of citizens and crisis management* passed to the Marshal of the Sejm, Marek Jurek (the project was rejected at first reading)⁹².

The first draft law on crisis management matter was submitted on 27 June 2006 by Prime Minister – Kazimierz Marcinkiewicz⁹³. In his works he was supported by the solutions proposed in the earlier submissions to the Marshals of the Sejm – an exemplification is the establishment of a central organizational unit responsible for coordination of crisis management (Government Security Center, Government Crisis Coordination Center) and provisions on critical infrastructure protection. The justification for this project clearly expressed the need to enact a new, self-regulating legal norm regulating the functioning of the crisis management system⁹⁴. Although, the rules of public administration in the so-called normal situations and extraordinary states were defined in the applicable legal order, there was a lack of legal norms regulating these entities in crisis situations (increasing threats)⁹⁵. As a result of the enactment of this law by the Parliament, it was necessary to establish the tasks performed by the competent authorities for undertaking crisis management activities and to develop a catalog of the rules of their operation. It was believed that the maintenance of professional crisis management structures capable of addressing these threats would allow for preventive elimination of their sources, efficient co-operation in their elimination and rapid removal of the effects of such

90 *Poselski projekt ustawy o bezpieczeństwie obywateli i zarządzaniu kryzysowym*, print. No. 2953 of April 30, 2004.

91 *Rządowy projekt ustawy o zarządzaniu kryzysowym*, print No. 3973 of April 26, 2005.

92 *Poselski projekt ustawy o bezpieczeństwie obywateli i zarządzaniu kryzysowym*, print. No. 805 of March 23, 2006.

93 *Rządowy projekt ustawy o zarządzaniu kryzysowym*, print. No. 770 of June 27, 2006.

94 J. Morwiński, *Opinia prawna z dn. 9 listopada 2006 roku dotycząca projektu ustawy o zarządzaniu kryzysowym* (parliamentary print No. 770).

95 *Uzasadnienie do projektu ustawy o zarządzaniu kryzysowym*, parliamentary print No. 770, p. 2.

events. The necessity of passing the project was also justified by the results of the audit carried out by the Supreme Chamber of Control in the interior ministry and the administration. The institution reported, inter alia, the need to make efforts to develop coherent legal arrangements governing the functioning of the emergency response system, and to provide the financial means necessary to organize this system and to ensure that it can operate in the future⁹⁶.

The Crisis Management Act was passed on April 26, 2007. It created the legal basis for the functioning of the crisis management system in the event of threats that require action – primarily from the public administration and the Armed Forces of the Republic of Poland – in situations that do not fulfill the requirements for the introduction of one of the extraordinary states envisaged in the *Constitution*, but require the implementation of special mechanisms to ensure effective monitoring of threats and take action to eliminate or significantly reduce them. The law defined both the concept of crisis, crisis management and civilian planning. The first of the listed terms was to be understood as “a situation that is a consequence of a threat and which results in a breakdown or a serious breach of social ties while severely disrupting the functioning of public institutions, but to the extent that the means necessary to ensure or restore security do not justify the introduction of any of extraordinary states”⁹⁷. On the other hand, under the concept of crisis management according to the legislator, it was understood that “the activities of the public administration bodies, which are part of national security management, consist in the prevention of crisis situations, preparing them to take control over planned actions, responding to crises and restoring infrastructure to re-establish its original character”⁹⁸. However, civilian

96 In the post-control conclusions it was stated that “actions undertaken by governmental administrations did not lead to the creation of an integrated rescue system of the country, primarily because there were no legal regulations establishing the organization and functioning of the system during the period under consideration”. Cf. The Supreme Chamber of Control, *Informacja o wynikach kontroli przygotowania administracji zespolonej do dzialań w sytuacjach kryzysowych*, Warszawa 2003, pp. 4 and 12.

97 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 3.

98 *Ibid.*, art. 2. See also: A. Kos, A. Hromadskyi, *Crisis management in case of functioning of public administration units*, “Globalization, the State and the Individual” 2017, No 1 (13), pp. 40 and n.

planning was understood as a whole of crisis management planning – mainly consisting in the development of plans (including, in particular, crisis response plans) and programs aimed at making best use of the resources available in the situations of threats and the prevention of their occurrence, preparation for taking control over them, as well as crisis response and restoration of infrastructure and re-establishing its original character. Civil planning also refers to the sphere of design of the Armed Forces of the Republic of Poland in the event of their use and the use of the Armed Forces of the Republic of Poland to carry out crisis management tasks⁹⁹.

The law provides for the need to create crisis response plans at national, provincial, district and municipal levels. These plans should consist of the following parts: (1) the main plan – containing the hazard characteristics together with the risk assessment of their occurrence, the description of the forces and measures taking into consideration the prospects of their use, analysis of the functioning of the public administration (including effectiveness and eventual use in emergency situations), predicted variants of crisis actions and indication of plan update mode (including functional attachments); (2) crisis response procedures, including, in particular, risk monitoring tasks, the launching of resources needed to address the hazards, the initiation of actions in the emergency response plan and the rules for interventions, and methods for reducing the extent of losses and the elimination of hazards; and (3) functional Annexes specifying in particular: the manner of operation of entities performing crisis management tasks (referred to in the Act as standard operating procedures), the organization of communications between those entities, the organization of the hazard monitoring, alarming and alerting system, the rules for informing the population of hazards and how to deal with emergencies and planned ways of conducting evacuation from threatened areas, organization of social and medical care, scope and forms of protection against radiation¹⁰⁰, biological and chemical hazards, list of contracts and agreements entered into for the implementation of the tasks set out in the

⁹⁹ Ibid., art. 3.

¹⁰⁰ The organization of protection in case of radiation hazards should be defined in the form of functional attachments only in emergency plans prepared at national and voivodeship levels.

crisis response plan, as well as the principles and procedures for assessing and documenting the damage.

In addition, the law provides for the need to develop critical infrastructure protection plans¹⁰¹ at national and provincial level. These plans should consist of: (1) a list of critical infrastructure objects and systems; (2) hazard characteristics for critical infrastructure and the likelihood of their occurrence; (3) an analysis of resources that can be used to protect critical infrastructure; (4) types of activities in the context of threats or disruptions of critical infrastructure operations; (5) variants of critical infrastructure restoration; (6) principles of Public Administration co-operation with owners of critical infrastructure facilities, installations or equipment, with respect to the provision of information; (7) an indication of the dates and mode of updating the plan. It should be noted that for all of the above-mentioned plans it was obligatory to update them at least once every two years¹⁰².

The entry into force of the bill has created a normative framework for crises management that will steer and co-ordinate anti-crisis measures in the event of a variety of threats – occurring both nationally and in part. The problem was, however, that in the legislated law the government did not have the time to issue a single executive act. Implementation of the crisis management system – due to the loss of power by the Law and Justice party – has become a duty of the coalition government (the Civic Platform party and the Polish Peasant party), which, despite criticizing these solutions, has stepped up their partial implementation in

101 The concept of critical infrastructure in accordance with the provisions of the *Crisis Management Act* means systems and their associated functionally related facilities (including buildings), equipment, installations, services essential to the security of the state and its citizens and ensuring the smooth functioning of the public administration, as well as institutions and entrepreneurs. Critical infrastructure in the law includes the following systems: energy and fuel supply; telecommunications networks and links; financial; food and water supply; health protection; transport and communication; rescue; ensuring the continuity of public administration; production, storage and use of chemicals and radioactive substances (including pipelines of hazardous substances). In turn, the term critical infrastructure protection was understood as a set of organizational measures implemented to ensure the functioning or rapid restoration of critical infrastructure in the event of threats that interfere with its proper functioning. Cf. Ibid., art. 3, 6.

102 Ibid., art. 5.

parallel, while simultaneously working to promptly prepare amendments to the extent necessary for the practical management of national security. The direction of government activity in the opinion of Antoni Podolski – Undersecretary of State in the Ministry of Interior Affairs and Administration in 2008–2009 – was a misguided political tradition, which was “a tendency to invalidate by successive governments the achievements of predecessors in the field of crisis management and civil protection”¹⁰³.

In the above-mentioned circumstances, in February 2009 the Marshal of the Sejm Bronisław Komorowski received a *government bill amending the Act on Crisis Management along with the draft executive acts*¹⁰⁴. This project, as indicated in its justification, was intended to: (1) remove interpretative doubts arising from the application of the Crisis Management Act; (2) create an effective crisis management system capable of functioning in situations where normal resources and procedures for the services, inspections and security have not been sufficient; (3) improve the planning process (inter alia by introducing a planning cycle and identifying eligible entities)¹⁰⁵.

Adoption of *the Act on the Amendment of the Crisis Management Act* has resulted in a change in the normative definition of the concept of crisis management (a catalog of activities undertaken by authorized entities to deal with crises and to limit recovery to critical resources and infrastructure has been extended¹⁰⁶). This change was due to the need to limit the activities of public administrations only to those resources and infrastructures that would give people the chance to survive in the aftermath of a crisis and to prevent them from recurring (or emerging again due to the emergence of new threats)¹⁰⁷.

The normative concept of the crisis has also changed. This modification was the fulfillment of the postulates of both the government and the local authorities, which made it easier to classify the incident into a crisis

103 W. Skomra, *Zarządzanie kryzysowe – praktyczny przewodnik po nowelizacji ustawy*, Wrocław 2010, p. 15.

104 Rządowy projekt ustawy o zmianie ustawy o zarządzaniu kryzysowym wraz z projektami aktów wykonawczych, print 1699 of February 11, 2009.

105 Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym wraz z projektami aktów wykonawczych, parliamentary print No. 1699, p. 1.

106 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy..., art. 1.

107 Ibid., art. 1, item 1.

situation. The former definition made the emergence of a crisis situation threatening, which resulted in a total of three effects: (1) a break or a significant violation of social ties; (2) a serious disruption to the functioning of public institutions; (3) the use of the means needed to provide or restore security in a dimension that did not justify the need to introduce one of the extraordinary states¹⁰⁸. In the new definition, the emergence of a crisis situation depends only on the occurrence of a threat that negatively affects the level of security of people or the environment to a degree that limits the operation of the competent public administration (where the resources and procedures of those entities prove to be insufficient)¹⁰⁹.

108 Proposed in *Crisis Management Act of 2007* to understand the term crisis situation was repealed by *Judgment of the Constitutional Court of 21 April 2009* (Cf. *Wyrok Trybunału Konstytucyjnego z dnia 21 kwietnia 2009 roku*, ref. act K 50/07). The definition of a crisis situation in the aforementioned law was formulated, inter alia, based on the ambiguous notion of “violation of social bonds”. Such an understanding of the crisis could lead to the use of forces and means of interfering with the civil rights and freedoms necessary to eliminate the existing threats to the normal functioning of the citizen – in a situation not adequate for the scale of the threat. In the opinion of the Constitutional Court, the assessment of the compatibility of this wording with the requirements of correct legislation should be based on three general assumptions: (1) each provision should be formulated in such a way as to make it clear who and in what circumstances is subject to restrictions; (2) that provision should be sufficiently precise to ensure its uniform interpretation and application; (3) that provision should be so contained that its scope only encompasses situations in which the rationalist legislator intended to introduce a regulation restricting the exercise of constitutional freedoms and rights. The Constitutional Tribunal considered that the way in which the crisis was formulated was so imprecise that, in practice, all three of the above-mentioned assumptions could be violated. It should be noted that the Tribunal decided to postpone the deadline for the nullification of Article 3 (1) of the Law, which defined the “crisis situation” by 12 months from the date of publication of the judgment in the Journal of Laws of the Republic of Poland. Immediate derogation of a provision deemed unconstitutional would result in the entire *Crisis Management Act* being deadlocked.

109 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 2. The definition of a crisis situation is in the interpretation interval defined by two groups of threats: typical hazards and specific hazards. While the first group allows us to determine the importance of a crisis situation at the root (“bottom-up” when the threat level is low), the second group allows to determine its upper limit when the threats are extreme forms. Typical hazards are characterized by high frequency of occurrence and minor effects (small number of victims, injured or low material losses, small hazard area). Specialists in security, such as the State Fire Service or the Police (each of whom performs the tasks for which they are authorized) are responsible for

Moreover, as a result of passing this law, the definition of civil planning was simplified. This concept, according to the provisions of the *Act on the amendment of the Crisis Management Act*, means all the organizational undertakings aimed at the preparation of public administration for crisis management¹¹⁰.

According to the wording of the new definition of civil planning, the catalog of civilian planning tasks has changed. The earlier provision actually regulated the planning activities, culminating in a crisis response plan (so it was concerned only with one phase of crisis management). The essence of the modification concerns the introduction of the obligation to prepare crisis management plans covering all phases of the process (including new tasks that will enable preparation – including training – and maintaining the actual forces and means provided for in these plans, for use in specific emergencies). This also contributes to the task of ensuring coherence between crisis management plans and other plans developed in this area by specific public administrations (developed under other legislation). Therefore, this change was intended to lead to the realisation

combating typical threats. Definitely different threats have unique characteristics, which are very rare, but their effects are among the most serious (high numbers of casualties, injuries, high material losses, high risk areas). Combating specific threats requires completely different actions than those that are used in case of typical hazards. These actions result from the need to reach for all resources that may help to return to “normal” (ie pre-emergencies). In the light of the above, the crisis situation can be understood as an indirect concept, filling the area between the ordinary (typical threats) and the extreme (special threats). The distinction between specific threats and crises has also been recognized by the Constitutional Tribunal, which – twice dealing with crisis management issues – emphasized that the crisis is different from the constitutional extraordinary states (special threats) and should be classified as normal. Crisis management is based on *ustawa o zarządzaniu kryzysowym* only when there are threats that require specific action, but do not meet the necessary conditions for the introduction of extraordinary measures. Thus, the Court confirmed the proposal, which had previously been formulated in the literature of the subject that, in the light of the *Constitution of 2 April 1997*, there are only two states of state functioning – normal and extraordinary, with which the restriction of freedom and human and civil rights are diametrically related. M. Brzezinski, *Sytuacja kryzysowa w rozumieniu ustawy o zarządzaniu kryzysowym*, „e-Politikon” 2013, No. 6, pp. 89–96. See: *Wyrok Trybunału Konstytucyjnego z dnia 21 kwietnia 2009 roku...*, and also: *Wyrok Trybunału Konstytucyjnego z dnia 3 lipca 2012 roku*, ref. act K 22/09.

110 Ibid., art. 1, para. c.

of planned actions and the elimination of duplication efforts (unnecessarily absorbing forces and resources)¹¹¹.

The consequence of the revision of the definition of crisis management and civil planning and the definition of the directory of the tasks of this planning includes the unification of the naming of previous “crisis response plans”. The new law introduced two new names: (1) National Crisis Management Plan; and (2) “crisis management plan” (with regard to plans developed by central government bodies and voivodeship, district and municipal plans).

Modification of the names was accompanied by the change of elements included in the crisis management plan. The main plan has been significantly simplified (the existing ones have been abandoned, requiring the development of, among others, the characteristics of the resources and the possibilities of their utilization, analysis of the functioning of the public administration – including the effectiveness and possible use of it in crisis situations – and the mode of updating the plan and functional attachments)¹¹².

111 *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 2.

112 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 3. According to the Act, Laws should include: hazard characteristics and risk assessment (including critical infrastructure hazards), risk maps and hazard maps, tasks and obligations of the crisis management participants prepared in the form of safety net, as well as a summary of forces and resources planned for use in emergency situations; . Moreover, pursuant to *Act of 13 April 2012 amending the Environmental Protection Act and some other acts*, the master plan should also include tasks defined in the short-term action plans (referred to in article 92 of *Act of 27 April 2001 – Environmental Protection Law*, aiming at (1) reducing the risk of exceeding the alarm, permissible or target airborne levels in a designated zone, and (2) limiting the effects and duration of overruns. The plan should include in particular: (1) “list of entities using the environment, obliged to limit or discontinue the introduction of gases or dusts into the air; (2) the way of organizing and restricting or prohibiting the movement of vehicles and other equipment driven by internal combustion engines; (3) how the bodies, institutions and entities are using the environment and the behavior of the citizens in the event of overruns; (4) determining the mode and manner of announcing the occurrence of overshoots”. Cf. *Ustawa z dnia 13 kwietnia 2012 r. o zmianie ustawy – Prawo ochrony środowiska oraz niektórych innych ustaw*, OJ. 2012, No. 0, Item. 460, art. 4. Also: *Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 23 stycznia 2008 r. w sprawie ogłoszenia jednolitego tekstu ustawy – Prawo ochrony środowiska*, OJ. 2008 No. 25 Item. 150, art. 92.

Documentation of crisis response measures is limited to the minimum necessary to ensure optimal management of resources that are planned for use in the event of a crisis. The number of functional attachments to the master plan has increased, in particular for critical infrastructure (two attachments more: the list of critical infrastructure covered by the crisis management plan located in the voivodeship, county or municipality, and priorities for protection and restoration of critical infrastructure)¹¹³. Adoption of such a solution was the consequence of abandoning the creation of separate plans for the protection of critical infrastructure, as well as the revision of crisis management definitions and the catalog of civilian planning tasks.

With respect to all of the above mentioned plans, the obligation to update them was maintained at least once every two years, however, the planning cycle included implementation, testing and commissioning. Thus, the necessary conditions for the preparation of optimized variants are created. In addition, the obligation to participate in the planning cycle of certain entities and to coordinate crisis management plans with the entities participating in their implementation has also been put into effect.

In order to prepare the *National Crisis Management Plan* and the crisis management plans at all levels of public administration, it was necessary to prepare a *Report on threats to national security* in advance. This document should include the following elements: (1) identification of the most important threats (taking into account the probability of their occurrence); (2) clarification of strategic objectives; (3) defining priorities for responding to specific threats; (4) identifying the resources needed to achieve the strategic objectives; (5) programming safety improvement tasks (including regional and local initiatives); (6) proposals containing a hierarchically structured list of activities needed to achieve the strategic objectives¹¹⁴.

The need to preserve the infrastructure necessary to ensure the functioning of the society plays a vital role in the modern world – especially after a crisis. Accordingly, in the amended law, critical infrastructure protection issues are of particular importance. In the specially created

113 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy..., art. 1, item 3.

114 Ibid., art. 1, item 4.

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National Critical Infrastructure Protection Program, aimed at providing conditions for improving the safety of critical infrastructure, facilities, equipment, installations and services identified as strategic to the security of the state and its citizens, and enabling the effective functioning of public administration, entrepreneurs were to be separated. In the light of the provisions of the *Act on the Amendment of the Crisis Management Act*, the program should specify, among others: national priorities, objectives, requirements and standards, to ensure the effective functioning of critical infrastructure and detailed criteria to ensure the ability to distinguish objects, installations, facilities and services falling within the composition of critical infrastructure systems, taking into account their importance for the functioning of the state and the needs of its citizens. At the same time, the creation of separate national and voivodeship critical infrastructure protection plans was dropped (elements of these plans were included as part of the crisis management plans). In addition, the principles of cooperation of public administration with owners of critical infrastructure have been clarified¹¹⁵.

The above legal solution enables the co-ordination of dispersed public administration activities in the field of critical infrastructure protection and contributes to the involvement of those who manage it, by strengthening private and public sector co-operation¹¹⁶. According to the authors of the law, the protection of critical infrastructure is at the heart of both entrepreneurs and the public administration responsible for the efficient functioning of the state¹¹⁷.

¹¹⁵ Ibid., art. 1, items 4, 5.

¹¹⁶ Such an approach is consistent with the New Public Management. See more: П. Павлов, *Държавното управление и администрацията в европейски контекст (Ориентири за трансформация)*, Варна 2007. See also: А. Парашкевова, П. Павлов, *Новият публичен мениджмънт – концептуална основа за използване на аутсорсинга в административна среда*, “KSI Transactions on KNOWLEDGE SOCIETY” 2011, Vol. 3, No. 2, p. 10-11.

¹¹⁷ *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 4.

2.2 Organization of crisis management system

The flood crisis that occurred in the southern part of the country in July 1997 was the trigger that contributed to the organization of crisis management in Poland. This element exposed the catastrophic state of preparing the state to act in a situation of emergence of the crisis¹¹⁸. Proof of this thesis is the conclusions of the *Information on the results of the state flood control and the flood rescue operations in southern and western Poland in July 1997* prepared by the Department of Environmental Protection and Construction and the Department of National Defense and Internal Security of the Supreme Chamber of Control. A review in which there was an assessment that there was no coherent emergency response system¹¹⁹ in Poland, and the public administration structures responsible for organizing and coordinating rescue operations were ineffective.

The consequence of this situation was the start of the process of organization of the crisis management system, which was created on the foundations of already existing civil protection. The Office of the Chief of Civil Defense of the Country was reorganized, which was transformed into the Office of Crisis Management and Population Protection of the Ministry of Interior Affairs and Administration. In addition, in the voivodeship offices, the Department of Crisis Management, Population Protection and Defense was set up in place of the former Voivodeship Inspectorates for Civil Defense and the Secretariats of Voivodeship Defense Committees. Similar divisions were created in district poviats, but in the structures of commune offices – there were maintained existing single-person, stand-alone positions for crisis management, defense matters and civil defense.

118 The “Flood of the Millennium” coincided with the transfer of competence to manage civil defense from the National Defense Ministry to the Home Office, which further hindered effective action. The consequence of the state’s failure to respond to the crisis was the dismissal of the Chief of Civil Defense of the country.

119 Department of Environmental Protection and Construction, Department of National Defense and Internal Security of the Supreme Chamber of Control, *Informacja o wynikach kontroli stanu zabezpieczenia przeciwpowodziowego kraju oraz przebiegu działań ratowniczych w czasie powodzi na terenach południowej i zachodniej Polski w lipcu 1997 r.*, Warszawa 1998, No. / 98 P / 97/210 / P / 97/211, pp. 6 and next.

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The further development of crisis management structures was the result of a lengthy legislative process, which resulted in the enactment of the *Crisis Management Act*¹²⁰ of April 26, 2007. Crisis management – in the light of the provisions of this law – included government and local government bodies, the Armed Forces and some private sector entities (owners of critical infrastructure).

At the national level, two new actors have joined the crisis management structures: the Government Crisis Management Team and the Government Security Center.

The first of these entities – the Government Crisis Management Team – was appointed as an advisory and consultative body responsible for initiating and coordinating actions taken in the field of crisis management¹²¹. Its members – appointed by the chairman of the Government Crisis Management Team – are ministers responsible for strategic areas of socio-economic life “sensitive” to the occurrence of threats¹²², heads of special services and other entities (e.g. Chief Land Surveyor, Chief Sanitary Inspector, Chief Veterinary Officer, Chief Commander of the State Fire Service, Chief Commander of the Police, Chief Commander of the Border Guard, President of the National Atomic Energy Agency, President of the Civil Aviation Office, Head of the National Security Office or another representative appointed by the President)¹²³. The work of the Government Crisis Management Team is managed by the chairman (Prime Minister) or his deputy (who may be the Minister of National Defense or the minister competent for internal affairs) or a member of the Team, who is responsible for managing the department of government administration, which generically coincides with the occurrence of a cri-

120 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*

121 *Ibid.*, art. 8, para. 1.

122 The Constituent Assembly consisted of the Prime Minister, the Minister of National Defense and the minister competent for internal affairs, the Minister of Foreign Affairs and the Minister for Special Services Coordinator (if he was appointed). Moreover, pursuant to *Act of 13 July 2012 amending the Act on the Departments of Government Administration and Some Other Acts*, the Government Crisis Management Team was joined by the permanent minister responsible for public administration. *Ustawa z dnia 13 lipca 2012 r. o zmianie ustawy o działach administracji rządowej oraz niektórych innych ustaw*, OJ. 2012, No. 0, Item. 908, art. 27, para. 1.

123 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 8, para. 2–4.

sis situation¹²⁴. The function of the Secretary of the aforementioned Team is taken by the Director of the Government Security Center.

It should be noted that the Government Crisis Management Team took over the tasks of the former Government Crisis Coordination Group and the Crisis Team. These included, in particular: (1) the preparation of proposals for the use of resources needed to deal with crises; (2) advising in the area of coordination of activities of governmental authorities, state institutions and services in crisis situations; (3) expressing an opinion on the final report on crisis management activities; (4) expressing opinions on the need to restore infrastructure or reconstruct its original character; (5) giving opinions and submitting to the government the national emergency response plan and the national and provincial plans for critical infrastructure protection; (6) organizing cooperation with volunteer fire brigades in the event of a crisis¹²⁵.

Another entity designated for the implementation of crisis management tasks in the aforementioned law is the Government Security Center – an entity subordinate to the Chairman of the Council of Ministers¹²⁶. Its tasks include, among others: (1) the implementation of civilian planning matters (including, in particular: the presentation of specific ways and means of responding to hazards and mitigation of their negative effects, the development of a national crisis response plan and its updating, analysis and assessment of the probability of occurrence of threats – taking into account the possibility of their development, gathering information on threats, analysis and assessment of probability of their occurrence and growth, developing conclusions and proposals for preventing and combating threats, planning the use of the Armed Forces of the Republic of Poland to carry out crisis management tasks¹²⁷ – including support for

124 Ibid., art. 8, para. 6.

125 Ibid., art. 9, para. 1.

126 Ibid., art. 10, para. 1.

127 These tasks include: (1) participation in risk monitoring; (2) assessment of the effects of occurrences in the hazard area; (3) implementation of search and rescue tasks; (4) the evacuation of the affected population and property; (5) creating conditions for the temporary presence of evacuees in designated places; (6) participation in the protection of property left in the hazard area; (7) isolation of the hazard area or place of rescue operation; (8) implementation of safety, rescue and evacuation works at threatened buildings and monuments; (9) performing work requir-

their tasks by the administration; (2) monitoring the occurrence of certain hazards; (3) preparation of emergency management procedures in the event of a threat; (4) preparation of opinions and attitudes of the Crisis Management Team; (5) technical and organizational support of the Team's work; (6) organization and conduct of training and management exercises; (7) ensuring the circulation of information between crisis management bodies and structures; (8) maintaining on-call duty on defense preparedness of the state; (9) performing tasks in the field of counteracting, preventing and eliminating the effects of terrorist incidents; (10) implementation of planning and programming tasks in the area of critical infrastructure protection¹²⁸.

Central crisis management structures have also included crisis management teams in various ministries. The enacted law did not therefore create new entities and structures at ministerial level, but merely regulated the scope of their activities¹²⁹. The tasks of these teams include, among others: (1) doing civil engineering projects (in particular, analysing and assessing potential or occurrence of threats or their development, developing conclusions and proposals for prevention and countermeasures, developing specific methods and measures for responding to hazards and limiting their effects); (2) maintaining on-call duty on defense preparedness; and (3) carrying out critical infrastructure protection tasks¹³⁰.

In addition to ministries and central governmental bodies, whose scope includes external security, internal security, including civil protection, or economic basis of state security, crisis management centers should be set up. The scope of their tasks included: (1) maintenance of

ing the use of specialized technical equipment or explosives in the resources of the Armed Forces of the Republic of Poland; (10) removal and disposal of hazardous materials; (11) the elimination of chemical contamination and contamination and biological infections; (12) elimination of radioactive contamination; (13) repair and reconstruction of technical infrastructure; (14) association in ensuring the viability of communication routes; (15) provision of medical assistance and the implementation of sanitary and hygienic tasks; (16) execution of undertakings included in the voivodeship crisis response plan. *Ibid.*, art. 25, para. 3.

¹²⁸ *Ibid.*, art. 11, para. 2.

¹²⁹ The teams included the heads of the appropriate organizational units of ministries or central offices, as well as other persons indicated by ministers or heads of central offices. *Ibid.*, art. 12, para. 3.

¹³⁰ *Ibid.*, art. 12, para. 2.

the on-call duty to ensure the flow of information for crisis management; (2) cooperation with crisis management centers of public administrations and environmental monitoring bodies; (3) supervision of the functioning of the detection and alarm system and the early warning system; (4) participation in rescue and search and humanitarian operations; (5) documentation of the crisis management center's activities; (6) maintenance of on-call duty for increasing the state's defensive preparedness; (7) co-operation in Information and communication of orders to be performed in the system of 24 hour health units in case of emergency, random as well as disturbances of functioning of the system at all levels of government administration¹³¹.

Moreover, at every level of the administrative division of the country (from the voivodeship – through the district – to the municipality – the organs and organizational units responsible for crisis management were designated.

At the provincial level, the authority responsible for crisis management was the Voivode. His tasks include, inter alia: (1) directing actions in the field of monitoring, planning, response and removal of hazards in the voivodeship; (2) undertaking civilian planning projects (in particular: issuing recommendations to poviats crisis response plans and approving them, preparing and submitting for approval to the minister responsible for internal affairs of the voivodeship crisis response plan¹³², as well as implementation of the guidelines for voivodeship crisis response plans¹³³); (3) managing, organizing and conducting training, exercises and training in response to specific threats; (4) requesting the use of the Armed Forces of the Republic of Poland to perform crisis management tasks; (5) carrying out activities carried out within the framework of operational plan-

131 Ibid.

132 Pursuant to *Act of 13 July 2012 amending the Act on the Departments of Government Administration and Some Other Acts*, the minister for whose approval the voivodeship crisis management plans were submitted became the minister responsible for public administration. Cf. *Ustawa z dnia 13 lipca 2012 r. o zmianie ustawy o działach administracji rządowej...*, art. 27.

133 The Minister competent for internal affairs is competent to issue guidelines for voivodeship crisis response plans. This authority also approves the voivodeship crisis response plans and their updates. Cf. *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 14, para. 3 and 4.

ning in the voivodeship; (6) preventing and combating occurrences of terrorist incidents – as well as the removal of their effects; (7) performing tasks related to critical infrastructure protection (in particular: preparing the regional critical infrastructure protection plan and submitting it to the Government Security Center)¹³⁴. These tasks are carried out by the Voivode, with the help of the voivodeship office and the combined services, inspection and guard.

The scope of tasks performed by the organizational unit responsible for crisis management in the voivodeship office include, among others: (1) data collection and processing and assessment of threats occurring in the voivodeship; (2) monitoring, analysis and forecasting the development of threats to the above; (3) providing necessary information to the Voivodeship Crisis Management Team, the Crisis Management Team at the Office of the Minister for Home Affairs and the Government Security Center on the current state of security; (4) cooperation with the District Crisis Management Teams; (6) maintaining on-call duty as part of the defense preparedness of the state; (7) preparing and updating the voivodeship crisis response plan; (8) preparation of the voivodeship's emergency response plans based on risk analyses in particular poviats; (9) voicing opinions on poviat crisis response plans and submitting them to the voivodeship for approval; (10) preparation of the voivodeship critical infrastructure protection plan and its updating; (11) planning assistance to other authorities competent in crisis management; (12) planning the use of the Armed Forces of the Republic of Poland to perform crisis management tasks, including support from public administration bodies implemented for these Force's tasks¹³⁵.

The voivodeship crisis management team is the auxiliary authority of the voivodeship ensuring the performance of tasks related to crisis management¹³⁶. The tasks of this organizational unit should include, in par-

¹³⁴ Ibid., art. 14, para. 2.

¹³⁵ Ibid., art. 14, para. 6.

¹³⁶ Ibid., art. 14, para. 7. Its members included: Voivode (as chairman), manager of the organizational unit responsible for taking action in crisis management matters in the voivodeship office (as deputy chairman), and other persons indicated by the Voivodeship as required by: (1) managers of integrated services, inspections and provincial guards, (2) persons employed in the voivodeship office or in organizational units of the services, inspectorates and provincial guards, (3) persons

ticular: (1) assessment of existing and potential threats that may affect public safety (including forecasting these threats); (2) elaboration of action proposals and submission of proposals to the voivodeship regarding the modification of measures included in the voivodeship plan emergency response; (3) publicizing hazard information¹³⁷; (4) expressing an opinion on the voivodeship crisis response plan and the voivodeship critical infrastructure protection plan¹³⁸.

In addition, crisis management centers have also been set up at the voivodeship level, which was handled by the organizational units of voivodeship offices competent to undertake crisis management activities¹³⁹. The tasks of voivodeship crisis management centers include: (1) maintenance of on-call duty to ensure information flow for crisis management; (2) cooperation with crisis management centers of public administrations and environmental monitoring bodies; (3) supervising the functioning of the detection and alarm system and the early warning system; (4) participation in the activities of entities carrying out rescue, search and humanitarian actions; (5) documentation of activities undertaken by the center; (6) maintenance of on-call duty for the purpose of increasing the state's defense readiness; and (7) providing the on-call duty of the medical emergency coordinator¹⁴⁰.

employed in regional water management boards, voivodeship drainage and water management boards and the Institute of Meteorology and Water Management; Water Management. The team also included: the Head of the Military Military Staff (or a representative appointed by him), a representative of the voivodeship self-government appointed by the Marshal of the voivodeship and other persons appointed by the Governor. Cf. Ibid., art. 14, para. 9–12.

137 The Voivodeship Crisis Management Unit is obliged to immediately notify the public, entities using the environment, who are obliged to limit or discontinue the introduction of gases or dusts into the air, as customarily adopted in the area, with the risk of exceeding the alarm, admissible or target of the above mentioned levels. *Ustawa z dnia 13 kwietnia 2012 r. o zmianie ustawy – Prawo ochrony środowiska oraz niektórych innych ustaw*, OJ. 2012, No. 0, Item. 460, art. 1, item 12. In addition, it informs the competent authorities of the necessity to take action specified in the short-term action plan. Ibid., art. 1, item 9.

138 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 14, para. 8.

139 Ibid., art. 16, para. 1.

140 Ibid., art. 16, para. 2. By virtue of *Act of 5 December 2008 amending the Act on fire protection and some other acts*, this obligation was repealed. Medical emergency coordinators were given the opportunity to operate in the voivodeship crisis manage-

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At the level of the poviats, crisis authority was the starost¹⁴¹. Its tasks include, inter alia: (1) directing actions in the field of monitoring, planning, response and removal of hazards in the poviats; (2) performing civilian planning tasks (in particular, preparing and submitting to the voivodeship for approval of the poviats crisis response plan; making recommendations to the poviats crisis response plans; making recommendations to local emergency response plans and approving them; (3) the management, organization and implementation of training, exercises and training in the field of responding to specific threats; (4) carrying out tasks resulting from the operational plan of the functioning of poviats and cities with poviats status; (5) counteracting the effects of terrorist incidents; and (6) undertaking projects related to the protection of critical infrastructure¹⁴². The tasks of the starost are carried out by means of the organizational unit of the district office in charge of crisis management.

The Starost crisis management unit is the auxiliary unit responsible for the implementation of crisis management tasks. It performs tasks assigned to the voivodeship crisis management team in the poviats area¹⁴³. The poviats crisis management team, headed by the starost, included: (1) persons employed in the district office, poviats organizational units or organizational units constituting auxiliary apparatus of the heads of the departmental services, the inspectorates and poviats guards; (2) representatives of social rescue organizations and other persons invited by the starost¹⁴⁴.

In addition, crisis management centers were established at the poviats level. The service was provided by the organizational units of district poviats competent to undertake crisis management activities¹⁴⁵. District crisis management centers carry out tasks within the poviats area for the voivodeship crisis management centers¹⁴⁶.

ment centers until the establishment of the regional emergency notification centers (no later than 31 December 2011). *Ustawa z dnia 5 grudnia 2008 r. o zmianie ustawy o ochronie przeciwpożarowej oraz niektórych innych ustaw*, OJ. 2009, No. 11, Item. 59, art. 5 and 11.

141 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 17, para. 1.

142 *Ibid.*, art. 17, para. 2.

143 *Ibid.*, art. 17, para. 5.

144 *Ibid.*, art. 17, para. 6–7.

145 *Ibid.*, art. 18, para. 1.

146 *Ibid.*, art. 18, para. 2.

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At the level of local authorities responsible for crisis management issues are the mayors and city presidents. Their tasks in the field of crisis management include: (1) management of monitoring, planning, response and mitigation activities in the municipality; (2) performance of civilian planning tasks (in particular: preparing and submitting to the starost for approval of the municipal emergency response plan and making recommendations to the plan); (3) management, organization and implementation of training, exercises and training in response to specific threats; (4) implementation of tasks arising from the operation of the operational plan of functioning municipalities and communes with the status of a city; (5) counteracting the effects of terrorist incidents; and (6) undertaking projects related to the protection of critical infrastructure¹⁴⁷. These tasks are carried out by mayors and city presidents, through organizational units, the offices of the municipalities (or cities) competent in crisis management.

The municipal crisis management committees are the auxiliary bodies of mayors and city presidents who ensure the implementation of crisis management tasks¹⁴⁸. They perform tasks assigned to the voivodeship crisis management team in the municipality area¹⁴⁹. The members of the municipal crisis management teams headed by mayors and city presidents are: – people employed in municipal (or city) offices, municipal (or urban) organizational units or auxiliary units; (2) team members, inspectors and guardians; (3) representatives of social rescue organizations and other persons invited by mayors and city presidents¹⁵⁰.

It should also be noted that at the municipality level the mayors and city presidents ensure the implementation of such tasks as: (1) maintaining the on-call duty to ensure the flow of information for crisis management; (2) cooperation with crisis management centers of public administration bodies and entities carrying out environmental monitoring; (3) monitoring the functioning of the detection and alarm system and the early warning system; (4) participation in rescue, search and humanitarian operations; (5) maintaining on-call duty for the purpose of in-

147 Ibid., art. 19, para. 2.

148 Ibid., art. 19, para. 4.

149 Ibid., art. 19, para. 5.

150 Ibid., art. 19, para. 6–7.

creasing the state's defensive preparedness¹⁵¹. To accomplish these tasks, mayors and city presidents may set up municipal (or city) crisis management centers¹⁵².

It should be emphasized that the only new state entity responsible for undertaking crisis management activities was the Government Security Center¹⁵³. Apart from this unit – at the national, provincial, district and self-government level – as a result of passing the analysed law, no new entities competent to undertake crisis management activities were created, but the existing bodies were transformed. As mentioned above, the Government Crisis Management Team, which became the legal successor to the Government Crisis Coordination Group and the Crisis Team (has taken over their duties)¹⁵⁴. Similarly, crisis management teams set up at the ministerial level were to be formed on the basis of already existing individual ministry units (previously functioning teams would continue to operate within already existing organizational structures to implement the tasks imposed by the *Crisis Management Act*). The same was the case with the creation of voivodeship, county and communal crisis management teams (they replaced analogous teams formerly operating on the basis of the provisions of the *Act on the state of emergency due to natural disaster*)¹⁵⁵ and voivodeship, poviát and communal crisis management centers, which were formed in place of relevant teams and functioning centers on the basis of the *regulations of the Council of Ministers of 3 De-*

151 Ibid., art. 20, para. 1.

152 Ibid., art. 20, para. 2. According to the provisions of *Law of 24 July 2015 Law on Assemblies*, the organizers of assemblies (i.e. open groupings available for unspecified persons in a specific place for joint deliberations or for joint expression of public opinion), which will not cause traffic congestion, notify their intention to organize the relevant municipalities (or city) crisis management center, and if the municipality has not established it – a voivodeship crisis management center not earlier than 30 days and no later than 2 days before the planned date of the meeting. Cf. *Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach*, OJ. 2015, No. 0, Item. 1485, art. 22 and 33.

153 The legal basis for starting the activity of the Government Security Center was *rozporządzenie Prezesa Rady Ministrów z dnia 10 lipca 2008 roku w sprawie organizacji i trybu działania Rządowego Centrum Bezpieczeństwa*, OJ. 2008, No. 128, item. 821.

154 As a result of passing the Act, the Government Crisis Coordination Group was liquidated. *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 30.

155 *Ustawa o stanie klęski żywiołowej...*, art. 12.

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cember 2002, on how to form a communal response team, powiat and voivodeship crisis response team and the Government Emergency Response Team and their functioning¹⁵⁶.

Enactment of the Act of 17 July 2009 on the amendment of the Crisis Management Act changed the legal situation of the Government Security Center, the Government Crisis Management Group, the Council of Ministers, Voivodes, Starosts, Mayors, Presidents of Cities and owners of infrastructure facilities (see: Chart 1 for the current organization of the crisis management system).

Chart 1. Organization chart of the crisis management system III RP

Administrative level	Crisis management body	Opinion and advisory body	Crisis management center
Nationwide	The Council of Ministers, Prime Minister, minister of government, head of central government	Government Crisis Management Team, crisis management teams of relevant ministries or central government administration	Government Security Center, Crisis Management Centers of the relevant ministries or central government administration
Provincial	Voivode	Regional Crisis Management Team	Regional Crisis Management Center
District/ Powiat	Starost	District/Powiat Crisis Management Team	District/Powiat Center for Crisis Management
Communal/ Municipal	Mayor, City president	Communal/ Municipality Crisis Management Team	Commune/ Municipality Crisis Management Center

Source: own elaboration based on the Government Security Center, <http://rcb.gov.pl/zarzadzanie-kryzysowe>, accessed on 6.03.2017.

¹⁵⁶ Rozporządzenie Rady Ministrów z dnia 3 grudnia 2002 r. w sprawie sposobu tworzenia gminnego zespołu reagowania, powiatowego i wojewódzkiego zespołu reagowania kryzysowego oraz Rządowego Zespołu Koordynacji Kryzysowej i ich funkcjonowania. OJ. 2002, No. 215, Item. 1818, as amended.

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Modification of the legal status of the first entity – the Government Security Center – was dictated by the need to strengthen its role – by giving it the status of national crisis management center¹⁵⁷. This is due to the fact that at all levels of the public administration – except for the nationwide – there were crisis management centers, irrespective of the existence of appropriate crisis management teams, which in particular maintained round-the-clock duty to ensure the flow of information for crisis management. As stated in the explanatory memorandum to the *draft law of July 17, 2009 on the amendment of the Crisis Management Act*, this change constituted the fulfillment of the demands submitted primarily by organizational units of ministries and voivodeship offices competent to take action in crisis management matters¹⁵⁸.

Enactment of *the Act of 17 July 2009 on the amendment of the Crisis Management Act* strengthened the role of the Government Security Center as the executor of the National Crisis Management Plan and coordinator in crisis management issues (especially in the field of information policy, training and practice). The proof of this thesis is supported by the fact that the entity was assigned tasks such as: (1) the service of the minister responsible for internal affairs in crisis management matters¹⁵⁹; (2) the development and updating of the National Crisis Management Plan (in cooperation with the competent organizational units of the service offices); (3) coordination of the preparation of *the National Security Risk Report*, which is required to be drawn up by ministers in charge of government departments, heads of central government offices and voivodeships¹⁶⁰; (4) coordination of information policy of public administration bodies during a crisis; (5) coordination of trainings and practice in the field of crisis management; (6) co-operation with public administration crisis management centers; (7) cooperation with the Head of the Internal Security Agency in the field of prevention, counteraction and eli-

157 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 10.

158 *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 6.

159 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 10.

160 The task of coordinating the preparation of parts of *Report on threats to national security* on Terrorist Threats (which could contribute to the emergence of a crisis) was entrusted to the Head of the Internal Security Agency. Cf. *Ibid.*, art. 1, item 4.

mination of the consequences of terrorist incidents; (8) informing most members of the Government Emergency Management Team of potential hazards and actions taken by the competent authorities¹⁶¹.

Its director is responsible for the preparation of the National Critical Infrastructure Protection Program¹⁶². In addition, the Director of the Government Security Center has been charged with: (1) drawing up a single inventory of facilities, installations, devices and services included in the critical infrastructure using the following systems: (a) energy and fuel supply, (b) communications and data communication networks, (c) financial, (d) food and water supply, (e) health care, (f) transport and

161 This obligation concerns information: the Prime Minister, minister competent for internal affairs, the Minister of Foreign Affairs, the Minister for Special Services, Ministers in charge of public administration, construction, spatial and housing management, public finance, economy, maritime economy, water management, financial institutions, computerization, culture and heritage protection, communication, education, agriculture, justice, environment, transport, health, work, social security, State Treasury, Chief Land Surveyor, Chief Inspector of the Environment, Chief Veterinary Officer, Chief Commander of the State Fire Service, Chief Commander of the Police, Chief Commander of the Border Guard, President of the National Water Management Board, President of the National Atomic Energy Agency, President of the Civil Aviation Office, Head of the Internal Security Agency, Head of the Foreign Intelligence Agency, Head of the Civil Defense of the Country, Head of the Military Counterintelligence Service and Head of the Military Intelligence Service. Cf. *Ibid.*, art. 1, item 4. In addition, pursuant to *act of 11 February 2016 amending the act on the Departments of Government Administration and some other acts*, this obligation also began to apply to ministers in charge of such departments of government administration as energy and the mineral deposit industry. Cf. *Ustawa z dnia 11 lutego 2016 r. o zmianie ustawy o działach administracji rządowej oraz niektórych innych ustaw*, OJ. 2016, No. 0, Item. 266, art. 13. Moreover, under the provisions of *act of November 16, 2016 amending the act on sections of the government administration and some other acts* to the above mentioned divisions, inland waterway was added. Cf. *Ustawa z dnia 16 listopada 2016 r. o zmianie ustawy o działach administracji rządowej oraz niektórych innych ustaw*, OJ. 2016, No. 0, Item. 1954, art. 19. It should also be noted that under the provisions of *act of 16 December 2016. Provisions introducing a law on the management of state property* from the aforementioned sections, the State Treasury was removed. Cf. *Ustawa z dnia 16 grudnia 2016 r. Przepisy wprowadzające ustawę o zasadach zarządzania mieniem państwowym*, OJ. 2016, No. 0, Item. 2260, art. 61.

162 This task should be carried out in cooperation with the ministers and heads of central offices responsible for systems essential to the security of the state and its citizens, and to ensure the smooth functioning of public administrations as well as institutions and entrepreneurs competent in national security matters.

communication, (g) salvage and rescue, (h) ensuring continuity of public administration, (i) production, storage, use of chemicals and radioactive substances (including pipelines of dangerous substances)¹⁶³; (2) preparation of extracts from the Critical Infrastructure Inventory located in the system and transfer them to the ministers and central office administrators responsible for these systems; (3) drawing extracts from the Critical Infrastructure Inventory in the area of voivodeships and transfer to their respective Voivodes; (4) information on the listing in the aforementioned list – objects, installations, appliances – their owners¹⁶⁴. In addition, an obligation was introduced: (1) to agree with the Director of the Government Security Center on crisis management plans prepared by ministers in charge of government departments and heads of central offices¹⁶⁵; (2) to issue a statement by the Director on: (a) guidelines of the minister responsible for internal affairs to voivodeship crisis management plans¹⁶⁶ and (b) voivodeship crisis management plans approved and updated by the minister competent for internal affairs¹⁶⁷; (3) to receive from the Head of the Internal Security Agency information on actions taken in connection with the possibility of a crisis as a result of a terrorist event threatening the critical infrastructure, life or health of people, property, national heritage or the environment (ie recommendations given to bodies and entities at risk and the information provided to the above-mentioned entities for risk prevention)¹⁶⁸.

163 The director was obliged to perform this task in cooperation with the relevant ministers responsible for these systems.

164 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 4.

165 *Ibid.*, art. 1, item 11.

166 *Ibid.*, art. 1, pt. 14. Pursuant to *act of 13 July 2012 on the amendment of the Act on the Departments of Government Administration*, the guidelines for voivodeship crisis management plans were issued by the minister competent for public administration (in agreement with the minister competent for internal affairs and after consultation Director of the Center). Cf. *Ustawa z dnia 13 lipca 2012 r. o zmianie ustawy o działach administracji rządowej...*, art. 27.

167 By virtue of *act of 13 July 2012 on the amendment of the Act on the Departments of Government Administration*, the solution was adopted, according to which the voivodeship crisis management plans were approved and updated by the minister competent for public administration (in agreement with the minister competent for internal affairs after consultation Director of the Center). Cf. *Ibid.*

168 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 12.

The legal situation of the Government Crisis Management Team has also changed. The obligation to organize the cooperation of this entity with volunteer fire brigades in crisis situations was abolished¹⁶⁹. The adoption of such a solution was due to the fact that the legislature did not recognize the need for special treatment of volunteer fire brigades and exclude them from the group of rescue, search and humanitarian entities with which cooperation was organized at the level of local administration¹⁷⁰. Another change in the tasks performed by the Government Crisis Management Team resulted from the introduction of the National Crisis Management Plan and the resignation from the development of national and provincial plans for critical infrastructure protection (elements of these plans were included in the crisis management plans). These changes contributed to the establishment of the obligation to provide opinions and submit to the Council of Ministers of the National Crisis Management Plan by the Government Crisis Management Team. In addition, the team was required to express an opinion on the draft of the Decree of the Prime Minister concerning the list of operations and procedures of the crisis management system¹⁷¹.

The composition of the Government Crisis Management Team was also modified. The authorities of the public administration that could participate in the meetings of this team were expanded – at the request of the Ministry of the Environment – by the Chief Inspector of Environmental Protection and the President of the National Water Management Board. The first of these entities – the Chief Inspector of Environmental Protection – was responsible for carrying out the tasks of organizing and coordinating the state monitoring of the environment, observation and assessment of its state and its changes, initiating actions creating conditions for the prevention of major accidents and removing their effects and restoring the environment to proper state. In turn, the President of the National Board of Water Management was responsible for drafting a flood protection plan and preventing the effects of drought in Poland.

169 Ibid., art. 1, item 7.

170 It should be noted that rescue operations are undertaken by separate volunteer fire brigades, not voluntary fire brigades. Cf. *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 6.

171 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 8.

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The list of tasks performed by these entities justified the necessity of their inclusion as members of the Government Crisis Management Team¹⁷².

Another body, whose legal situation was changed by the enactment of *the Act of 17 July 2009 amending the Crisis Management Act* was the Council of Ministers. This body was obliged to enact by the resolution *the Report on threats to national security and the National Program for the Protection of Critical Infrastructure*¹⁷³. In addition, the Council of Ministers has been obliged to specify, by way of regulations: (1) the manner, mode and timing of preparation of *the Report on threats to national security* (taking into account the necessity of ensuring an adequate level of national security); (2) the way of fulfilling obligations and co-operation within the framework of *the National Critical Infrastructure Protection Program* by public administrations and national security services with the owners of critical infrastructure facilities and installations and other public authorities and services (with a view to ensuring an adequate level of security critical infrastructure); (3) how to create, update, and structure of critical infrastructure protection plans; (4) conditions and procedures for recognizing the fulfillment of the critical infrastructure protection plan (taking into account the need to ensure continuous functioning of critical infrastructure)¹⁷⁴.

Changes in the competence of the competent authorities to undertake crisis management activities were also introduced at the lower levels of the public administration. An example may be the Voivode – the authority responsible for crisis management at the voivodeship level who is obliged to cooperate with the Head of the Internal Security Agency as the central authority of the government administration competent to take action on the identification, combating and prevention of threats detrimental to the internal security of the State and the identification, prevention and detection of terrorist offenses. In addition, pursuant to the provisions of *the Act of 17 July 2009 on amending the Crisis Management Act*, a co-operation order was put in place by the Voivode, in the scope of performance of crisis management tasks, with the competent authorities

172 Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym..., p. 5.

173 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy..., art. 1, item 4.

174 Ibid., art. 1, point 5.

of the public administration¹⁷⁵. In the opinion of the creators of the aforementioned legal act, the adoption of such a solution was supposed to contribute to the establishment of the voivodeship co-operation with the local administrations of the non-cooperative administration¹⁷⁶.

The modification of the competence of the competent authorities to undertake crisis management activities was also introduced at the poviats level. It was supposed to meet the demands of the representatives of the poviats self-government, who questioned the legitimacy of the current legal solution enacted in *the Crisis Management Act of 2007*, which provided for the service of the crisis management centers by the organizational units of district administration offices dealing with crisis management issues¹⁷⁷. In their opinion, in most cases, there were so few people employed in such cells that it was not possible to maintain 24-hour on-call duty to ensure the flow of information for crisis management¹⁷⁸. According to the representatives of the poviats self-government, the realization of this task was possible by breaking the rights of employees employed in the organizational units of district poviats dealing with crisis management issues, or outsourcing the implementation of this task to other entities (in violation of the provisions of *the Crisis Management Act*). As a result of the enactment of *the Act of 17 July 2009 on amending the Crisis Management Act*, the collision was eliminated, allowing the starosts to choose the organization, seat and mode of work of the poviats crisis management center, including the 24-hour way of alarming the members of the crisis management team and the way of ensuring round-the-clock circulation of information in crisis situations – the most effective from the point of view of a given unit of territorial self-government¹⁷⁹. Adopting such a solution made it possible to create in localities, which are also the seat of poviats and cities with poviats status, common crisis management centers covering the area of influence of the area of both local and regional authorities¹⁸⁰.

175 Ibid., art. 1, point 14.

176 Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym..., pp. 8–9.

177 Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym..., art. 18, para. 1.

178 Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym..., p. 9.

179 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy..., art. 1, item 18.

180 Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym..., p. 9.

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The amendment of *the Crisis Management Act* also modified the competence of the competent authorities to undertake crisis management activities at the municipality level. Exemplification could be an obligation for the mayors and city presidents to maintain a 24 hour on-call duty to ensure the flow of information for crisis management¹⁸¹. In the same way as in case of district poviats, at the municipality level, the practice has shaped other effective solutions used before the entry into force of *the Act of 17 July 2009 on amending the Crisis Management Act* (e.g. alarming the members of the municipal crisis management team by the community guards, fire brigade or police station)¹⁸². The Act was passed in 2009 by imposing an obligation on the commune head to alert the members of the local crisis management team on a 24-hour basis, as well as provide 24 hours on-line to maintain the flow of information and documentation of the activities (the latter obligation must be fulfilled only in the event of a crisis)¹⁸³.

The last group of entities whose legal situation modified the amendment to *the Crisis Management Act* were owners of critical infrastructure. In the *Act of 17 July 2009 amending the Crisis Management Act*, the rules of cooperation between these entities and the public administration bodies were clarified. An example may be to impose on those entities the obligation to designate within 30 days – counted from the date of receipt of information on the inclusion in the list of facilities, installations, devices and services included in the critical infrastructure prepared by the Director of the Government Security Center – the person responsible for maintaining contacts with the entities relevant for critical infrastructure protection. In addition, owners of critical infrastructure were required to provide protection for these facilities (in particular through the preparation and implementation of critical infrastructure protection plans, and the maintenance of their own backup systems to ensure the security and sustainability of the infrastructure, until their full restoration)¹⁸⁴. In addition, they were obliged to immediately transmit to the Head of the

181 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 20, para. 1.

182 *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 9–10.

183 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 19.

184 *Ibid.*, art. 1, item 5.

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Internal Security Agency, in their possession, information on terrorist threats to this critical infrastructure, including, in particular, the threats to the operation of energy and water supply, water and sanitation and telecommunications systems and heating networks, important from the point of view of state security, as well as acts that may endanger the life or health of people, property of considerable size, national heritage or the environment.

The analyses carried out in this chapter allow to draw some conclusions: (1) the issues of the protection of life, health and property of people and the environment in Poland in the context of the crisis management system until 1997 were regulated only by civil protection legislation issued during the period of operation of the Polish People's Republic; (2) in the years 1997–2005 attempts were made to enact a law regulating the organization of the crisis management system in Poland, but due to political disputes, none of these actions was successful; (3) in the years 1997–2006 the rules of operation of public administration bodies in normal and extraordinary situations were defined in the current legal order. However, there were no legal regulations regulating their functions in crisis situations; (4) political disagreements hindered the improvement of the normative framework of the crisis management system in III RP (the Third Republic of Poland) (the political tradition was the tendency to invalidate by successive governments the achievements of predecessors in the field of activity for creating a crisis management system); (5) *The Crisis Management Act of 2007* was the first legal act in Poland that created a normative framework for a crisis management system in the event of threats requiring action in situations that do not fulfill the requirements for the introduction of one of the extraordinary states provided for in the 1997 *Constitution*, but require the implementation of special mechanisms to ensure effective monitoring of hazards and take action to eliminate or significantly reduce them; (6) modifications of the intrinsic legal regulation governing the functioning of crisis management system in the Third Republic of Poland (III RP) – defining the scope of tasks performed by entities competent to undertake crisis management activities as well as a catalog of principles in their functioning – contributed to the system's coherence.



Chapter 3

Normative financing of crisis management system in the Third Republic of Poland

The aim of this chapter is to present the normative dimension of financing the crisis management system in the Third Republic of Poland. In the first part of the chapter, the normative basis for funding the crisis management system will be presented. The starting point for the analysis will be the analysis of the provisions of *the 2007 Crisis Management Act* and *the Act amending the Crisis Management Act 2009* regulating the sources of financing of crisis management tasks. In the next part of the chapter will be presented the financing of the crisis management system in the Third Republic of Poland in the light of normative acts, such as budgetary laws. In this part the research hypothesis will be verified, which assumes that both expenditures planned in the state budget for the performance of crisis management tasks and the funds incurred for achieving this objective in the III RP in the years 2008–2017 were systematically increasing. In order to verify the above-mentioned research hypothesis, the analysis will cover the amount of expenditure planned in the state budget for the performance of crisis management tasks and the costs incurred for implementing these actions (determined on the basis of the budget implementation reports enacted by the Council of Ministers). The duration of the research will be limited to the years 2008–2017. The adoption of 2008 as the opening point for the study is due to the fact that, for the first time in the state budget, expenditure on the implementation of crisis management tasks was planned for that year. The deadline for the study of expenditure incurred for the implementation of crisis management tasks

is 2017 – this is due to the fact that this is the last year in which an analysis of the ratio of expenditures incurred for the implementation of crisis management tasks can be carried out to the level of expenditure planned for this purpose in the Budget Act.

3.1 Fundamental norms of financing crisis management system in the Third Republic of Poland

The need to enact a regulation on crisis management – including the provision of financial means necessary to organize and operate a crisis response system – was reported to the Prime Minister by the Supreme Chamber of Control already in 2003, in the results of inspections carried out in the Interior Affairs and Administration Department¹⁸⁵. However, due to political disputes, the first legal act regulating the financing of crisis management tasks – *the Crisis Management Act* – was passed only in 2007.

In the explanatory memorandum to the aforementioned law, it was assumed that the source of funding for crisis management tasks will be, in particular, the state budget and budgets of local self-government units (within the limits of the funds allocated to the security of citizens)¹⁸⁶. Income received for crisis management for territorial self-government units was supposed to be income for the implementation of own tasks – classified according to the budget classification in the Section – 750 Public Administration¹⁸⁷.

The draft law envisages that national crisis management tasks will be financed by the state budget (in the areas owned by the Voivodes, by

185 *Informacja o wynikach kontroli przygotowania administracji zespolonej do działań w sytuacjach...*, 12. The audit showed that in the Finance Department of the Ministry of Interior and Administration – due to lack of regulations in force concerning the necessity of classification of expenses related to crisis management – no expenditure was allocated for this purpose in the financial plans (expenditure in this area was equated with expenditure on civil defense). The result of this legal situation was the fact that in many local self-government units there were no structures responsible for crisis management. *Ibid.*, p. 8.

186 M. Pawełczyk, P. Sokal, *Ustawa o zarządzaniu kryzysowym. Komentarz*, Warszawa 2014, pp. 213 and n.

187 *Uzasadnienie do projektu ustawy o zarządzaniu kryzysowym...*, p. 12.

the minister competent for internal affairs and by other ministers managing government departments and central government administration bodies) while the implementation of tasks at the municipal, poviast and voivodeship level – will be covered by the funds provided for this purpose in the budgets of these territorial self-government units¹⁸⁸.

Local self-government units were to receive targeted subsidies from the state budget to finance government-commissioned tasks related to crisis management¹⁸⁹. In addition, the legislator has included in the above-mentioned draft law postulates of communities related to local self-government, assuming the principle that specific purpose reserves intended for the implementation of crisis management tasks were to be created in the budgets of individual territorial self-government units. Their amount was set at the level of up to 1% of the current expenditures of the local self-government unit (reduced by investment expenses, expenses on remuneration and derivatives and debt servicing expenses)¹⁹⁰. The above-mentioned system of financing crisis management tasks – passed in the form of a law on April 26, 2007 – was supposed to guarantee their effective implementation.

It should be noted that the entry into force of *the Act on crisis management* influenced the level of state budget expenditures in one more aspect, namely the need to fund the creation of a new unit – the Government Security Center. The legislator estimated the costs of creating and operating this unit at approximately PLN 4 million 100 thousand per year. More than half of this amount was to be spent on remuneration and derivatives (PLN 2 million 580 thousand)¹⁹¹. The remaining part of the amount was planned to be allocated in particular for the purchase of: cars (PLN 180 thousand), equipment (office equipment and computer equipment costs PLN 520 thousand), materials (acquisition of hardware and software, office and administrative materials PLN 240 thousand),

188 Cf. *Rządowy projekt ustawy o zarządzaniu kryzysowym...*, art. 26, para. 1 and 2.

189 See also: *ustawa z dnia 13 listopada 2003 r. o dochodach jednostek samorządu terytorialnego*, OJ. No. 203, Item. 1966, as amended. art. 49, par. 1.

190 The sum of the special purpose reserves could not exceed 5% of the budget expenditures of local self-government units. See: *Ustawa z dnia 30 czerwca 2005 r. o finansach publicznych*, OJ. 2005, No. 249, Item. 2104, as amended. Art. 173, par. 3.

191 It was assumed that the Government Security Center would employ 40 people. Their average salary was to be 4,500 zł.

services (including repair, energy, telecommunication, heat, and training costs PLN 400 thousand)¹⁹². No expenditure was planned for the purchase of premises for the seat of the Government Security Center – it was to be housed in a building at the disposal of the Ministry of Interior Affairs and Administration¹⁹³.

The relatively late adoption of *the law on crisis management* by the Parliament of the fifth term made the government of Jarosław Kaczyński fail to pass executive orders to the resolution¹⁹⁴. Although the first Government Plenipotentiary for the Organization of the Government Security Center was to be appointed within 14 days after the announcement of the aforementioned law¹⁹⁵, the Prime Minister issued an ordinance on its designation almost a month after that date¹⁹⁶. Paweł Soloch, the then Undersecretary of State at the Ministry of Interior Affairs and Administration, did not contribute to the preparation of the executive law of *the Crisis Management Act*, which would enable the creation of a Government Security Center (the result of this situation was that the funds allocated to the creation and operation of this entity have not been utilized within the time limit).

No one but the next Government Plenipotentiary for the Organization of the Government Center for Security – Antoni Podolski – appointed on 28 February 2008¹⁹⁷, prepared a draft regulation specifying the organization and mode of operation of this entity, which was issued by the Prime Minister on 10 July 2008¹⁹⁸. Partial implementation of *the Cri-*

192 In addition, the legislator provided for the establishment of a Social Fund (estimated at PLN 30 thousand). Business travel was to absorb PLN 150 thousand. Cf. *Uzasadnienie do projektu ustawy o zarządzaniu kryzysowym...*, pp. 11–12.

193 Ibid., p. 12.

194 G. Wilk-Jakubowski, *Finansowanie systemu zarządzania kryzysowego w Polsce*, „Przedsiębiorczość i Zarządzanie” 2017, Vol. XVIII, Nr. 5, p. III, p. 237.

195 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 33.

196 See: *Zarządzenie nr 64 Prezesa Rady Ministrów z dnia 15 czerwca 2007 r. w sprawie powołania Pełnomocnika Rządu do spraw organizacji Rządowego Centrum Bezpieczeństwa*, § 1.

197 *Zarządzenie nr 21 Prezesa Rady Ministrów z dnia 28 lutego 2008 roku w sprawie powołania Pełnomocnika Rządu do spraw organizacji Rządowego Centrum Bezpieczeństwa*.

198 *Rozporządzenie Prezesa Rady Ministrów z dnia 10 lipca 2008 r. w sprawie organizacji i trybu działania Rządowego Centrum Bezpieczeństwa*, OJ. 2008, No. 128, Item. 821.

sis Management Act coincided with the government's efforts to quickly prepare its amendment (it was enacted on 17 July 2009)¹⁹⁹.

As mentioned above – in *the Crisis Management Act of 2007* local government units were obliged to create a special purpose reserve for the implementation of their own tasks in the area of crisis management up to 1% of the current expenditures of the territorial self-government unit (reduced by investment expenses, expenses on remuneration and derivatives and debt servicing expenses)²⁰⁰. According to the provisions of *the Act of 8 December 2006 amending the Public Finance Act and certain other acts*, investment expenditures (investments and investment purchases) were included in property expenses²⁰¹. In turn, according to the provisions of *the Act of 30 June 2005 on public finances*, current expenditures included remuneration and derivatives of payroll and fees arising from servicing debt of a local self-government unit²⁰². In line with these legal arrangements, the amount of the specific purpose reserve represented the difference between current expenditure and capital expenditure (investment expenditure)²⁰³. Territorial self-government units, which have budgeted for a given year for high expenditure on investment, were therefore unlikely to be able to create a specific purpose reserve for the

It should be noted that, in the opinion of the Plenipotentiary for Organization of the Government Security Center – Antoni Podolski – the estimated costs presented in the explanatory memorandum to *the Crisis Management Act of 2007* – planned in the 2008 budget – were calculated incorrectly and unrealistically. This applied in particular to the low number of posts and a low average salary in the above reasoning. In the opinion of Witold Drózd – Undersecretary of State in the Ministry of Interior Affairs and Administration – the Government Security Center as a state budget unit had to have its own logistic, human and financial structures and the protection of classified information, which would take over half of the planned 40 jobs. *Odpowiedź Witolda Drożdza – podsekretarza stanu w Ministerstwie Spraw Wewnętrznych i Administracji – z upoważnienia prezesa Rady Ministrów – na interpelację nr 3701 w sprawie powołania Rządowego Centrum Bezpieczeństwa z dn. 10 lipca 2008 roku*, <http://orka2.sejm.gov.pl/IZ6.nsf/main/638BC63C>, accessed on 13.02.2017.

199 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...

200 Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym..., art. 26.

201 Ustawa z dnia 8 grudnia 2006 r. o zmianie ustawy o finansach publicznych oraz niektórych innych ustaw, OJ. 2006, No. 249, Item. 1832, art. 1, indent 51.

202 Ustawa z dnia 30 czerwca 2005 roku o finansach publicznych, OJ. 2005, No. 249, Item. 2104, art. 184, para. 1, letter a.

203 Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym..., art. 26, para. 4.

implementation of their own crisis management tasks (this was due to the negative balance of the difference in current expenditures relative to the investment expenditures specified in the analysed legal provision). Due to the fact that the level of expenditures earmarked for investment is one of the most important indicators determining the development of local self-government units, the problem of the negative balance of the specific purpose reserve for the implementation of crisis management tasks concerned the most dynamic municipalities. In *the Act amending the Crisis Management Act*, the content of this provision was modified by deleting the word “current”. In addition, the percentage of the budget reserve was changed. While the amount of this amount was up to 1% of the current budget of the territorial self-government unit (which meant it could be zero), the change of the term to “no less than 0.5%” enacted in *the Act amending the Crisis Management Act* specified only the lower level of the specific purpose reserve for the implementation of crisis management tasks, leaving the decision of individual territorial self-government units to increase its potential²⁰⁴.

It should be emphasized that the legislator assumed that *the Act amending the Crisis Management Act* would not have financial implications for the state budget (the implementation of new tasks by the public administration did not contribute to the creation of new posts in government and self-government administration offices). On the other hand, the bill influenced the specific purpose reserve of local self-government units intended to carry out their own tasks in the field of crisis management. From the calculations presented in the *Explanatory Memorandum* to the aforementioned project, it was apparent that the proposed provision should result in an increase in the amount of the specific purpose reserve created in the budgets of all local government units, in 2007, to a minimum of approximately PLN 280 million²⁰⁵.

204 Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy..., art. 1, indent 24.

205 Uzasadnienie do projektu ustawy o zarządzaniu kryzysowym..., p. 12.

3.2 Financing crisis management system in the III RP in light of normative acts

Determining the amount of expenditures envisaged in the state budget for the performance of crisis management tasks – after the entry into force of the 2007 crisis management law – was made possible by the enactment of the *Act of 8 December 2006 amending the Public Finance Act and certain other acts*²⁰⁶. One of the aims of this amendment was the introduction of the obligation to prepare a task-based budget structure, which was to be a tool to support the process of good public funds management, to increase the transparency of their spending. Within the task budget, the legislator was obliged to prepare a statement of tasks – within the planned expenditure amounts – together with a description of the objectives of the tasks concerned.

The first stage of the implementation of the task budget was completed with the preparation of the draft *Justification of the Government Draft Budget Act for 2008*²⁰⁷. It includes financial resources for the implementation of the task of ensuring state security in crisis situations and natural disasters (PLN 25 888 thousand). The implementation of this task was aimed, inter alia, at improving the functioning and coordination of emergency services and agencies responsible for crisis management operations, reducing the number of fatalities in emergencies, early detection of hazards, and increasing the awareness of employees of the government administration and the public on dealing with threats. The task of ensuring state security in the event of emergencies and natural disasters was to be accomplished through the establishment of the Crisis Management Center of the Minister of Internal Affairs and Administration and four emergency notification centers.

206 *Ustawa z dnia 8 grudnia 2006 r. o zmianie ustawy o finansach publicznych oraz niektórych innych ustaw*, OJ. 2006, No. 249, Item. 1832, art. 1, indent 38.

207 *Uzasadnienie rządowego projektu ustawy budżetowej na rok 2008*, print of Parliament No. 2178. This project was submitted to the Marshal of the Parliament on 28 September 2007 – so less than a month before the Parliament 5th term elections – because of this (according to the principle of discontinuance of parliamentary work) it was not adopted. It should be noted here that expenditure in the Task Force budget allocated for the implementation of crisis management tasks has not been changed in *Uzasadnienie rządowego projektu ustawy budżetowej na rok 2008*, print of Parliament No. 16.

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Moreover, in *the government draft budget act for the year 2008* within the aforementioned amount (PLN 25 888 thousand), the task budget was planned to include expenditure of PLN 11,229 thousand. for the implementation of tasks in the field of crisis management and civil defense aimed primarily (1) to improve the coordination of the services, to provide rapid access to data on forces and resources available for crisis use, to carry out audits of existing databases and software to identify opportunities for system integration; and (2) to raise public awareness of how to deal with threats. The goal was to be achieved, among others, by increasing the number of exercises in national crisis management activities (from two to three)²⁰⁸.

In addition, *the draft budget act for 2008* includes expenditure on providing emergency medical care in crisis situations (PLN 2,850,000) and for voivodeships for crisis management system (PLN 15,685,000). From the funds allocated for the realization of the latter task, the Voivodes were able to transfer the amount of PLN 4 497 thousand to modernize and maintain the equipment of crisis management centers²⁰⁹.

Finally, in *the budget act for 2008*²¹⁰, expenditure on crisis management was provided in several parts of the budget: internal affairs (PLN 400 thousand), education (PLN 200 thousand), environment (PLN 37 thousand), culture and protection of the national heritage (PLN 18 thousand). In addition, in 2008, the budgets for voivodeships were planned for the implementation of crisis management tasks of PLN 3,499,000 (these expenses are presented in Table 1)²¹¹.

208 It should be stressed that the funds allocated for crisis management within all the Task Force budgets also cover for civil defense and the fight against the effects of natural disasters. A separate item of expenditure for crisis management was created only in the budgetary laws. For this reason, only the amounts allocated for crisis management, as indicated in the Budget Act, will be included in the comparative analysis (with the exception of expenditure in the Task Force Budget)..

209 The expenditure does not include the expenditure on modernization and maintenance of the equipment of the crisis management centers in the Warmia-Masuria Voivodeship. Cf. *Ibid.*, p. 364.

210 *Ustawa budżetowa na rok 2008 z dnia 23 stycznia 2008 roku*, OJ. 2008, No. 19, Item. 117.

211 As a part of the expenditure on public security and fire protection, a total of PLN 4,154 thousand was allocated to crisis management tasks.

Tab. 1. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2008²¹²

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	129	129
Kuyavia-Pomerania	541	569
Lublin Province	52	52
Lubusz Province	357	357
Łódź Province	202	123
Lesser Poland	100	96
Opole Province	55	55
Subcarpathia	97	79
Podlasie Province	50	50
Pomerania	200	196
Silesia	247	606
Holy Cross Province	250	227
Warmia-Masuria	456	515
Greater Poland	680	673
West Pomerania	83	77
Total	3 499	3 804

Source: own elaboration based on: *Ustawa budżetowa na rok 2008 z dnia 23 stycznia 2008 roku...* and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2008 roku*, Vol. II, Warszawa 2009.

The Report on the implementation of the state budget shows that expenditures for the implementation of crisis management tasks in 2008 in voivodeships were higher than assumed and totaled PLN 3 804 tho-

²¹² It should be noted that the figures included in all tables in this subsection have been rounded to the nearest thousand zloty in accordance with the principles of arithmetic (i.e. from 500 zloty – “up”, below 500 zloty – “down”). The figures in the lines are also the result of these roundings. As a result, the sum of the individual components of rounded amounts may slightly differ from the total amount stated.

usand²¹³. The increase in expenditure (in total by PLN 305 thousand) for the implementation of the aforementioned tasks in the budgets of some voivodeships – in particular in the Silesian Voivodeship – resulted from the intensification of the occurrence of natural disasters²¹⁴.

In 2009, two tasks in the field of crisis management were specified in the *Justification of the Budget Act in the task-based system* in the framework of the function of the activity to provide and improve internal security and public order²¹⁵. Within the framework of the first of these – the protection of citizens and the maintenance of public order – the subdivision of crisis management planning and critical infrastructure protection was delineated, aimed at ensuring the conditions for the efficient and effective operation of crisis management and critical infrastructure protection by developing the National Crisis Response Plan and the National Plan for Critical Infrastructure Protection. The Minister of Internal Affairs and Administration – who was the holder of funds allocated for the implementation of this sub-task, was supposed to have in 2009 at his disposal the amount of PLN 5 617 thousand. In turn, the aim of the second task – called civil defense – was, among others, to ensure safety and effective state response in times of crisis and in the face of natural disasters. The budget law for this purpose was planned to allocate PLN 5 901 thousand (the Minister of Internal Affairs and Administration was also the holder of these funds). Under this task, the legislator listed two sub-tasks. The first of these – defined as the coordination of crisis response plans and the improvement of the safe flow of information between entities – was to ensure that the state responds efficiently in a crisis. Minister of Internal Affairs and Administration – from the funds allocated for civil

213 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2008 roku*, Vol. II, Warszawa 2009, pp. 2/18.

214 In the analysed period, tornado and storms connected with hail passed over 24 communes of the Silesia Voivodeship. A total of 2,981 buildings were damaged (including 1,481 inhabited and 1,500 farm buildings). The total value of losses in residential buildings was estimated at PLN 16 066.3 thousand and in farm buildings – at PLN 28 133.6 thousand. Losses in agricultural crops were estimated at PLN 32,755.9 thousand. Cf. U. Zgraja, *Sprawozdanie Wojewody śląskiego za rok 2008*, pp. 8–9.

215 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2009 w układzie zadaniowym*, Warszawa 2008, pp. 19 and n.

defense – in order to achieve this goal could spend in 2009 amounting to PLN 2 869 thousand. The second part of the subjugation was aimed at raising the awareness of the employees of the government administration and the society about dealing with threats. This goal was to be achieved, among others by (1) training and courses for government and local administration in crisis management; (2) training briefings for representatives of schools of the State Fire Brigade, crisis management departments, voivodeship headquarters of the State Fire Service and directors of civil defense training centers, trainings for the employees of the Headquarters of the State Fire Service and to provide them with opportunities to participate in symposia, conferences and crisis management workshops. For the purpose of this goal, PLN 149 thousand was allocated from civilian funds (these funds were at the disposal of the Ministry of Interior Affairs and Administration).

In addition, the governors of the civil protection funds were the Voivodes, who were able to allocate funds for the development of non-standard emergency response procedures, depending on existing and potential crisis situations, ongoing crisis monitoring and warning and information on the threat – ie activities aimed at ensuring efficient and effective operation of all crisis management entities and improvement of security in the territory of voivodeships. In 2009, they were able to allocate PLN 35 201 thousand to carry out their tasks.

To summarize – in *the budget act for 2009 of 9 January 2009*²¹⁶, expenditure on crisis management was provided in three parts of the budget: internal affairs (PLN 6 207 thousand), education (54 thousand PLN) and environment (24 thousand. zł). In addition, in 2009, the budget for the voivodeships was PLN 5 195 thousand for the implementation of crisis management tasks²¹⁷.

It should be emphasized that due to the scale of the collapse of activity in the world economy and the related deterioration of prospects for the Polish economy, reflected in the reduction of state budget revenues –

²¹⁶ Ustawa budżetowa na rok 2009 z dnia 9 stycznia 2009 roku, OJ. 2009, No. 10, Item. 58.

²¹⁷ A total of PLN 11,480 thousand was allocated to the implementation of crisis management tasks – including the activities of the newly created Government Security Center.

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the aforementioned law was amended on 17 July 2009²¹⁸. The purpose of this act was to reduce the state budget expenditure.

Eventually, expenditure on crisis management in 2009 was included in three parts of the budget: internal affairs (PLN 5 191 thousand), education (PLN 54 thousand) and the environment (PLN 2 thousand)²¹⁹. In addition, in 2009, the budget for the voivodeships was PLN 3 996 thousand for implementation of crisis management tasks (these expenses are presented in Table 2). Total amount of PLN 9 243 thousand was allocated to 2009 in the scope of crisis management (PLN 2,237 thousand less than in the budget act for 2009 of 9 January 2009).

Tab. 2. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2009

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand) based on Budget Act for 2009 of 9 January 2009	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand) based on Act of 17 July 2009 amending the Budget Act for 2009	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	70	70	70
Kuyavia-Pomerania	335	287	285
Lublin Province	35	35	34
Lubusz Province	157	145	145
Łódź Province	106	106	106
Lesser Poland	50	50	49

218 The Council of Ministers, *Uzasadnienie ustawy o zmianie ustawy budżetowej na rok 2009*, Warszawa 2009, p. 5.

219 *Ustawa z dnia 17 lipca 2009 roku o zmianie ustawy budżetowej na rok 2009*, OJ. 2009, No. 128, Item. 1057.

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Opole Province	67	77	70
Subcarpathia	92	92	86
Podlasie Province	40	36	106
Pomerania	180	40	40
Silesia	3 157	2 257	1 136
Holy Cross Province	–	–	15
Warmia-Masuria	103	59	52
Greater Poland	753	712	943
West Pomerania	50	30	30
Total	5 195	3 996	3 166

Source: own elaboration based on: *Ustawa budżetowa na rok 2009 z dnia 9 stycznia 2009 roku...*, *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy budżetowej na rok 2009...* and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2009 roku*, vol. II, Warszawa 2010.

The Report on the implementation of the state budget shows that expenditures for the implementation of crisis management tasks in 2009 were incurred only in the department of internal affairs (amounting to PLN 6 028 thousand) and education (up to PLN 50 thousand). In addition, in 2009, for the implementation of crisis management tasks, PLN 3,166 thousand was spent from voivodeship budgets²²⁰. The total amount of expenses incurred for the performance of crisis management tasks in 2009 amounted to PLN 9,244 thousand (and was PLN 1 thousand higher than the amount planned in *the Act of July 17, 2009 on Amendments to the Budget Act for 2009*)²²¹.

²²⁰ *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2009 roku*, Vol. I, Warszawa 2010.

²²¹ While the Voivodes for the implementation of crisis management tasks spent PLN 830 thousand less than assumed in *Ustawa z dnia 17 lipca 2009 roku o zmianie ustawy budżetowej na rok 2009*, the expenditures from the departments administered by ministers were 381 thousand PLN higher than planned in the aforementioned legal act.

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One year later, in *the Explanatory Memorandum of the 2010 Budget Act*, tasks in the area of civil protection and crisis management were listed in the Task Force on Internal Security and Public Order²²². In order to ensure the effective implementation of crisis management tasks, in *the Explanatory Memorandum of the Budget Act 2010 for the Task Force*, resources are available for: (1) the Ministry of Interior Affairs and Administration – to improve the efficiency and reliability of the crisis management communication system (PLN 9 394 thousand); (2) the Ministry of Finance – for the implementation of training schedule and the purchase of specialist equipment (PLN 356 thousand); and (3) the Ministry of the Environment – to prepare its staff for crisis management and to ensure proper functioning of the Emergency Management Team (PLN 315 thousand)²²³. Moreover, the managing authorities were the Voivodes, who could allocate funds to efficient and effective operations of all the entities managing and responding to the crisis and the improvement of security in the area of the voivodeships (they were able to allocate PLN 33 137 thousand for this purpose). These entities could spend the aforementioned funds on, in particular, as indicated in *the Explanatory Memorandum of the Budget Act for 2010 in the Task Force*, sub-tasks.

As part of the task of civil defense and crisis management, the draft budget lists a number of sub-tasks, including: (1) providing government administration and the public with information on how to deal with emergencies; (2) cooperation with the European Union and NATO structures; (3) coordinating the emergence of crisis response plans and improving the secure flow of information between entities; (4) planning, response and crisis management, development of crisis response procedures; (5) creation and maintenance of crisis management centers and monitoring threats; (6) protection of critical infrastructure; (7) natural disaster recovery. The purpose of the first of these sub-tasks was to raise the level of knowledge of government staff and the public on how to deal with hazards and to be ready to deal with threats. For the purpose of this objective – from the funds allocated for civil defense and crisis manage-

222 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2010 w układzie zadaniowym*, Vol. II, Warszawa 2009.

223 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2010 w układzie zadaniowym*, Vol. III, Warszawa 2009, p. 101.

ment – the budget was planned expenditure of 16 233 thousand PLN. These funds were to be placed at the disposal of the Ministry of Interior Affairs and Administration (PLN 3,146,000), the Ministry of Finance (PLN 356,000), the Ministry of the Environment (PLN 105,000) and the Voivodes (PLN 12,626,000). The purpose of sub-task – cooperation with the structures of the European Union and NATO – was to transfer best practices in the field of crisis management to the national land. This goal was to be achieved by increasing the number of trainings and exercises attended by the Government Security Center (from four in 2009 to twelve in 2010). For the purpose of achieving this goal – from the funds allocated for civil defense and crisis management – the Ministry of Interior Affairs was to receive the amount of PLN 1 044 thousand, and the Voivodes – PLN 196 thousand. The purpose of coordinating the emergence of crisis response plans and improving the safe flow of information between entities was to improve the effectiveness of crisis management by public administrations. The Minister of the Interior Affairs (PLN 392 thousand) and the Voivodes (PLN 119 thousand) were to be the beneficiaries of this measure. On the other hand, as part of planning, response and crisis management, and the development of emergency response procedures, two objectives were identified: (1) ensuring readiness to take action in the face of military and terrorist threats (budgeted by the Ministry of Internal Affairs and Administration for this purpose PLN 1,061 thousand and PLN 105,000 in the budget of the Ministry of the Environment); and (2) ensuring efficient and coordinated action of crisis management and crisis management entities and other entities in crisis situations (Voivodes had the possibility of allocating PLN 10 630 thousand for this purpose). The following two sub-tasks (ie creation and maintenance of crisis management centers and risk monitoring) were also identified two objectives: (1) providing an effective system for monitoring and responding to hazards; and (2) ensuring the effective operation of the crisis management system in the territory of voivodeship. While expenditures for the first of these objectives were planned in the budgets of the Ministry of Interior Affairs and Administration (PLN 1,593,000) and the Ministry of the Environment (PLN 105,000), expenditures for the second target were provided in the Voivodeship budgets (PLN 8,859,000). The aim of the sixth task was to improve the level of critical infrastructure protection – the amo-

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unt of 658 thousand PLN was allocated to the Ministry of Interior Affairs and Administration. On the other hand, the last of the sub-tasks listed two goals: improving the effectiveness of disaster relief and restoring the state from the occurrence of a natural disaster. While the funds allocated for the first of the aforementioned purposes were allocated to the Ministry of Interior Affairs and Administration (it could allocate PLN 1 500 thousand for this purpose), the actions aimed at achieving the second objective were to be taken by the Voivodes (the amount of expenditure for this purpose should not exceed the value of PLN 707 thousand). In the task budget, crisis management expenditures were also planned in another task: computerization of activity and building the information society. As part of this task, the maintenance of IT systems was highlighted, which aimed, inter alia, to improve the quality of communication in the crisis management system. The Minister of Internal Affairs and Administration – who was the holder of the funds allocated for the implementation of this sub-task – was expected to have at the disposal of PLN 14 684 thousand in 2010.

It should be noted that *in the Budget Act 2010 of 22 January 2010*²²⁴, expenditure on crisis management was provided in two parts of the budget: internal affairs (PLN 6 766 thousand) and education (PLN 8 thousand). In addition, in 2010, the budget for the voivodeships amounted to PLN 1 818 thousand for implementation of crisis management tasks (these expenditures are presented in Table 3). Total expenditure on the implementation of crisis management tasks was allocated in 2010 amounting to PLN 8 592 thousand.

The Report on the implementation of the state budget shows that expenditures for the implementation of crisis management tasks in 2010 were incurred in the department of internal affairs (amounted to PLN 6 766 thousand) and education (up to PLN 8 thousand was spent for this purpose). Moreover, in 2010, PLN 2 158 thousand was spent on implementation of crisis management tasks from voivodeship budgets²²⁵. The total amount of expenditure incurred for performing crisis management

224 *Ustawa budżetowa na rok 2010 z dnia 22 stycznia 2010 roku*, OJ. 2010, No. 19, Item. 102.

225 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2010 roku*, Vol. I, Warszawa 2011.

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tasks in 2010 amounted to PLN 8,932 thousand (and was PLN 340 thousand higher than the amount planned in *the Budget Act for 2010*²²⁶. The increase in the amount of expenditure for crisis management was, inter alia, due to the consequence of the floods which took place in Poland in May and June. This solution helped to provide relief to victims and to remove the effects of this natural disaster.

Tab. 3. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2010

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	63	63
Kuyavia-Pomerania	188	186
Lublin Province	27	27
Lubusz Province	118	198
Łódź Province	229	222
Lesser Poland	82	78
Opole Province	20	59
Subcarpathia	89	85
Podlasie Province	32	126
Silesia	372	423
Warmia-Masuria	23	17
Greater Poland	555	655
West Pomerania	20	20
Total	1 818	2 158

Source: own elaboration based on: *Ustawa budżetowa na rok 2010 z dnia 22 stycznia 2010 roku...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2010 roku*, Vol. II, Warszawa 2011.

²²⁶ While the Voivodes for the implementation of crisis management tasks spent PLN 340 thousand more than assumed in *Ustawa budżetowa na rok 2010...*, expenditures from departments administrated by ministers were in line with those set out in the above-mentioned legal act.

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One task relating to the field of civil defense and crisis management was specified in *the Justification of the Budget Act for 2011 in the task force system* in the framework of the function of the activity to provide and improve internal security and public order²²⁷. Its purpose was, among others, ensuring effective implementation of crisis management tasks. The Ministry of Interior Affairs and Administration (PLN 10,495,000), the Ministry of Finance (PLN 227,000) and the Ministry of the Environment (PLN 83,000) were provided with the funds for this purpose. In addition, the owners of funds intended to ensure the efficient and effective operation of all entities managing and responding to crises and improving security in the voivodeship area were the Voivodes (in 2011 they were able to allocate PLN 34 736 thousand for this purpose). These entities could spend the aforementioned funds, in particular on, indicated in *the Justification of the Budget Act for 2011 in the Task Force*, sub-tasks.

Within the framework of crisis management, the draft budget specified two sub-tasks: (1) coordination of crisis management projects; and (2) counteracting and removing the effects of natural disasters. The first of these sub-tasks was to improve the efficiency of the crisis management system by public administrations. For this purpose – from the funds allocated for crisis management and civil defense – the budget was designed for the Ministry of Internal Affairs and Administration (PLN 7,052,000), the Ministry of the Environment (PLN 42,000) and the Voivodes (PLN 18,133,000). In turn, the second sub-task was the construction, reconstruction, modernization and repair of technical infrastructure destroyed or damaged by natural disasters as well as technical infrastructure to prevent or minimize the effects of natural disasters. The Ministry of Internal Affairs and Administration was able to allocate resources to this purpose (the total amount of expenditures planned for crisis management and defense of the population amounted to PLN 1,457 thousand).

In the Task Force budget, crisis management expenditures were also planned in other functions. One of them was the economic policy of the country. As part of this function for the sub-task of supporting energy security, the aim of which was to provide reserves under conditions of

227 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2011 w układzie zadaniowym*, Vol. II, Warszawa 2010, pp. 32 and n.

crisis, the Voivodes were able to disburse additional funds of PLN 252 thousand. Another of the sub-tasks included in this function was to provide strategic reserves in line with the needs of the state in a crisis situation. The appropriations for this purpose were planned in the budget of the Ministry of Economy (for this purpose it could allocate PLN 110 699 thousand). In addition, crisis management measures were planned within the function of external security and the inviolability of the borders. For the implementation of extra-military defense preparations, the aim of which was to prepare the Office of Competition and Consumer Protection to act in crisis situations, the budget of this unit was planned to amount to PLN 4 thousand²²⁸.

It should be noted that *the Budget Act for 2011* was adopted on January 20, 2011²²⁹. Expenditure for crisis management was provided in three parts of the budget: internal affairs (PLN 6 831 thousand), culture and protection of the national heritage (PLN 30 thousand) and education (PLN 15 thousand). In addition, in 2011, the budgets for the voivodeships were planned to be PLN 2 626 thousand (these expenditures are presented in Table 4). In total, for the implementation of crisis management tasks in 2011, the budget was planned to amount to PLN 9 502 thousand.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2011 shows that expenditures for the implementation of crisis management tasks were incurred in the budget sections: internal affairs (amounting to PLN 7 159 thousand), culture and protection of the national heritage (12 thousand PLN) and education (PLN 3 thousand was spent for this purpose). Moreover, in 2011, PLN 2,794 thousand was spent on the implementation of crisis management tasks from voivodeship budgets²³⁰. The total amount of expenditure incurred for performing crisis management tasks in 2011 amounted to PLN 9 968 thousand and was PLN 466 thousand higher than the amount planned in *the 2011 Budget Act*²³¹.

228 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2011 w układzie zadaniowym*, Vol. III, Warszawa 2010, pp. 11 and n.

229 *Ustawa budżetowa na rok 2011 z dnia 20 stycznia 2011 roku*, OJ. 2011, No. 29, Item. 150.

230 The Council of Ministers, Vol. I and II, Warszawa 2012.

231 The Voivodes, for the implementation of crisis management tasks, spent PLN 168 thousand more than it was expected in *Ustawa budżetowa na rok 2011*.... More-

Tab. 4. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2011

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	65	64
Kuyavia-Pomerania	504	399
Lublin Province	28	28
Lubusz Province	82	564
Łódź Province	133	283
Lesser Poland	90	49
Opole Province	90	153
Subcarpathia	91	89
Podlasie Province	20	123
Silesia	1 000	267
Warmia-Masuria	27	238
Greater Poland	471	501
West Pomerania	25	34
Total	2 626	2 794

Source: own elaboration based on: *Ustawa budżetowa na rok 2011 z dnia 20 stycznia 2011 roku ...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2011 roku*, Vol. II, Warszawa 2012.

In the *Explanatory Memorandum of the Task Force budget Act 2012*, within the function of internal security and public order, the task of referring to the field of crisis management and civil defense was provided²³². The Ministry of Internal Affairs (for the implementation of measures aimed at ensuring the effectiveness of operations of the crisis management units) was entitled to allocate PLN 10 702 thousand, the Ministry of National Education (with a budget, designed to prepare the office for

over, the expenditure of the divisions, which were administered by ministers, was PLN 298 thousand higher than those set forth in the aforementioned legal act.

232 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2012 w układzie zadaniowym*, Vol. II, Warszawa 2011, pp. 39 and n.

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effective implementation of tasks in crisis situations, amounting to PLN 136 thousand), the Ministry of the Environment (for activities aimed at maintaining the capacity of public administration for crisis management, it had available PLN 81 thousand). In addition, the administrators of measures aimed at ensuring the efficient and effective functioning of all the entities managing and responding to the crisis and the improvement of security in the area of the voivodeship were the Voivodes (they could allocate PLN 2 120 051 thousand for this purpose).

Each of the aforementioned entities could allocate funds for the sub-tasks included in the task of crisis management and civil defense within the allocated amount. Within this task, three sub-topics were identified in the area of crisis management: (1) coordination of crisis management and counter terrorism projects; (2) disaster response and recovery; (3) emergency notification system. The first of these subheadings was: (1) the dissemination of crisis management knowledge among the management staff (40,000 PLN planned for the Ministry of Culture and National Heritage); (2) providing conditions for effective and efficient management of crisis situations and counteracting terrorist threats (the Ministry of National Education could allocate PLN 65,000 to achieve this goal); (3) maintaining the capacity of employees and public administration structures to implement projects by conducting crisis management training (the amount of PLN 81 thousand was guaranteed by the Ministry of the Environment for the implementation of this measure); and (4) ensuring preparedness to take action against the threat of security of people, property or the environment (expenditure of PLN 6 745 thousand was planned for the Ministry of the Interior Affairs). The largest funds for the implementation of the subordination of projects in the area of crisis management and terrorist threat prevention were addressed to Voivodes (they could allocate PLN 18 680 thousand for this purpose).

The purpose of the second subdivision was to build, rebuild, modernize and repair technical infrastructure destroyed or damaged as a result of natural disasters and technical infrastructure to prevent or minimize the effects of natural disasters. The beneficiaries of this measure were the Voivodes (the budget for this purpose was planned for PLN 655,000) and the Ministry of the Interior Affairs (it could allocate PLN 1 542 thousand).

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The same entities were involved in the implementation of the sub-task of the emergency notification system, aimed at ensuring the security of the population and the response of appropriate services to the event (PLN 2 083 923 thousand were allocated to the Voivodeship budgets for the implementation of these activities, and the Ministry of the Interior could allocate PLN 479 thousand).

In *the Task Force budget Act 2012*, crisis management expenditures were also planned in other functions. One of them was the economic policy of the country. Under this function, the amount of PLN 118 659 thousand was allocated (in the budget of the Ministry of Economy) to the task of securing economic potential for state security aimed at providing strategic reserves in accordance with the needs of the state under conditions of crisis. In addition, crisis management measures were planned within the function of external security and the inviolability of the borders. For the implementation of extra-military defense preparations, the aim of which was to prepare the Office of Competition and Consumer Protection to act in crisis situations, the budget of this unit was planned to amount to PLN 4 thousand²³³.

The budget Act for 2012 was passed on March 2, 2012²³⁴. Expenditures on crisis management were provided in two parts of the budget: internal affairs (PLN 6 883 thousand) and education (PLN 3 thousand). In addition, in 2012, to carry out crisis management tasks the budgets for the voivodeships amounted to PLN 3 226 thousand (these expenditures are presented in Table 5). In total, the budget for the implementation of crisis management tasks in 2012 was PLN 10,121 thousand.

233 The Council of Ministers, *Uzasadnienie ustawy budżetowej na rok 2012 w układzie zadaniowym*, Vol. III, Warszawa 2011, pp. 6 and n.

234 *Ustawa budżetowa na rok 2012 z dnia 2 marca 2012 roku*, OJ. 2012, No. 0, Item. 273.

Tab. 5. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2012

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	67	42
Kuyavia-Pomerania	382	299
Lublin Province	29	29
Lubusz Province	338	503
Łódź Province	173	331
Lesser Poland	93	91
Mazovia Province	202	200
Opole Province	125	161
Subcarpathia	104	87
Podlasie Province	20	124
Pomerania	–	49
Silesia	1 038	744
Warmia-Masuria	21	49
Greater Poland	534	1 136
West Pomerania	100	92
Total	3 226	3 937

Source: own elaboration based on: *Ustawa budżetowa na rok 2012 z dnia 2 marca 2012 roku* ..., and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2012 roku*, Vol. II, Warszawa 2013.

In connection with the issuance of the *Regulation of the Minister of Finance of 28 December 2011 on budget reporting in the Task Force* – since 2012 it has become necessary to prepare *Information on the execution of expenditure in the task force system*²³⁵. For the first time, this document was prepared in 2013 (it included information on expenditures incurred in 2012). According to the data provided in the above

²³⁵ Rozporządzenie Ministra Finansów z dnia 28 grudnia 2011 roku w sprawie sprawozdawczości budżetowej w układzie zadaniowym, OJ. 2011, No. 298, Item. 1766.

mentioned *Information*, in 2012, expenditure on crisis management and civil defense was incurred by: the Ministry of Administration and Digitalization (for construction, reconstruction, rebuilding, modernization, repair of technical infrastructure or damaged by natural disasters) and technical infrastructure for prevention or minimizing the effects of natural disasters – PLN 13 thousand²³⁶), the Ministry of National Education (for the preparation of the office for effective implementation of tasks in crisis situations – PLN 113 thousand), the Ministry of the Interior Affairs (for the implementation of measures aimed at ensuring the effectiveness of crisis management units and civil defense – PLN 31 932 thousand), the Ministry of the Environment (for actions aimed at maintenance of public administration capacity for crisis management – PLN 154 thousand), Ministry of Culture and National Heritage (for organization of training crisis management in order to disseminate knowledge about crisis management – PLN 50 thousand) and Voivodes (to ensure efficient and effective operation of all entities managing and responding to crises and improving safety in the voivodeship area – PLN 371 086 thousand).

The Report on implementation of the state budget for the period from 1 January to 31 December 2012 shows that expenditure on the implementation of crisis management tasks was incurred in the budget sections: internal affairs (amounting to PLN 7,811 thousand) and education (for this purpose PLN 3 thousand was spent). In addition, in 2012, PLN 3,937 thousand was spent on the implementation of crisis management tasks²³⁷. The total amount of expenditure incurred for performing the crisis management tasks in 2012 amounted to PLN 11,751 thousand (and

236 At the disposal of the Ministry of Administration and Digitization no funds were planned for this purpose in *ustawa budżetowa na rok 2012*. It was only the implementation of *Ordinance of the Council of Ministers on the transfer of some planned budget expenditures, including the remuneration set out in the Budget Act 2012*, enabled the disposal of PLN 14 thousand for this purpose – by transferring this amount during the financial year from the part of the budget: internal affairs. See: *Rozporządzenie Rady Ministrów z dnia 17 grudnia 2012 roku w sprawie dokonania przeniesień niektórych planowanych wydatków budżetowych, w tym wynagrodzeń, określonych w ustawie budżetowej na rok 2012*, OJ. 2012, No. 0, Item. 1430.

237 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2012 roku*, Vol. I and II, Warszawa 2013.

was PLN 1,639 thousand higher than the amount planned in *the 2012 Budget Act*)²³⁸.

In *the Task Force Planning for 2013*, within the scope of internal security and public order, there were specified two objectives in the framework for crisis management tasks²³⁹: (1) to ensure a coherent information flow, planning and coordination at national level, in crisis management; and (2) disaster relief and implementation of programs to prevent them from occurring by 2020. Under this task, it was planned to: (1) implement projects to create a detailed safety net; (2) streamline crisis management information; (3) improve the connectivity of emergency services by providing optimum technical and organizational conditions for the operation of rescue service communication networks. The actions of public administration were also aimed at counteracting and removing the effects of natural disasters and at the reconstruction, modernization and repair of communal technical infrastructure destroyed or damaged by natural disasters. The task was included in the department of government administration: internal affairs. The beneficiaries of the funds allocated for the implementation of the first of the tasks mentioned above were: the Ministry of Culture and National Heritage (PLN 155,000), the Ministry of the Environment (PLN 129,000), the Ministry of National Education (PLN 107,000), the Ministry of the Interior Affairs (PLN 190,254 thousand) and the Ministry of Administration and Digitization (PLN 4 586 thousand). On the other hand, the amount of PLN 59,122 thousand was planned in the voivodeship budgets for the purposes of the second objective of the task (ie the removal of the effects of natural disasters and the implementation of programs aimed at preventing their occurrence by 2020).

The Budget Act for 2013 was passed on January 25, 2013²⁴⁰. Expenditures on crisis management were provided in two parts of the budget:

238 The voivodeships spent PLN 711 thousand more on the execution of their crisis management tasks than it was envisaged in *Ustawa budżetowa na rok 2012*. In addition, expenditure from the departments managed by the ministers was PLN 928 thousand higher than planned in the aforementioned legal act.

239 The Council of Ministers, *Planowanie w układzie zadaniowym na rok 2013. Omówienie. Aneks tabelaryczny*, Warszawa 2012, pp. 24 and n.

240 *Ustawa budżetowa na rok 2013 z dnia 25 stycznia 2013 roku*, OJ. 2013, No. 0, Item. 169.

internal affairs (PLN 6 806 thousand) and education (PLN 3 thousand). In addition, in 2013 the budgets for the voivodeships were planned to reach PLN 3 189 thousand (these expenses are presented in Table 6).

Tab. 6. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2013

Voivode- ships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand) based on <i>Budget Act for 2013 of 25 January 2013</i>	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand) based on <i>Act of 27 September 2013 amending the Bud- get Act for 2013</i>	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	517	492	355
Kuyavia- -Pomerania	345	305	297
Lublin Province	29	23	23
Lubusz Province	65	65	1 193
Łódź Province	281	251	257
Lesser Poland	93	75	78
Mazovia Province	202	202	1 327
Opole Province	151	87	87
Subcarpathia	176	166	156
Podlasie Province	20	12	38
Pomerania	60	45	45
Silesia	538	518	173
Warmia- -Masuria	33	30	54

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Greater Poland	579	459	585
West Pomerania	100	82	74
Total	3 189	2 812	4 742

Source: own elaboration based on: *Ustawa budżetowa na rok 2013 z dnia 25 stycznia 2013 roku...*, *Ustawa o zmianie ustawy budżetowej na rok 2013 z dnia 27 września 2013 roku...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2013 roku*, Vol. II, Warszawa 2014.

It should be emphasized that due to the slowdown of economic growth in Poland – caused by a clear deterioration of the economic situation in the external environment – the state budget revenues decreased. In these circumstances, it was necessary to amend the above-mentioned budget law²⁴¹. The aim was to reduce the expenditure of the state budget. Unless the expenditures planned for crisis management in the budget sections: internal affairs and education were changed, the appropriations allocated to this purpose in the voivodeship budgets were reduced by PLN 377 thousand²⁴².

According to *the Information on the execution of expenditure in the task system*, in 2013, expenditure on ensuring a coherent circulation of information, planning and coordination at national level in the field of crisis management and civil protection was incurred by: the Ministry of Internal Affairs (PLN 132,835 thousand), the Ministry of Administration and Digitization (PLN 3,674 thousand), the Ministry of National Education (PLN 132 thousand), the Ministry of the Environment (PLN 236 thousand), the Ministry of Culture and National Heritage (PLN 184 thousand) and the Voivodes (PLN 736 319 thousand)²⁴³.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2013 shows that expenditures for the implementation of crisis management tasks were incurred in

241 *Ustawa z dnia 27 września 2013 r. o zmianie ustawy budżetowej na rok 2013*, OJ. 2013, No. 0, Item. 1212.

242 Ibid., *Wydatki budżetu państwa na rok 2013. Zestawienie zbiorcze według działów*, p. 73.

243 The Council of Ministers, *Informacja o wykonaniu wydatków w układzie zadaniowym w 2013 roku*, Warszawa 2014, pp. 23 and n.

parts of the budget: internal affairs (amounting to PLN 7 453 thousand) and education (for this purpose PLN 3 thousand was spent). In addition, in 2013, PLN 4,742 thousand was spent on performance of crisis management tasks from voivodeship budgets²⁴⁴. The total amount of the above-mentioned expenses incurred for the implementation of crisis management tasks in 2013 amounted to PLN 12,198 thousand and it was PLN 2,200 thousand higher than the amount planned for this purpose in *the Budget Act for 2012*, and PLN 2,557 thousand higher than the amount indicated in *the Act of 27 September 2013 amending the Budget Act for 2013*²⁴⁵.

In the next year – 2014 – in *the Task Force Planning* within the framework of the function of internal security and public order, three objectives were specified in the task of crisis management and disaster response and recovery²⁴⁶: (1) ensuring consistent information, planning and coordination of actions in crisis management at national level; (2) disaster relief and implementation of programs to prevent them from occurring by 2020; and (3) ensure coherent information, planning and coordination of crisis management activities at the voivodeship level. Under this task, it was planned to: (1) implement projects to create a detailed safety net; (2) streamline crisis management information; (3) improve the connectivity of emergency services by providing optimum technical and organizational conditions for the operation of rescue service communication networks. Public administration activities were also targeted at counteracting and removing the effects of natural disa-

244 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2013 roku*, Vol. I and II, Warszawa 2014.

245 The voivodeships spent PLN 1,553 thousand more on the implementation of crisis management tasks than assumed in *Budget Act for 2013* (and PLN 1,930 thousand more than planned in *Act of 27 September 2013 amending the Budget Act for 2013*). The higher-than-planned execution of expenditures for the execution of the task was a consequence of mobilizing funds from the special-purpose reserves, intended for disaster recovery, operation and development of the emergency notification system (including maintenance and retrofitting of the technical infrastructure and the Emergency Response Centers). Moreover, the expenditure of the departments, which were administered by ministers, was PLN 647 thousand higher than those set forth in both legal acts.

246 The Council of Ministers, *Planowanie w układzie zadaniowym na rok 2014. Omówienie. Aneks tabelaryczny*, Warszawa 2013, pp. 18 and n.

sters and on the reconstruction, modernization and repair of communal technical infrastructure destroyed or damaged by natural disasters. In addition to the funds allocated for this task, the emergency notification system (emergency number 112) was also to be financed. The task was included in the department of government administration public administration and internal affairs. The Ministry of Administration and Digitalization (PLN 8 432 thousand) was to be the beneficiary of this measure. Expenditures on activities aimed at achieving the second task were planned in the budgets of: Ministry of Culture and National Heritage (PLN 193,000), Ministry of National Education (PLN 4,000) and Ministry of Interior Affairs (PLN 150,195,000). In turn, for the realization of the third purpose of the task, the amount of PLN 40,884 thousand was planned in the voivodeship budgets to ensure a coherent circulation of information, planning and coordination of actions at the voivodeship level in crisis management.

The 2014 budget Act was passed on February 3, 2014²⁴⁷. Expenditures for crisis management were provided in two parts of the budget: internal affairs (PLN 7 306 thousand) and education (PLN 4 thousand). In addition, in 2014, the budgets for the voivodeships was PLN 3 171 thousand for the implementation of crisis management tasks (these are shown in Table 7).

According to *the Information on the execution of expenditure in the task force system*, in 2013, expenditure for crisis management and civil defense was incurred: (1) for the removal of the effects of natural disasters and for the implementation of programs aimed at preventing their occurrence by 2020 – by the Ministry of Administration and Digitization (spent PLN 3 114 thousand for this purpose); (2) to ensure a coherent circulation of information, planning and coordination of activities at the national level, in the area of crisis management and civil protection – by the Ministry of Culture and National Heritage (to achieve this goal the Office allocated PLN 132 thousand) and the Ministry of National Education (allocated PLN 4,000); (3) to ensure a coherent circulation of information, planning and coordination of actions at the national level in the area of crisis management – by the Ministry of the Interior Affairs

247 *Ustawa budżetowa na rok 2014 z dnia 3 lutego 2014 roku*, OJ. 2014, No. 0, Item. 162.

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(for this purpose it raised PLN 122 144 thousand); and (4) to ensure coherent information flow planning, and coordination of activities at the voivodeship level, in the area of crisis management and civil protection – by Voivodes (for the performance of the task they spent 659 470 thousand PLN)²⁴⁸.

Tab. 7. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2014

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	287	232
Kuyavia-Pomerania	336	334
Lublin Province	23	23
Lubusz Province	428	794
Łódź Province	76	183
Lesser Poland	90	109
Mazovia Province	202	894
Opole Province	151	183
Subcarpathia	201	165
Podlasie Province	20	2
Silesia	938	504
Warmia-Masuria	40	166
Greater Poland	299	490
West Pomerania	80	81
Total	3 171	4 159

Source: own elaboration based on: *Ustawa budżetowa na rok 2014 z dnia 3 lutego 2014 roku...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2014 roku*, Vol. II, Warszawa 2015.

²⁴⁸ The Council of Ministers, *Informacja o wykonaniu wydatków w układzie zadaniowym w 2014 roku*, Warszawa 2015, pp. 23 and n.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2014 shows that expenditures for the implementation of crisis management tasks were incurred in parts of the budget: internal affairs (amounting to PLN 8 475 thousand) and education (for this purpose PLN 4 thousand was issued). In addition, in 2014, PLN 4159 thousand was spent on implementation of crisis management tasks from voivodeship budgets²⁴⁹. The total amount of expenditure incurred for executing the crisis management tasks in 2014 amounted to 12 638 thousand and was PLN 2 157 thousand higher than the amount planned in *the 2014 Budget Act*²⁵⁰.

In *the Task Force Planning for 2015*, within the scope of internal security and public order, there were specified three objectives in the framework of crisis management and natural disaster response and recovery²⁵¹: (1) to ensure a coherent circulation of information, planning and coordination of national action in crisis management; (2) disaster relief and implementation of programs to prevent them from occurring by 2020; and (3) to ensure coherent information, coordination of activities at the voivodeship level in crisis management. Under this task, it was planned to: (1) implement projects to create a detailed safety net; (2) streamline information, planning and coordination of crisis management activities at national and provincial levels; (3) improve the connectivity of emergency services by providing optimum technical and organizational conditions for the operation of rescue service communication networks. In addition, public administration activities were also aimed at counteracting and removing the effects of natural disasters and for the reconstruction, modernization and repair of communal technical infrastructure destroyed or damaged by natural disasters. Moreover, the emergency response system (emergency number 112) was also to be financed under the appropriations for this task. The task was included in the departments of

249 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2014 roku*, Vol. I and II, Warszawa 2015.

250 The voivodeships spent PLN 988 thousand more on the implementation of crisis management tasks than assumed in *Budget Act for 2014*. In addition, expenditures from the departments administrated by ministers totaled PLN 1,169 thousand higher than those planned in the aforementioned legal act.

251 The Council of Ministers, *Planowanie w układzie zadaniowym na rok 2015. Omówienie. Aneks tabelaryczny*, Warszawa 2014, p. 17 and n.

government administration: public administration and internal affairs. The Ministry of Culture and National Heritage (PLN 190 thousand), the Ministry of National Education (PLN 5 thousand) and the Ministry of the Interior (PLN 112 569 thousand) provided the funds for the first of the above mentioned tasks. Expenditures for activities aimed at achieving the second objective of the task were planned in the budget of the Ministry of Administration and Digitization (PLN 22 648 thousand). In turn, the amount of PLN 70 626 thousand was planned in the voivodeship budgets for the purposes of the third objective of the task (ensuring coherent circulation of information, planning and coordination of actions at the voivodeship level in the field of crisis management). Crisis management and counteracting and removal of natural disasters were planned to allocate PLN 206,038,000 in 2015.

The 2015 Budget Act was passed on January 29, 2015²⁵². Expenditures on crisis management were provided in two parts of the budget: internal affairs (PLN 7 249 thousand) and education (PLN 5 thousand). In addition, in 2015 budgets for voivodeships, for the implementation of crisis management tasks, were planned for PLN 4 338 thousand (these costs are presented in Table 8).

It should be emphasized that due to the reduction of state budget revenues – due to the introduction of new regulations which allowed the entrepreneurs to have the status of an authorized entity (AEO) to clear VAT from non-EU imports directly on the tax return (it was forecasted that receipts from the tax on goods and services would be in the year 2015 by PLN 13,329,000 thousand lower than assumed in the budget act) – it was necessary to amend the aforementioned budget act²⁵³. Despite the fact that the purpose of the enacted law was primarily the limitation of state budget expenditures, the amount of funds devoted to the implementation of crisis management tasks did not change²⁵⁴.

252 *Ustawa budżetowa na rok 2015 z dnia 29 stycznia 2015 roku*, OJ. 2015, No. 0, Item. 153.

253 The Council of Ministers, *Uzasadnienie ustawy o zmianie ustawy budżetowej na rok 2015*, Warszawa 2015, p. 5. *Ustawa z dnia 16 grudnia 2015 r. o zmianie ustawy budżetowej na rok 2015*, OJ. 2015, No. 0, Item. 2195.

254 Ibid., *Wydatki budżetu państwa na rok 2015. Zestawienie zbiorcze według działów*.

Tab. 8. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2015

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	547	565
Kuyavia-Pomerania	255	350
Lublin Province	23	22
Lubusz Province	320	386
Łódź Province	251	339
Lesser Poland	90	67
Mazovia Province	202	240
Opole Province	151	241
Subcarpathia	201	108
Podlasie Province	25	2
Pomerania	–	268
Silesia	738	1 041
Warmia-Masuria	523	712
Greater Poland	922	969
West Pomerania	90	41
Total	4 338	5 350

Source: own elaboration based on: *Ustawa budżetowa na rok 2015 z dnia 29 stycznia 2015 roku...*, and Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2015 roku*, Vol. II, Warszawa 2016.

The information on the execution of expenditure in the task force system shows that in 2015 the expenditure on crisis management and civil defense was incurred: (1) to ensure coherent information, planning and coordination of actions at national level, crisis management and civil protection levels; the Ministry of Culture and National Heritage (PLN 46,000); (2) the removal of the effects of natural disasters and the implementation of programs aimed at preventing their occurrence by 2020 – by the Ministry of Administration and Digitization (PLN 3 080 thousand); (3) to ensure coherent circulation of information, planning and coordi-

nation of actions at the national level, in the area of crisis management – by the Ministry of Interior (PLN 128 323 thousand) and the Ministry of National Education (PLN 5 thousand)); (4) to ensure consistent information flow, the planning and coordination of actions at the voivodeship level, in the area of crisis management and civil protection – by Voivodes (PLN 608 384 thousand)²⁵⁵.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2015 shows that expenditures for the implementation of crisis management tasks were incurred in the budget sections: internal affairs (amounting to PLN 8 109 thousand) and education (for this purpose PLN 5 thousand were issued). Additionally, in 2015, PLN 5,350 thousand was spent on the implementation of crisis management tasks from voivodeship budgets²⁵⁶. The total amount of expenditure incurred for performing crisis management tasks in 2015 amounted to PLN 13 464 thousand (and was PLN 1 872 thousand higher than the amount planned in *the Budget Act for 2015*)²⁵⁷.

In *the Task Force Planning for 2016*, within the scope of internal security and public order, there were specified two objectives in the framework of crisis management and natural disaster response and recovery²⁵⁸: (1) ensuring a coherent circulation of information, planning and coordination of actions at national level in crisis management; (2) disaster relief and implementation of programs to prevent them from occurring by 2020. Under this task, it was planned to: (1) implement projects to create a detailed safety net; (2) to streamline information, planning and coordination activities at national and provincial level in the field of crisis management; (3) to improve the communication of emergency

255 The Council of Ministers, *Informacja o wykonaniu wydatków w układzie zadaniowym w 2015 roku*, Warszawa 2016, pp. 23 and n.

256 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2015 roku*, Vol. I and II, Warszawa 2016.

257 The voivodeships spent PLN 1 012 thousand more on the implementation of crisis management tasks, than assumed in *Budget Act for 2015*. In addition, the expenditures from the departments administrated by ministers were PLN 860 thousand higher than those planned in the aforementioned legal act.

258 The Council of Ministers, *Planowanie w układzie zadaniowym na rok 2016. Skonsolidowany plan wydatków w układzie zadaniowym na rok 2016 i dwa kolejne lata*, Warszawa 2015, pp. 22 and n.

services by providing optimal technical and organizational conditions related to the operation of rescue service communication networks. In addition, public administration activities were also aimed at counteracting the effects of natural disasters and their removal, providing flood protection and supporting local government units in the area of reconstruction of communal technical infrastructure destroyed by natural disasters. Moreover, the emergency response system (emergency number 112) and the supervision of this system, as well as the State Emergency Medical Assistance Command System, were also to be financed under this appropriation. The Ministry of Administration and Digitalization (27 430 thousand zloty), the Ministry of the Interior (182 013 thousand zloty) and the Voivodes (89 237 thousand zloty) were the beneficiaries of the funds allocated for realization of such a task. The total amount of expenses for the implementation of the task crisis management and prevention and removal of natural disasters was planned to be allocated 298 680 thousand zloty.

The Budget Act for 2016 was passed on February 25, 2016²⁵⁹. Expenditures on crisis management were provided in two parts of the budget: internal affairs (PLN 7 578 thousand) and education (PLN 5 thousand). In addition, in 2015, it was planned in voivodeship budgets for the implementation of crisis management tasks, amounting to PLN 8 388 thousand (these are shown in Table 9).

It is clear *from the Information on the execution of expenditure in the Task Force* that in 2016 expenditure on crisis management and disaster response and recovery was incurred: to ensure a coherent circulation of information, planning and coordination of actions at national level in crisis management and the removal of the effects of natural disasters and the implementation of programs aimed at preventing their occurrence by 2020. For the implementation of the above-mentioned tasks in crisis management in 2016, the Ministry of Interior Affairs and Administration issued PLN 156,435 thousand, and the voivodeships – PLN 611,665 thousand²⁶⁰.

259 *Ustawa budżetowa na rok 2016 z dnia 25 lutego 2016 roku*, OJ. 2016, No. 0, Item. 278.

260 The Council of Ministers, *Informacja o wykonaniu wydatków w układzie zadaniowym w 2016 roku*, Warszawa 2017.

Tab. 9. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2016

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	237	253
Kuyavia-Pomerania	314	412
Lublin Province	23	23
Lubusz Province	268	287
Łódź Province	76	71
Lesser Poland	5 190	81
Mazovia Province	202	1 126
Opole Province	151	274
Subcarpathia	161	76
Podlasie Province	25	10
Pomerania	45	45
Silesia	500	585
Warmia-Masuria	196	314
Greater Poland	920	914
West Pomerania	80	179
Total	8 388	4 651

Source: own elaboration based on: *Ustawa budżetowa na rok 2016 z dnia 25 lutego 2016 roku...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2016 roku*, Vol. II, Warszawa 2017.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2016 shows that expenditures for the implementation of crisis management tasks were incurred in parts of the budget: internal affairs (amounting to PLN 7,557 thousand) and education (for this purpose it was spent PLN 5 thousand). In addition, in 2016, PLN 4 651 thousand was spent on performing crisis management tasks from voivodeship budgets²⁶¹. The total amount of expenditure in-

²⁶¹ The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2016 roku*, Vol. I and II, Warszawa 2017.

curred for executing crisis management tasks in 2016 amounted to PLN 12,213 thousand (and was PLN 3,758 thousand lower than the amount planned in *the 2016 Budget Act*²⁶².

In *the Task Force Planning for 2017*, as part of the internal security and public order functions, three objectives were defined, as part of the crisis management and disaster prevention tasks²⁶³: (1) ensuring a consistent information flow, planning and coordination of actions at the national level in the field of crisis management, (2) removing the consequences of natural disasters and implementing programs to prevent their occurrence by 2023, as part of this task, among others it was planned to: (1) coordinate projects in the field of crisis management and counteract threats (including terrorism), (2) coordinate government and self-government administration activities aimed at counteracting the occurrence of the effects of natural disasters (including their removal), (3) support local government units in the field of the reconstruction of municipal technical infrastructure damaged as a result of natural disasters, (4) provide flood protection. This task was also to include, among others: (1) projects involving the maintenance of crisis management and threat monitoring centers, (2) ensuring a consistent information flow, planning and coordination of activities at the national and provincial level in the field of crisis management and optimal technical and organizational conditions related to the operation of communication networks of emergency services. Moreover, as part of this task, the functioning and development of the emergency notification system was to be financed. The Ministry of the Interior and Administration and the Voivodes were the dispensers of the funds allocated to the task formulated in this way (PLN 260,000 thousand is planned for the implementation of this task). In total, in 2017 it was planned to allocate PLN 264,171 thousand for the implementation of the task crisis management and prevention and removal of the effects of natural disasters.

262 Voivodes for the execution of crisis management tasks spent PLN 3,737 thousand less than assumed in *Ustawa budżetowa na rok 2016*. In addition, expenditures from the departments administrated by ministers were PLN 21 thousand lower than those set out in the aforementioned legal act.

263 The Council of Ministers, *Planowanie w układzie zadaniowym na rok 2017. Skonsolidowany plan wydatków układzie zadaniowym na rok 2017 i dwa kolejne lata*, Warszawa 2016, pp. 133 and n.

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The budget act for 2017 was passed on December 16, 2016²⁶⁴. Expenditures for crisis management were provided for in two parts of the budget: internal affairs (PLN 7 672 thousand) and education (PLN 5 thousand). In addition, in 2017, the budgets of voivodeships are planned to perform tasks in the field of crisis management, amounting to PLN 3 591 thousand (these expenses are presented in Table 10).

Tab. 10. Expenditures planned and incurred for implementation of crisis management tasks in voivodeship budgets in 2017

Voivodeships	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)	The amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
Lower Silesia	237	174
Kuyavia-Pomerania	459	509
Lublin Province	23	23
Lubusz Province	128	128
Łódź Province	215	133
Lesser Poland	90	80
Mazovia Province	154	152
Opole Province	95	137
Subcarpathia	162	63
Podlasie Province	25	7
Pomerania	45	45
Silesia	500	689
Warmia-Masuria	280	355
Greater Poland	1 098	1 059
West Pomerania	80	285
Total	3 591	3 840

Source: own elaboration based on: *Ustawa budżetowa na rok 2017 z dnia 16 grudnia 2017 roku...*, and The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2017 roku*, Vol. II, Warszawa 2018.

²⁶⁴ *Ustawa budżetowa na rok 2017 z dnia 16 grudnia 2016 roku*, OJ. 2017, No. 0, Item. 108.

The Information on the execution of expenditure in the Task Force shows that in 2017, the expenses for crisis management as well as prevention and disaster relief were incurred: to ensure a consistent information flow, planning and coordination of actions at the national level in the field of crisis management, to remove the consequences of natural disasters and implementation of programs to prevent natural disasters by 2023. For the implementation of the abovementioned tasks in the field of crisis management in 2017, the Ministry of Interior and Administration and the Voivodes allocated PLN 756 487 thousand²⁶⁵.

The Report on the implementation of the state budget for the period from 1 January to 31 December 2016 shows that expenditure on the implementation of tasks in the field of crisis management was incurred in parts of the budget: internal affairs (amounted to PLN 7,637 thousand) and education (for this purpose 4,000 zlotys were spent). Additionally, in 2017, PLN 3 840 thousand were spent on performing tasks in the field of crisis management from voivodeship budgets²⁶⁶. The total amount of expenses incurred for performing tasks in the field of crisis management in 2017 was therefore PLN 11,481 thousand (and was PLN 213 thousand lower than the amount planned in *the Budget Act for 2017*).

Based on the data presented in this subsection, it is possible to verify the hypothesis that both expenditures planned in the state budget for the performance of crisis management tasks and the funds incurred to achieve this objective in the III RP in the years 2008–2017 were systematically increased. It was assumed that the institutions of the state in the analysed period of time ascribed more and more importance to the problem of crisis management which resulted, inter alia, from a definite expansion of the catalog of non-military threats.

The aforementioned hypothesis (formulated in the introduction of this thesis) was verified using statistical methods. In practice, it is possi-

265 The Council of Ministers, *Informacja o wykonaniu wydatków w układzie zadaniowym w 2017 roku*, Warszawa 2018.

266 The Council of Ministers, *Sprawozdanie z wykonania budżetu państwa za okres od 1 stycznia do 31 grudnia 2017 roku*, Vol. I and II, Warszawa 2018. The much higher level of expenditure was affected by unfavorable weather phenomena of a natural disaster, which caused significant losses in the property of natural persons. The effect of this situation was to increase the assistance addressed to private entities, while reducing expenditure on the implementation of infrastructure tasks.

ble to determine the development tendency function (trend function) of the amount of expenditures planned in the state budget for carrying out crisis management tasks and the funds incurred to achieve these tasks in a specific period of time²⁶⁷. This hypothesis can be verified statistically by extracting the development trend from the time series using several mathematical methods (including the analytical method of least squares or mechanical method of moving averages). The methodology for determining the structural parameters of the development trend of the amount of expenditures planned in the state budget for carrying out crisis management tasks and the funds incurred to achieve these tasks using the least squares method is presented below.

The analytical method of extracting the tendency function of the amount of expenditures is based on finding a specific mathematical function for a given time series. The scientific goal in this case is to select of an appropriate class of the trend function and to estimate its structural parameters. Since it is recommended to use a selected type of trend function which should be of low complexity and the parameters of the function should have a substantial impact on the amount of expenditures planned and incurred for crisis management tasks, the approximation linear trend function of II type was chosen as a function of development trend, as a particular type of regression function

$$\hat{y}_i = a_0 + a_1 \cdot x_i,$$

in which the explanatory variable is time ($x_i = t$).

When the residual components ζ_t are taken into account, the trend function takes the general formula:

$$\hat{y}_t = a_0 + a_1 \cdot t + \zeta_t$$

²⁶⁷ The development tendency function (trend function) is understood as slow, regular and systematic changes in the amount of expenditures planned and incurred for carrying out crisis management tasks, resulting from the main causes, which are observed in a sufficiently long period of time (10 years). Due to the long-term character of these changes, the trend function analysis may be carried out with the use of statistical methods. See more: M. Sobczyk, *Statystyka*, Warszawa 2001, p. 317.

where: \hat{y}_t – the theoretical (resulting from the estimated trend function) values of expenditures planned or incurred in the period of time t ,

a_0 – the free term to determine the amount of expenditures for $t = 0$

a_1 – the parameter which determines the average increment (positive or negative) of expenditures per the time increment unit t ,

ζ_t – the residual component.

By using a method of calculating the structural parameters of the trend function with the use of the least squares method, the T -expression which is the function of two variables a_0 and a_1 :

$$T = \sum_{t=1}^n (y_t - \hat{y}_t)^2 = \sum_{t=1}^n (y_t - a_0 - a_1 \cdot t)^2$$

should reach a minimum value. Because the necessary condition for the existence of the minimum extremum of the function of two variables is the zeroing of partial derivatives

$$\left(\frac{\partial T}{\partial a_0} = 0, \frac{\partial T}{\partial a_1} = 0 \right)$$

the following system of normal equations is obtained:

$$\begin{cases} 2 \sum_{t=1}^n (y_t - a_0 - a_1 \cdot t)(-1) = 0 \\ 2 \sum_{t=1}^n (y_t - a_0 - a_1 \cdot t)(-t) = 0 \end{cases} \Leftrightarrow \begin{cases} n \cdot a_0 + a_1 \sum_{t=1}^n t = \sum_{t=1}^n y_t \\ a_0 \sum_{t=1}^n t + a_1 \sum_{t=1}^n t^2 = \sum_{t=1}^n t \cdot y_t \end{cases},$$

where: n – the number of years of observation on the basis of which the trend function is estimated,

y_t – the empirical values of expenditures (planned or incurred, respectively),

$\bar{y} = \frac{\sum_{t=1}^n y_t}{n}$ – the arithmetic average of the empirical values of expenditures (planned or incurred, respectively),

$$\bar{t} = \frac{\sum_{t=1}^n t}{n} - \text{the arithmetic average of the time increment unit } t.$$

The solution of the system of equations are the values of variables a_0 and a_1 which can be calculated from the relationships:

$$\left\{ \begin{array}{l} a_0 = \frac{\sum_{t=1}^n t^2 \sum_{t=1}^n y_t - \sum_{t=1}^n t \sum_{t=1}^n t \cdot y_t}{n \sum_{t=1}^n t^2 - (\sum_{t=1}^n t)^2} \\ a_1 = \frac{n \sum_{t=1}^n t \cdot y_t - \sum_{t=1}^n t \cdot \sum_{t=1}^n y_t}{n \sum_{t=1}^n t^2 - (\sum_{t=1}^n t)^2} \end{array} \right. \Rightarrow \left\{ \begin{array}{l} a_0 = \bar{y} - a_1 \cdot \bar{t} \\ a_1 = \frac{\sum_{t=1}^n t \cdot y_t - \bar{y} \sum_{t=1}^n t}{\sum_{t=1}^n t^2 - \bar{t} \sum_{t=1}^n t} \end{array} \right.$$

In this way, similarly to the two-dimensional linear regression function, it was possible to present development trends for both planned and incurred expenditures for crisis management tasks. In addition as part of the verification of the mentioned research hypothesis, the degree of compliance of expenditures planned and incurred for crisis management tasks with the theoretical expenditures obtained on the basis of the determined trend function was assessed²⁶⁸. The basis for determining the accuracy of the matching degree are differences between the empirical values, which are understood as actual values (planned or

²⁶⁸ The following stochastic structure measures, which are used to determine the degree of compliance of empirical data with theoretical data, are analysed in the monograph: the average errors in the assessment of the structural parameters $D(a_0)$ and $D(a_1)$, including the standard deviations of the residual component $s(\zeta_t)$, the coefficients of indetermination φ^2 and determination R^2 , as well as the coefficients of residual variation $r(\zeta_t)$. In the case of small standard deviations of the residual component $s(\zeta_t)$, small coefficients of residual variation $r(\zeta_t)$, relatively low values of the convergence coefficient φ^2 , relatively high values of the determination coefficient R^2 and low errors in the assessment of the structural parameters $D(a_1)$ and $D(a_0)$, it can be assumed that the linear function of the development trend in the given years quite well describes the amount of expenditures planned and incurred, respectively, for carrying out crisis management tasks.

incurred expenditures) and theoretical values (resulting from the estimated trend function).

Synthetic measure of dispersion of actual values around theoretical values is the variance of the residual component, which is known as a residual variance (remainder variance):

$$s^2(\xi_t) = \frac{\sum_{t=1}^n (y_t - \hat{y}_t)^2}{n - k} = \frac{\sum_{t=1}^n \xi_t^2}{n - k},$$

where: k – the number of estimated trend function parameters (for a linear function with one explanatory variable $k = 2$).

Another measure of stochastic structure is the standard deviation of the residual component $s(\xi_t)$, which is the square root of the residual variance. This indicator provides information on the average deviation of the actual values of the response (dependent) variable from the values calculated on the basis of the trend function.

It is possible to determine how much percentage of the average level of observed variability of the response variable (i.e. expenditures planned or incurred, respectively) are random deviations of the obtained trend function on the basis of the coefficient of residual variation $r(\xi_t)$, which can be determined from the relationship: $r(\xi_t) = \frac{s(\xi_t)}{\bar{y}}$.

The matching of both trend functions (for expenditures planned or incurred, respectively) to empirical data can be determined by the convergence coefficient (coefficient of indetermination) φ^2 :

$$\varphi^2 = \frac{s^2(\xi)}{s^2(y)} = \frac{\sum_{t=1}^n (y_t - \hat{y}_t)^2}{\sum_{t=1}^n (y_t - \bar{y})^2}$$

This coefficient is the ratio between the part of the variability of the analysed phenomenon that has not been explained by the explanatory variable, i.e. time, and the total variability of the response variable. On this basis the determination coefficient R^2 , which provides information which part of the changes in the value of the response variable has been explained on the basis of the estimated trend function in relation to the total variation of the response variable is determined. Since the relationship $s^2(y) = s^2(\hat{y}) + s^2(\xi)$ is fulfilled:

$$R^2 = \frac{s^2(\hat{y})}{s^2(y)} = \frac{\sum_{t=1}^n (\hat{y}_t - \bar{y})^2}{\sum_{t=1}^n (y_t - \bar{y})^2} = 1 - \frac{s^2(\xi)}{s^2(y)} = 1 - \phi^2$$

By analysing the trend function, it is also possible to determine average errors in the assessment of the values of variables a_0 and a_1 , because the estimation was based on the results of the sample for the particular period of time (10 years). The mean standard errors for estimating variables a_0 and a_1 for the linear trend function are calculated from the relationships:

$$\left\{ \begin{array}{l} D(a_0) = \sqrt{\frac{s^2(\xi_t) \sum_{t=1}^n t^2}{n \cdot (\sum_{t=1}^n t^2 - n \cdot \bar{t}^2)}} \\ D(a_1) = \frac{s(\xi_t)}{\sqrt{(\sum_{t=1}^n t^2 - n \cdot \bar{t}^2)}} \end{array} \right.$$

As part of the verification of the above-mentioned research hypothesis, the significance of the slope of the linear trend function was assessed. The test was based on the verification of the hypothesis of the lack of linear dependence between the analysed features (expenditures) on the basis of the value of the calculated parameter a_1 . In practice, the closer 0 is to a_1 , the alignment is worse. In order to verify the zero hypothesis $H_0 (a_1=0)$ against the alternative hypothesis $H_1 (a_1 \neq 0)$ statistic is used, which is a random variable with the t -student's distribution:

$$t = \frac{a_1}{D(a_1)}.$$

The obtained t -statistics are compared with the critical value of the distribution $t_{\alpha, n-2}$ from the tables of the t -student distribution for a given significance level and a specified number of degrees of freedom (for linear function with one explanatory variable: $n-2$). When the condition $|t| > |t_{\alpha, n-2}|$ is fulfilled, the H_0 hypothesis is rejected in favour of the

alternative hypothesis H_1 , which assumes a systematic linear relationship, which means the significance of the a_1 slope of the trend function. If the condition is not fulfilled, the H_0 hypothesis is accepted, which means that the significance level F is above the assumed value α , i.e. the results are statistically insignificant for the assumed significance level α .

First of all, the statistical analysis of the expenditures planned in the state budget for carrying out crisis management tasks in 2008–2017 is carried out on the basis of the data presented in Table 11.

Tab. 11. Expenditures planned for the implementation of crisis management tasks in the budgetary acts in the years 2008–2017

Year	The amount of planned expenditures for the implementation of crisis management tasks (in PLN thousand)
2008	4 154
2009	11 480
2010	8 592
2011	9 502
2012	10 112
2013	9 998
2014	10 481
2015	11 592
2016	15 971
2017	11 268*

*It should be noted that in the budget for 2018, PLN 11,775 thousand was planned for the implementation of crisis management tasks (only in 2016 the expenditure planned for this purpose was higher).

Source: own elaboration based on budgetary acts from the years 2008–2017.

The parameters of the linear trend function are estimated with the use of the least squares method on the basis of the data presented in Table 11. The following values of parameters a_0 and a are obtained:

$$\begin{cases} a_0 = 6\,538.80 \\ a_1 = 686.58 \end{cases}$$

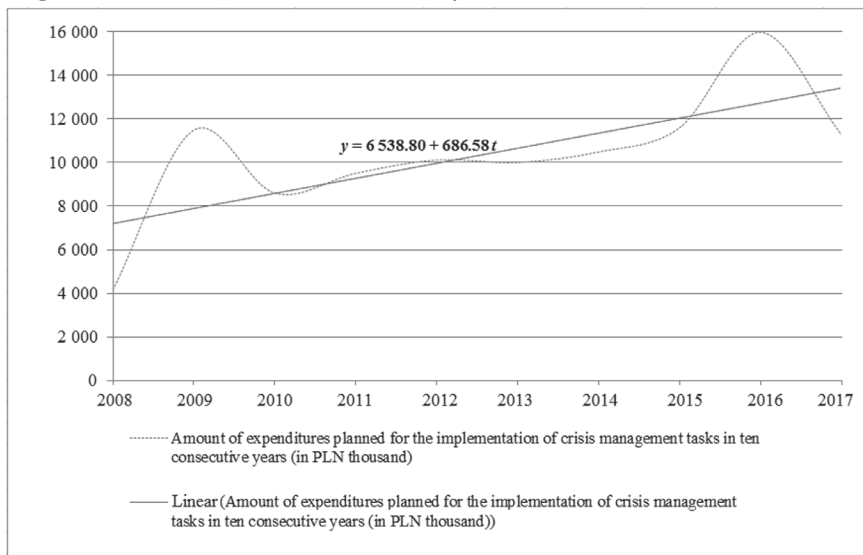
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The mathematically determined linear trend function on the basis of the amount of expenditures planned in the budgetary acts for the implementation of crisis management tasks in the years 2008–2017, through the applied approximation, takes the formula:

$$\hat{y}_t = a_0 + a_1 \cdot t = 6\,538.80 + 686.58 \cdot t \text{ [in PLN thousand]}.$$

A graphical representation of the determined development trend function $y = \hat{y}_t$ (the function called Linear) is shown in Figure 8.

Fig. 8. Expenditures planned for the implementation of crisis management tasks in the budgetary acts in ten consecutive years (2008–2017) against the background of the linear trend function y (in PLN thousand)



Source: own elaboration.

The obtained trend function proves the increase in the amount of expenditures planned in the budgetary acts for the implementation of crisis management tasks. It can be concluded from the estimated trend function that the expenditures planned in the budgetary acts for crisis management tasks were systematically increased (year on year by the average of PLN 686.58 thousand). The free term of the trend function in-

indicates the theoretical amount of expenditures planned in the budgetary acts for crisis management tasks in 2007 (for $t = 0$). The theoretical amount of expenditures planned in the budgetary acts for crisis management tasks was then equal to PLN 6 538.80 thousand.

The following measures of the degree of alignment were obtained for the trend function

$$\hat{y}_t = a_0 + a_1 \cdot t = 6\,538.80 + 686.58 \cdot t : s(\zeta_t) = \sqrt{s^2(\xi_t)} = \text{PLN } 2200,95 \text{ thousands,}$$

$$r(\zeta) = 0.21 \quad \varphi^2 = 0.50 \quad R^2 = 0.50 \quad D(a_0) = \text{PLN } 1503,53 \text{ thousands,}$$

$$D(a_1) = \text{PLN } 242,32 \text{ thousand and the significance level } F = 0.0220.$$

It is worth noting that at the assumed significance level ($\alpha = 0.05$) and 8 degrees of freedom, the statistical test of expenditures planned in the budgetary acts for the implementation of crisis management tasks confirms the assessment of the significance of the a_1 slope of the linear trend function. In turn, the occurrence of the systematic linear trend allows us to accept the first part of the hypothesis assuming that the expenditures planned in the state budgets for crisis management tasks were systematically increased in the III RP in 2008–2017. The obtained value of the t -statistic (2.83) is greater than the value of the t -student's distribution table (2.30), which confirms the significance of the a_1 slope of the linear trend. Since the significance level F is below the assumed value α ($F = 0.0220$), the results are statistically significant for the assumed significance level α (5% chance of error was assumed).

A statistical analysis of the expenditures incurred in 2008–2017 for the implementation of crisis management tasks is then carried out on the basis of the data presented in Table 12.

Tab. 12. Expenditures incurred for the implementation of crisis management tasks in the years 2008–2017

Year	Amount of expenses incurred for the implementation of crisis management tasks (in PLN thousand)
2008	6 785
2009	9 244
2010	8 932
2011	9 968
2012	11 751
2013	12 198
2014	12 638
2015	13 464
2016	12 213
2017	11 481

Source: own elaboration based on the annual budget reports provided by the Council of Ministers for the years 2008–2017.

For the presented data the following values of variables a_0 and a_1 are obtained:

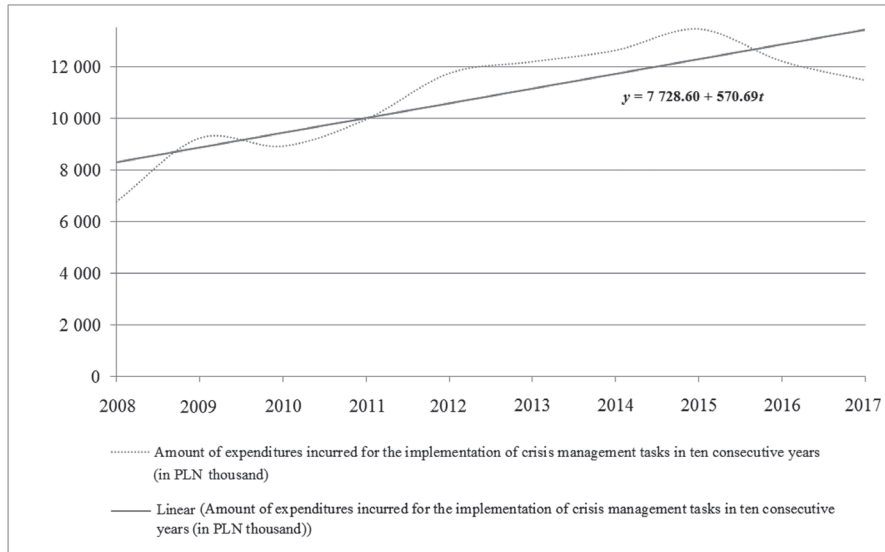
$$\begin{cases} a_0 = 7\,728.60 \\ a_1 = 570.69 \end{cases}$$

The mathematically determined linear trend function on the basis of the amount of expenditure incurred for the implementation of crisis management tasks in the years 2008–2017, through the applied approximation, takes the formula:

$$\hat{y}_t = a_0 + a_1 \cdot t = 7\,728.60 + 570.69 \cdot t \text{ [in PLN thousands].}$$

A graphical representation of the determined development trend function $y = \hat{y}_t$ (the function called Linear) is shown in Figure 9.

Fig. 9. Expenditures incurred for the implementation of crisis management tasks in ten consecutive years (2008–2017) against the background of the linear trend function y (in PLN thousand)



Source: own elaboration.

The obtained trend function confirms the increase in the amount of expenditures incurred for the implementation of crisis management tasks. Based on the estimated trend function, it can be concluded that these expenditures annually were increased by the average of PLN 570.69 thousand. The theoretical amount of expenditures incurred for crisis management was equal to PLN 7 728.60 thousand in 2007.

The following measures of the degree of alignment were obtained for the trend function

$$\hat{y}_t = a_0 + a_1 \cdot t = 7\,728.60 + 570.69 \cdot t : s(\zeta_t) = \sqrt{s^2(\xi_t)} = \text{PLN } 1\,204.29 \text{ thousand}$$

$$r(\zeta) = 0.11 \quad \varphi^2 = 0.30 \quad R^2 = 0.70 \quad D(a_0) = \text{PLN } 822.69 \text{ thousands}$$

$$D(a_1) = \text{PLN } 132.59 \text{ thousand and the significance level } F = 0.0026.$$

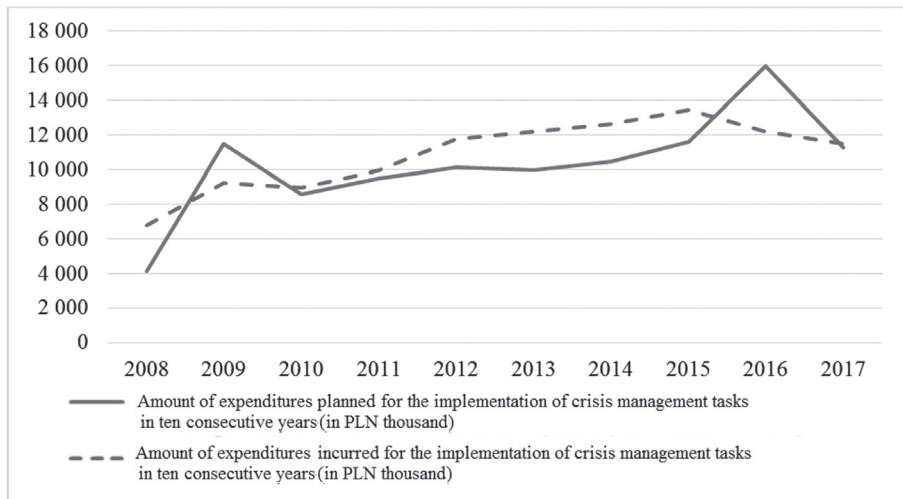
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As in the case of expenditure planned in the state budgets, the statistical test of expenditures incurred for the implementation of crisis management tasks proves the assessment of the significance of the a_1 slope of the linear trend function with the assumed significance level ($\alpha = 0.05$) and 8 degrees of freedom, which allows us to confirm the systematic linear trend of the amount of expenditures incurred for the performance of crisis management tasks at the assumed significance level α . This test confirms the second part of the aforementioned hypothesis, assuming that the funds incurred for the performance of crisis management tasks in the III RP systematically increased in the years 2008–2017. The obtained value of the t -statistic (4.30) is greater than the value of the t -student's distribution table (2.30), which allows to confirm the significance of the a_1 slope of the linear trend. Since the significance level F is below the assumed value α ($F = 0.0026$), the results are statistically significant for the assumed significance level α (5% chance of error was assumed).

Using the comparative method, we can analyse the ratio of expenditure incurred for the implementation of crisis management tasks in the years 2008–2017, up to the amount of expenditures planned for this purpose in state budgets. The research shows that in 2008–2009, 2010–2015 and 2017 expenditure incurred on crisis management was higher than planned in the budgetary acts.

The exception in this regard was 2009, when the amount of funds used for crisis management in the Third Republic of Poland was PLN 2,236 thousand lower than planned in the Budget Act and 2016, when expenditures incurred to perform these tasks were lower by PLN 3 748 thousand than planned (see Figure 10). This situation was due to the fact that in 2009 and 2016 there were no major natural disasters in Poland, which would necessitate intensive crisis management activities.

Fig. 10. Expenditures planned and incurred for the implementation of crisis management tasks in the years 2008–2017 (in PLN thousand)



Source: own elaboration based on budgetary acts from 2008–2017 and reports on their implementation.

The analyses carried out in this chapter allow for a number of conclusions: (1) the rules for financing crisis management tasks were enacted under *the Crisis Management Act* passed in 2007; (2) the source of funding for crisis management tasks in the light of the *2007 Crisis Management Act* was in particular the state budget (in parts owned by Voivodes, the minister in charge of the internal affairs and other ministers managing the departments of government administration and central government administration) and budgets of local self-government units (within the limits of the funds allocated to the security of citizens); (3) according to the provisions of *the Crisis Management Act 2007*, special purpose reserves intended for the implementation of crisis management tasks were to be set up in the budgets of local self-government units (their level was set at 1% of the current budget of the territorial self-government unit minus investment expenditures, remuneration and derivatives expenses and debt servicing expenses); (4) due to the fact that the most dynamically developing units of local self-government (in which budgets for a given year were planned for high investment expenditures) were not able to create a special reserve

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for the implementation of their own tasks in crisis management (this was due to the negative balance of difference in current expenditures in relation to investment expenditures specified in the *Crisis Management Act* of 2007) – under the *Act amending the Crisis Management Act* of 2009, the system of financing crisis management tasks was modified (the amount of specific provisions in the budgets of particular units of local self-government for the implementation of own tasks in the field of crisis management was established at the level not less than 0.5% of their expenditures – decreased by investment expenditure, remuneration and derivatives expenses and debt servicing expenses); (5) both expenditures planned in the state budget for the performance of crisis management tasks and the funds incurred to achieve this objective in the III RP in the years 2008–2017 were systematically increased; (6) in the years 2008–2009, 2010–2015 and year 2017 expenditure incurred for crisis management was higher than planned in the budgetary laws (the exception in this respect was 2009, when the amount of funds used for crisis management in the III Poland was by PLN 2,236 thousand lower than planned in the Budget Act, and 2016, when expenditures incurred to perform these tasks were lower by PLN 3 748 thousand than planned – which was due to the fact that in 2009 and 2016 there were no major natural disasters in Poland which would cause the need for intensive crisis management activities).

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Normative dimension of the European Union crisis management system and its implementation in legal-organizational order of the Third Republic of Poland

The aim of this chapter is to present the normative dimension of the European Union crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland. The normative basis for the European Union crisis management system will be analysed in the first part of this chapter. The study will cover both the provisions of the treaties (international agreements concluded between the member states of the European Union, which are the foundations of the organization and the legal order of this constitution), the provisions of European Council meetings, records from European security strategies on the European Union crisis management system and the legislation binding on the member states (such as regulations, directives and decisions). In this part of the thesis, the normative framework for the functioning of early warning mechanisms and crisis management mechanisms and instruments (including, in particular, the field of civil protection in the event of natural and technological disasters) will be analysed. The second subsection of this chapter presents the research problem of the organization of the European Union crisis management system – taking into account the two dimensions of its functioning: external and internal. In the last section, the normative aspect of the activities of Polish internal security institutions will be presented within the European Union crisis management system. In this context, the analysis will cover normative activities of the Government Security Center and the Financial Stability Commit-

tee – formed under the legislative process aimed at the implementation of legal acts enacted by the institutions of the European Union.

4.1 Normative bases of the European Union crisis management system

The European Union, which is the result of a multi-annual process of political, economic and social integration, was created by the agreement – *Treaty on European Union* – signed in Maastricht on 7 February 1992, which included regulations on the creation of the European Community, Common Foreign and Security Policy as well as the Police and the Court of Justice cooperation in criminal matters, which were the starting point for the creation of an EU crisis management system²⁶⁹. Forming the European Union's ability to respond to emerging crises under the Common Foreign and Security Policy (evolving towards the Common Security and Defense Policy) has for some time defined the specificity of its activities in the analysed area. The attention of EU policy-makers until 1999 was focused primarily on the problems of international policy manifested primarily in political, military and humanitarian crises. This trend formed part of *the Treaty of Maastricht*, in which the Western European Union was delegated the power to work out and implement European Union decisions and initiatives, affecting the defense issues²⁷⁰. Shortly thereafter, these competences were supplemented with the possibility of carrying out operational activities in crisis management²⁷¹. Military units, under the command of the Western European Union, could be used to carry out these activities (i.e. humanitarian and rescue missions, peacekeeping operations, combat missions in crisis management – including peace restoration)²⁷².

269 *Treaty on European Union*, Maastricht, February 7, 1992, Official Journal of the European Communities 92/C 191/01, title V.

270 Ibid. art. OJ. 4, para. 2.

271 Enlargement of powers was a consequence of the adoption on 19 June 1992 by the Council of Ministers of the Western European *Petersberg Declaration*. *Petersberg Declaration adopted at the meeting of the WEU Council of Ministers*, Bonn, 19 June 1992, [in:] *UZE a Europa Środkowa i Wschodnia. Dokumenty*, "Studia i Materiały PISM" 1994, booklet. 1, No. 76, pp. 70–71.

272 Ibid., ch. II, point 4.

The modification of the Common Foreign and Security Policy, which also had implications for the normative dimension of European Union crisis management, was made under *the Treaty of Amsterdam*, signed on 2 October 1997. In light of the provisions of this act, the Common Foreign and Security Policy has become the domain of the European Union²⁷³. Adoption of such a solution meant enhancing the role of the Union in the analysed area. A major change in the context of the existing legal provisions was also the placing of crisis management tasks in the aforementioned legal act²⁷⁴. These included: “humanitarian and rescue missions, peacekeeping missions and military missions for the management of crises, including the restoration of peace”²⁷⁵. Specifying in *the Treaty of Amsterdam* the catalog of tasks indicated in *the Petersberg Declaration* was a confirmation of the close union of the European Union with the Western European Union in the crisis management system. It is stated in the provisions of the normative act that “the Western European Union (WEU) is an integral part of the Union’s development, providing access to its operational capacity”, specifically referring to the tasks indicated in *the Petersberg Declaration*²⁷⁶. Furthermore, *the Treaty of Amsterdam* announced the possibility of including the Western European Union in the European Union, if so decided by the European Council. Since the entry into force of this normative act (ie 1 May 1999), the European Union has acquired competence to conduct military crisis management missions. It can therefore be assumed that *the Treaty of Amsterdam* has created the normative basis for the European Union’s crisis management system.

A concept for enhancing the European Union’s competence in crisis management was developed by the European Council in Cologne (3–4 June 1999) and Helsinki (10–11 December 1999). Strengthening the defense capabilities of the European Security and Defense Policy,

273 Earlier, in line with the provisions of the *Maastricht Treaty on European Union*, the Common Foreign and Security Policy was defined and implemented by both the European Union and the member states. *Treaty on European Union – Maastricht*, February 7, 1992, art. J. 1.

274 *Treaty of Amsterdam amending the Treaty on European Union, Treaties establishing the European Communities and certain related acts*, Amsterdam, 2 October 1997, OJ. Of the European Communities C 340, art. 1, item 10.

275 Ibid.

276 Ibid.

following a meeting in Cologne, aimed at preventing armed conflicts and managing crises²⁷⁷. What is more, at the European Council meeting in Helsinki, the will to develop military capabilities was confirmed, and the crisis management concept was supplemented by civil and non-military aspects²⁷⁸. As far as civil actions were underway in the first pillar, ie the Community mechanisms, in which the European Commission and the European Parliament had much to say and decide, non-military crisis management was to be based on the mechanisms developed under pillar II (it was also to include activities undertaken by the European Commission under pillar I).

In order to implement actions in the field of conflict prevention and crisis response, the European Union has set up a European Operational Objective in Helsinki, which was a program for the preparation of a Rapid Armed Forces Corps (within 60 days), in all the tasks indicated in the *Petersberg Declaration* (for at least a year). At the same time, the decision was also made to allow third countries to participate in operations conducted by the European Union – states that opt to confirm participation in such operations and involve significant armed forces would have the same rights and obligations as EU Member States²⁷⁹.

The non-military aspects of EU crisis management were also one of the main themes of the European Council meeting in Santa Maria da Feira held on 19–20 June 2000. At that time, several channels of consultations on crisis management in the European Union were developed. In the normal state (ie at a time when there was no crisis), a regular dialogue was to be organized. In the crisis phase, where stakeholder participation in crisis response was considered, there was an intensification of dialogue and consultation. In turn, in the operational phase of the crisis, when the Council of the European Union decides to set up an operation,

277 Cologne European Council, *Declaration on Strengthening the Common European Security and Defence*, Cologne, 3–4 June 1999, [in:] *Europejska Polityka Bezpieczeństwa i Obrony. Dokumenty z lat 1998–2000*, „Studia i Materiały Polskiej Fundacji Spraw Międzynarodowych” 2000, No. 26, pp. 38–39.

278 *Presidency Reports to the Helsinki European Council on “Strengthening the Common European Policy on Security and Defence” and “Non-military Crisis Management of the European Union”*, Helsinki Council, 10–11 December 1999, *From St-Malo to Nice. European defence: core documents*, “Challiot Paper” 2001, No. 47, pp. 96–98.

279 *Ibid.*, p. 98.

a Committee of Contributors should be set up. At the meeting, it was also decided to set up a civilian rapid response force consisting mainly of police officers who were to participate in the European Union's conflict prevention and crisis response activities. In addition, the annex to *the Presidency Report of Santa Maria da Feira* identifies the priority areas for building the civilian aspects of EU crisis management. These were: (1) the police; (2) the strengthening of the rule of law; (3) the strengthening of civil administration; and (4) the protection of the population. The document states that the European Union should strive to increase its capacity in the civilian aspects of crisis management and to improve its capacity to save human life in crisis situations by maintaining public order, preventing further escalation of the crisis, and achieving a peaceful and stable situation²⁸⁰. Crisis management in the European Union – both military and civil – was to be adopted under the instruments of the Common Foreign and Security Policy in the light of the enacted documents. These instruments in *the Amsterdam Treaty* include: “defining the principles and general guidelines of the Common Foreign and Security Policy; deciding on common strategies; undertaking joint actions; adoption of common positions; strengthening systematic cooperation between member states in the conduct of their policies”²⁸¹. The last of these instruments allowed coordination of civilian crisis management efforts. States could voluntarily decide on the participation of their police officers in crisis management operations, which would contribute to strengthening the credibility and effectiveness of the European Union on the international scene. It should be noted that police operations undertaken in the field of civilian crisis management were carried out within the framework of the Common Foreign and Security Policy – they went beyond the third pillar (i.e. police and judicial cooperation in criminal matters), as they concerned the external activity of the European Union.

280 *Study on Concrete Targets on Civilian Aspects of Crisis Management. Appendix 3 to European Council. Presidency Conclusions*, Santa Maria da Feira, 19–20 June 2000, <http://www.consilium.europa.eu/en/european-council/conclusions/pdf-1993-2003/SANTA-MARIA-DA-FEIRA-EUROPEAN-COUNCIL--PRESIDENCY-CONCLUSIONS-19-20-JUNE-2000>, accessed on 18.04.2017.

281 *Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities...*, art. 1, item 10.

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The next stage in shaping the normative crisis management framework of the European Union was the signing of *the Treaty of Nice* on 26 February 2001. In this legal act, the list of tasks indicated in *the Petersberg Declaration* was repeated, which meant that the European Union was competent to carry out crisis management activities²⁸². However, *the Treaty of Nice* does not contain provisions on the special relations of the European Union with the Western European Union in this sphere. This meant that since the entry into force of this legal act (ie from 1 February 2003), military operations to manage crises were exclusively within the competence of the European Union. At the same time, *the Treaty of Nice* gave the member states of the European Union the possibility of closer cooperation in the form of bilateral or multilateral agreements and within international organizations (the Western European Union or the North Atlantic Alliance), unless it is contrary to the treaty and impedes the performance of common foreign and security policy. As a result of the enacted legal act, the possibility of strengthening crisis management cooperation within the framework of the second pillar of the European Union was extended.

The rise of the European Union's crisis management ambitions was confirmed in *the European Security Strategy*, titled: *A Secure Europe in a Better World* passed by the European Council at its meeting in Brussels on 12 December, 2003²⁸³. This document responded to new threats – among others, such as the emergence of international terrorism. It was stated in the Introduction of *the Strategy* that, despite the fact that the European continent had never enjoyed such a high level of prosperity, security and freedom, it still had to face the dangers and challenges of security. The document emphasizes that the European Union is a global player and should be ready to assume shared responsibility for global security and build a better world together. Due to the increasing globalization and the dangers of blurring the borders (inter alia, international terrorism,

282 *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*, Nice, 26 February 2001, OJ. Of the European Communities C 80, art. 1, para. 2.

283 *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, <http://www.consilium.europa.eu/uedocs/cmsupload/031208essi1.pdf>, accessed on 19.04.2017.

regional conflicts, disintegration of states), the external neighbour of the European Union played a key role in the interests of European countries. That is why, the second part of *the Strategy* defines strategic objectives that define possible EU responses to the above-mentioned international threats and challenges. This document defines the methods of crisis management in the European Union. The starting point for defining the methods of anti-crisis activity of the Union was the assumption that since none of the new threats was purely military in nature, regulations on crisis response operations should not be restricted to military means alone. The optimal solution indicated in *the Strategy* was the combination of military and civilian efforts to take active part in crisis management. As stated in the document analysed, “military instruments may be needed to restore order and humanitarian measures to combat the immediate effects of the crisis. Regional conflicts require political solutions, but military resources and effective policing can be useful in the final phase of the conflict”²⁸⁴. It is stated in *the Strategy* that the European Union is very well prepared to respond to such multi-faceted situations.

Relatively much space in the third part of *the Strategy* – entitled *Policy Implications for Europe* – was devoted to European Union crisis response instruments. The document states that the European Union in crisis management must be able to cooperate with others, be more active, and coherently and skillfully work to ensure that the organization’s contribution to security is proportional to its capabilities²⁸⁵. The term “more active” referred, in *the Strategy* to a broad spectrum of crisis management instruments – in particular for conflict prevention and crisis resolution using political, diplomatic, military and civil, commercial and development measures. The term “more skillful” was used, inter alia, in the joint assessment of threats, enhancement of the diplomatic and military capabilities of the Union involved in crisis management, expansion of missions for joint disarmament operations, and strengthening operational capacity by concluding permanent agreements with the North Atlantic Alliance. On the other hand, the term “coherent” has been used to better coordinate the wealth of the potential of the EU and its member states

284 Ibid., p. 7.

285 Ibid., p. 12.

(including the recognition of the primacy principle of unity of command in crisis situations, better integration of various instruments and capacities – in particular, the European aid programs and the military and civilian capabilities of the member states – also at regional level, to better coordinate external actions with justice and home affairs policies). Finally, the term “able to cooperate with others” was used in the context of achieving the objectives set out in the Strategy, through multilateral cooperation, both in international forums and through partnerships with key actors (primarily the United States and Russia)²⁸⁶.

In the document analysed, the emphasis was on the so-called “preventive commitment”. It is about increasing the activity of the European Union in regulating destabilizing situations before they turn into a crisis or a military conflict. *The Strategy* has clearly stated that the European Union must be prepared to take action even before a crisis arises – the guarantee of achieving this goal is to ensure the development of a strategic culture conducive to “early, rapid and, where necessary, decisive intervention” (not necessarily military)²⁸⁷.

In addition, the document proposes extending the range of EU crisis response operations beyond the tasks set out in *the Petersberg Declaration* (they should also cover disarmament operations, support to third countries in the fight against terrorism and assistance in defense reform). *The Strategy* has opted for the ability of the European Union, which provides more than 160 billion euros in defense, to be able to simultaneously perform several foreign emergency response operations (both military and civil). Although documented in support of United Nations activities in response to the threat of international peace and security, the document does not expressly state that European Union crisis management operations must have legitimacy of the UN Security Council. *The Strategy* emphasizes, however, that the participation of the European Union in crisis management activities is not only a response to new threats, but also a factor increasing the credibility of the organization on the international scene²⁸⁸.

286 Ibid., pp. 13–14.

287 Ibid., pp. 7 and 11.

288 Ibid., p. 1.

The leaders of the European Union member states, in line with the guidelines of *the European Security Strategy*, have decided to re-define the normative framework for crisis response in the most important documents of this organization. It was intended to be done in *the Treaty establishing a Constitution for Europe*²⁸⁹.

In this document the legal personality has been given to the European Union, which was of fundamental importance for enhancing the capacity of the organization to influence the international environment. It was also decided to abolish the division into pillars while retaining the existing intergovernmental form of cooperation within the framework of the Common Foreign and Security Policy, with which the Common Security and Defense Policy was integrated. The latter was supposed to provide the European Union with operational capacity through the use of civilian and military means to carry out peacekeeping missions, prevent conflicts, and strengthen international security (in accordance with the principles set out in *the United Nations Charter*)²⁹⁰. This referred to the missions involving: “joint disarmament operations, humanitarian and rescue missions, military advisory and support missions, conflict prevention missions and peacekeeping missions, crisis management missions, including peace restoration and post-conflict stabilization. These missions can contribute to the fight against terrorism by supporting third countries in the fight against terrorism in their territories”²⁹¹.

It should be noted that in the Treaty, within the framework of the European decisions, the possibility of authorizing a group of member states to carry out missions was guaranteed by the Council²⁹², however, they had to express their will earlier and have the potential required to carry out the operation. The management of the mission was to be coordinated by these countries together with the Minister of Foreign Affairs of the European Union²⁹³. In order to provide immediate funding for preparatory

289 *Treaty establishing a Constitution for Europe*, Rome, 29 October 2004, OJ. of the European Communities C 310.

290 *Ibid.*, Art. I-41, para.1.

291 *Ibid.*, Art. III-309.

292 The Council of the European Union in the *Treaty* was renamed the Council of Ministers.

293 Minister of Foreign Affairs was a new managing authority. He was responsible for the foreign policy and security of the European Union. The function was to be supported by the European External Action Service. *Ibid.*, Art. I-28.

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actions for all crisis response missions undertaken by the Union or its member states, the Council of Ministers – after consultation with the European Parliament – was to have the power to adopt European decisions establishing specific procedures in this regard²⁹⁴.

Solidarity clause was also important in the context of the crisis management system of the European Union. In accordance with the provisions of the Treaty relating to this legal arrangement, in the event that any EU member state becomes a victim of a terrorist attack, a victim of a natural or man-made disaster, both the Union and its member states will be obliged to cooperate in a spirit of solidarity. In such a situation, the European Union will mobilize all instruments at its disposal (including military supplies made available to EU by the member states) in order to: (1) prevent terrorist threats in its member states; (2) protect democratic institutions and the civilian population against possible terrorist attacks; (3) assist member states in their territory in the event of terrorist attacks; (4) assist member states in their territory in the event of natural or man-made disasters²⁹⁵. It should be noted that if a member state has been the subject of a terrorist attack, a victim of a natural disaster or a human-induced disaster, other member states may assist it only at the request of its political authorities. The consent of the authorities of the state concerned was required to carry out aid activities in its territory. The actions of the member states, carried out in this regard, were to be coordinated within the Council of Ministers²⁹⁶.

The Treaty also provides for the possibility of establishing permanent structured cooperation, enabling the countries concerned to be involved in the most demanding crisis response operations of the European Union. This cooperation was to be based on a group of countries whose defense capabilities met higher criteria (as defined in *the Protocol on permanent structured cooperation*) and which have made more binding commitments in this area²⁹⁷. These countries co-

294 This provision did not concern preparatory actions for missions that were financed by the initial fund, made up of contributions from member states. *Ibid.*, Art. III-313, para. 3.

295 *Ibid.*, Art. I-43, para.1.

296 *Ibid.*, Art. III-329, para.1.

297 *Ibid.*, Art. I-41, para.6.

uld be entrusted with carrying out the European Union crisis response mission. Decisions on the establishment of permanent structured cooperation were to be taken by the Council of Ministers, acting by a qualified majority – after consultation with the Minister of Foreign Affairs. This cooperation would be open to other member states of the European Union, with the proviso that decisions on the participation or eventual suspension of the Council of Ministers would be taken by qualified majority²⁹⁸.

In view of the fact that *the Treaty establishing a Constitution for Europe* was rejected in a referendum by France and the Netherlands, the leaders of the European Union began to debate its modification and implementation in another form. As a result of these actions, *the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* was signed on 13 December 2007²⁹⁹. This document reiterates most of the provisions of *the Treaty establishing a Constitution for Europe* – including those related to EU crisis response. *The Treaty of Lisbon*, therefore, contains provisions for the granting of legal personality to the European Union, the removal of the pillars, the integration of the Common Security and Defense Policy with the Common Foreign and Security Policy, to provide the Union with operational capacity to carry out emergency response missions. In addition, in line with *the Treaty establishing a Constitution for Europe*, the provisions on an expanded directory of crisis response missions, permanent structured cooperation between member states³⁰⁰ and a solidarity clause were repeated³⁰¹.

298 Ibid., Art. III–312

299 *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, OJ. of the European Union C 306.

300 Due to the abandonment of the idea of establishing the Minister for Foreign Affairs of the European Union, the *Treaty of Lisbon* has changed the way the mission is managed – it is to be agreed by the member states, together with the High Representative of the Union for Foreign Affairs and Security Policy. The person in charge of this function is also responsible for coordinating the civil and military aspects of the mission, in which he is to work in close and constant agreement with the Political and Security Committee. High Representative of the Union for Foreign Affairs and Security Policy, is to be supported by the new body – the European External Action Service. Ibid., Art. 1, item 30.

301 In 2012, a decision was taken on the use of the solidarity clause, including, inter alia, the Civil Protection Mechanism and the Civil Protection Financial Instrument,

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Assessment of the effectiveness of the European Union in achieving the strategic objectives set out in *the European Security Strategy* – including those related to crisis management – was included in the report entitled *Providing security in a changing world*, endorsed by the European Council on December 11, 2008³⁰². Significant achievements in the area of common foreign and security policy over the past ten years were recognized in the document as a result of the experience gained and the capacity gained by the European Union over 20 missions in response to the most diverse crises – from peace-building operations to the Aceh tsunami – to the protection of refugees in Chad. In spite of this, the European Union has been “more responsible than ever in its history” due to the increased complexity of threats and challenges³⁰³. Cyberterrorism and the dangers of climate change have been added to the existing catalog of challenges and threats identified in the 2003 European Security Strategy (moreover, the threats to energy security have been further strengthened).

The document stated that addressing increasingly complex threats and challenges would be achieved by strengthening the Union’s cohesion, which was to be achieved through increased institutional coordination and more strategic decision-making. These solutions were also to be implemented in the area of crisis management. In terms of responding to crises, in particular, greater coherence was put on the use of instruments such as political, diplomatic, development, humanitarian, economic and commercial cooperation, as well as the management of civil and military crises. The strengthening of the European Union’s capabilities ‘in the field of combining civil and military knowledge, starting with the concept of

Health Security Initiatives, in the case of serious cross-border health threats, crisis response structures, and the coordination of extraordinary and crisis actions within the Council. Cf. *Joint proposal for a Council Decision on the arrangements for the implementation by the Union of the Solidarity Clause of 21 December 2012*, JOIN (2012) 39 final 2012/0370 (NLE)

302 *Report on the implementation of the European Security Strategy. Providing security in a Changing World*, Brussels, 11 December, 2008, S 407 / 08, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104648.pdf, accessed on 20.04.2017. This report was not a breakthrough in the European Union’s strategic approach to security and defense but contained many new elements and recommendations that guided its security efforts in the years to come.

303 *Ibid.*, p. 1.

the mission, through the planning phase to the realization”³⁰⁴, is key. This aspect of the European Security and Defense Policy was to be developed by “creating appropriate administrative structures, financial mechanisms and systems”³⁰⁵. Preventive actions (such as the improvement of training and the innovative European exchange system for young officers, modeled on the Erasmus program) were also important.

The Report stresses that the European Union does not intend to act unilaterally on the international stage, nor does it display imperial or superpower ambitions. On the contrary, it has been emphasized that this organization seeks to model effective multilateralism – ie cooperation with other international actors (UN, NATO, WTO), neighbours (Union for the Mediterranean, Eastern Partnership) and large states such as the United States, Russia and China. This document expresses the belief that adopting such a model of cooperation will lead to the development of effective mechanisms for responding to the crises of the modern world³⁰⁶.

It should be stressed that *the European Security Strategy* of 2003, which had ceased to stand up to the situation in the Old Continent, was replaced by *the Global Strategy on the European Union’s Foreign and Security Policy*, elaborated by the High Representative of the Union for Foreign Affairs and Security Policy – Federica Mogherini. On October 17, 2016, EU foreign ministers said that the strategy would be the basis for the European Union’s external action in the coming years³⁰⁷. This document provides a diagnosis of the current situation of the European Union – quite different from that presented in *the European Security Strategy* of 2003. It was stated in *the Introduction* that it was not only the purpose of the Union’s activities, but also the need for the existence of this organization³⁰⁸. Factors affecting this state include, first of all, the violation of the European order in the East, the terrorist activity in North Africa and

304 Ibid., p. 9.

305 Ibid.

306 Ibid., pp. 10–12.

307 *Council Conclusions on the Global Strategy on the European Union’s Foreign and Security Policy*, Luxembourg, 17 October, 2016, <http://data.consilium.europa.eu/doc/document/st-13202-2016-init/en/pdf>, accessed on 24.04.2016.

308 *Shared vision, common action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy*, http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_en_en.pdf, access from 25.04.2017

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the Middle East, the intensification of tensions in Asia, the emergence of conflicts and migration pressures in the South, and the disruptions caused by climate change³⁰⁹. *The Strategy* stated that the European Union's primary goal would be to promote peace and to guarantee the security of citizens of the member states and the territory of that organization. This objective was to be achieved on the basis of external actions under the five priorities: (1) the security of the Union; (2) the resilience of states and societies east and south of the EU; (3) an integrated approach to conflict situations; (4) regional cooperative arrangements; (5) global governance in the 21st century.

Within the framework of the first of these priorities – the security of the Union – it was considered that effective responding to external crises, building partnerships and guaranteeing Europe's security is dependent on achieving a full spectrum of defense capabilities. It was announced that the Union would take immediate action to prevent military conflicts. The activities of the Organization will be focused on the fight against terrorism (inter alia by broader exchange of information and cooperation between member states and EU agencies, joint communiqué of brutal extremism, terrorist networks and foreign terrorist bombers, monitoring and removal of illegal content in the media, educational activity aimed at counteracting the occurrence of violent extremism and, in the event of a terrorist attack, help to return to normal by increasing efforts in the areas of security of supply, protection of critical infrastructure and strengthening the voluntary cybercrime management framework) and providing cyber security (by strengthening the resilience of critical infrastructure, supporting innovative Information and Communication Technologies, strengthening cybernetic aspects in missions and crisis management operations under the Common Security and Defense Policy) and energy (by diversifying energy sources, supply routes and suppliers, particularly in the gas field, and promoting the highest standards of nuclear safety in third countries)³¹⁰.

As part of the second priority outlined in *the Strategy*, the Union's actions were directed towards the preparation of societies and states ly-

309 Ibid., p. 5.

310 Ibid., pp. 16 and n.

ing to the east and south of this organization, to counter internal and external crises and reconstruction after their occurrence. In addition, it announced the intensification of humanitarian efforts (including education for women and children), the suppression of unregulated migration flows (inter alia by strengthening existing legal and circulating channels for human migration).

The European Union's third priority is to promote human security through an integrated approach. Fundamental importance in this respect was attributed to the implementation of a "comprehensive approach to conflicts and crises" through coherent application of all EU policies. This Organization was obliged to take action at all stages of the conflict, taking immediate precautionary action, responding to crises responsibly and resolutely, investing in stabilization and avoiding premature withdrawals when another crisis erupts elsewhere. These actions include, inter alia, monitoring the underlying causes of conflicts (such as human rights violations, inequalities, tensions with natural resources shortages, climate change), preventive diplomacy and humanitarian aid.

In turn, under the priority "regional cooperative arrangements", the Union will support human rights, democracy, international law and the right of every country to freely decide its future by developing cooperation with regional and sub-regional organizations in Africa and the Middle East (inter alia, water, food and climate safety, as well as infrastructure and natural disaster management, and in combating terrorism), closer Atlantic cooperation, closer cooperation with Asia and the Arctic.

Finally, within the framework of the last of the priorities listed in *the Strategy* – global governance in the 21st century – there was announced the Union's commitment to reforming the United Nations (including the Security Council) and international financial institutions, as well as investing in UN-related actions (especially those dealing with crisis management) solving crises in the field of proliferation³¹¹.

The implementation of the aforementioned priorities requires the member states of the European Union to improve the operational capacities of their armed forces – in particular through training and exercises. The development of rapid response capabilities is also to be achie-

311 Ibid., p. 39.

ved through the resolution of procedural, political and financial obstacles that hinder the deployment of combat groups, slowing down the creation of forces, and reducing the effectiveness of military crisis management missions under the Common Security and Defense Policy. Civil missions of the European Union will also be developed – the organization is dedicated to encouraging the creation of military forces, accelerating the deployment and providing adequate training on the basis of EU training programs. The Common Security and Defense Policy also needs improving our institutional structure. For this reason, operational planning structures and future activities will be strengthened. It has also been announced to build closer links between civilian and military structures and missions, because they can be deployed in the same area of action³¹².

The treaty provisions, the provisions of the European Councils and the records from European security strategies on the European Union crisis management system were supplemented by binding normative acts on the member states, such as regulations, directives and decisions. The most important are the legal strengthening of early warning mechanisms and crisis management mechanisms and instruments (including in particular, the field of civil protection in the event of natural and technological disasters).

Analysis of the normative basis for a crisis management system in the European Union should begin with the presentation of the early warning subsystems. They were first developed in response to radiological crises (Chernobyl nuclear reactor disaster), economic and health problems (among others due to the emergence of such dangers as “mad cow disease” or “bird flu”). These include, in particular: (1) the European Community Urgent Radiological Information Exchange – ECURIE – designed to enable states to react quickly and, where appropriate, take action to protect the population³¹³; (2) European Union Notification System for plant Health Interceptions – EUROPHYT – based on a *Commission Directive establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting*

312 Ibid., p. 45.

313 Council Decision of 14 December, 1987 No 87/600/89/618 Euratom: on Community arrangements for the early exchange of information in the event of a radiological emergency, OJ. of the European Communities L 371.

*an imminent phytosanitary danger and a Council Directive on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community*³¹⁴; (3) Early Warning and Response System (EWRS) established by the Commission and the European Parliament decision to set up a computerized EU epidemiological control system and the Commission decision on the early warning and response system for the prevention and control of communicable diseases, supplemented by a system of rapid response RAS-BICHAT, set up for official notification of crises as well as consultation and coordination of remedies³¹⁵; (4) The Rapid Alert System for non-food dangerous products – RAPEX – ensuring the protection of the European market against defective and dangerous economic products that could lead to death, loss of health or reduced safety of EU consumers – based on the Council Directive of 3 December 2001 on general product safety and the Council Decision of 29 April 2004 on the rules and procedures for the operation of the RAPEX³¹⁶; (5) The Rapid Alert System for Food and Feed – RASFF – established by Council Regulation No 178/2002 of 28 January, 2002³¹⁷; (6) Trade Control and Expert System (TARCES)

314 *Commission Directive 94/3 / EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger*, Official Journal of the European Communities L 32 and *Council Directive 2000/29 / EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community*, Official Journal of the European Union L 169.

315 *Decision No 2119/98 / EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community*, Official Journal of the European Union L 268. See also. *Commission Decision of 22 December 1999 on the early warning and response system for the prevention and control of communicable diseases under Decision No 2119/98/EC of the European Parliament and of the Council*, Official Journal of the European Union L 21.

316 *Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety*, Official Journal of the European Union L 11/4, *Commission Decision 2004/418/EC of 29 April 2004 laying down guidelines for the management of the Community Rapid Information System (RAPEX) and for notifications presented in accordance with Article 11 of Directive 2001/95/EC*, Official Journal of the European Union L 151.

317 *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law*,

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– created by the Commission to promptly inform the EU Member States of the risks associated with the transport of animals and animal products to the internal markets of the European Union and beyond, established by *the Commission Decision of 30 March, 2004* on the introduction of the TRACES³¹⁸; (7) General European Rapid Alert System – ARGUS – capable of responding to major multisectoral crisis situations requiring action at EU level and monitoring data from other information exchange systems (e.g. health or pollution sectors)³¹⁹; (8) The Common Emergency Communication and Information System (CECIS) was established on the basis of a *Council Decision establishing a Community mechanism to facilitate enhanced cooperation in civil protection assistance interventions* – to ensure a more efficient exchange of information in emergencies (in particular natural disasters, technological catastrophes and humanitarian crises)³²⁰.

Other mechanisms are also included in the framework of crisis management in the European Union. One of these is the Civil Protection Mechanism, established under the Civil Protection Action Plan in the event of a disaster in any of the member states – established by *the Council Decision of 19 December 1997*³²¹.

establishing the European Food Safety Authority and laying down procedures in matters of food safety, Official Journal of the European Union L 31.

318 *Commission Decision of 9 February 2005 amending Decision 2004/292 / EC on the introduction of the TRACES system and amending Decision 92/486 / EEC*, Official Journal of the European Union L 39.

319 ARGUS was created on the basis of the Hague Program adopted by the Council, annexed to the *Presidency Conclusions of the Brussels European Council of 4–5 November, 14292/1/04, REV 1*, 8 December 2004, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/PRESSDATA/PL/ec/82550.pdf, accessed on 26.04.2017. In turn, the work done by the Council of the European Union on the basis of the above-mentioned *Conclusions* was the creation of Crisis Coordination Procedures, named later by the Integrated EU Reconciliations for Crisis Response Policy (ICPR) – documents relating to these procedures are not open.

320 *Council Decision of 23 October 2001 establishing a Community mechanism to facilitate enhanced cooperation in civil protection assistance interventions*, Official Journal of the European Union L 297.

321 98/22/EC: *Council Decision 98/22 / EC of 19 December 1997 establishing a Community action program in the field of civil protection*, Official Journal of the European Union L 18.

The main causes for this normative act are natural and technical disasters that affected the European Union (in particular, the 1997 flood). This mechanism was successively extended for the following years – it operated on the basis of civil protection action programs, adapted to the changing needs of the time. Its aim was to facilitate cooperation, exchange of experiences and mutual assistance between member states, while ensuring respect for the internal division of competences in the member states of the European Union.

The above-mentioned civil protection action program was supplemented by the *Council Decision of 23 October 2001 establishing a Community mechanism to facilitate enhanced cooperation in civil protection assistance interventions*³²². The purpose of this mechanism was to take action to provide assistance to better protect people, the environment and property – including cultural heritage – in the event of a major crisis (e.g. natural, technological, radiological or environmental disaster) occurring within or outside the Community³²³.

322 *Council Decision of 23 October 2001 establishing a Community mechanism to facilitate enhanced cooperation in civil protection assistance interventions*, Official Journal of the European Union L 297. The implementation of this *Council Decision* constituted the *Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792 / EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions*, Official Journal of the European Union L 87. This mechanism was refined in 2007 to give the European Union action – dealing with emergency situations – greater coherence and effectiveness. See also: *Council Decision of 8 November 2007 establishing a Community Civil Protection Mechanism (Recast)*, Official Journal of the European Union L 314. The implementation of the last of these Decisions was: *Commission Decision of 20 December 2007 amending Decision 2004/277/EC, Euratom as regards rules for the implementation of Council Decision 2007/779/EC, Euratom establishing a Community civil protection mechanism*, Official Journal of the European Union L 20 and *Commission Decision of 29 July 2010 amending Decision 2004/277/EC, Euratom as regards rules for the implementation of Council Decision 2007/779/EC, Euratom establishing a Community civil protection mechanism*, Official Journal of the European Union L 236.

323 It should be noted that a few months later – 28 January 2002 – a regulation was adopted, which included food safety issues in the scope of the EU crisis management system. Under this Regulation, the European Commission, in close cooperation with the Food Safety Authority and the member states, is required to develop a general crisis management plan in the area of food and feedstuffs safety, specifying in particular: (1) types of situations involving direct or indirect risks for human

This support was provided at the request of the state affected by the crisis³²⁴. Another *Council Decision (2007/16/EC) of 5 March 2007* established the Civil Protection Financial Instrument. The purpose of this instrument was to support and complement the efforts of the member states of the European Union, primarily to protect people, but also to protect the environment and property, including cultural heritage, in the event of natural and man-made disasters, terrorist attacks and technical, radiological and ecological disasters and to facilitate the development of enhanced cooperation between member states, in the field of civil protection³²⁵. It was in force in 2007–2013.

health, derived from food and feedstuffs, which may not be eliminated or reduced to acceptable levels by appropriate legislation, and (2) practical procedures necessary for the management of crises. In addition, under the provisions of this legal act, an early warning system has been implemented for notification of direct or indirect danger to human health arising from food or feed. See: *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, Official Journal of the European Union L 31, art. 50–55.

324 Ibid., art. 1.

325 *Council Decision of 5 March 2007 establishing a Civil Protection Financial Instrument*, Official Journal of the European Union L 071, art. 1 para. 1. The European Parliament and the Council of the European Union – with the aim of reducing the risk of adverse effects related to natural disasters and technical breakdowns, in particular related to health and human life, the environment, cultural heritage, economic activity and infrastructure, have issued two directives: *Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks*, Official Journal of the European Union L 288 and *Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC*, Official Journal of the European Union L 197. The first of the directives obliged the member states of the European Union to make a preliminary flood risk assessment, create maps of areas threatened with flood risk and flood risk maps and the development of flood risk management plans. On the other hand, the second directive obliged EU Member States to impose on owners of establishments where hazardous substances (listed in Annex I to *Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC*) are present in at least one installation, the obligation to take all necessary measures to prevent major accidents and to reduce their effects on human health and the environment. These obligations include inter alia implementation of the requirements: (1) writing in

Council Decisions concerning the establishment of a Community mechanism to facilitate enhanced cooperation in civil protection assistance interventions and the establishment of a Civil Protection Financial Instrument were repealed on 1 January 2014, ie on the date of entry into force of *the decision on the Civil Protection Mechanism*³²⁶. The new mechanism aims to strengthen cooperation between the European Union and the member states and facilitate civil protection coordination to enhance the effectiveness of disaster prevention and anthropogenic disaster preparedness systems, to ensure their preparedness and response to them. Population protection under this mechanism includes in particular people but also the environment and property (including cultural heritage) and protects them from all types of natural disasters and anthropogenic catastrophes, including environmental disasters and emergencies and sudden health threats, both within and outside the European Union. With respect to disasters caused by terrorist attacks or nuclear and radiological accidents, the EU mechanism includes activity only in the context of preparedness and response in the sphere of civil protection³²⁷.

The Rapid Reaction Mechanism was also used in crisis management of the European Union. It was created on the basis of the recommenda-

a document that identifies the major accident prevention policy adopted by the owner of the above-mentioned facility, (2) developing a safety report and (3) internal emergency plan intended for use in this establishment.

326 *Decision No 1313/2013 / EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism*, Official Journal of the European Union L 347.

327 *Ibid.*, art. 1, para. 2. It should be noted that normative acts relating to the fight against terrorism were previously adopted: *Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism*, Official Journal of the European Union L 344, *Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (2001/931 / CFSP)*, Official Journal of the European Union L 344, *Council Framework Decision 2002/475 / JHA of 13 June 2002 on combating terrorism*, Official Journal of the European Union L 164 and *Council Decision 2005/671 / JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offenses*, Official Journal of the European Union L 253. In addition, the *European Union Counter-Terrorism Strategy* was adopted in 2005, Council document 14469/4/2005. This document was revised in November 2008 by the *European Union Strategy for combating radicalization and recruitment to terrorism*, Council document 15175/2008.

tions of the leaders of the states and governments at the Helsinki and Cologne meetings of 1999; in order to increase the level of elasticity of civil-military operations in crisis situations³²⁸. It could have been launched in the event of a crisis or inevitable crisis, a situation threatening law and public order, security of individuals, in the event of a situation that would threaten to transform itself into an armed conflict or manifesting itself in a destabilized country, and where such situations could be threat to the beneficial effects of policies and programs of assistance and cooperation, their effectiveness or the conditions for their proper implementation³²⁹. Civil actions that fall within the areas of intervention provided for in legal instruments include primarily food aid, the reconstruction of developing countries, the safe transport of radioactive materials and safeguard and industrial cooperation, to promote certain aspects of the safety of nuclear installations, assistance to displaced persons in developing countries, cooperation with non-governmental organizations, the development and consolidation of democracy and the rule of law, respect for human rights and fundamental freedoms, and the promotion of full integration of the environmental dimension in the development process of developing countries³³⁰. The purpose of these actions was to provide or restore in the crisis – or crisis-threatening situation – conditions necessary for the proper implementation and success of these policies and aid and cooperation programs. Actions within the Rapid Reaction Mechanism could have taken place within a period of up to six months after the crisis³³¹.

It should be noted that, on the basis of the legal *provisions of the Council of the European Union and of the European Parliament of 15 November 2006*, the Rapid Reaction Mechanism was replaced by the Instrument for Stability³³². This instrument became the basis for the development of

328 *Council Regulation (EC) No 381/2001 of 26 February 2001 creating a rapid reaction mechanism*, Official Journal of the European Union L 057.

329 *Ibid.*, art. 3.

330 *Ibid.*, Appendix, pp. 175–176.

331 *Ibid.*, art. 8, para. 2.

332 *Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability*, Official Journal of the European Union L 327. The actions under this instrument – under the revised name of the Instrument for Contributing to Stability and Of the Peace – extended for 2014–2020 by *Regulation (EU) No 230/2014 of the European Parliament*

a long-term strategy for the European Union's involvement in prevention and response to crises and solving them in third countries. The purpose of these actions was, in the event of a crisis (or initial phase of the crisis), to ensure stability by taking effective action to help establish or restore the conditions necessary for the proper implementation of Community development and cooperation policies³³³; and where there are stable conditions for implementing Community Cooperation policies in third countries – assistance in capacity-building, addressing specific global and trans-regional threats contributing to destabilization, and to ensure preparedness for pre-crisis and post-crisis situations³³⁴.

and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, Official Journal of the European Union L 77. It should be emphasized the main objectives of the instrument and the types of assistance it provided did not change. Ibid., art. 1–5.

333 The activities included in this assistance include, but are not limited to, the following: (1) the start of rehabilitation and renewal of key infrastructure, housing, public buildings and economic resources; (2) proper fulfillment of the specific needs of women and children in crisis and conflict situations; promoting, protecting and respecting human rights, fundamental freedoms, democracy and the rule of law; (4) promoting equitable access to and transparency of the management of natural resources in the context of a crisis (or the onset of a crisis); (5) measures to mitigate the impact of sudden displacement of the population; (6) the prevention of natural and man-made disasters and the emergence of public health threats. Ibid., art. 3.

334 Among the activities included in the scope of assistance – given in situations of stable conditions for the implementation of Community cooperation policies in third countries – include: (1) in the area of threats to public order, security of persons, strategic infrastructure and public health: (a) strengthening the capacity of law enforcement, judicial and civil authorities to fight terrorism and organized crime (in particular, supporting the development and strengthening of anti-terrorist legislation, the implementation and application of financial, customs and immigration law, and the development of international law enforcement) (b) supporting measures to combat threats to international transport, energy and strategic infrastructure, (c) combating the threats to international transport, energy and strategic infrastructure; (2) in the area of risk mitigation, hazard analysis and critical control measures for hazardous materials and chemicals, nuclear and biological materials: a) supporting the development of civilian research (as an alternative to defense research), b) actions to improve the safety of storage procedures in civilian objects, sensitive materials and chemicals biological, radiological and nuclear; c) developing the institutional and legal framework needed to create and exercise effective control over the export of dual-use goods; d) the development of effective civilian structures, in the event of natural disasters, the development of crisis planning, cri-

It should be stressed that the normative framework for crisis management of the European Union also includes critical infrastructure. As early as June 2004, the European Council called on the Commission to prepare an overall strategy for the protection of critical infrastructure. In response to this call, the European Commission voted on the bulletin on *Critical Infrastructure Protection in the Fight Against Terrorism* on 20 October 2004, proposing to improve European systems for the prevention of terrorist attacks on critical infrastructure as well as to increase readiness and responsiveness to such crises³³⁵. Following intensive work on the preparation of the European critical infrastructure protection program – on 17 November 2005, the European Commission passed a Green Paper on a European Programme for Critical Infrastructure Protection, which outlines both the options for developing this program and the creation of a warning about threats to critical infrastructure³³⁶. This document recognizes the need to increase the capacity for critical infrastructure protection in Europe and to support measures to reduce the vulnerability of this infrastructure³³⁷. The first step in this task was the adoption of *Council Directive 2008/114 / EC of 8 December 2008* enabling the recognition and designation of European Critical Infrastructure and the need for improved protection³³⁸. Under the provisions of this legislation, the member states of the European Union have been obliged to assess whether each designated European Critical Infrastructure located on their territory has a protection plan in which critical infrastructure

sis response and the capacity to address the major ecological disasters in this area; (3) in the area of pre-crisis response and post-crisis response capacity building: a) support for early warning, confidence building and creating tension between communities; b) streamline reconstruction after conflicts and disasters. *Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability*, art. 4.

335 *Communication from the Commission on a European Programme for Critical Infrastructure Protection*, COM / 2006/0786.

336 *Green Paper on a European programme for critical infrastructure protection*, COM (2005) 576. The need to accept this document was accelerated by terrorist attacks in Madrid in 2004 and in London in 2005.

337 *Ibid.*, p. 5.

338 *Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection*, Official Journal of the European Union L 345.

components are identified and existing or implemented solutions to protect them³³⁹.

The last of the established normative regulations on crisis management in the European Union refer to financial crises and migration.

The need to develop legislation to deal with financial crises has been recognized since the global economic crisis in 2007. In *the Summary of the impact assessment of the EU framework for cross-border crisis management in the banking sector*, it was stated that this crisis represented a serious effort for the public authorities in the sphere of crisis management, both nationally and internationally. The necessity of adopting normative rules in this sphere was due to the high level of integration of financial markets in the European Union and the potential impact of financial crises occurring in one member state on businesses and markets in other member states³⁴⁰. In the communication from the Commission, *the European Union framework for cross-border crisis management in the banking sector* includes only a review of the problems and areas under scrutiny – in view of the need for early intervention mechanisms and remedial procedures for banks – and policy objectives (taking into account the general approach to the problems in this area); however, the proposals for detailed solutions were omitted³⁴¹. The enactment of this resolution of 7 of July, 2010 by the European Parliament was a stepping stone because it contained recommendations on cross-border crisis management in the banking sector³⁴². The necessity of enacting this legal act was conditioned by the ineffectiveness of the EU and international financial supervision

339 Ibid., Annex II.

340 Complementary document: *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the European Court of Justice and the European Central Bank – An EU Framework for Cross-Border Crisis Management in the Banking Sector. Summary of the impact assessment of 20 October 2009*, SEC (2009) 1390, p. 4.

341 *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the European Court of Justice and the European Central Bank – An EU Framework for Cross-Border Crisis Management in the Banking Sector. Summary of the impact assessment of 20 October 2009*, COM(2009) 561.

342 *Cross-Border Crisis Management in the Banking Sector European Parliament resolution of 7 July 2010 with recommendations to the Commission on Cross-Border Crisis Management in the Banking Sector*, Official Journal of the European Union C 351 E.

mechanisms so far, in the sphere of prevention of the domino effect in the field of finance or the effective limitation of its scope. The resolution emphasizes that a strong response to financial crises requires a coherent and comprehensive approach, including the implementation of a new EU supervision structure, better regulation and an effective framework for crisis management for financial institutions³⁴³. To this end, inter alia, the regulations creating EU macro-prudential oversight of the financial system were introduced³⁴⁴ and the European Supervisory Authority was created³⁴⁵. It should be noted here that the legislated normative acts are only an initial step in shaping the mechanisms for crisis response cooperation in the area of financial crises.

The normative dimension of EU crisis management – as mentioned above – also covers the problem of migration crises. The need to develop

³⁴³ Ibid., item N.

³⁴⁴ *Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board*, Official Journal of the European Union L 331. See also: *Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC*, Official Journal of the European Union L 176.

³⁴⁵ *Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC*, Official Journal of the European Union L 331 and *Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC*, Official Journal of the European Union L 331, *Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC*, Official Journal of the European Union L 331. In addition, The European Financial Stability Mechanism was established in May 2010, and one month later, the European Financial Stability Facility. See: *Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European Financial Stabilisation Mechanism*, Official Journal of the European Union L 118 and *Council Regulation (EU) No 2015/1360 of 4 August 2015 amending Regulation (EU) No 407/2010 establishing a European Financial Stabilisation Mechanism*, Official Journal of the European Union L 210.

normative regulations in this area was due to the fact that the management of migration flows, asylum policy and the related security threats posed problems that the member states could not cope with themselves. In order to solve the migration crisis, the European migration program was launched in particular. It was to include, among other things, actions against criminal smuggling networks (including the seizure and destruction of vessels used for the illegal trafficking of persons into the European Union), intensified search and rescue efforts to save the lives of migrants at sea, relocation and resettlement of immigrants in the European Union, cooperation with third countries in order to master migration in countries of origin and transit through these countries; implementation of the common European asylum system and the policy of effective integration of immigrants (in particular to improve language and occupational skills, support for access to the labor market, integration education, cultural exchange and the promotion of awareness campaigns targeting both host communities and migrants)³⁴⁶. The migration and refugee crisis has also highlighted the need to reform the European asylum system³⁴⁷. It has

³⁴⁶ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration*, COM (2015) 240, pp. 4–19. The six months' priority response to the migration crisis is outlined in the *Communication to the European Parliament, the European Council and the Council: Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration*, COM (2015) 490. In addition, an action plan was adopted to restore the Schengen area by resigning from the temporary internal border controls introduced by some member states of the European Union under the migration pressure. See: *Communication from the Commission to the European Parliament, the European Council and the Council: Restoring the Schengen Area – Action Plan*, COM (2016) 120. In addition, measures have been taken to improve the exchange of information for the fight against terrorism and the strengthening of the external borders: *Communication from the Commission to the European Parliament, the European Council and the Council: Enhancing security in the world of mobility: improved information exchange in the fight against terrorism and stronger external borders*, COM (2016) 602.

³⁴⁷ Five priorities were identified in this area: (1) the establishment of a balanced and equitable system for determining the member state responsible for asylum seekers; (2) strengthening Eurodac system, in particular to improve the fight against illegal migration; (3) achieving greater coherence of the EU asylum system; (4) prevention of secondary flows in the European Union; and (5) new powers of the EU asylum agency. See: *Communication from the Commission to the European Parliament and*

been possible to optimize the activities in this regard by prior adoption of a regulation laying down general provisions on the Asylum, Migration and Integration Fund, and an instrument for financial support for police cooperation, prevention and combating crime and crisis management³⁴⁸. It should be noted that, despite the implementation of the aforementioned regulations, which constitute the European Union's response to the migration crisis, the normative framework for crisis management in this area will be subject to further evolution.

the Council: Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe, COM (2016) 197. The Commission presented legislative proposals to reform the Common European Asylum System in two packages – the first to allow for the first three priorities identified in the above-mentioned Communication and the second to finalize the reform of the Common European Asylum System. See: *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person (recast)*, COM (2016) 270, *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010*, COM (2016) 271, *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by member states' law enforcement authorities and Europol for law enforcement purposes (recast)*, COM (2016) 272, *Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, COM (2016) 465.

³⁴⁸ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Official Journal of the European Union L 150.

4.2 Organization of the European Union crisis management system

In terms of organization, the European Union crisis management system can be analysed in the context of two dimensions: of external and internal action.

In the field of external action, the European Union's crisis management decisions are taken within the framework of the Common Foreign and Security Policy of the Council of Foreign Affairs³⁴⁹. The body is responsible for initiating EU crisis management activities (civil and military). The Foreign Affairs Council is supported by the preparatory bodies of the Council of the European Union: the Political and Security Committee³⁵⁰, the European Union Military Committee³⁵¹, the Politico-Military Group³⁵² and the Committee for Civilian Aspects of Crisis Ma-

349 It is composed of foreign ministers from all member states of the European Union. Its members may also include ministers of defense, development ministers and trade ministers of the EU Member States, depending on the subject matter of the session.

350 This committee conducts, under the guidance of the Council of the European Union, political control and strategic management of crisis management operations under the Common Foreign and Security Policy. The Council of the European Union may authorize the Political and Security Committee to take, for the purpose and for the duration of the crisis management operation, the decisions of the Council as regards political control and strategic direction of the operation. See: *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities...*, art. 1, point 5.

351 This body was set up by *Council Decision 2001/79 / CFSP of 22 January 2001 setting up the Military Committee of the European Union*, Official Journal of the European Communities L 27. The Military Committee of the European Union is a forum for military consultations and cooperation between member states of the European Union in the field of prevention conflicts and crisis management. Provides military advice and recommendations to the Political and Security Committee, at the request of the latter or on its own initiative, acting in accordance with the guidelines provided by this Committee, primarily with regard to: (1) the development of the general concept of crisis management in its military aspects; (2) military aspects relating to political control and strategic leadership over crisis management operations and situations; (3) risk assessment of potential crises; (4) military crisis dimension and related issues (especially in later management); (5) develop in details, evaluate and review capabilities, in accordance with agreed procedures; (6) estimate the financial performance and activities. Ibid., *Annex*, point 3.

352 This group is responsible for developing concepts and instruments for the Union's military and civil-military operations. It is located between the Military Committee

nagement³⁵³. Representatives of the Governments of the member states of the European Union participate in the meetings of the aforementioned Union bodies. In the event of humanitarian crises, external action in the area of crisis management on behalf of the European Union is undertaken by the Directorate-General for European Civil Protection and Humanitarian Aid³⁵⁴. This Directorate takes action on the basis of the Council Regulation of 20 June 1996 on humanitarian aid which allows it to finance activities outside the European Union aimed at: (1) saving and protecting life in and immediately after emergencies, during natural disasters, which will cause significant losses in people or material damage; (2) providing the necessary assistance and support to those exposed to long-term crises, arising in particular from outbreaks of fighting or wars that result in significant human losses or material damage; (3) carrying out short-term rehabilitation and reconstruction works, in particular as regards infrastructure and equipment in order to facilitate the arrival of aid, prevent the deterioration of the effects of the crisis and begin to provide assistance to the injured in recovering the minimum level of self-sufficiency;

of the European Union and the Committee on Civilian Crisis Response Aspects. It draws on the results of both these committees, combining the civil and military aspects of crisis operations in a political dimension.

353 This committee was created by *Council Decision 2000/354/CFSP of 22 May 2000 setting up a Committee for civilian aspects of crisis management*, Official Journal of the European Communities L 27. It acts as the Council working group. The competence of this auxiliary body of the Council of the European Union is to provide information, formulate recommendations and give advice on the civilian aspects of crisis management, the Political and Security Committee. Within these competences, the Committee on Civilian Crisis Management Aspects prepares plans for new crisis management missions and develops a strategy for civilian crisis management. *Ibid.*, art. 2.

354 It was established in 1992 under the name of the European Community Humanitarian Aid Office. With the adoption of the *Treaty of Lisbon*, the European Union has replaced the European Community, becoming the legal successor of the organization – which has resulted in the Bureau starting in 2009 with the name of the European Commission (or European Union) Directorate for Humanitarian Affairs. See: the *Treaty of Lisbon*, art. 1, item 2. Another change of name was due to the increased importance of humanitarian and civil protection issues, which resulted in the transfer of the civil protection unit from the Directorate-General for Environmental Protection to the Directorate General of the European Commission for Humanitarian Aid. In this way the current name of this unit was formed: Directorate-General for Humanitarian Aid and Civil Protection.

(4) overcoming the problems related to the consequences of population migration caused by natural disasters or catastrophes, as a result of human activity; (5) ensuring disaster (or comparable crises) preparedness and using appropriate rapid early warning and intervention system³⁵⁵. In addition, the Directorate-General for European Civil Protection and Humanitarian Aid can carry out external crisis management activities within the framework of the EU Civil Protection Mechanism. Protection under this mechanism may include preventive and preparatory actions (in particular sending a team of experts to advise on preventive measures and preparedness measures), and actions to support the response to direct negative consequences of disasters outside of the Union, taken in response to a request for assistance, submitted by a non-member state to the Crisis Response Coordination Center (or the United Nations, its agency or other relevant international organization)³⁵⁶.

The European External Action Service, which was set up under the provisions of *the Treaty of Lisbon*³⁵⁷, is also part of the European Union external crisis management bodies. It is an auxiliary body of the High Representative of the Union for Foreign Affairs and Security Policy. One of the main aims of the establishment of the Service was to focus the activities of the EU crisis management bodies in the Secretariat of the Council of the European Union, the European Commission and other institutions, and to subordinate them to one person – the Executive Secretary General of the European External Action Service, who is subject to the High Representative of the Union for Foreign Affairs and Policy Safety. The European External Action Service has included,

355 *Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid*, Official Journal of the European Communities L 163

356 *Decision No 1313/2013 / EU of the European Parliament and of the Council of 17 December 2013 on a Union...*, art. 2. The Center was set up within the framework of the EU Civil Protection Mechanism. Its tasks are continuous (24 hours a day, 7 days a week), coordination of crisis management and crisis response capabilities (“voluntary pool”), bringing together various support teams, experts and equipment, always on hand in the various EU Member States, in which it is located. Communication between the Crisis Response Coordination Center and the contact points in the member states (as well as the exchange of information between them) takes place via the Common Emergency Communication Information System (CE-CIS). *Ibid.*, art. 7 and 8.

357 *Treaty of Lisbon*, art. 1, item 30.

among other things, central crisis management units such as: the Crisis Management and Planning Directorate, the Civilian Planning and Conducting Unit, the Military Staff of the European Union and the EU Situation Center³⁵⁸, which were directly under the High Representative of the Union³⁵⁹. The highest planning unit of the civil and military operations of the European Union – and all other actions under the Common Security and Defense Policy – is the Directorate for Management and Crisis Planning. It operates at the political and strategic level and integrates planning capabilities – both civil and military. The final document of this unit is the concept of crisis response. The second of the above-mentioned central administration units dealing with crisis management – Civilian Planning and Conducting Unit – was set up to plan and manage civilian crisis response missions. The Head of this Cell fulfills the role of civilian commander of operations, while the entire unit – civilian command. In turn, the tasks of the Military Staff of the European Union include early warning, situation assessment and strategic military planning. The military endowments of this unit are military strategic options. The Center for European Union Intelligence and Situation Analysis is the last of the European Crisis Management Units operating within the framework of the European External Action Service. The Center's activities focus primarily on the monitoring and analysis of international events (with particular emphasis on terrorist threats and the proliferation of weapons of mass destruction) and the provision of intelligence and early warning information to both the High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service and other decision-ma-

358 Since 2015, as a result of the transformation of the organizational structure of the European External Action Service, this unit has been called the Center for European Union Intelligence and Situation Analysis. Within the framework of the new organizational structure, the newly appointed Deputy Secretary General for Common Security and Defense Policy and Crisis Response is the direct supervisor of all the above-mentioned central crisis management units. See: *European External Action Service HQ Organization Chart as of 01 February 2017*, https://eeas.europa.eu/sites/eeas/files/organisation_chart_february_2017.pdf, accessed on 30.04.2017.

359 *Council Decision 2010/427/EU of 26 July 2010 establishing the organization and functioning of the European External Action Service*, Official Journal of the European Union L 201, art. 4.

king bodies operating within the scope of the Common Foreign and Security Policy and the member states of the European Union.

On the other hand, within the framework of the second dimension of internal crisis management, the possibility of taking action was left to the exclusive competence of the member states of the European Union. The authorities of these countries have the resources and capacity to respond to crises that they can use to support other EU member states³⁶⁰. The crisis management activities undertaken by the Union are intended to contribute to the protection of the population, the environment and property in the event of natural disasters, technological disasters, terrorist attacks, health security threats and raising awareness of the links between human activities and the environment, which, in the future, may allow effective prevention of many extraordinary threats (i.e. natural disasters such as floods). Achieving this goal with the help of internal actions taken under the European Union crisis management system is possible through the cooperation of EU institutions and bodies, member states and associated countries in which various aid instruments are used.

Pursuant to the provisions of *the Treaty of Lisbon*, a Standing Committee on Operational Cooperation in Internal Security³⁶¹ has been set up to take action on the internal dimension of EU crisis management. Its purpose is to facilitate, promote and strengthen the coordination of operational activities of the member states of the European Union in the field of crisis management. This body assists the Council of the European Union in responding to crises, such as terrorist attacks, natural disasters and man-made disasters³⁶².

360 *Treaty of Lisbon*, art. 1, item 49.

361 *Ibid.*, Art. 1, item 64. This body is composed of officials from the Ministries of Internal Affairs or Justice of the member states of the European Union, representatives of the European Commission and the European External Action Service. In addition, representatives of other bodies of the European Union – such as Europol or Frontex – may be invited to attend meetings as observers.

362 The Civil Protection Working Group is the preparatory body of the Council of the European Union, as regards the internal dimension of crisis management. Inter alia, it deals with: (1) the prevention of natural disasters and anthropogenic disasters (e.g. floods, forest fires), (2) the provision of emergency response to such emergencies, (3) mutual assistance between member states of the European Union in the event of a crisis; (4) cooperation in the protection of European Critical Infrastructure. In addition, activities related to the exchange of information and the assessment of terrorist

Chapter 4

As of March 16, 2016, the Directorate-General for European Population and Humanitarian Aid plays a vital role in the EU's internal crisis management. Previously, the entity had been conducting humanitarian operations solely within the framework of the external crisis management area, but under the provisions of *the Council of the European Union Council of 15 March 2016*, the entity became responsible for managing crisis support within the European Union³⁶³. The change in the scope of the Directorate's activities was due to the fact that the effects of human-induced disasters and natural disasters in the European Union area were increasingly acute. This situation was determined by a number of factors – particularly climate change, as well as migration and refugee crises. The decision to launch crisis support – both in the event of a threat of disasters occurring and at the time of their occurrence – is made by the Council of the European Union on the basis of a proposal from the European Commission, specifying the period for which support will be launched. Assistance can be provided only through the scale and effects of such disasters, resulting in serious long-term humanitarian consequences in one or more member states and only in exceptional circumstances where all other instruments available to the member states and the Union are not enough³⁶⁴. The Directorate General also intervenes in the case of natural disasters and anthropogenic catastrophes in the European Union through a civil protection mechanism. The priority of this mechanism is to increase the effectiveness of the disaster prevention and disaster response system and to prepare for and respond to them. Crisis management under this mechanism may include both preventive and preparatory actions as well as actions to support responding to the immediate negative impact of a crisis situation within the Union, taken in response to a request for assistance through the Crisis Response Coordination Center, by a member state of the European Union³⁶⁵.

threats, the prevention of radicalization and the recruitment of potential terrorists, and the search for the best national solutions to combat crises – are prepared by the Council of the European Union (the Working Group on Terrorism).

363 *Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union*, Official Journal of the European Union L 70.

364 *Ibid.*, art. 1.

365 *Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism*, art. 2 and 15.

The European Commission's Directorate-General for Migration and Internal Affairs, Directorate-General for Health and Food Safety and Directorate-General for Environment, also have competence in the field of internal crisis management in the European Union. The first of these Directorates undertakes activities to prevent crises (primarily migration, refugees and terrorist attacks) and to prepare for them³⁶⁶. In addition, it conducts monitoring and risk assessment in this regard. On the other hand, in the area of the competence of the Directorate-General for Health and Food Safety, there are cases of public health, food safety, animal health and animal husbandry and the health of crops and forests in the anti-crisis area. To this end, two divisions dealing with crisis management were identified in the organizational structure of the Directorate: C, focuses on public health crisis management issues and G, which has competence in crisis management issues in the area of food, animal and plant safety³⁶⁷. On the other hand, the Directorate-General for Environment, among other policies, takes action on clean air, chemicals, industry, spatial planning, seas and coasts, nature and biodiversity, noise, soil, waste and water. Among its powers are crisis actions, which may include chemical plants, accidents or contamination of the marine environment and environmental disasters.

An analysis of the competences of the various bodies and institutions involved in both the external and internal dimension of the European

366 Activities in the field of combating external migration threats are also implemented by Frontex, established by the *Council of the European Union Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*. As a result of organizational changes – from 2016 – the agency is called European Agency for Border and Coast Guard. Frontex – in urgent and emergency situations, such as the massive influx of illegal immigrants – at the request of a member state of the European Union, can put in place rapid border intervention teams. The appointment time for such a team is set at a maximum of 5 days. See: *Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, Official Journal of the European Union L 349.

367 See: *Health and Food Safety – Organization Chart as of 01 January 2017*, https://ec.europa.eu/info/sites/info/files/health_and_food_safety_-_organisation_chart.pdf, accessed on 1.03.2017.

Union crisis management system makes it possible to conclude that there is a reactive model of this management in the organization. In this model, the creation of mechanisms to counter the emergence, response and elimination of their effects – and consequent institutional transformations – is determined by the earlier emergence of a crisis in a particular sphere of socio-economic life.

4.3 Normative aspect of activities of Polish internal security institutions within the European Union crisis management system

Under the provisions of *the Treaty in Athens*, since 1 May 2004 Poland has become a member of the European Union³⁶⁸. Therefore, already in the first normative act regulating the functioning of the crisis management system in the Third Republic of Poland, adopted on 26 April 2007, there were provisions concerning international co-operation with entities and organizational units of the European Union. According to the provisions of *the Crisis Management Act*, a central budget unit was set up under the authority of the Prime Minister – the Government Security Center – which was responsible for the following tasks: (1) cooperation with the European Union structures; (2) organization and conduct of crisis management training and exercises and participation in national and international exercises; (3) ensuring the circulation of information between national and foreign crisis management bodies and structures; (4) implementation of planning and programming tasks in the area of critical infrastructure protection, including cooperation as a national point of contact with EU institutions and member states in the area of critical infrastructure protection³⁶⁹. The amendment of *the Crisis Management Act* of 17 July 2009 did not change the role of the Government Security Center. The changes were only orderly and reinforced the role of this unit as a coordinator for crisis management, in the area of information policy, international cooperation, and training and exercises³⁷⁰. In

368 *Traktat podpisany w Atenach w dniu 16 kwietnia 2003 roku*, Polish OJ. 2004, No. 90, Item 864; OJ. L 236, 23 September 2003.

369 *Act of 26 April 2007 on Crisis Management ...*, art. 11.

370 *Justification for the Bill amending the Crisis Management Act ...*, pp. 6–7.

the Center's task catalog, as amended by *the Act on the Amendment to the Crisis Management Act*, there are: (1) interaction with European Union entities, cells and units responsible for crisis management and protection of critical infrastructure; (2) organization, conduct and coordination of crisis management training and exercises and participation in national and international exercises; (3) ensuring the circulation of information between national and foreign crisis management bodies and structures; (4) implementation of planning and programming tasks in the area of critical infrastructure protection, including cooperation as a national point of contact with the institutions of the European Union and its member states within the area of critical infrastructure protection³⁷¹.

While the scope of the *act of 26 April 2007 on crisis management* and *the Act of 17 July 2009 on the amendment of the law on crisis management* were not covered by European Union law, the adoption of the *Act of 29 October 2010 on the amendment of the law on crisis management* constituted the consequence of the adoption by the European Council of a *directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve its protection*³⁷². The *Act of 29 October 2010* transposed the above-mentioned directive.

Given the need to identify the critical infrastructure sectors to be used for the implementation of *the directive on the identification and designation of European critical infrastructure and the need to improve its protection* and adaptation of these sectors to the provisions of *the government administration act* – the effect was supposed to contribute to a clear division of competencies of individual administration bodies – modifications to the definition of national critical infrastructure were made³⁷³. According to the provisions of *the Act of 29 October 2010 on the amendment of the Crisis Management Act*, we understand systems and their functionally related objects that are essential for the security of the state and its citizens and serve both to ensure the smooth functioning of public administration bodies, as well as institutions and entrepreneurs. The following systems became part of the infrastructure in question: (1) energy supply, fuel and energy resources; (2) communications; (3) telecommunications

371 *Act of 17 July 2009 amending the Act...*, art. 1, item 10.

372 *Council Directive 2008/114 / EC of 8 December 2008 on the recognition ...*

373 *Ibid.*, art. 3, para. 3.

networks; (4) financial; (5) food supply; (6) water supply; (7) health care; (8) transport; (9) rescue; (10) ensuring the continuity of public administration; (11) production, storage and use of chemical and radioactive substances³⁷⁴. In addition, on the basis of the provisions of this legal act, a definition of European critical infrastructure has been introduced to the crisis management system of the Third Republic of Poland, which means systems and their associated functionally related facilities – including buildings, equipment and installations that are key to the security of the state and its citizens and to ensure the smooth operation of public administration bodies located in the territory of the member states of the European Union whose disruption or destruction would have a significant impact on at least two member states³⁷⁵.

This impact was to be assessed against the cross-cutting and sectoral criteria established by the European Commission and the member states of the European Union. The cross-cutting criteria include: (1) the human victim's death rate – assessed against the possible number of deaths or injuries; (2) economic impact criterion – assessed with respect to the importance of economic losses or deterioration of the quality of goods or services (including potential ecological effects); (3) social impact criterion – assessed in relation to the impact on public confidence, physical suffering and daily disruption life, in particular the loss of basic services. Sectoral criteria, in turn, were to be numerical thresholds, that is, characteristic parameters of critical infrastructure systems, facilities and installations or functions implemented by these facilities, devices, installations, defining critical infrastructure identification. An object or system of Polish critical infrastructure could have been identified as a potential European critical infrastructure if identified by sectoral criteria and met at least one of the cross-cutting criteria³⁷⁶.

374 Act of 29 October 2010 on amending the Crisis Management Act, OJ. 2010, No. 240, Item. 1600, art. 1, point 1.

375 Ibid.

376 Ibid., art 1, point 3. It should be noted that the European Commission has issued a document: *Non-binding guidelines for the implementation of the Council Directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve its protection* (in its secret part) the thresholds for the sectoral and cross-sectoral criteria applicable to the designation of European Critical Infrastructure are set out. The document emphasized that the thresholds

The responsibility for current identification of potential European Critical Infrastructure – in cooperation with the competent ministers and heads of central offices and in agreement with the relevant bodies of the member states of the European Union, to which it may influence – has been imposed on the Director of the Government Security Center³⁷⁷. It was only on the basis of these findings that the Council of Ministers, by way of implicit resolution, set out European critical infrastructure, located within the territory of the Republic of Poland, from the scope of potential European infrastructure. Identification of this infrastructure (including its name and location) was forwarded by the Director of the Government Security Center to the competent authorities of the member states of the European Union, which may be affected.

In addition, pursuant to the provisions of *the Act of 29 October 2010 transposing the directive on the identification and designation of European critical infrastructure and the assessment of the need to improve its protection*, the Director of the Government Security Center has been charged with: (1) establishing a uniform list of facilities, installations, devices and services that are part of critical infrastructure (divided into systems) taking into account European critical infrastructure – located on the territory of Poland and European critical infrastructure – located on the territory of other member states of the European Union that may have a significant impact on the Republic of Poland³⁷⁸; (2) communicating to the European Commission every year information on the number of critical infrastructures for which the competent authorities of the member states of the European Union have been interviewed on thresholds for cross-cutting criteria to identify European critical infrastructure on the territory of Poland, as well as information on the number of critical infrastructures located on the territory of the Republic of Poland, included in the European critical infrastructure (divided into

for these criteria should be clearly defined – separately for individual cases – by consultation between the involved member states of the European Union. It is only by obtaining the consent of all participants in the European Critical Infrastructure (the country where the potential European Critical Infrastructure is located and the countries that it can influence), recognizes it as a European Critical Infrastructure.

³⁷⁷ Ibid.

³⁷⁸ Ibid., art 1, point 2.

systems) and on the number of EU member states affected; (3) submitting to the European Commission every 2 years a report containing general data on the risks, threats and vulnerabilities identified in each of the systems, in which the European critical infrastructure was established and located in Poland³⁷⁹.

A significant change in the normative dimension of the crisis management system of the Third Republic of Poland was the adoption of the *Act of 5 August 2015 on macro-prudential oversight of the financial system and crisis management in the financial system*³⁸⁰. This act constituted the implementation of the *directive of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms*³⁸¹. It introduced a normative framework for the organization of macro-prudential policy, including the identification, assessment and monitoring systemic risk – perceived as a risk of disturbance in the functioning of the national financial system, which, if implemented, disturbs the functioning of the financial system and the national economy as a whole – arising in the financial system or its environment³⁸², and the elimination or mitigation of such risks using macro-prudential instruments. The purpose of this act was to streng-

379 Ibid., art 1, point 3.

380 *Act of 5 August 2015 on macro-prudential supervision over financial system and crisis management in the financial system*, OJ. No. 0, Item. 1513.

381 *Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC*. This Directive was adopted because the traditional approach to financial supervision (micro-prudential supervision), in the time of financial crisis, was not enough. Micro-prudential supervision did not take into account the effect on the stability of the financial system by collective actions of individual institutions. The framework for supervision of the financial system, therefore, has been strengthened by setting up a macro-prudential policy institution to reduce systemic risk and, consequently, contribute to reducing the potential impact of financial crises on the economies of the member states of the European Union.

382 It should be noted that systemic risk may arise in the financial system, for example when a crisis in the construction sector or in the labor market results in difficulties in the proper functioning of the financial system – an example may be an unexpected change in the dynamics of giving credits.

then the stability of the financial system and to reduce the likelihood of a financial crisis³⁸³.

In the light of the provisions of *the macro-prudential supervision act over the financial system and crisis management in the financial system*, the competence to perform crisis management tasks³⁸⁴ in the event of a direct threat to financial stability was to be received by the Financial Stability Committee³⁸⁵ – a body composed of the President of the National Bank of Poland, the Minister of Finance, the Chairman of the Financial Supervision Commission and the President of the Management Board of the Bank Guarantee Fund³⁸⁶. The tasks of this body in macro-pruden-

383 *Justification for the macro-prudential supervision act on the financial system and crisis management in the financial system*, parliamentary print No. 7576, p. 2.

384 The concept of crisis management in the financial system referred to actions to maintain or restore the stability of the financial system in the event of a direct threat to this stability. Cf. the *Act of 5 August 2015 on macro-prudential supervision...*, art. 2, para. 1.

385 This body was created on the basis of the provisions of the *Act of 7 November 2008 on the Financial Stability Committee*, OJ. No. 209, Item. 1317. The adoption of this act resulted from the signing by the member states of the European Union – including Poland – of the *Memorandum of Understanding on co-operation between the Financial Supervisory Authorities, the Central Banks and the Finance Ministries of the European Union on cross-border financial stability. Rationale for the bill on the Financial Stability Committee*, parliamentary print No. 1071, p. 1. This body was composed of: the Minister of Finance; President of the National Bank of Poland and Chairman of the Polish Financial Supervision Authority. The Chairman of the Committee was the Minister of Finance. *Act of 7 November 2008 on the Stability Committee ...*, art. 4. The objective of the Financial Stability Committee was to “ensure effective cooperation in supporting and maintaining the stability of the national financial system by exchanging information, opinions and assessments of the situation in the financial system in Poland and abroad and coordinating actions in this field”. *Ibid.*, art. 1. This body was empowered to: (1) assess the situation in the national financial system and on international markets and ensure the proper circulation of information between members of the Committee on relevant events and trends that could jeopardize the stability of the national financial system; (2) develop and adopt interoperability procedures in the event of a threat to the stability of the national financial system, (3) coordinate the activities of Committee members in a situation of direct threat to the stability of the national financial system. *Ibid.*, art. 3, para. 1.

386 *Ibid.*, art. 3, para. 1. Election of Chairperson of the Committee was subject to the subject matter of the meetings: in the case of macro-prudential supervision tasks, the President of the National Bank of Poland is responsible for this function, while the Minister of Finance is responsible for crisis management issues.

tial supervision include in particular: (1) the use of macro-prudential instruments, such as the presentation of positions or issuing recommendations³⁸⁷; (2) identification of financial institutions posing a significant risk to the financial system³⁸⁸; (3) cooperation with the European Systemic Risk Board, other EU bodies and macro-prudential supervisory authorities from the member states. In turn, the tasks of the Financial Stability Committee, including crisis management, include: (1) the development and adoption of co-operation procedures where there is a direct threat to the stability of the financial system; (2) coordinate the actions of Committee members in the event of a direct threat to the stability of the financial system or to identify a financial institution whose present

The subject matter of the meetings also influences the manner of adopting resolutions: whereas in the case of the implementation of macro-prudential policy tasks they are taken in open voting by a majority of votes, with the presence of at least three members of the Committee (in case of equal number of votes the Chairman of the Committee is deciding), in the case of crisis management in the financial system – they are taken unanimously. Acceptance of differences in the way of voting, the legislator explained through differences in the nature of macro-prudential policy and crisis management. While macro-prudential policy is largely based on prediction (it would be difficult to reach a consensus among independent members, so a qualified majority voting system was introduced), in the case of crisis management, unanimous adoption of resolutions enables the adoption of decisions relevant to the stability of the financial system, supported by all institutions associated with the security organization, which strengthens their impact. *Justification for the draft macro-prudential supervision act ...*, p. 8.

387 In the case of identifying sources of systemic risk in the financial system or its surroundings, the Committee may submit to the relevant bodies a statement stating the nature of these sources, the extent of their impact, and the expected effects on the financial system. In turn, the recommendations of the Committee may indicate the need for action to optimize the management of systemic risk. The Bank Guarantee Fund, the Financial Supervision Commission, the Minister of Finance and the National Bank of Poland may be addressed in the scope of activities which may serve to reduce systemic risk. Recommendations are not legally binding, but the relevant institutions are required to refer to them in the form of information about actions taken to reduce systemic risk or to clarify the reasons for not taking such action. *Act of 5 August 2015 on macro-prudential supervision ...*, art. 17, 18.

388 The term “significant risk” is understood as the risk of a financial institution operating that will negatively affect other institutions operating in the financial system or the stability of the entire financial system.

or projected financial situation may jeopardize its continued functioning; (3) ensuring proper circulation of information between members of the Committee³⁸⁹.

It should be emphasized that in the analysed law there is a provision that, for damages related to the action or failure to act in the exercise of macro-prudential supervision and crisis management in compliance with the provisions of law, the members of the Committee shall not be held liable³⁹⁰. Adoption of such a solution resulted from the fact that macro-prudential supervision operates under conditions of uncertainty and limited information. Therefore, in the *Explanatory Memorandum* to the Act, it is believed that, in the absence of such a legal provision, the supervisory authority will not be able to make forecasts or present relevant positions to the entities forming the financial system or part thereof³⁹¹.

Macro-prudential instruments, introduced by the provisions of the law, also include the possibility of determining capital buffer ratios (i.e., security buffer³⁹², anti-cyclical buffer³⁹³, systemic risk buffer³⁹⁴, buffer of

389 The Committee was authorized to create working groups, which could include employees of the National Bank of Poland, the office of the Minister of Finance, the Office of the Financial Supervision Commission and the Bank Guarantee Fund, as well as other persons with relevant experience. *Ibid.*, art. 10.

390 *Ibid.*, Art. 13, para. 2.

391 *Rationale for the draft macro-prudential supervision act ...*, p. 9.

392 The obligation of financial institutions to maintain the highest quality capital (i.e., to cover losses under their solvency conditions) was set at 2.5% of total risk exposure.

393 A macro-prudential tool to help offset the impact of the economic cycle on credit activity. The countercyclical buffer is that in good times (credit growth), financial institutions are required to maintain their capital stock at a certain level so that, in times of economic downturn (when economic activity weakens), they can be used to maintain lending to the real economy. *Act of 5 August 2015 on macro-prudential supervision ...*, art. 21–32.

394 Possibility to impose an obligation to maintain an additional amount of capital of the highest quality (used to cover losses under the solvency conditions of a financial institution) when the institution generates or is exposed to non-cyclical systemic risk. The finance minister was obliged to assess the adequacy of the systemic risk buffer ratio and the types of exposures to which it applies at least every two years (should take into account the recommendations of the Financial Stability Board). *Ibid.*, art. 50.

global systemic institutions³⁹⁵, buffer of other systems of importance³⁹⁶), and terms of their validity. Their introduction, across the entire banking sector, has contributed to reducing systemic risk, increasing the capital base of banks, and increasing their ability to absorb losses if the risk materialized.

On the basis of the analyses carried out in this chapter, several conclusions can be drawn: (1) the starting point for the creation of an EU crisis management system was *the Treaty of Maastricht* signed in 1992 – a legal instrument establishing the European Union; (2) in the first period of operation of the European Union, the formation of capacity to respond to emerging crises (primarily political-military and humanitarian) took place within the framework of the Common Foreign and Security Policy (evolving towards the Common Security and Defense Policy); (3) at the turn of the millennium – at the European Council meeting in Helsinki in December 1999 – a concept was developed to complement the European Union's military competence in crisis management, with civilian (non-military) aspects; (4) The adoption by the European Council of December 2003 of the European security strategy was an indication of the aspirations to extend the scope of the European Union crisis management system – in particular disarmament operations, support for third countries in the fight against terrorism and the concept of “preventive involvement” – enabling preventive action to take place even before the crisis;

395 Possibility of imposing an obligation to maintain an additional amount of high quality capital by institutions recognized as “global systemic institutions”. The list of these institutions is determined by the Polish Financial Supervision Authority on the basis of criteria such as: (1) the size of the group of which the global systemic institution is a part; (2) the interconnection of the group with the financial system; (3) the substitutability of financial services or infrastructure by the group; (4) the complexity of the group; (5) the cross-border activity of the group. *Ibid.*, art. 36. The reserve of the highest quality capital required by the global systemic institutions is (depending on the systemic importance of the institution) between 1 and 3.5% of risk-weighted assets. *Ibid.*, art. 34, para. 3.

396 After consulting the Committee, the Polish Financial Supervision Authority identifies other systemic institutions and imposes a buffer on them (up to 2% of risk-weighted assets). *Ibid.*, art. 38. The catalog of these institutions is determined on the basis of criteria such as: (1) size, (2) importance for the economy of Poland or the European Union, (3) importance of cross-border activity, (4) interrelation of the institution or group concerned with the financial system. *Ibid.*, art. 39, para. 5.

(5) the provisions of *the Treaty of Lisbon* provided the basis for extending the normative dimension of the crisis management system to include a “solidarity clause” whereby a member state of the European Union becomes a victim of a terrorist attack, a victim of a natural disaster or a human-induced disaster – at the request of its authorities – both the Union and its member states shall be obliged to undertake joint assistance; (6) *the Global strategy for foreign and security policy of the European Union* of 2016, which is the basis for the external actions of this organization, has set out the postulate of implementing an integrated crisis management system, which will aim at a comprehensive approach to crises through coherent application of all EU policies, at every stage of crisis development, including preventive action, crisis response and reconstruction and monitoring; (7) the normative dimension of the crisis management system includes early warning mechanisms and crisis management mechanisms and instruments, of which the EU Civil Protection Mechanism and the Instrument for Contribution to Stability and Peace play an important role; (8) the normative framework for the European Union crisis management system covers the protection of people, their property and the environment – including cultural heritage and critical infrastructure – against political, military and humanitarian, radiological, economic, health, financial, migration crises as well as natural and technological disasters; (9) extending the diversity of problem areas covered by the normative crisis management system of the European Union, demonstrates that the process of preparing this organization for existing and future threats to internal and external security is constantly and regularly improved; (10) there is a reactive model of the crisis management system in the European Union, in which the creation of mechanisms to counter the emergence, response and disappearance of certain types of crisis situations – and consequent institutional transformations – is determined by the earlier emergence of a crisis in a particular sphere of socio-economic life, in which it had not previously occurred; (11) the lack of a single model of action in the context of various crises and the dissemination of crisis management competencies between multiple EU bodies and institutions are factors that hinder the organization from preventing and responding to hybrid threats (the normative dimension of the Union crisis management system of the European Union allows for a broad spectrum

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of anti-crisis measures in individual cases, but not in cases where there are synergies of various phenomena leading to a crisis); (12) the normative dimension of the European Union crisis management system has determined the normative aspect of the activities of such Polish internal security institutions as the Government Security Center and the Financial Stability Committee.

Chapter 5

Normative dimension of the NATO crisis management system and its implementation in legal and organizational order of the Third Republic of Poland

The aim of this chapter is to present the normative dimension of the North Atlantic Treaty Organization's crisis management system and its implementation in the legal and organizational order of the Third Republic of Poland. In the first part of this chapter, the analysis will examine the basics of the Alliance crisis management system. The study will cover both the NATO strategic concepts – the most important documents on which the Alliance is based and documents from the North Atlantic Council meetings (above all, declarations and final communications), North Atlantic Cooperation Council (mainly work plans for dialogue, partnership and cooperation plans); Euro-Atlantic Partnership Council (in particular the action plans and summaries of the Secretary General of the Council). The second subsection of this chapter will present the research problem of the organization of the NATO crisis management system. This part of the study will cover the components of this system and the procedures for introducing individual crisis response measures (including the six phases specified in *the NATO Crisis Response Manual*). In the last section, the normative aspect of the activities of Polish internal security institutions will be presented within the framework of the North Atlantic Treaty Organization's crisis management system. In this context, the analysis will cover normative crisis management activities of the Government Security Center as well as the Prime Minister and ministers responsible for internal and external affairs – formed within the framework

of the legislative process aimed at implementing the legal acts adopted by the bodies of the North Atlantic Alliance.

5.1 Normative bases of the NATO crisis management system

The North Atlantic Treaty Organization (NATO) was formed by the *North Atlantic Treaty* signed in Washington, April 4, 1949 – a legislative act that contained collective defense rules in the event of the aggression of the Union of Soviet Socialist Republics or its satellite states³⁹⁷. Formation of the Alliance's ability to manage the crisis, however, was relatively late – only after the so-called “Cold War”³⁹⁸. *The new Strategic Concept*, adopted on 7–8 November 1991, at the meeting of the Heads of State and Government in Rome, highlighted the positive changes in the security environment, which were influenced, inter alia, by the political transformations in Central and Eastern Europe, the development of European integration and progress in the field of arms control³⁹⁹. In the security environment, however, new, more difficult to predict multidimensional threats have emerged, to which the Alliance was obliged to find an answer⁴⁰⁰. For this reason, *the Strategy* has introduced a new broader approach to security. In addition to maintaining military capabilities – necessary to prevent the outbreak of war and ensure effective defense of member states when it occurs – among the basic tasks of the Alliance are listed, for the first time, the ability to manage crises affecting the security of Alliance members (in the context of peacekeeping operations) and replacing the previous

397 *Traktat Północnoatlantycki sporządzony w Waszyngtonie dnia 4 kwietnia 1949 r.*, Dz. U. 2000, nr 87, poz. 970.

398 Zob. G. Wilk-Jakubowski, *Zimna wojna*, [in:] *Encyklopedia politologii*, t. IV, *Myśl społeczna i ruchy polityczne współczesnego świata*, edited by M. Marczevska-Rytko, E. Olszewski, Warszawa 2011, pp. 540–542.

399 *The Alliance's New Strategic Concept agreed by the Heads of State and Government participating in the Meeting of the North Atlantic Council*, Rome, 7–8 November 1991, http://www.nato.int/cps/en/natohq/official_texts_23847.htm? accessed on 21.04.2017r. The Alliance's new strategic concepts are the second most important documents (after *the North Atlantic Treaty* of April 4, 1949) defining Alliance's policy. They are supplemented by documents such as the messages from the North Atlantic Alliance summit and ministerial meetings.

400 *Ibid.*, part. I, point 14.

confrontation by security cooperation (including the area of arms control and disarmament)⁴⁰¹. The document states that Alliance members will strive to develop broader, more effective bilateral and multilateral cooperation in all relevant security areas – inter alia, including prevention of crises (preventive diplomacy is essential to this end) and, where appropriate, ensure effective management⁴⁰². The publication of *the Roman Declaration* in 1991 made it possible to institutionalize relations with the countries of Central and Eastern Europe by establishing in December 1991 the North Atlantic Cooperation Council⁴⁰³. In *the first Work Plan for Dialogue, Partnership and Cooperation*, March 1992, the ambassadors of the countries represented in this Council took into account the principles and key aspects of the crisis management strategy⁴⁰⁴. These were to be worked out: (1) by the Military Committee, at a session with representatives of the heads of general staffs of the member states and meetings in other forums; (2) through military contacts, including high-level visits; (3) participation of NATO partners in special courses at the NATO Defense College and the NATO School in Oberammergau. In *the Work Plan for Dialogue, Partnership and Cooperation for 1993*, a conceptual discussion on the potential role of the armed forces in the event of the elimination of the effects of natural and technological disasters was taken into account⁴⁰⁵. One year later, in the *Work Plan for Dialogue, Partnership and Co-operation for 1994*, foreign ministers and representatives of the member states of the North Atlantic Cooperation Council took into account the issue of civilian planning in crisis situations (in particular

401 Ibid., part. II, point 19.

402 Ibid., part. III, points 29, 31–33. The process of reducing conventional NATO military forces was to be accompanied by an increase in their mobility and flexibility in responding to various crises. Ibid., part. III, point 46.

403 *Declaration on Peace and Cooperation issued by the Heads of State and Government participating in the Meeting of the North Atlantic Council* (“*The Rome Declaration*”), Rome, 7–8 November 1991, S-1 (91) 86. Several years later – in 1997 – the North Atlantic Cooperation Council was replaced by the Euro-Atlantic Partnership Council.

404 *Work Plan for Dialogue, Partnership and Cooperation*, March 10, 1992, http://www.nato.int/cps/en/natohq/official_texts_23993.htm?selectedLocale=en, accessed on 22.04.2017.

405 *Work Plan for Dialogue, Partnership and Cooperation 1993 Issued at the meeting of the North Atlantic Cooperation Council*, December 18, 1992, M-NACC-2 (92) 110.

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the organization, role and function of civilian planning in response to crises and disasters and the objectives, civil-military cooperation policies and procedures in the area of preparedness for and response to emergencies and disasters)⁴⁰⁶. Finding the formula of effective cooperation in this field, they were supposed to serve the crisis management workshop scheduled in 1994, meetings of the High Civilian Arbitration Committee in the Situation of Threats with representatives of the countries represented in the North Atlantic Cooperation Council, to explore ways of exchanging information on civilian planning, in particular emergency response and three seminars on the transformation of the role of civil protection (from the ability to undertake actions during the war – to prepare for disaster response in times of peace), civil protection in the event of industrial accidents and natural disasters, and civilian preparedness to respond to emergencies⁴⁰⁷. In December 1994, Foreign Ministers and representatives of the North Atlantic Cooperation Council members adopted the revised *Work Plan for Dialogue, Partnership and Cooperation for 1994/1995*, which reaffirmed the need to organize training and crisis management exercises and to extend the format of meetings of the High Committee for the Affairs on Civilian Planning in the Situation of Danger, to exchange information and experience on the organization, role and function of civilian planning in the field of preventing and responding to emergencies (including civil-military cooperation)⁴⁰⁸. In addition, the Partnership for Peace program is designed to: (1) exchange information and knowledge to support the development of civilian preparedness in the event of emergencies and disasters, including legislation and civilian aspects of disaster management, disaster prevention and management as well as humanitarian aid; and (2) the organization of meetings, seminars, courses and exchange of information and experiences under the authority of the High Civilian Planning Committee in the Situation of Threats⁴⁰⁹. In the next

406 *Work Plan for Dialogue, Partnership and Cooperation 1994*, December 3, 1993, M-NACC-2 (93) 72.

407 Ibid.

408 *Work Plan for Dialogue, Partnership and Cooperation 1994/1995 Issued at the meeting of the North Atlantic Cooperation Council held at NATO Headquarters*, December 2, 1994, M-NACC-2 (94) 121.

409 Ibid.

Work Plan for Dialogue, Partnership and Cooperation for 1996/1997, the theme of crisis management – (within the framework of the Partnership for Peace) on education and training and the organization of exercises in the field of peacekeeping, search, rescue and humanitarian operations and other activities related to crisis management techniques under simulated operating conditions – was also raised⁴¹⁰. The willingness to develop capacity to conduct conflict prevention and crisis management operations has been confirmed several times in the North Atlantic Council documents. Exemplification may be: the *final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session* on June 13, 1996, which expressed a positive opinion on the creation of the Policy Coordination Group, which supports the Council on political and military matters – related to crisis management operations⁴¹¹; and also the *final Communiqué Meeting of the North Atlantic Council in Ministers Session* of 10 December 1996, which welcomed the role played by the Partnership for Peace in building security cooperation (positive involvement of partner countries in joint crisis management operations and civilian prevention of the emergence of crises and disasters)⁴¹².

It should be emphasized that on 30 May 1997, based on the provisions of *the Basic Document*, the North Atlantic Cooperation Council was transformed into the Euro-Atlantic Partnership Council⁴¹³. It was supposed to serve as a forum for consultation in the field of security policy (including crisis management and crisis prevention) and enhanced cooperation under the Partnership for Peace program⁴¹⁴. The issue of capacity building for conflict prevention and crisis management has been repeatedly addressed in documents from the meetings of the Heads of State and Government of the member states and partner countries, under the aegis of the Euro-Atlantic Partnership Council. The example

410 *Work Plan for Dialogue, Partnership and Cooperation 1996/1997*, December 6, 1995, M-NACC-2 (95) 121.

411 *Final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session*, June 13, 1996, M-NAC (DM) -2 (96) 089.

412 *Final Communiqué Issued at the Ministerial Meeting of the North Atlantic Council*, December 10, 1996, M-NAC-2 (96) 165.

413 *Basic Document of the Euro-Atlantic Partnership Council*, May 30, 1997, M-NACC-EAPC-1 (1997) 066.

414 Ibid.

could be: (1) *the Summary* of the first such meeting of 9 July 1997, underlining that partnership and regional cooperation contribute to crisis prevention and more effective crisis management (in particular peace-keeping operations)⁴¹⁵; (2) *the Chairman's summary of the Meeting of the Euro-Atlantic Partnership Council at Summit Level* in Washington, which favored further strengthening the Partnership for Peace, which would, inter alia, enhance the capacity of the members of the Council⁴¹⁶ to take crisis management actions; (3) *the Chairman's Summary Meeting of the Euro-Atlantic Partnership Council, held in Florence* on how to develop and increase the effectiveness of cooperation in the area of conflict prevention and crisis management⁴¹⁷; or (4) *the Chairman's summary of the meeting of the Euro-Atlantic Partnership Council in Defence Ministers Session*, who were chosen for the implementation of political and military cooperation during crisis management exercises⁴¹⁸. Crisis management activity was also included in the action plan of the Euro-Atlantic Partnership (examples include: *Action Plan of the Euro-Atlantic Partnership Council for 1998–2000*⁴¹⁹, the *Action Plan of the Euro-Atlantic Partnership Council for 2000–2002*⁴²⁰, and the *Action Plan of the Euro-Atlantic Partnership Council for the years 2002–2004*⁴²¹, in which the implementation of crisis

415 *Summary of the Meeting of Allied and Partner Heads of State and Government under the Aegis of the Euro-Atlantic Partnership Council*, July 9, 1997, S-APHSG-1 (97) 84.

416 *Chairman's summary of the Meeting of the Euro-Atlantic Partnership Council at Summit Level*, April 25, 1999, EAPC-S (99) 067.

417 *Chairman's Summary Meeting of the Euro-Atlantic Partnership Council, held in Florence on 25 May 2000*, May 25, 2000 (05) 054 054.

418 *Chairman's summary of the meeting of the Euro-Atlantic Partnership Council in Defence Ministers Session*, December 6, 2000, M-EAPC-2 (2000) 1 116.

419 *Action Plan of the Euro-Atlantic Partnership Council for 1998 – 2000*, January 14, 1998, (1998) 002. See also: *Updated Euro-Atlantic Partnership Council (EAPC) Action Plan 1998 – 2000*, December 8, 1998, M-2-EAPC (98) 145 145. An important achievement of the Euro-Atlantic Partnership Council was the creation of a Euro-Atlantic Disaster Response Coordination Center in the Headquarters of NATO. It should be emphasized that the activity of this center was included in the *Action Plans of the Euro-Atlantic Partnership Council*.

420 *Action Plan 2000–2002 Euro-Atlantic Partnership Council (EAPC)*, December 16, 1999, M-2-EAPC (99) 169 169. See also: *EAPC Action Plan 2000–2002*, December 15, 2000, M-EAPC-2 (2000) 1 120.

421 See also: *Action Plan 2002–2004 Euro-Atlantic Partnership Council (EAPC)*, December 7, 2001, M-2-EAPC (2001) 1 165.

management training and exercises, as well as the improvement of crisis response operations were planned).

One of the fundamental documents confirming the increased importance of NATO crisis management tasks was the Alliance Strategic Concept, adopted at the Washington Summit in 1999⁴²². In this document, the purpose of adopting the North Atlantic Alliance to new security challenges – crisis management was identified as one of the main tasks⁴²³. In the first part of the *Strategic Concept* it was stated that the Alliance is ready – to perceive every circumstance individually and in a consensus manner and in accordance with Article 7 of the *North Atlantic Treaty* – to contribute to conflict prevention and to actively engage in crisis management, including through participation in crisis operations⁴²⁴. Maintaining the capacity for effective crisis management was considered necessary to maintain peace and strengthen security and stability in the Euro-Atlantic area⁴²⁵. To accomplish this goal, the Alliance was expected to work with other organizations to counter conflict or, if the crisis had already occurred, respond effectively to it, in line with international law, including the possibility of conducting crisis response operations outside Article 5 of the *Washington Treaty*⁴²⁶. This meant de facto the possibility of taking action to prevent the emergence of military and non-military conflicts that would harm the security of NATO member states in every part of the world, including those of non-member countries (or regions)⁴²⁷.

422 *The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.*, Washington, April 24, 1999, NAC-S (99) 65.

423 Ibid., part. I, item 10.

424 Ibid.

425 Ibid., part. III, item 26.

426 Ibid., part. III, items 31, 48. Under Article 5 of the Washington Treaty, in the case of armed assault on a NATO member state, the other pact countries are obliged to assist it. See: art. 5, *Traktat Północnoatlantycki sporządzony w Waszyngtonie dnia 4 kwietnia 1949 r.*

427 Crisis response operations in situations beyond collective defense include peace-keeping operations, which in turn include conflict prevention and the creation, maintenance, coercion and peace building, or humanitarian relief operations. They can be performed in any part of the world where there is a conflict. Conflict prevention involves a number of activities, from diplomatic initiatives, to the pre-emptive deployment of armed forces to curb the development or spread of armed conflicts. This type of operation also includes reconnaissance missions, situation monitor-

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At the summit in Washington, another document of strategic importance was adopted – *Political-Military Framework for NATO-led PfP Operations* – strengthening the role of partners in setting policy directions, overseeing and planning crisis management operations and commanding them⁴²⁸. This document incorporates four phases of partner involvement: (1) in the pre-conflict phase; (2) in the consultation phase preceding the start of military planning; (3) in the planning and consultation phases between the start of military planning and the crisis management operation; and (4) in the execution phase⁴²⁹. Based on the degree of involvement, this document also introduced the classification

ing, consultations, warnings and inspections. The next of the Alliance's activities – peacekeeping operations – consists in initiating, after the start of the conflict, diplomatic action (in particular the provision of good services, mediation, conciliation, diplomatic pressure, isolation or sanctions) aimed at bringing a ceasefire or rapid signing peace agreement. In turn, peacekeeping activities are undertaken by the Alliance with the consent of all parties to the conflict to monitor the situation and ensure the implementation of the peace agreement (most often they are based on the provisions of Chapter VI of *the Charter of the United Nations*). Peace-enforcement operations are initiated without the consent of the parties to the conflict based on the provisions of Chapter VII of *the Charter of the United Nations*. The Alliance conducts them in the event of a failure of the process of peaceful resolution of the dispute, where there are no grounds for ending the conflict. The purpose of this type of operation is to maintain or restore peace, or to enforce the requirements set forth in the mission statement. Peacebuilding, on the other hand, seeks to consolidate the peace situation, integrated with political, economic, social and military support, and reconstructing institutional structures after the conflict. The last of these operations – humanitarian actions – The Alliance is primarily committed to reducing the suffering of people living in conflict-affected regions. These activities are undertaken in cooperation with specialized organizations. M. Kwiecińska, *Operacje reagowania kryzysowego w świetle koncepcji strategicznej NATO*, „Obronność – Zeszyty Naukowe Wydziału Zarządzania Akademii Obrony Narodowej” 2015, nr 2(14), p. 94–95. See. Also: I. Protasowicki, Z. Nowakowski, M. Juchnicki, *Zarządzanie kryzysowe w Organizacji Sojuszu Północnoatlantyckiego*, [in:] *Zarządzanie kryzysowe w administracji*, edited by R. Częścik, Z. Nowakowski, T. Płusa, J. Rajchel, K. Rajchel, Warszawa-Dęblin 2014, pp. 259–268.

428 Appendix A – *Political-Military Framework for NATO-led PfP Operations, Towards a Partnership for the 21st Century The Enhanced and more Operational Partnership – Report by the Political Military Steering Committee on Partnership for Peace*, April 25, 1999. http://www.nato.int/cps/en/natohq/official_texts_27434.htm?selectedLocale=en, accessed on 23.04.2017.

429 Ibid., pt. 6.

of partners for “potential contributing states”, “potential major contributors” and “contributing countries”⁴³⁰. This document provided the partners with a contribution to NATO crisis response, participation in the development of operational plans and periodic review of missions for these operations. In addition, this document was intended to contribute to complementing and strengthening the implementation of the concept of the Military Joint Task Force⁴³¹.

It should be stressed that the issues of crisis management, after the end of the Washington summit, have been repeatedly addressed both in the North Atlantic Council and in the Council for Euro-Atlantic Partnership. They emphasized the need to: (1) implement the concept of the Military Joint Task Force, which will provide a new tool for crisis management in the next century (including the *Final Communication from the North Atlantic Council at the level of the Defense Ministers in Brussels, 2 December 1999*⁴³²); (2) continue to develop international co-operation with the Western European Union, enabling the organization of joint crisis management exercises and the use of NATO’s resources and capabilities in military crisis management operations undertaken by the Western European Union (and later, after the creation of an EU crisis management system, with the European Union⁴³³), and also with the Organization for Security and Co-operation in Europe and with the United Nations, for effective conflict prevention, peacekeeping, crisis management and reconstruction after the conflict (e.g. in the *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters in Brussels on 15 December 1999*⁴³⁴, *Final Communiqué Ministerial Meeting of the North Atlantic Council held in Florence on*

430 Ibid., pt. 7.

431 Ibid., pt. 20.

432 *Final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels, December 2, 1999*, M-NAC-D (99) 156 156, pt. 21.

433 Following the terrorist attacks of 11 September 2001, the strengthening of cooperation with the European Union also included agreeing on NATO’s support for EU crisis management operations. *Final communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, December 6, 2001*, M-NAC-2 (2001) 15,158, pt. 13.

434 *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, December 15, 1999*, M-NAC2 (99) 166, items 20, 21, 37, 39.

24 May 2000⁴³⁵, *Statement on the Defense Capability Initiative issued during the North Atlantic Council meeting at the level of the Defense Ministers in Brussels* on June 8, 2000⁴³⁶, *Final Communication from the North Atlantic Council at the level of Ministers at the NATO headquarters in Brussels*, 14–15 December 2000⁴³⁷, *Final Communication from the North Atlantic Council Ministers in Budapest* on May 29, 2001⁴³⁸, *Final Communiqué of the North Atlantic Council at the Reykjavik Ministerial Level* of 14 May 2002⁴³⁹, *2002 Prague Declaration*⁴⁴⁰, *EU-NATO Declaration on ESPD*, 2002⁴⁴¹, *Istanbul Summit Communication issued by the Heads of State and Government participating in the 2004 North Atlantic Council meeting*⁴⁴², *the Riga Declaration* of 2006⁴⁴³, *the Comprehensive Political Guidelines endorsed by the Heads of State and Government of NATO* on November 29, 2006⁴⁴⁴); (3) fight against terrorism after the attacks of

435 *Final Communiqué Ministerial Meeting of the North Atlantic Council held in Florence* on 24 May 2000, May 24, 2000, M-NAC-1 (2000) 52 052, pt. 29.

436 *Statement on the Defence Capabilities Initiative issued at the Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels* on 8 June 2000, June 8, 2000, M-NAC-D-1 (2000) 064 064, pt. 2.

437 *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels* on 14 and 15 December 2000, December 14, 2000, M-NAC-2 (2000) 12 124, items 28, 30–32, 53.

438 *Final communiqué Ministerial meeting of the North Atlantic Council held in Budapest, Hungary*, May 29, 2001, M-NAC-1 (2001) 77 077.

439 *Final Communiqué Ministerial meeting of the North Atlantic Council held in Reykjavik*, May 14, 2002, M-NAC-1 (2002) 059, pt. 16.

440 *Prague Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague, Czech Republic*, November 2002, (2002) 127, items 11–12.

441 *EU-NATO Declaration on ESPD*, December 16, 2002, (2002) 142.

442 *Istanbul Summit Communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council*, June 2004, (2004) 096, items 26, 43.

443 *Riga Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Riga* on 29 November 2006, November 29, 2006, (2006) 150, items 2, 10, 41.

444 This document sets out the overall framework and political direction of NATO's transformation, setting priorities for all issues related to the Alliance's operational capabilities. In the Comprehensive Political Guidelines, the requirement was that NATO forces be able to carry out a full range of missions – including crisis response operations – from high to low intensity. The document emphasizes the need to improve cooperation with countries outside NATO and other international and non-governmental organizations, as well as the need to meet more specific capac-

September 11, 2001 – inter alia, through civilian planning, taking into account the active participation of the countries of the Euro-Atlantic Partnership Council in crisis management procedures (including the *Partnership Action Plan against Terrorism*, 2002⁴⁴⁵); (4) the coherence of the use of NATO crisis management instruments and measures combining military and civilian resources (including the *2008 Bucharest Summit Declaration*⁴⁴⁶, *Strasbourg and Kehl 2009 Declarations*⁴⁴⁷); (5) strengthen cooperation with partners through the Euro-Atlantic Disaster Response Coordination Center, which plays an important role in contributing to alleviating humanitarian crises and assisting the Allied authorities after natural disasters (e.g. in the *Final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels on 5 December 2000*⁴⁴⁸, the *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels on 14 and 15 December 2000*⁴⁴⁹); (6) develop more effective conflict prevention and crisis management cooperation within the framework of the Euro-Atlantic Partnership Council and Partnership for Peace (including the

ity requirements, including the ability to plan, undertake and maintain operations far from NATO's territory, with little support (or without support) from the host country. *Comprehensive Political Guidance endorsed by NATO Heads of State and Government on 29 November 2006*, 29 November 2006, points 6, 7e, http://www.nato.int/cps/en/natohq/official_texts_56425.htm?selectedLocale=en, accessed on 23.05.2017.

445 *Partnership Action Plan against Terrorism*, November 22, 2002, http://www.nato.int/cps/en/natohq/official_texts_19549.htm?selectedLocale=en, accessed on 23.05.2017.

446 *Bucharest Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008*, April 2008, (2008) 049, items 11 and 14. The comprehensive approach to crisis management in this document was manifested in such areas as planning and conducting operations, training and education activities, and strengthening cooperation with external entities.

447 *Strasbourg / Kehl Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg / Kehl*, April 2009, (2009) 044, pt. 18.

448 *Final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels on 5 December 2000*, December 5, 2000, M-NAC-D-2 (2000) 114, pt. 51.

449 *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels on 14 and 15 December 2000...*, items 28, 30–32, 53.

*Secretary General's Summary of the Euro-Atlantic Partnership Council meeting held in Florence on 25 May 2000*⁴⁵⁰, *Final Communication from the Council of the North Atlantic at the level of the Defense Ministers in Brussels, December 5, 2000*⁴⁵¹, *Chairman's Summary of the Euro-Atlantic Partnership Council meeting at the level of defense ministers, December 6, 2000*⁴⁵², *Final Communication from the North Atlantic Council at the ministers' NATO in Brussels, 14–15 December 2000*⁴⁵³, *Chairman's summary of the Euro-Atlantic Partnership Council at the level of the Defense Ministers of 8 June 2001*⁴⁵⁴; (7) strengthen the Mediterranean crisis management dialogue – including, in particular, information on NATO crisis management exercises and the organization of expert visits (inter alia, in the *2002 Mediaterranean Dialogue Work Programme*⁴⁵⁵).

Critical importance of the crisis management process was attributed to the *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation*, entitled *Active Engagement, Modern Defence* – adopted on 19 November 2010 by Heads of State and Government at the NATO summit in Lisbon⁴⁵⁶. This document once again confirmed that crisis management is one of the three main tasks of the Alliance (apart from collective defense and cooperative security)⁴⁵⁷. As part of this task, NATO was to “actively engage in the appropriate combination of political and military tools to assist in managing emerging cri-

450 *Chairman's Summary Meeting of the Euro-Atlantic Partnership Council, held in Florence on 25 May 2000*, May 25, 2000, (2000) 054, item 7.

451 *Final Communiqué Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels on 5 December 2000...*, items 31, 32.

452 *Chairman's summary of the meeting of the Euro-Atlantic Partnership Council in Defence Ministers Session*, December 6, 2000, M-EAPC-2 (2000) 1 116, items 6, 7.

453 *Final Communiqué Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels on 14 and 15 December 2000...*, items 28, 30–32, 53.

454 *Chairman's summary of the Meeting of the Euro-Atlantic Partnership Council in Defence Ministers Session Brussels*, June 8, 2001, M-EAPC-1 (2001) 084.

455 *2002 Mediaterranean Dialogue Work Programme*, 1 January 2002, pt. 5, http://www.nato.int/nato_static/assets/pdf/pdf_2002/20091120_mdwp-2002.pdf, accessed on 20.05.2017.

456 *Active Engagement, Modern Defence. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation adopted by Heads of State and Government in Lisbon*, November 19, 2010 (using the translation of A. Juszcak created for National Security Bureau).

457 *Ibid.*, pt. 4.

ses that could affect Alliance security before escalating into conflict”⁴⁵⁸; “extinguish ongoing conflicts that affect the Alliance’s security; support the consolidation of post-conflict situations, where this contributes to Euro-Atlantic security”⁴⁵⁹. In the *Concept*, a comprehensive political, civil and military approach was identified as essential for effective crisis management. This document announced the active involvement of the Alliance – together with other international actors – both before, during and after the crisis, to disseminate joint analysis, planning and field operations to ensure maximum consistency and effectiveness of all efforts undertaken at international level⁴⁶⁰. In line with the guidelines set out in the *Concept*, the Alliance Member States, in order to ensure effectiveness across the spectrum of crisis management, were required to: (1) intensify the exchange of intelligence within NATO to better anticipate crises and prevent their occurrence; (2) cooperate to further develop NATO doctrine and military capabilities for undertaking and conducting expeditionary operations – including anti-partisan, stabilization and reconstruction operations; (3) to cooperate in the development of civilian crisis management capabilities in order to work more effectively with civilian partners, using experiences from operations under NATO auspices (these capacities may also be used to plan, engage and coordinate civilian activities, until the conditions permit the transfer of these duties and responsibilities to other entities); (4) work together to strengthen integrated civilian-military planning throughout the crisis spectrum; (5) work together to develop capacity to train and build local forces in crisis zones to provide local authorities with the capacity to maintain security without international assistance as soon as possible; (6) undertake activities in the designation and training civilian specialists from the member states, ready for rapid deployment by allies in selected missions capable of working with the military staff and civilian professionals from partner countries and institutions; (7) work to

458 It should be emphasized that in the analysed Strategic Concept it was assumed that the best way to manage conflicts is to prevent them from appearing. To this end, NATO will continue to monitor and analyse the international environment to anticipate crises and take active steps to prevent them from escalating into greater conflict. *Ibid.*, pt. 22.

459 *Ibid.*, pt. 4.

460 *Ibid.*, pt. 21.

widen and intensify political consultations among allies and partners on a regular basis and at all stages of the crisis before, during its occurrence, and after it⁴⁶¹.

The issue of crisis management since the adoption of the new *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation* has been repeatedly addressed in NATO. The documents issued pointed out the need to: (1) increase the Alliance's contribution to a comprehensive approach to crisis management in the context of the international community's efforts and strengthen NATO's ability to deliver stabilization and recovery effects (including the *Lisbon Summit Declaration* of 2010⁴⁶², *Political Guidance on Ways to Improve NATO's Involvement in Stabilisation and Reconstruction*, 2011⁴⁶³); (2) increase the Alliance's preparedness and ability to respond to crisis situations (*Statement of Foreign Ministers on the Readiness Action Plan*⁴⁶⁴); (3) establish NATO cooperation with other actors – both inside and outside the Euro-Atlantic area – contributing to a comprehensive approach combining political, civilian and military crisis management instruments (including the *Lisbon Summit Declaration* of 2010⁴⁶⁵ or the *Wales Summit Declaration* of 2014⁴⁶⁶ *Warsaw Summit Communiqué*⁴⁶⁷); (4) deepen the Alliance's cooperation with the European Union in crisis management (including the 2012 *Chicago Sum-*

461 Ibid., pt. 25.

462 *Lisbon Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Lisbon*, 20 November 2010, (2010) 155, pt. 2.

463 *Political Guidance on Ways to Improve NATO's Involvement in Stabilisation and Reconstruction*, September 23, 2011, http://www.nato.int/cps/en/natolive/official_texts_78314.htm?selectedLocale=en, accessed on 23.06.2016.

464 *Statement of Foreign Ministers on the Readiness Action Plan*, December 2, 2014, http://www.nato.int/cps/en/natohq/official_texts_115551.htm?selectedLocale=en, accessed on 26.06.2017.

465 *Lisbon Summit Declaration...*, pt. 8.

466 *Wales Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales*, September 5, 2014 (2014) 120, items 87, 99.

467 *Warsaw Summit Communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8–9 July 2016*, July 2016, (2016) 100, pt. 119.

mit Declaration⁴⁶⁸, the Warsaw Summit Communiqué⁴⁶⁹, the Statement on the implementation of the Joint Declaration signed by the Secretary General of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization⁴⁷⁰); (5) conduct NATO cooperation in crisis management with other countries – such as Georgia, Japan, Australia and New Zealand (e.g. Joint Statement Meeting of the NATO-Georgia Commission at the level of Ambassadors of 2011⁴⁷¹, Joint Political Declaration between Japan and the North Atlantic Treaty Organisation signed in 2013⁴⁷², Australia-NATO Joint Political Declaration of 2012⁴⁷³, Individual Partnership and Cooperation Program between New Zealand and NATO of 2012⁴⁷⁴); (6) take active maritime operations in crisis management – including, among other things, the logistical support of the land force component in the Alliance's crisis response operations (Alliance Maritime Strategy⁴⁷⁵, Wales Summit Declaration of 2014⁴⁷⁶, Warsaw Summit Communiqué⁴⁷⁷); (7) intensify cooperation aimed at preventing and combating

468 Chicago Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Chicago on 20 May 2012, May 20, 2012, (2012) 062, pt. 20.

469 Warsaw Summit Communiqué..., pt. 124.

470 Statement on the implementation of the Joint Declaration signed by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization, December 6, 2016, (2016) 178.

471 Joint Statement Meeting of the NATO-Georgia Commission at the level of Ambassadors, with the participation of the Prime Minister of Georgia, November 2011, (2011) 141, item 9.

472 Joint Political Declaration between Japan and the North Atlantic Treaty Organisation, April 2, 2013, item 2, http://www.nato.int/cps/en/natohq/official_texts_99562.htm?selectedLocale=en, accessed on 23.06.2016.

473 Australia-NATO Joint Political Declaration, January 18, 2012, item 18, http://www.nato.int/cps/en/natohq/official_texts_94097.htm?selectedLocale=en, accessed on 23.06.2016.

474 Individual Partnership and Cooperation Programme between New Zealand and NATO, January 4, 2012, paragraph 3.1, http://www.nato.int/cps/en/natohq/official_texts_88720.htm?selectedLocale=en, accessed on 23.06.2017.

475 Alliance Maritime Strategy, March 18, 2011, item 11, http://www.nato.int/cps/en/natohq/official_texts_75615.htm?selectedLocale=en, accessed on 23.06.2017.

476 Wales Summit Declaration..., item 71.

477 Warsaw Summit Communiqué..., item 48.

terrorism – including minimizing the effects of terrorist attacks (including the *NATO-Russia Council Action Plan on Terrorism* of 2011⁴⁷⁸, *NATO's policy guidelines on counter-terrorism Aware* of 2012⁴⁷⁹); (8) use the Interoperability Platform launched at the Wales Summit as a key instrument for cooperation with crisis preparedness partners (e.g. the *Warsaw Summit Communiqué*⁴⁸⁰); (9) use the *NATO Building Integrity Policy* as a tool for preventing the emergence of crisis situations and responding to emergencies (at all stages of NATO crisis management operations)⁴⁸¹.

An analysis of the normative basis of NATO's crisis management system makes it possible to conclude that crisis management is a systematically improved process that is in the core interest of the Alliance authorities.

5.2 Organization of the NATO crisis management system

The NATO crisis management system is constantly being analysed and refined, assuming that prevention is the best way to tackle crisis situations, it means preventing them from occurring. Initially it was created as a tool for achieving the goals set out in the 1999 Alliance Strategic Concept. The decision to start work on the NATO's crisis response system was made by the North Atlantic Council in 2001⁴⁸². Several important assumptions were made during this work: (1) this system was to function both in respect of operations undertaken pursuant to Art. 5 of

478 *NATO-Russia Council Action Plan on Terrorism. Executive summary*, April 15, 2011, http://www.nato.int/cps/en/natohq/official_texts_72737.htm?selectedLocale=en, accessed on 23.06.2017.

479 *NATO's policy guidelines on counter-terrorism Aware, Capable and Engaged for a Safer Future*, May 21, 2012, http://www.nato.int/cps/en/natohq/official_texts_87905.htm?selectedLocale=en, accessed on 23.06.2017.

480 *Warsaw Summit Communiqué...*, item 100.

481 *NATO Building Integrity Policy endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8–9 July 2016*, July 9, 2016, http://www.nato.int/cps/en/natohq/official_texts_135626.htm?selectedLocale=en, accessed on 26.06.2017.

482 *NATO Crisis Response System (NCRS): Policy Guidelines*, C-M (2001) 63.

the Washington Treaty (as a collective defense) and outside Article 5 of *the Washington Treaty* (crisis response operations outside NATO territory); (2) the main task of this system was to prevent the occurrence of conflicts and to inhibit their development through political actions; (3) this system was to contribute to the intensification of civil-military cooperation; (4) within the system, NATO partner countries were to be involved (to a limited extent); (5) this system was to be linked to other Alliance systems already operating within the Alliance: the Intelligence Alert System, the Operational Planning System and the Civilian Planning System.

The NATO crisis response system, which is based on the above-mentioned assumptions, consists of five components: (1) prevention options; (2) emergency response measures; (3) counteracting surprise; (4) counteracting aggression; (5) alarm levels. These components are described in the NATO Crisis Response System Manual⁴⁸³.

The first of the components – referred to as the prevention option – is the whole of the action that both the member states and the Alliance can take at the beginning of the crisis. The purpose of these actions – activities of a preventive and warning character – is to stop the development of the crisis and prevent it from spreading. Preventive measures include projects in various fields – in particular diplomatic (including support for the threatened state, the proposal to provide assistance to resolve the crisis peacefully, the condemnation of actions by states contributing to the development of the crisis, the dismissal of ambassadors from risk countries), economic (e.g. cancellation of business meetings, cancellation of bilateral economic, scientific and technical cooperation agreements and trade agreements, organizing international discussions on the possible imposition of economic sanctions on the state contributing to the development of the crisis) and military ones (including limiting or suspending military cooperation with risk countries, canceling military meetings, carrying out unplanned military exercises near the border of states contributing to the escalation of the crisis, increasing the readiness of the armed forces by intensifying training and military exercises).

The second of the listed components – of the crisis response measures – includes about 250 prepared sets of actions that can be launched

483 NATO *Crisis Response System Manual*, AC/237-D(2009)0001.

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by member states and/or Headquarters in the event of a crisis (once accepted by the North Atlantic Council). These tasks may be aimed both at raising the level of preparedness and responding to already existing crisis situations. These activities were grouped into 19 thematic areas: personal resources; military intelligence; counterintelligence and security; defense of the army; general operations; land operations; air operations; maritime operations; psychological operations; electronic battle; meteorology, oceanography, hydrography; defence against weapons of mass destruction; logistics; nuclear resources; willingness of the armed forces; communication and computer systems; critical infrastructure; protection of civilians; public information. Crisis response measures include both the tasks for the member states as well as the command and other agencies of the North Atlantic Alliance.

Within the third component – counteracting surprise – defensive actions of a civilian and military nature can be distinguished. They are undertaken at the time of receiving information on the possibility of an attack or in the event of its occurrence. The aim is to ensure the survival of armed forces, to create conditions for their effective operation, and to increase the level of protection of civil and military institutions, civilians and infrastructure (especially critical infrastructure).

The fourth of the mentioned components – counteracting aggression – includes actions taken against hostile states and their armed forces in the event of an armed attack on the territory of a member state of the North Atlantic Alliance or its armed forces. They are primarily based on the introduction of defence plans.

The last of the components mentioned are the alarm levels. The aim is to unify the actions taken within NATO in the event of a terrorist threat or sabotage. Projects undertaken within the Alliance's alert stages are of a protective nature – the task is to increase the level of physical protection of facilities and to reduce the risk of their exposure to terrorism or sabotage activities. These actions consist in the coordinated action of both the national institutions and bodies as well as the Alliance member states. Depending on the hazard scale, four alarm levels are listed: ALPHA, BRAVO, CHARLIE and DELTA. Within the framework of the first of them (referred to as ALPHA) introduced in the event of a general terrorist threat or sabotage activities (in a situation where their type and

scope are difficult to predict). Undertaken are such activities as: (1) systematically informing employees about the need for increased vigilance with regard to strangers; (2) increasing the control of people entering the premises (including their vehicles); (3) systematic checking buildings and their surroundings for suspicious items; (4) checking supply deliveries; (5) control of communication facilities efficiency. Under the BRAVO alert level – introduced in situations of increased probability of attack – are launched, among others, measures such as: (1) warning workers of possible forms of terrorist attack; (2) remoteness of vehicles and other moving objects from protected buildings; (3) intensification of postage items; (4) control of persons entering the premises (taking into account their baggage); (5) review of material inventory and equipment in terms of efficiency and adequacy for estimated needs. In turn, the CHARLIE level – introduced in the event of incidents or information about the likelihood of an attack – includes, among other things, such activities as: (1) strict control of persons and vehicles entering the premises; (2) transfer of weapons and personal protective equipment to persons authorized to perform protective tasks; (3) increasing the frequency of patrolling the facility; (4) implementing a 24-hour inspection of places of special protection; (5) introduction of additional procedures for counterintelligence protection and protection of personnel and facilities. On the other hand, within the framework of DELTA – introduced in the event of a terrorist or sabotage occurrence or the occurrence of a high probability of a rapid onset of such an attack – inter alia, such actions will be implemented: (1) ensuring – proportionate to the size of the anticipated threats – logistic and medical-sanitary facilities; (2) identification of all vehicles in the area and control of vehicles entering the territory; (3) implementation of full access control of the objects; (4) limitation of the number of entrances to the facility.

It should be stressed that while the actions launched under the first component (prevention options) have a political dimension, the activities undertaken within the other components (emergency response measures, counteracting surprise, counteracting aggression) are implemented on the basis of strictly defined procedures.

The first stage is the submission by the member states, the North Atlantic Council, the main NATO committees, the Headquarters or the partner

countries with the request for specific crisis response measures. Military authorities give this proposal a form of a request, while others of the mentioned entities – recommendations. The application should include: (1) justification for the need to introduce specific measures; (2) objective to be achieved as a result of their implementation; (3) list of hazards for member states and the Alliance that will trigger the implementation of those measures; (4) identifying the area where they will be applied (with respect to the temporal aspect); (5) an indication of the consequences of not taking these measures. This prepared proposal is addressed to the North Atlantic Council. In order for the proposed crisis response measures to be implemented, it is necessary to unanimously endorse the proposal by Alliance member states at the North Atlantic Council meeting.

Following the North Atlantic Council's authorization, the Strategic Leader directs a formal request to member states to introduce the proposed crisis management measures. They shall decide on the scope of the measures referred to in those measures (they may contain reservations concerning the scope and form of application of the measure and the time of its implementation). Information on these decisions is provided to the other member states and Alliance authorities via implementation reports, which also include data on individual actions – similar to those identified in the NATO crisis response system – but taken at national level.

It should be noted that both the above-mentioned measures and the projects undertaken within the Alliance are determined by the time-varying crisis phase. There are six phases in the NATO crisis management process (these are described in the first chapter of the NATO Crisis Response Manual)⁴⁸⁴. The boundaries between them are fluid.

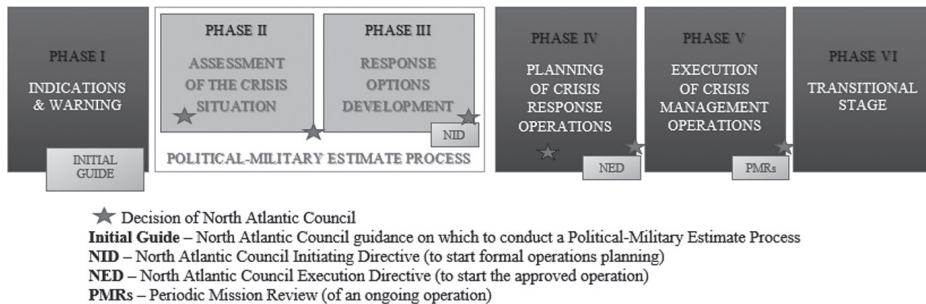
The first phase of the crisis management process – indications and warning – starts when an intelligence of one Alliance member state (or its associated member) sends a warning to the Secretary General of NATO about a potential threat. The North Atlantic Council then chooses one of four options: (1) failure to act; (2) focusing on vigilance and gathering information about the threat in question; (3) considering diplomatic, political or “preventive” responses, including the launch of

⁴⁸⁴ Ibid.

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civilian emergency response and military implications; or (4) initiating a full crisis assessment procedure and moving on to phase two and three.

Fig. 11. Phases of the NATO crisis management process



Source: Own study on the basis of NATO's assessment of the crisis, http://www.nato.int/cps/en/natohq/official_texts_75565.htm, accessed on 18.07.2017.

In the second and third stages of the NATO crisis management process, the North Atlantic Council commissioned subordinate political and military committees to conduct an assessment of the crisis, and to present its development and impact on the security of the Alliance member states. This process is referred to as a political-military assessment. At this stage, the North Atlantic Council also commissioned Supreme Allied Commander Operations to develop a response strategy.

The North Atlantic Council, by taking into account the results of the political-military evaluation, chooses one of the options to provide the Alliance military authorities with formal guidelines (referred to as the North Atlantic Council Initiating Directive) relating to the planning process of crisis response operations. Having made this choice (which does not yet mean a decision to take military action, the political, diplomatic and civilian measures can still be used to tackle the crisis) is the fourth phase of the NATO crisis management process, in which NATO's Supreme Allied Commander Operations prepares a concept and a plan of operations and forward them to the NATO Military Committee – then also to the North Atlantic Council – for approval⁴⁸⁵.

⁴⁸⁵ In this phase, concepts for operations (CONOPS) and operation plans are prepared in concept format (CONPLAN) or complete format (OPLAN). The complete format of the operation plan shall contain a number of detailed plans developed in

The formal authorization of the North Atlantic Council's operation plan (referred to as the North Atlantic Council Execution Directive) begins the fifth phase of the crisis management process in which the Alliance initiates the mission and carries out its regular assessment (referred to as the Periodic Mission Review) to verify progress made in achieving the final state plan and to determine the size and structure of the quota needed to carry out the task⁴⁸⁶. After stabilizing the situation where it is possible to transfer responsibility for security to the local authorities, the transition to the last phase of the NATO crisis management process, in which the Alliance completes its operation and gradually withdraws its forces, is on the way⁴⁸⁷.

In conclusion – crisis planning in NATO is carried out on several levels. The North Atlantic Council conducts them at the political level. In turn, the Military Committee is responsible for the level of the political strategy, and for the development of the military strategy – the Supreme Headquarters Allied Powers Europe. On the other hand, operational level planning is appropriate for the type of operation – Allied Joint Force Command, while at the tactical level – Component Command.

5.3 Normative aspect of activities of Polish internal security institutions within the NATO crisis management system

The Partnership for Peace program was adopted at the Alliance Summit held in Brussels on January 10, 1994. Less than a month later, Prime Mi-

the strategic and operational design processes, including the Plan for the employment of operational forces, Plan for force deployment or Plan force protection. See more: *Allied Command Operations Comprehensive Operations Planning Directive (COPD) COPD INTERIM V2.0*, <https://www.cmdrcoe.org/download.cgf.php?id=9>, accessed on 23.06.2019; *Allied Joint Doctrine for Operational-level Planning*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787263/archive_doctrine_nato_op_planning_ajp_5_with_UK_elements.pdf, accessed on 23.06.2019.

486 An example would be the NATO Headquarters, which performs the Periodic Evaluation of Mission twice a year. These ratings are the basis for recommendations for changes to the Military Committee and the North Atlantic Council.

487 NATO's *assessment of a crisis and development of response strategies*, http://www.nato.int/cps/en/natohq/official_texts_75565.htm, accessed on 18.07.2017.

nister, Waldemar Pawlak, signed the *Framework Document of the Partnership for Peace*, at the NATO Headquarters in Brussels, which sets out the terms of the partnership (fulfilling in good faith the obligations of the *United Nations Charter*, the *Universal Declaration of Human Rights*, the *Final Act of the Conference on Security and Co-operation in Europe* and the arrangements for disarmament negotiations, democratic control over the armed forces, readiness to participate in peacekeeping operations, joint training and exercises with Alliance troops)⁴⁸⁸. The scope of Poland's cooperation with NATO was agreed upon in the *Individual Partnership Program* adopted on 5 July 1994⁴⁸⁹, which included a political declaration (the main objective of the country was NATO accession and the inclusion of its operational forces in the Alliance's military structure – despite the fact that Poland was expected to only double-increased participation in peacekeeping missions) and a catalog of more than forty specific projects⁴⁹⁰.

The actions undertaken under the Partnership for Peace program have paved the way for Poland to become a member of the North Atlantic Treaty Organization. The official invitation to talk about accession was issued on 8 July 1997, at the NATO summit in Madrid⁴⁹¹. The Heads of State and Government of the Member States undertook to sign the Accession Protocol on December 16, 1997, during the forthcoming North Atlantic Council session, and to complete the ratification process in time to ensure Poland's "effective" membership until April 1999, when the summit was planned in Washington (in the fiftieth anniversary of the signing of the *North Atlantic Treaty*)⁴⁹². On December 16, 1997, represen-

488 *Partnership for Peace: Framework Document issued by the Heads of State and Government participating in the Meeting of the North Atlantic Council*, January 1994, M-1 (1994) 002.

489 *Indywidualny Program Partnerstwa między Rzeczpospolitą Polską i NATO*, Warszawa-Bruksela 5 lipiec 1994 r., „Zbiór dokumentów Polskiego Instytutu Stosunków Międzynarodowych” 1994, Chapter 50, No. 3 (537), pp. 100–161.

490 The scope of cooperation was supplemented annually (as a result of the amendment of the *Individual Partnership Program* the number of projects increased to over 450).

491 *Madrid Declaration on Euro-Atlantic Security and Cooperation issued by the Heads of State and Government*, Madrid, 8 July 1997, M-1 (97) 81, item 6.

492 Ibid.

tatives of the 16 member states of the Alliance signed the North Atlantic Treaty on Accession of the Republic of Poland, which initiated the procedure for its adoption in individual countries⁴⁹³. At the end of this process, on 29 January 1999 NATO Secretary General Javier Solana sent a formal invitation to Poland to join the Treaty. After the adoption by the Polish Parliament of *the Act of ratification of the North Atlantic Treaty, signed in Washington on April 4, 1949* (17 February), and signed by President of the Republic of Poland, Aleksander Kwaśniewski (February 26) – March 12, 1999 in Independence, Missouri Minister of Foreign Affairs of the Republic of Poland filed an accession letter with the Secretary of State of the United States⁴⁹⁴. The expansion of the organization was confirmed at the Washington summit on April 23–25, 1999.

Cooperation within the framework of the Partnership for Peace and adherence to the North Atlantic Alliance influenced the normative dimension of the crisis management system in the Third Republic of Poland (in particular through training and crisis management exercises). The provisions of the Crisis Management Act, adopted on April 26, 2007, contain provisions relating to the necessity of fulfilling obligations resulting from membership of the North Atlantic Treaty Organization. According to the provisions of this act at central level, the Government Security Center was established, whose tasks include: (1) cooperation with NATO structures; (2) organization and conduct of crisis management training and exercises and participation in national and international exercises; (3) ensuring the flow of information between national and foreign crisis management bodies and structures⁴⁹⁵. Moreover, the *Crisis Management Act* defines the National Emergency Response System (it was understood as a catalog of procedures determining the roles and tasks of governmental and military administrations responsible for crisis management). This record was implemented on the basis of the NATO National Crisis Response System⁴⁹⁶. Furthermore, in the analysed legal act – alarm levels

493 *Protokół do Traktatu Północnoatlantyckiego o Akcesji Rzeczypospolitej Polskiej*, „Bliżej NATO. Biuletyn informacyjny Biblioteki Sejmowej” 1997, chapter 1, booklet 6.

494 *Ustawa z dnia 17 lutego 1999 r. o ratyfikacji Traktatu Północnoatlantyckiego, sporządzonego w Waszyngtonie dnia 4 kwietnia 1949 r.*, OJ. 1999, No. 13, Item. 111.

495 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 11.

496 *Uzasadnienie do projektu ustawy o zarządzaniu kryzysowym...*, p. 5.

were introduced⁴⁹⁷ – adequate to the level of danger, in this respect also modeled on the solutions adopted in the NATO crisis response system⁴⁹⁸.

The provisions of the Crisis Management Act of 17 July 2009, also recognize the desire to fulfill the obligations arising from membership in the North Atlantic Alliance. The analysed normative act did not significantly change the role played by the Government Security Center in the state security system; the changes were merely orderly and reinforced the legal position of this unit as a coordinator in matters of crisis management in the sphere of information policy, international cooperation and training and exercises⁴⁹⁹. The Center's mission catalog, as amended by the 2009 Act on Crisis Management, includes, inter alia: (1) interaction with entities, cells and organizational units of the North Atlantic Alliance responsible for crisis management and critical infrastructure protection; (2) organizing, conducting and coordinating training and exercises in crisis management and participating in national and international exercises; (3) ensuring the flow of information between national and foreign crisis management bodies and structures; (4) implementing planning and programming tasks in the area of critical infrastructure protection, including

497 In the *Justification of the draft law amending the Crisis Management Act*, it was stated that the procedure for introducing a certain degree would not have the consequence of direct limitation of civil rights and freedoms, since the aim is solely to mobilize the potential that is at the disposal of the relevant authorities and public services. *Ibid.*, p. 5.

498 *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym...*, art. 23. The Prime Minister, by way of an ordinance, at the request of the competent minister, the head of the central office, the Governor or on his own initiative may introduce or cancel one of the four alarm levels (or part thereof) in the whole country (or part thereof): (1) the first – when information about the possibility of a terrorist attack or other event has occurred (their type and scope must have been difficult to predict); (2) the second – when information about the possibility of a terrorist attack or other event that has threatened the security of Poland has been obtained; (3) the third – when information about persons or organizations preparing for a terrorist attack aimed at the security of the Republic of Poland or in the case of assassinations against the security of other states has been obtained or when information has been obtained about the possibility of occurrence of another threat to the security of the Republic of Poland or other states; (4) the fourth – when a terrorist event or other event that threatens the security of Poland or other states has occurred

499 *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, pp. 6–7.

cooperation as a national contact point with the North Atlantic Alliance institutions and its member states as far as the Critical Infrastructure Protection is concerned⁵⁰⁰. It should be noted that in the analysed legal act, the definition of the National Emergency Response System was abandoned considering that the extended definition of crisis management also includes procedures and projects falling within the scope of the above-mentioned system⁵⁰¹. For this reason, the Prime Minister was obliged to establish, by way of an ordinance, a list of operations and procedures for the crisis management system, taking into account the obligations arising from NATO membership and to indicate the authorities responsible for launching them (in this respect, the provisions on the protection of classified information were to be respected)⁵⁰². Moreover, in the *Act amending the Act on crisis management in 2009*, the type of alarm levels and conditions of their introduction were not specified⁵⁰³. Both the tasks carried out under the different types of alarms and the conditions of their introduction were to be included in the list of emergency management system projects and procedures – determined, by way of an ordinance, by the Prime Minister⁵⁰⁴. In addition, the catalog of entities authorized to make decisions on their introduction was extended (depending on the scale of the threat of terrorist or sabotage attack, the decision to introduce and recall a certain level of alert could be taken by the Prime Minister, ministers and heads of central offices and voivodes)⁵⁰⁵. These provisions were repealed by the

500 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 10.

501 *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 2.

502 *Ustawa z dnia 17 lipca 2009 r. o zmianie ustawy...*, art. 1, item 6. The draft of this ordinance was to be prepared by the Government Security Center and reviewed by the Government Crisis Management Team. *Ibid.*, art. 1, items 8 and 10.

503 *Ibid.*, art. 1, item 21.

504 Adopting this solution was a consequence of the analysis of the experience of 2008 military exercises in the North Atlantic Alliance Member States, which found that the current system of alarm levels did not meet the expectations it contained. This resulted from a statutory delegation to define the tasks to be carried out within each alert level in the *Defense Reaction Plan of the Republic of Poland*, which was not (and could not be) known to all public administration bodies. *Uzasadnienie do projektu ustawy o zmianie ustawy o zarządzaniu kryzysowym...*, p. 10.

505 The introduction of the above modification was motivated by the nature of the tasks performed within the individual alarm levels. *Ibid.*, p. 10.

Anti-Terrorism Act, passed on June 10, 2016⁵⁰⁶. The justification for the draft of this law emphasizes that the recipients of alarm levels are not only governmental bodies, but also various organizational units and citizens, therefore, it was insufficient to regulate them in the form of ordinances⁵⁰⁷. At the same time, it was believed that the statutory regulation of the issue of alarm levels would allow to expand the catalog of entities obliged to undertake specific actions⁵⁰⁸ – it was designed to link the system of alarm levels with the system of providing police support by the Polish armed forces⁵⁰⁹. In the *Explanatory Memorandum*, it was also pointed out that the four-step system of alarm levels introduced by the *Anti-Terrorism Act*, including the alarm levels for cyber threats in the Republic of Poland (CRP), was adapted to NATO requirements⁵¹⁰.

The proposed Act sets out four types of alarm levels and four types of CRP⁵¹¹ alarm levels: (1) the first level (in NATO terminology termed ALFA level) that can be introduced if NATO receives information about the possibility of a terrorist event whose scope and type is difficult to predict; (2) a second level (in the NATO terminology – BRAVO), which can be introduced when there is an increased risk of a terrorist event

506 *Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych*, OJ. 2016, No. 0, Item. 904, art. 50.

507 The proposed system was largely based on the provisions of *Załącznik nr 1 Zarządzenie nr 18 Prezesa Rady Ministrów z dnia 2 marca 2016 r. w sprawie wykazu przedsięwzięć i procedur systemu zarządzania kryzysowego*, DRM-Z-12/2016/NATO. Cf. *Uzasadnienie do ustawy o działaniach antyterrorystycznych*, parliamentary print No.516, p. 15.

508 Until now, the scope of application of the alarm levels was limited to government administration.

509 *Uzasadnienie do ustawy o działaniach...*, p. 15.

510 “The use of the catalog of levels of alarm is due to Poland’s obligations as a member of the North Atlantic Treaty Organization (NATO). It involves the specific tasks of public administrations and the heads of departments and institutions responsible for security and crisis management, such as the implementation of additional security plans, to strengthen the security of facilities, areas and equipment”. Ibid.

511 The law provides that a higher or lower level of alarm can be entered skipping the intermediate steps. In addition, it is possible to separate – or combined – the introduction of alarm levels and alarm levels for threats in the cyber space. In the aforementioned situation – ie the introduction of different alarm levels and alarm levels for threats in Polish cyberspace – eligible entities should perform the tasks envisaged for the higher level. *Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych...*, art. 15.

(which has a predictable character) when the specific purpose of this event has not been identified; (3) the third level (in the terminology of the North Atlantic Alliance referred to as the CHARLIE level) is entered in the following situations: a) an incident that confirms the likely purpose of a terrorist attack threatening security or public order or security of the Republic of Poland or the security of another state or international organization that poses a potential threat to Poland, b) obtaining reliable and confirmed information about the planned terrorist attack on the territory of the Republic of Poland, c) obtaining confirmed and reliable information on the planned terrorist attack, which may affect Polish citizens located abroad or Polish institutions or Polish infrastructure located outside the Republic of Poland; (4) fourth level (in NATO terminology termed DELTA level), introduced in the following situations: a) occurrence of a terrorist event posing a threat to security or public order or security of the Republic of Poland or the security of another state or international organization which poses a potential threat to Poland, b) when the information provided indicates the advanced phase of preparation for a terrorist attack in the territory of the Republic of Poland, (c) if the information provided indicates that preparations for an attack targeted at Polish nationals abroad or Polish institutions or Polish infrastructure located outside of Poland are in advanced stage and that information gathered at the same time shows that such an event is inevitable⁵¹².

It should be noted that the decision on introducing, changing and revoking the levels of alarm – taking into account the type of threat of a terrorist event – commits (by way of ordinance) the Prime Minister, after consulting the minister in charge of internal affairs and the head of the Internal Security Agency; and in urgent situations – the minister competent for internal affairs who, after consulting the Head of the Internal Security Agency, is obliged to immediately inform the Prime Minister thereof⁵¹³. The Prime Minister must immediately inform the President of the Republic of Poland, the Marshal of the Parliament (Marshal of the

⁵¹² Ibid.

⁵¹³ Competencies in this regard – i.e. to make decisions on introducing, changing and recalling levels of alarm – pursuant to the provisions of *the Order No. 18 of the Prime Minister of 2 March 2016* are also vested with ministers, heads of central offices and voivodeships (within their jurisdiction).

Sejm and Marshal of the Senate)⁵¹⁴ on the introduction, amendment or revocation of a given alarm level (including CRP levels). Both the Prime Minister and the minister competent for internal affairs may introduce an alert level: (1) in the whole territory of Poland; (2) in the territory of one or more units of the state administrative division; (3) on a specified in another way territory in the country; (4) for strictly defined public administration infrastructure or critical infrastructure facilities; (5) in cases where the effects of a terrorist attack may affect Polish citizens staying abroad or Polish institutions or Polish infrastructure located outside the Polish borders.

In addition, the decision of introducing, changing and canceling the alarm levels – depending on the type of threat of a terrorist event – may be adopted (by way of ordinance) by the Prime Minister, after prior consultation with the Minister for Foreign Affairs and the Head of the Foreign Intelligence Agency, and in urgent situations – minister competent for foreign affairs – after consulting the Head of the Foreign Intelligence Agency (he is obliged to inform the Prime Minister immediately): (1) for specific Polish foreign posts; (2) in relation to ICT systems of the minister competent for foreign affairs.

With the introduction of alert levels (including the alarm levels for cyber threats in the Republic of Poland), there is an obligation to perform certain projects by public administrations and heads of departments and institutions competent to undertake security and crisis management activities (within their statutory competence). Both the types and the detailed scope of these undertakings – implemented on the territory of Poland – are defined in the form of a regulation issued by the Prime Minister, taking into account the need to ensure optimal information flow and reduce the effects of terrorist incidents. In turn, the types and detailed scope of undertakings performed by the heads of Polish foreign missions under the various alarm levels are determined in the form of a regulation by the minister competent for foreign affairs⁵¹⁵.

514 *Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych...*, art. 16.

515 Ibid.

Chapter 5

On the basis of the analyses carried out in this section, several conclusions can be drawn: (1) although the North Atlantic Alliance was formed in 1949, the process of crisis management of this organization began only after the so-called “Cold War”; (2) the first document in which NATO’s crisis management capabilities were mentioned was the *New Strategic Concept* adopted at the meeting of Heads of State and Government in Rome, which took place on 7–8 November 1991; (3) the establishment of the North Atlantic Cooperation Council in 1991 enabled the institutionalization of NATO’s relations with Central and Eastern European countries in crisis management (intensified after 1994 within the framework of Partnership for Peace program); (4) the transformation of the North Atlantic Cooperation Council into the Euro-Atlantic Partnership Council has contributed to the deepening of cooperation between Alliance countries and Central and Eastern European countries in the field of crisis prevention and crisis management; (5) the Alliance states are entitled to carry out crisis response operations both under Article 5 of the *North Atlantic Treaty* in collective defence and in situations beyond that defence in order to prevent military and non-military conflicts that compromise the security of states belonging to this organization in every part of the world (these may be peace support operations – including conflict prevention and the creation, maintenance, coercion and peace building, or humanitarian actions); (6) NATO’s crisis response system consists of five components: prevention options, emergency response measures, counteracting surprise, counteracting aggression, and alarm levels; (7) NATO crisis planning is carried out at several levels: the North Atlantic Council conducts them at the political level, the level of political strategy is the responsibility of the Military Committee, for the development of military strategy – Supreme Allied Forces Command in Europe, while operational level planning is carried out by the Combined Force Command, and at the tactical level – Command of the Component; (8) the normative dimension of the North Atlantic Treaty Organization’s crisis management system has determined the normative aspect of the activities of the Polish Government Security Center, as well as some administrative bodies, in particular the Prime Minister and ministers competent in internal and foreign affairs.

Conclusion

Management is an extremely complex process that requires a comprehensive knowledge of many areas of science. However, if it affects the sphere of security, it becomes particularly important because it concerns the fundamental, existential needs of individuals, social groups and states, as well as a certain standard of law and public order that enables the state to perform its basic functions.

It should be emphasized that the main task of the state authorities is to provide the public with protection against all kinds of threats – both military and non-military. Faced with a significant increase in the multiplicity and diversity of real and potential threats due to the forces of nature and human activity, public authorities are forced to accept strategies for the active establishment (organization) of the security system, focusing not only on responding to emerging crises, but above all on taking action to prevent them from occurring. The whole national security system must be prepared for effective action not only in the normal state (in which national security actors meet their objectives as intended, taking actions aimed at maintaining such a situation), but also in a crisis situation (in which the attainment of objectives is disturbed due to the actual loss of control over the course of events).

The above-mentioned task is extremely important because crisis situations – understood as a whole, factors that negatively affect the level of security of people, property of considerable size or the environment causing significant limitations on the functioning of the competent public administration bodies, due to inadequacy of the forces and means available – are a constant element of reality. Failure to respond appropria-

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tely to crisis situations contributes to the escalation of the threat and the culmination of their crisis phase. At this point, there is a disturbance in the functioning of the national security system, manifested by the break or significant weakening of social ties and the lack of possibility for the public institutions to achieve their objectives. Faced with these threats, it seems necessary to develop early mechanisms for self-regulation of the system – to prevent and address the appearance of emergencies, and to detect and correct them based on previously prepared legal norms, procedures, programs and activities; all of these activities are the domain of crisis management.

The research conducted in this thesis shows that in Poland, actions aimed at creating a crisis management system were taken relatively late – only after 1997. Under the influence of a significant number of human victims (56 lives lost) and massive material damage (estimated at US \$ 3.5 billion) – triggered by the “flood of millennia” that took place that year – new legal and organizational solutions were started. Targeted to create a crisis management system. According to the analyses conducted, it is true that attempts to enact a law regulating the organization of a crisis management system in the Third Republic of Poland have been made since 2000 (when Prime Minister – Jerzy Buzek – submitted to Marshal of the Parliament – Maciej Płażyński, *government draft act on civilian readiness and civilian crisis management in peace time*), however, due to political disputes, by 2007 none of the measures taken was successful. In these circumstances, the first legal act that created the normative framework for a crisis management system in the event of threats requiring action in situations not fulfilling the conditions for introducing one of the extraordinary states provided for in the 1997 Constitution – but requiring the implementation of special mechanisms to ensure effective monitoring of threats and to take action to eliminate or significantly reduce them – was *the act on crisis management passed on April 26, 2007*. It should be noted that subsequent amendments to the aforementioned legal regulation – established in the atmosphere of political disputes – have contributed to the improvement and coherence of the already functioning system in Poland. An example may be the amendment of Article 26 of the 2007 Crisis Management Act, which stipulates that dedicated reserves should be set up in the budgets of individual local self-government units for the implemen-

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tation of crisis management tasks (their amount was set at the level of up to 1% of the current expenditures of the local government unit – minus investment expenditures, expenses on remuneration and derivatives and debt servicing expenses). However, due to the fact that the most dynamically developing units of territorial self-government (where budgets for a given year were planned for high investment expenditures) were not able to create a special purpose reserve for the implementation of their own tasks in the field of crisis management (which resulted from the negative balance of the difference in current expenditures in relation to the investment expenditures specified in *the 2007 Crisis Management Act*) – under the amendment of 2009 – the system of financing crisis management tasks was modified (the amount of specific purpose reserves in the budgets of the individual local self-government units, allocated for the implementation of own tasks in the field of crisis management, was set at the level not less than 0.5% of their expenditure – net of capital expenditures, payroll and derivatives expenses and debt servicing expenses).

In the course of research on the financing of the crisis management system in the Third Republic of Poland, the hypothesis was verified, which assumed that both expenditures planned in the state budget for the performance of crisis management tasks and the funds incurred to achieve this objective in the III Republic of Poland, in the years 2008–2017, systematically increased. This hypothesis was statistically verified by extracting the development trend from the time series using the least squares method and by assessing the significance of the slope of the linear trend function for both expenditures. The analyses carried out in this thesis show that: (1) the amount of expenditures planned in the state budgets for crisis management tasks was systematically increased in the III RP in 2008–2017 (year on year by the average of PLN 686.58 thousand); (2) the funds incurred for the performance of crisis management tasks in the III RP systematically increased in the years 2008–2017 (year on year by the average of PLN 570.69 thousand). Moreover, analyses of the assessment of the significance of the slope of both linear trend functions (for planned and incurred expenditures on crisis management) confirmed the occurrence of the systematic linear trends on the basis of the statistical tests. The research hypothesis formulated in the introduction of this thesis was therefore positively verified.

Conclusion

Research on the financing of the crisis management system in the Third Republic of Poland was deepened by an analysis of the amount of expenditures incurred for the implementation of crisis management tasks in the years 2008–2017, in relation to expenditure planned for this purpose in the budgetary laws. Studies show that in 2008–2009, 2010–2015 and 2017 expenditure incurred for crisis management was higher than planned in the budgetary laws (except in 2009, when the amount of funds used for crisis management in the Third Republic was PLN 2 236 thousand less than planned in the Budget Act and 2016, when expenditures incurred to perform these tasks were lower by PLN 3,748 thousand than planned – this was due to the fact that in 2009 and 2016 no major catastrophes occurred in Poland, which could have led to the need for intensive crisis management activities).

From the statistical point of view, the analyses carried out in this thesis show that the increase in the amount of expenditures planned in the state budgets for the performance of crisis management tasks, as well as the funds incurred for achieving this objective in the III RP in 2008–2017 were linear trends, which proves that the crisis management process has been increasingly important for state institutions. This approach is in line with the current trend of increasing the importance of crisis management, which involves extending the catalog of non-military threats (including new threats such as terrorist attacks). The quantitative and qualitative increase in threats forces state institutions not only to increase the scale of expenditures for crisis management tasks, but also to contribute to the development of regulations, including the creation of comprehensive crisis management systems to increase the effectiveness of the actions taken (integrated with international crisis management systems – in particular with the European Union and NATO systems – thus taking into account Poland's obligations resulting from membership in these international organizations).

The analyses carried out in this paper show that the first of the aforementioned organizations was the starting point for the establishment of a crisis management system, which was signed in 1992 by *the Treaty of Maastricht* – a legal act establishing the European Union. In the first period of operation of the Union, the formation of the capacity to react to emerging crises (primarily political-military and humanitarian) was, ho-

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wever, exclusively under the Common Foreign and Security Policy (evolving towards the Common Security and Defense Policy). It was not until the turn of the millennium – at the Helsinki European Council meeting, in December 1999 – that the concept of complementing the European Union military crisis management skills with civilian aspects (non-military) was developed. Enactment by the European Council four years later – in December 2003 – *the European Security Strategy* should be regarded as a sign of aspirations to extend the practical scope of the European Union crisis management system – in particular disarmament operations, support for third countries in the fight against terrorism and the concept of “preventive engagement” – enabling preventive actions, even before the crisis. The enactment of *the Treaty of Lisbon* in December 2007 contributed to the successive extension of the scope of the EU crisis management system in question. Under the provisions of this act, the normative dimension of the crisis management system has been extended by the “solidarity clause”, whereby a member state of the European Union becomes a victim of a terrorist attack, a victim of a natural or man-made disaster, both the Union and its member states are obliged to undertake joint aid actions. In turn, the strategic document issued in 2016 – *Global Strategy for Foreign and Security Policy of the European Union*, which forms the basis for the external actions of the European Union – calls for the implementation of an integrated crisis management system, which will aim at a comprehensive approach to crises through the coherent application of all European Union policies in each of the stages of the crisis, including prevention, crisis response and reconstruction and monitoring.

This structured normative dimension of the European Union crisis management system includes both early warning mechanisms as well as mechanisms and crisis management instruments, among which the EU Civil Protection Mechanism and the Instrument for Contributing to Stability and Peace play a special role. It should be stressed that the normative framework for this system is to protect people, their property and the environment – including cultural heritage and critical infrastructure – both against political, military, radiological, economic, health, financial and migration crises as well as from natural or technological disasters.

Based on the research conducted in this study, it has been found that there is a reactive model of crisis management in the European Union,

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in which the creation of mechanisms for counteracting and dealing with certain types of crisis situations – and consequent institutional transformations – is determined by the earlier emergence of a crisis in a particular sphere of socio-economic life in which it had not previously occurred. It has also been found that the lack of a single model of action in the context of various crises and dispersion of competencies in crisis management between many EU bodies and institutions is a factor hindering this organization from preventing and responding to emerging hybrid threats (the normative dimension of the crisis management system of the European Union allows for a wide spectrum of anti-crisis measures in individual cases, but not in cases where there are synergies of various phenomena leading to a crisis). The chance to tackle this problem further extends the diversity of subject areas covered by the EU's normative crisis management system, which will enable the Organization to prepare for existing and future threats to internal and external security (including hybrid threats).

On the other hand, in the case of the second international organization – the North Atlantic Alliance – the process of crisis management capacity began only after the so-called “Cold War”. The first NATO-wide crisis management capability document was *the New Strategic Concept* passed at the meeting of Heads of State and Government in Rome, which took place on 7–8 November, 1991.

It was then determined that the NATO crisis response system now consists of five components: prevention options, emergency response measures, counteracting surprise, counteracting aggression and alarm levels. Within this system, alliance states are entitled to both emergency response operations under Article 5 of the North Atlantic Treaty, as a collective defence and situations beyond that defence – to prevent the occurrence of military and non-military conflicts that compromise the security of the states belonging to this organization in every part of the world (these may be peace-support operations – including conflict prevention, creation, maintenance, extortion and peace-building, or humanitarian actions). In addition, it was stated that crisis planning in NATO is carried out at several levels: the North Atlantic Council conducts them at the political level, the military policy is the responsibility of the Military Committee, and NATO's Supreme Allied Command is responsible for the development of military

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strategy in Europe, on the other hand, operational level planning is carried out by the Allied Command for the type of operation – and at the tactical level – Component Command.

In the course of the research, the hypothesis was verified, which assumes that the normative basis of the crisis management system in the Third Republic of Poland was determined by the organizational and legal solutions developed in the European Union and NATO. It was established that the establishment of the North Atlantic Cooperation Council in 1991 enabled the institutionalization of NATO's relations with Poland and other Central and Eastern European countries in crisis management (intensified after 1994 under the Partnership for Peace Program). The transformation of the North Atlantic Co-operation Council into the Euro-Atlantic Partnership Council has also contributed to the deepening of cooperation between the Alliance and Poland – in the field of crisis prevention and more effective crisis management. It was also found that cooperation within the framework of the Partnership for Peace between 1994–1999 and the accession of Poland to the North Atlantic Treaty in 1999 had an impact on the crisis management system of the Third Republic of Poland (primarily by providing opportunities for participation in international training and exercises). Furthermore, it was also established that the normative dimension of the North Atlantic Treaty Organization's crisis management system had determined the normative aspect of the activities of the Government Security Center, as well as some administrative bodies – in particular the Prime Minister and ministers competent in internal and foreign affairs.

The conducted research also found that the normative basis of the crisis management system in the Third Republic of Poland was determined by the organizational and legal solutions developed in the European Union forum. It was found that, while the scope of *the Act of 26 April 2007 on crisis management* and *the Act of 17 July 2009 on amending the Crisis Management Act* were not covered by European Union law, the enactment of *the Act of 29 October 2010 amending the Management Act crisis and the act of 5 August 2015 on macro-prudential oversight of the financial system and crisis management in the financial system* constituted the fulfillment of Poland's obligations resulting from its membership (the need to implement respectively *the Council Directive enacted on 8 December 2008*

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on the identification and designation of European Critical Infrastructure and the assessment of the need to improve its protection, and the European Parliament and Council Directive of 26 June 2013 on the conditions for admission credit institutions for business and prudential supervision of credit institutions and investment companies). In addition, it has been established that the normative dimension of the European Union crisis management system has determined the normative aspect of the functioning of the Polish internal security institutions (in particular the Government Security Center and the Financial Stability Committee). Based on the above conclusions, the research hypothesis assuming that the normative basis of the crisis management system in the Third Republic was determined by the organizational and legal solutions developed in the European Union and NATO, was verified positively.

On the basis of the research carried out, several postulates can be formulated: (1) rapid work should be undertaken to harmonize the terminology, standards and procedures of crisis management that will contribute to increasing the effectiveness of international cooperation in this area; (2) the organization of crisis management at the international level should be targeted not only at ensuring a high level of preparedness and response to emerging crises, but especially on the detection and elimination of risk factors, as well as monitoring the environment and risk modeling of threats to maintain it within acceptable limits – all these actions will contribute to the rationalization of crisis management expenditure, i.e. the increase in expenditure on prevention and preparation activities, which will translate into a significant reduction in their height during the reconstruction phase (currently international organizations focus primarily on rescue and recovery) i.e. crisis response – support at the other stages of the crisis management process is only provided to them at the request of the state authorities when national systems are no longer able to cope with threats); (3) it is important to focus more on the crisis management education activities (which can result in highly qualified staff for bodies and institutions implementing these activities, as well as to make the public aware of existing threats and prepare them for active participation in civilian crisis management); (4) legislative actions aimed at improving the Polish crisis management system should be continued (e.g. the amount of the mandatory special purpose reserve for the imple-

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mentation of crisis management tasks created in the budgets of all local self-government units should be made dependent on the scale of threats likely to occur on their territory, estimated on the basis of risk assessment of their occurrence – in the current functioning of the system, there is a danger of mismatching the scale of crises to the available resources, enabling them to be tackled locally and regionally; establish a requirement for full-time employment in local self-government units dealing exclusively with crisis management; currently, for many economical reasons, these functions in many territorial self-government units are filled in by volunteers or people who work in other organizational units of the office, which significantly hinders effective action; or introduce of organisational changes in the Polish crisis management system by including civil protection tasks as a special form of civil protection implemented by the same bodies and executive entities during the state of war.

It is worth emphasizing that the development of the Polish crisis management system requires further undertaking of activities in the organizational and legal field. At the same time, it is hoped that in Poland, as a member of the European Union and the North Atlantic Treaty Organization, in the future it will be crucial to improve the national crisis management system in order to achieve the highest level of harmonization with the procedures in force in these organizations, both in terms of political and military crises and with a growing number of non-military threats.

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