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CIVIL DEFENCE IN POLAND IN TERMS OF NEEDS AND LEGAL REGULATIONS

OBRONA CYWILNA W POLSCE W ASPEKTCIE POTRZEB I PRAWNYCH REGULACJI

Abstract: In this study, the author presents Civil Defence in Poland with regards to needs and legal regulations. Research on the state and needs of civil protection in Poland is carried out by state institutions, social institutions and researchers from various academic centres. The state of civil protection is not consistent in legal and organisational terms. One example is the failure to enact a new draft Law on Civil Protection and Civil Defence. Although Poland has ratified international conventions, many of their standards have still not been implemented in practice.

Zarys treści: W opracowaniu Autor podjął próbę przedstawienia obrony cywilnej w Polsce w aspekcie potrzeb i prawnych regulacji. Badania stanu i potrzeb ochrony ludności w Polsce prowadzone są przez instytucje państwowe, społeczne oraz naukowców z różnych ośrodków akademickich. Stan ochrony ludności nie jest spójny pod względem prawnym i organizacyjnym. Jednym z przykładów jest nieuchwalenie projektu nowej ustawy *O ochronie ludności i obronie cywilnej*. Pomimo, tego iż Polska ratyfikowała konwencje międzynarodowe, to w dalszym ciągu wiele ich norm nie wdrożono do praktycznego stosowania.

Keywords: civil defence, security, threats, law

Słowa kluczowe: obrona cywilna, bezpieczeństwo, zagrożenia, prawo

Introduction

One of the most important tasks of the Polish state, carried out by its public authorities, is to ensure the safety of the population. The problem of protecting the civilian population from threats is important in social terms. Consistent improvement and maintenance of conditions for effective protection against threats in times of peace and war is a current task. The principles of the functioning of civil defence in

Poland were regulated by the act *O powszechnym obowiązku obrony Rzeczypospolitej Polskiej*,¹ which was repealed after the entry into force of the act *O obronie ojczyzny*.² In the repealed act, the chapters of Chapter IV entitled “Civil defence” contained general provisions about service in civil defence, education for safety and about general protection of the population. It is to be expected that these will be included in the new law *On Civil Protection and the State of Disaster*.³ The solutions and regulations proposed therein have been and are the subject of many discussions and considerations regarding the improvement of civil protection activities in Poland. This paper presents the results of part of the research from the doctoral dissertation “Preparation of civil protection against threats during peace and war” prepared at the Federation of Military Academies.⁴ Recent events in Ukraine related to Russian aggression show the atrocities of the aggressor against the Ukrainian civilian population. The systemic preparation of the protection of the population is of fundamental importance here. It allows us to assess its condition and the preparedness of civil protection in Poland at the same time.

The Chief Commandant of the State Fire Service is at the same time the Head of the National Civil Defence. This has been the situation in Poland since 2007, and according to the current legislation such a solution should not exist. In practice, as the Head of the OCK, the Chief Commandant can and should demand that central authorities implement the required, necessary solutions. However, this may cause disruption in the cooperation with public administration bodies, including the Ministry of Internal Affairs and Administration. The research shows that the Head of the OCK should report directly to the Prime Minister. By law, the Head of the OCK should have the authority to influence, in a supervisory mode, the institutions which deal with population security. The state bodies responsible for population security and crisis management are shown in Table 1.

Table 1. State bodies responsible for civil security and crisis management

Administration Level	Civil defence, Civil protection	Crisis management
Central	Chief Fire Officer of the State Fire Service (since 2007 has been Head of National Civil Defence)	Council of Ministers, Prime Minister, competent ministers

¹ *On the general duty to defend the Republic of Poland* Act of 21 November 1967, Dz. U. (Journal of Laws) 1967, no 44, item 2399, as amended.

² *On the defence of the Fatherland* Act of 11 March 2022, Dz. U. (Journal of Laws) 2022, item 655.

³ The draft law *On Civil Protection and the State of Disaster* has been notified to the list of legislative and programmatic works of the Council of Ministers, website <https://www.gov.pl/web/mswia/prezentacja-projektu-ustawy-o-ochronie-ludnosci-oraz-o-stanie-kleski-zywiolowej-konferencja-z-udzialem-kierownictwa-mswia>, [accessed: 01.10.2022].

⁴ Military Academy Federation website; <https://bip.faw.edu.pl/faw/doktoranci/postepowania-ws-nadawania-stop/postepowania-doktorskie/zawiadomienia-o-obronach/8517,mgr-inz-Eugeniusz-Kolpaczynski.html>, [accessed: 29.09.2022].

Administration Level	Civil defence, Civil protection	Crisis management
Resort	competent ministers, directors of central offices	competent ministers, directors of central offices
Voice	Governor	Governor
County	Starost	Governor
Gmine	Mayor	Mayor

Source: compiled on the basis of the provisions of the Acts of Competence.

Civil Defence has requirements that are greater than the capabilities and competences of the State Fire Service, which is assigned to rescue operations of various kinds. However, it has a great capacity for action, having at its disposal specialised firefighters and appropriate equipment, with the units of the State Fire Service being properly distributed throughout the country. The heads of OC of the provinces,⁵ districts and municipalities are in charge of civil defence preparedness. This applies to all institutions, domestic and foreign companies and social organisations within their area of administrative responsibility. Citizens within OC are obliged to serve, educate and train,⁶ and to participate in the response to natural disasters. Existing legal regulations⁷ define the competences of the Head of OC,⁸ as well as those of the heads

⁵ When managing defence matters, the voivode performs the following tasks for the benefit of civil defence, among others: – defines detailed directions for the heads of combined services, inspections and guards, organs of non-associated administration and local government units in the execution of defence tasks; – manages the execution of undertakings related to the raising of state defence readiness performed by marshals of voivodships, starostes, mayors (city presidents), entrepreneurs and other organisational units and social organisations; – manages the implementation of undertakings related to the preparation of management positions for territorial bodies; – organises the use of local forces and resources for the needs of state defence and the voivodship area; – controls and evaluates the performance of defence tasks by bodies, entities, organisational units and organisations; – organises the education of the public on defence preparedness and conducts defence training and exercises.

⁶ Citizens' duty in civil defence consists of performing: – civil defence service; – education for security; – training in the general protection of the population.

⁷ Regulation of the Council of Ministers of 25 June 2002. *On the detailed scope of activities of the Head of Civil Defence of the Country, heads of civil defence of provinces, districts and communes*, Journal of Laws of 2002, no. 96, item 850.

⁸ The responsibilities of the Head of National Civil Defence include: – initiating, preparing, issuing and issuing opinions on draft normative acts concerning civil defence; – agreeing the draft plan of national civil defence with the Ministry of Defence and other relevant ministers; – defining assumptions for civil defence plans of provinces, districts, municipalities and entrepreneurs; – developing programme assumptions and directions for education and training of employees, rescuers and the population in the field of civil defence; – assessing the state of civil defence preparedness in voivodships, districts and municipalities; – planning needs in terms of financial and material resources necessary to fulfil their own tasks in the field of civil defence; – defining assumptions for evacuation of people and property in case of a mass emergency – to initiate scientific and research activities concerning civil defence, as well as to participate in unification and standardisation works in this field; – to prepare, for the needs of the minister responsible for internal affairs and the Prime Minister, information concerning civil defence; – to organise and coordinate civil defence exercises – to control the preparation of civil

of OC of provinces, districts and municipalities.⁹ From these regulations stem their interdependence.¹⁰ OC formations can also appoint personnel from private business entities. Organisational rules and the manner of performing service in civil defence are determined by the Minister of the Ministry of the Interior and Administration.¹¹

In case of war, natural disasters or environmental threats, the Minister of KiDN establishes civil defence formations.¹² The framework for the supervisory control of

defence formations and rescuers to carry out rescue operations; – to control the conditions for performing basic service in civil defence; – to establish normative requirements for supplying civil defence bodies and formations with equipment, technical means and uniforms necessary to perform civil defence tasks.

⁹ The responsibilities of the heads of civil defence of provinces, districts and municipalities include: – assessing the state of civil defence preparations; – developing and giving opinions on civil defence plans; – developing and agreeing action plans; – organising and coordinating civil defence training and exercises; – organising training of the population in civil defence; – preparing and ensuring the operation of the detection and alarm system and the early warning system of the detection and alarm system and the early warning system for threats; – setting up and preparing civil defence organisational units for operation; – preparing and organising the evacuation of the population in the event of a mass threat to life and health over a wide area; – planning and providing transport facilities, living facilities, and pre-medical, medical and social assistance to the evacuated population; – planning and ensuring the protection of agricultural and livestock crops and food and fodder products, as well as water intakes and facilities in the event of a threat of destruction; – planning and ensuring the protection and evacuation of cultural and other property in the event of a threat of destruction; – designating health care facilities obliged to provide medical assistance to those affected by a mass threat to the life and health of the population; – ensuring the supply of drinking water to the population and designated food establishments, and water for special equipment for the elimination of contamination and for fire-fighting purposes; – to supply civil defence bodies and formations with equipment, technical means and uniforms necessary for the performance of civil defence tasks; – to integrate civil defence forces and other services; – to give opinions on drafts of local laws concerning civil defence and affecting the performance of civil defence tasks; – to initiate scientific and research and standardisation activities concerning civil defence; – cooperating with territorial bodies of military administration; – providing conditions for performing basic service in civil defence; – giving opinions on proposals for the creation of civil defence formations; – preparing information on the tasks to be performed; – cooperating with voivodes' plenipotentiaries for emergency medical services and with territorial bodies of military administration; – inspecting the preparation of civil defence formations and rescuers to carry out rescue operations; – establishing a list of state institutions, entrepreneurs and other organisational units and social rescue organisations intended to carry out civil defence preparations and undertakings; – organising and carrying out training of rescuers doing basic service in civil defence; – preparing and providing necessary forces for emergency assistance in burying the dead.

¹⁰ The heads of civil defence set tasks and control their implementation, and coordinate and direct activities in the preparation and implementation of civil defence undertakings: – The Head of National Civil Defence for the heads of civil defence in the provinces; – The Head of Civil Defence in the provinces for the heads of civil defence in the districts; – The Head of Civil Defence in the districts for the heads of civil defence in the municipalities; – The Head of Civil Defence in the municipalities for the heads of civil defence in institutions, entrepreneurs, social rescue organisations and other organisational units operating in the municipal area.

¹¹ Regulation of the Minister of Internal Affairs and Administration of 26 September 2002. *On service in civil defence*, Dz.U. (Journal of Laws) 2002, no. 169, item 1391, as amended.

¹² Regulation of the Minister of Culture and National Heritage of 8 July 2008. *Amending the Regulation on the establishment of civil defence formations*, Dz. U. (Journal of Laws) 2008, no. 131, item 833.

government administration bodies and local government bodies is defined by the Council of Ministers.¹³ The correctness of the implementation of defence tasks and the state of their preparations is assessed through substantive inspections.¹⁴

In case of war, natural disasters or threats to the environment, the Minister of KiDN appoints civil defence formations.¹⁵ The provision of Article 140 has been repealed. Thus, the basis for specifying civil defence tasks, powers and duties of individual institutions has been abolished. The Council of Ministers issued a Regulation specifying the scope of competences of the Heads of OC at particular levels.¹⁶

Knowledge of the obstacles to the smooth functioning of administrative bodies makes it possible to eliminate unwanted impediments in advance and reduces the costs of action. It allows one to get to know the processes and phenomena occurring in the state related to the security of the population. The assessment of the completeness and substantive correctness of the functioning of state institutions is based on the preparation of framework recommendations and laws which comprehensively regulate the issue of population security.

The most important security threats presented in the *National Security Threats Report* and actions to counter them should be used in the further planning process.¹⁷ Such a solution is supposed to be conducive to informing state bodies about the current state of security and the requirements for individual public administration units.¹⁸ The conclusions of the Report are used in the *National Crisis*

¹³ Regulation of the Council of Ministers of 13 January 2004. *On control of performance of defence tasks*, Dz. U. (Journal of Laws) 2004, no. 16, item 151.

¹⁴ The check consists of establishing the facts, in particular with regard to: – implementation of operational planning and defence programming preparation of the state defence system enabling mobilisation development of the Armed Forces of the Republic of Poland; – preparation for the realisation of tasks resulting from civil-military cooperation; – preparation for the realisation of tasks resulting from host state duties performed for the benefit of allied troops; – preparation of the state defence management system; – planning and realisation of economic and defence tasks; – planning and organising services for defence; – taking into account defence needs in spatial management plans; – preparing personnel reserves for the needs of military units; – carrying out tasks in the scope of preparing specific organisational units for militarisation; – preparing special protection of objects important for national security and defence; – planning and carrying out defence training.

¹⁵ *On Amendments to the Act on Universal Obligation to Defend the Republic of Poland and Amendments to Certain Other Acts* Act of 29 October 2003, Dz. U. (Journal of Laws) 2003, no. 210, item 2036.

¹⁶ Regulation of the Council of Ministers of 25 June 2002. *On the detailed scope of activities of the Head of Civil Defence of the Country, heads of civil defence of provinces, districts and communes*, Dz. U. (Journal of Laws) 2002, no. 96, item 850.

¹⁷ The sub-report covers the most important threats and the consequences of their occurrence by creating a risk map that includes a listing of the types and characteristics of threats: – with a significant impact on the functioning and development possibilities of the state; – the effects of which may: harm the security of the state, its constitutional order, threaten the life or health of a large number of people, property in large amounts or the environment in large areas or affect other states and affect the territory of the Republic of Poland or its citizens; – occurring in areas of international tensions, conflicts and crises, affecting the security of the state or whose need for monitoring and elimination results from signed international agreements and treaties; – of a terrorist nature that may lead to a crisis situation.

¹⁸ The report includes the following elements: – the identification of the most important threats

Management Plans. The Government Security Centre¹⁹ strengthens crisis management at the national level. In the event of an emergency, its director becomes the secretary of the Government Crisis Management Team.²⁰ The RCB has the ability to carry out threat analysis based on public administration data. Civil protection is one of the important tasks of the authorities along with inspections specialised in the protection of security and public order,²¹ rescue, justice²² and crisis management.

The Council of Ministers²³ designs the self-defence of the population²⁴ in Poland. It establishes the organisation and indicates to the population their responsibilities for defence. An important activity is to teach participants practical behaviour. Initiating and carrying out the necessary training of the population is the competence of the heads of civil defence. According to the Guidelines of the Chief of Civil Defence²⁵ they should be implemented at all levels of administration. Practice also shows the need to organise them in workplaces.²⁶ The Head of OCK, in Annex 4 to

through the creation of a risk map; – the identification of strategic objectives; – the prioritisation of the response to specific threats; – the identification of the forces and resources necessary to achieve the strategic objectives; – the programming of security improvement tasks by taking into account regional and local initiatives; – conclusions containing a hierarchically ordered list of undertakings necessary to achieve the strategic objectives.

¹⁹ The Government Security Centre operates on the basis of Article 10 of the Act of 26.04.2007. *On crisis management*, Dz. U. (Journal of Laws) 2007, no. 89, item 590, which is detailed in the Ordinance of the Prime Minister of 11 April 2011. *On the organisation and course of action of the Government Centre for Security*, Dz. U. (Journal of Laws) 2011, no. 86, item 471.

²⁰ Order No. 67 of the Prime Minister of 15 October 2014. *On the organisation and working procedures of the Government Crisis Management Team*, M.P. 2014, item 926.

²¹ The task of the public security and order services is to prevent and prosecute perpetrators of attacks on life, health and property. The tasks of public authorities in the field of public security and order are defined in laws, including, inter alia, on: *Police, Border Guard, Special Services and State Protection Service*.

²² The judicial power is one of the three elements of the systemic separation of powers. It follows from the wording of Article 175 of the Polish Constitution that the administration of justice is exercised exclusively by the courts. They are: Supreme Court, ordinary courts, administrative courts and military courts. The judicial power also includes the Constitutional Tribunal and the State Tribunal.

²³ Ordinance of the Council of Ministers of 28 September 1993 *on general self-defence of the population*, Dz. U. (Journal of Laws) 1993, no. 91, item 421.

²⁴ In preparation for self-defence, persons of Polish nationality may be required to: – prepare for the protection of a building or dwelling and personal and individual property; – protect their own sources of drinking water and foodstuffs from contamination or pollution; – maintain and preserve their own and assigned equipment and protective measures; – maintain and preserve domestic protective premises; – carry out other undertakings to protect their own life, health and property and provide assistance to the injured.

²⁵ Guidelines of the Head of the National Civil Defence of 11 January 2016. *On the principles of organisation and manner of conducting civil defence training*, Official Journal of the KG PSP of 2016.

²⁶ Educational content for basic training at the field level in civil defence includes: – international humanitarian law in its aspects concerning civil defence and protection of goods necessary for survival; – civil defence in the national defence system; – tasks and competences of public administration bodies, services, inspections, guards in the field of civil defence and goods necessary for survival; – selected issues in crisis management in crisis situations; – civil defence formations – tasks, method of organisation, equipment, principles of achieving readiness to act; – psychological aspects of crisis situations; – ways of dealing with the media in crisis situations, the role of the media in crisis situations; – practical implementation of civil defence tasks; – tasks of non-governmental organisations in the civil defence system.

the Guidelines,²⁷ defines a closed catalogue of teaching establishments that can implement civil protection and civil defence training. At present, these are only fire service training centres. The above indicates the role of the State Fire Service in the field of civil protection. Among other things, this is a negative consequence of combining the position of the Chief Fire Officer of the State Fire Service with that of the Chief of Civil Defence of the Country.

The PSP plays a leading role in emergency management, and firefighters are trained in the field of civil protection. The provision of modern transport and specialist equipment and specialised equipment enables rescue operations to be carried out efficiently. Firefighters participate in rescue operations at the scene of disasters and coordinate the work of other services, including police officers and paramedics. The State Fire Service²⁸ extinguishes fires, deals with the consequences of natural disasters and carries out other activities for the benefit of the population.²⁹

The Minister of SWiA in the Regulation³⁰ defined the standards and norms of equipment of individual PSP units. Statutory provisions³¹ define fire protection as protection of life, health, property and the environment³² within the KSRG,³³ and the Chief Commandant of the State Fire Service³⁴ is primarily responsible

²⁷ The Head of Civil Defence of the Country in Appendix 4 to the Guidelines of 11.01.2016. *On the principles of organisation and manner of conducting civil defence training*, has included a list of teaching establishments that can provide civil protection and civil defence training.

²⁸ *On the State Fire Service*, Act of 24 August 1991, Dz. U. (Journal of Laws) 1991, no. 88, item 400, as amended.

²⁹ The basic tasks of the State Fire Service include: – identifying fire hazards and other local threats; – organizing and carrying out rescue operations during fires, natural disasters or elimination of local threats; – carrying out auxiliary specialist rescue operations during natural disasters or elimination of local threats by other rescue services; – supervising the observance of fire regulations; – cooperating with fire services and rescue services of other countries and their international organisations.

³⁰ Regulation of the Minister of Internal Affairs of 21 November 2014. *On detailed principles of equipment of organisational units of the State Fire Service*, Dz. U. (Journal of Laws) 2014, item 1793.

³¹ *On fire protection* Act of 24 August 1991, Dz. U. (Journal of Laws) 1991, no. 81, item 351, as amended.

³² Fire protection consists of undertakings by: – preventing the occurrence and spread of a fire, natural disaster or other local hazard; – providing forces and resources to combat a fire, natural disaster or other local hazard; – carrying out rescue operations.

³³ In order to protect life, health, property and the environment, a National Rescue and Firefighting System has been established to: – fight fires or other natural disasters; – technical rescue; – chemical rescue; – ecological rescue; – medical rescue; – cooperation with the units of the State Medical Rescue System.

³⁴ The tasks of the Chief Commandant of the State Fire Service include: – managing the work of the National Headquarters of the State Fire Service; – managing the national rescue and firefighting system; – analysing fire hazards and other local hazards; – initiating undertakings and scientific and research work in the field of fire protection and rescue; – initiating and preparing draft normative acts concerning fire protection and rescue; – supporting social initiatives in the field of fire protection and rescue; – supporting public initiatives in the field of fire protection and rescue. cooperation with the Head Board of the Association of Volunteer Fire Brigades of the Republic of Poland; – conducting international cooperation, participation in the preparation and implementation of international agreements, sending PSP organisational units to rescue and humanitarian actions beyond the state border; – introducing increased operational readiness in the State Fire Service in

for the use of this potential. On the other hand, the Minister of SWiA, in the Regulation *on the detailed organisation of the national rescue and firefighting system*,³⁵ has detailed the organisation of the KSRG. In particular, it concerns the fight against: fires³⁶ and natural disasters,³⁷ as well as dispatching³⁸ and managing rescue operations. The organisation and management of the PSP includes: technical rescue,³⁹ chemical rescue, ecological rescue⁴⁰ and medical rescue⁴¹. Volunteer fire brigades are involved in these activities.⁴² The Regional Chief of the PSP is responsible for fighting fires, natural disasters and other hazards.⁴³ At district level, the district chief of the PSP

situations of increased probability of a natural disaster or technical failure; – organising national and international rescue exercises.

³⁵ Regulation of the Minister of Internal Affairs and Administration of 17 September 2021. *On the detailed organisation of the national rescue and firefighting system*, Dz. U. (Journal of Laws) 2021, item 1737.

³⁶ In fighting fires, CRSG involves planning, organising and implementing the actions necessary to extinguish a fire.

³⁷ In terms of dealing with other disasters, the CRSG covers the planning, organisation and execution of rescue operations necessary to save life, health, property or the environment.

³⁸ In terms of technical rescue, KSRG includes: planning, organising and executing the rescue operations necessary to search for and reach endangered or injured persons and animals, and to reduce or eliminate the threat to life, health, property or the environment.

³⁹ In terms of chemical and environmental rescue, the CRSG includes: planning, organising and executing the rescue operations necessary to reduce or eliminate the immediate risks posed by hazardous substances to people, animals, the environment or property.

⁴⁰ Dispatching to rescue operations includes: – reconnaissance and identification of the hazard; – securing the rescue zone; – switching on or off installations, equipment and utilities affecting the safety of endangered or affected persons and rescuers; – performing activities to reach and perform access to endangered or affected persons, preparing evacuation routes for endangered or affected persons and rescuers; – Elimination of hazards associated with the disaster; – Adaptation of equipment and rescue techniques to the size and type of the disaster; – Elimination, reduction or increase of the danger zone; – Mobilisation of additional forces and resources of the KSRG entities; – Assessment of the extent of the disaster that has occurred.

⁴¹ Rescue activities in the field of medical emergency include, in particular: – recognition of the state of health emergency in the injured persons and conducting primary segregation and participation in secondary segregation; – application of techniques and equipment necessary to save life and health depending on the type, scale and place of the incident and the number of injured persons; – ensuring the continuity of the process of rescue of persons in a state of health emergency carried out by CRSG entities at the scene of the incident; – determining the method of handling medical equipment.

⁴² The tasks of the voluntary fire brigades include in particular – fighting fires, natural disasters or other local dangers; – organising projects to promote sport and physical culture that allow the development of skills used in rescue operations; – organising educational and cultural projects to promote knowledge and skills in fire protection; – promoting and supporting forms of cooperation between local social and economic partners in the field of fire protection; – promoting the principles of first aid for victims of fire, natural disaster or other local danger.

⁴³ The tasks of the regional commander of the State Fire Service include: – managing the regional headquarters of the State Fire Service; – developing rescue plans in the voivodeship area; – organising the national rescue and fire-fighting system; – disposing and directing the forces and means of the national rescue and fire-fighting system in the voivodeship area through his/her command post; – directing the organisational units of the State Fire Service from the voivodeship area to rescue and humanitarian operations beyond the state border; – analysing rescue operations; – carrying out operational readiness inspections; – introducing increased operational readiness in the State Fire Service on the territory of the voivodeship and districts, in a situation of increased

is responsible for fire safety and protection against the effects of other local threats.⁴⁴ The service obliged to protect the population is the Police, functioning under the regulations set out in the *Police Act*,⁴⁵ as a uniformed and armed formation serving the public. It is also designed to maintain public safety and order and is to perform a servant role towards the public.⁴⁶ The scope of tasks and competences of the Police is specified in many lower-level legal regulations.

The study of the functioning of Civil Defence and the use of its activities for the protection of the population in peacetime has been the subject of research by many scientists and specialists. It is therefore legitimate to draw on this body of work, including the results of our own research. Among the functions of the state, the internal function is mentioned, which includes ensuring public safety and order, protecting human life, health and property, and ensuring the sustainability of the property system in the internal structure of social relations.⁴⁷

The doctrine points out that the effective targeting of public order policies affecting a local community can take place not only at the local level, as the threats addressed by these policies also have supra-local characteristics, following a bottom-up pattern.⁴⁸ Local authorities are in the best position to assess the nature and scale of the hazard and the appropriate countermeasures appropriate to the nature and scale of the hazard

probability of a natural catastrophe or technical failure, the effects of which may endanger the life or health of a large number of people, property in large amounts or the environment in large areas; – organising voivodship rescue exercises; – controlling the agreement of construction projects in the field of fire protection; – supporting social initiatives in the field of fire protection.

⁴⁴ The tasks of the district chief of the State Fire Service include: – organising rescue and fire-fighting units; – organising the national rescue and fire-fighting system on the territory of the district; – dispatching and directing the forces and resources of the national rescue and fire-fighting system on the territory of the district through his command post; – directing the organisational units of the State Fire Service from the territory of the district to rescue and humanitarian actions beyond the state border; – organising and conducting rescue operations; – cooperating with the commander of the commune association of voluntary fire brigades; – identifying fire hazards and other local threats; – developing rescue plans in the district area; – supervising the observance of fire regulations; – carrying out rescue tasks; – determining the causes and circumstances of the origin and spread of fire and local threats; – training members of voluntary fire brigades; – implementing heightened operational readiness at the district headquarters of the PSP in situations of increased likelihood of natural disaster or technical failure.

⁴⁵ *On the Police Act* of 6 April 1990, Dz. U. (Journal of Laws) 1990, no. 30, item 179, as amended.

⁴⁶ The basic tasks of the Police include: – protection of human life and health and property against unlawful attacks violating these goods; – protection of public safety and order; – initiation and organization of activities to prevent the commission of crimes and offences and criminogenic phenomena and cooperation with state and local government bodies and social organizations; – conducting counter-terrorist activities; – detection of crimes and misdemeanours and prosecution of their perpetrators; – protection of the premises constituting the seats of the members of the Council of Ministers; – supervision of specialised armed security formations; – control of observance of order and administrative regulations related to public activities or in force in public places; – cooperation with the police of other countries and their international organisations; – processing of criminal information.

⁴⁷ Kitler, W. (ed.), *Koncepcja systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej*, 2014, pp. 23–24.

⁴⁸ Wolanin, J., *Wybrane zagadnienia bezpieczeństwa*, „Zarządzanie bezpieczeństwem. Wybrane zagadnienia ochrony ludności” 2003, z. 3, pp. 33–34.

and the perception of the local population. This is particularly true of emergency management. It is difficult to justify the relevance of seeking to centralise security management, e.g. in relation to the threat to the population of a municipality or district. Over-protectiveness and omnipotence on the part of the state authorities leads to indifference and the lack of concern for matters of one's own security and that of the population, and to treat it as a problem of central authority.⁴⁹ This is what happens when local affairs are "taken into their own hands" by the central administration, or even at a county level, where the decisions are made by the governor who controls the entire emergency response in the county area. The term "public order" is a state of stability and tranquillity resulting from the observance of the law. It can be disturbed by individuals or groups.⁵⁰

Research into the meaning of the term "universal security" has led to the conclusion that it is understood as protection against hazards caused by the forces of nature, such as fires, earthquakes, floods, droughts, strong winds, landslides, precipitation and other elements, as well as those arising from technical failures caused by human activity, such as transport, construction and energy disasters.

The police have a statutory duty to protect general security and public safety and order. At the voivodship level, this task is performed by the voivod with the assistance of the regional police chief or the regional police chief acting on their own initiative. At the district and municipality level, these tasks are performed by the district (city) police chief and the chief of a police station. A good solution is the planned and implemented extension of this structure to the lowest level, i.e. police stations. A network of such police stations would bring citizens closer to the police units operating at the municipal level. The efforts of the police authorities are justified.

An important activity is to guarantee medical assistance to everyone in states of health emergency. For this purpose, the State Medical Rescue Service was established and the principles of its organisation and functioning are regulated by the law.⁵¹ The PRM operates on the basis of a provincial plan and the provincial governor is responsible for organising and planning.⁵²

The Supreme Chamber of Control, while assessing the *functioning of the medical rescue system*⁵³, stated that the government administration bodies responsible for

⁴⁹ Bosek, M., *Kilka uwag o myśli społecznej Rafaela Termesa*, [in:] *Studia polsko-hiszpańskie. Wiek XX*, J. Kieniewicz (ed.), Warszawa 2004, p. 224.

⁵⁰ Cf.: Pikulski, S., *Podstawowe zagadnienia bezpieczeństwa publicznego*, [in:] *Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej*, W. Bednarek, S. Piskulski (eds.), Olsztyn 2000, p. 101.

⁵¹ *On National Emergency Medical Services*, Act of 8 September 2006, Dz. U. (Journal of Laws) 2006, no. 191, item 1410, as amended.

⁵² The action plan of the State Medical Rescue Service includes: – the number and distribution on the territory of the voivodship of the units of the system; – the areas of operation and operational regions; – the method of coordination of the activities of the units of the system; – the calculation of the costs of the activities of the medical rescue teams; – the method of cooperation with the public administration bodies and the units of the system; – the method of cooperation of the units of the system; – data on the medical dispatch centre.

⁵³ *Informacja o wynikach kontroli. Funkcjonowanie systemu ratownictwa medycznego*, LWA.430.005.2020, reg. no. 176/2020/P/19/105/LWA, Najwyższa Izba Kontroli w Warszawie, Warszawa 2020, p. 8.

organising, planning, coordinating and supervising the implementation of the tasks of the State Medical Rescue did not create conditions for its efficient operation. Such an assessment was influenced by the irregularities found in the functioning of the Command Support System of the PRM and in the treatment of patients in hospital emergency wards.⁵⁴ Such a situation will have negative consequences for civil defence and the population in case of disasters, calamities and during war.

The statutory competences of the individual services indicate that during natural disasters the Fire Brigade would take over the overriding role, and during public disorder the Police. In the event of war, the role overriding the other services would be assumed by the Military Police, which in peacetime has a supporting role in public life. Its involvement in solving social problems is decided by the highest government officials.

The population must also be protected during a state of war, which is a category of international law regulated, inter alia, by the *Hague Convention*.⁵⁵ The security of the population should also be ensured during a state of war, which is a state of emergency categorised under domestic law regulations. In the event of the declaration of a state of war⁵⁶ between the Republic of Poland and an enemy country, the law of war applies.⁵⁷ Legal changes should result in the population being provided with civil defence of the required standards, as well as the right to protection from the effects of disasters of various kinds and from the dangers of warfare.⁵⁸

For the safety of the population, tasks are also carried out by the rescue entities defined in the *Law on Associations*.⁵⁹ Securing the needs of the population are the tasks of the power, gas, water, sewage, heating and other municipal entities.⁶⁰ The services and guards in their current state cannot cope with the tasks that will arise during disasters and war. It is therefore important to rebuild the Civil Defence and to define the responsibility for protecting the population under conditions of danger, not only of war, and especially a Civil Defence ready to support the actions of local public authorities in situations of disasters and catastrophes.

⁵⁴ The Supreme Audit Office found in the audit that: – the problems that have existed for years have not been eliminated: the shortage of emergency physicians, the burden on the ED of patients whose life and health do not require emergency medicine intervention and the long waiting times for ambulances; – the development of the Command Support System has been entrusted to the Air Ambulance, an entity without experience in this regard.

⁵⁵ *Convention Concerning the Laws and Customs of War on Land*, OJ 1927, no. 21, item 161.

⁵⁶ Article 116, paragraph 2. of the Constitution of the Republic of Poland stipulates that “the Sejm may adopt a resolution on the state of war only in the event of an armed attack on the territory of the Republic of Poland or when international agreements imply an obligation of joint defence against aggression.”

⁵⁷ Prokop, K., *Stan wojny a stan wojenny w Konstytucji RP*, [in:] „Państwo i Prawo” 3, Warszawa 2003, pp. 23–34.

⁵⁸ Kitler, W., Skrabacz, A., *Bezpieczeństwo ludności cywilnej. Pojęcie, organizacja i zadania w czasie pokoju, kryzysu i wojny*, Wydawnictwo Wiedzy Obronnej, Warszawa 2010, p. 60.

⁵⁹ Act of 7 April 1989. *Law on Associations*, Dz. U. (Journal of Laws) 1989, no. 20, item 104, as amended. These include: Mountain Volunteer Rescue Service, Tatra Volunteer Rescue Service, Water Volunteer Rescue Service and Volunteer Fire Brigades, Polish Scouting and Guiding Association, Polish Red Cross, Polish Association of Short Riders, Search Volunteer Rescue Service, as well as other associations, foundations and the voluntary sector.

⁶⁰ Public utilities meet the collective needs of the population on an ongoing basis by producing or providing services directed at the general public or a large collective of the population.

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Summary

In the planned changes in the functioning of civil protection in Poland, it is necessary to adopt solutions resulting from a new law regulating the functioning of civil defence in Poland. It is reasonable to make appropriate use of the results and conclusions of scientific research, and then to develop a comprehensive and systemic law on civil protection. The expected result will be an increase in the safety of the population through the optimal use of universal new structures for times of peace and war.

1. Experience and scientific output lead to the following conclusions and demands:

2. There is an urgent need to enact a *Civil Protection Act* appropriate to the threats by redefining the civil defence and civil protection system;

3. Civil Defence in Poland remains under the direction of the State Fire Service, which is for various reasons not an optimal solution, but rather an attempt to combine civil protection in peacetime with Civil Defence in wartime. The time of reconstruction of the socio-economic system in Poland since 1990 has not been used to adapt OC to the new conditions. It is necessary to have a general understanding that Civil Defence is an activity within the scope of the conventions and the capacities specified therein must be obtained.

3. It makes sense to separate the duties of the Head of National Civil Defence and the Chief Fire Officer of the State Fire Service but to maintain cooperation between these institutions in the field of civil protection and civil defence;

4. Safety regulations are scattered and clearly departmentally aligned, and do not facilitate cooperation and collaboration between the various law enforcement, rescue and relief services. The State Fire Service has been burdened with various tasks from technical rescue, chemical rescue, water rescue, etc. – in fact, it has transformed itself into a state rescue service.

The current state of civil protection against real threats shows many shortcomings in practical operation. This is mainly due to the lack of statutory regulations, the inconsistency of the laws governing the competences of the various dispatch services, insufficient and outdated infrastructure and specialised management functionaries.