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Strategic level of the Polish anti-terrorist system – 15 years of the Interministerial Team for Terrorist Threats

Abstract

The aim of the article is to summarise 15 years of the functioning of the Interdepartmental Team for Terrorist Threats, established by the Order No. 162 of the Prime Minister of 25 October 2006, as well as to present the evolution of the tasks carried out by this body. The Team, acting under the chairmanship of the minister in charge of internal affairs and consisting of heads of ministries, services and other entities performing tasks related to terrorist threats, sets out the basic directions of the state's activities in the field of prevention, preparation and response to terrorist threats. As an auxiliary body of the Council of Ministers, it, inter alia, monitors threats of a terrorist nature and presents opinions and conclusions for the Council of Ministers. As part of its work, proposals are also prepared to improve methods and forms of counteracting threats of a terrorist nature and requests to the relevant authorities to undertake legislative work. However, the team's activity is not limited to the sphere of legislation and also involves, inter alia, working out practical recommendations aimed at improving anti-terrorist security of facilities which may constitute a potential target of an attack or agreeing on procedures for cooperation of relevant services, as well as preparing preventive materials addressed to various groups of recipients. The team's activities were positively evaluated, among others, during the UN expert evaluation conducted in December 2019.

Keywords:

terrorism,
strategic level,
coordination
of services,
legislation,
systemic
solutions

In October 2006, i.e. 15 years ago, the Interministerial Team for Terrorist Threats¹ (MZds.ZT) was established, which, despite radical changes in legal and organisational terms that have taken place in the Polish anti-terrorist system since that time, still constitutes the strategic level of that system and *ensures cooperation of the government administration in preparing for prevention of terrorist events, taking control over them by means of planned undertakings and responding to them*².

This article aims to summarise 15 years of functioning of the MZds.ZT, as well as to present how the tasks performed by this body have evolved depending on current needs resulting from changing threats of a terrorist nature, as well as changes in the legal environment regulating the functioning of the Polish anti-terrorist system. The Team's initiatives described in the article, changes in the principles of its operation, their conditions and evaluations formulated by external entities may provide a basis for answering questions about what kind of tasks should be the focus of activity of this body and to what extent initiatives undertaken within its framework translate into the functioning of the entire anti-terrorist system.

The legal basis for the creation of the MZds.ZT was - and still is - the general authorisation contained in the *Act of 8 August 1996 on the Council of Ministers*³, pursuant to which the Prime Minister (PRM), on his own initiative or at the request of a member of the Council of Ministers (RM), may, by way of an ordinance, create subsidiary bodies of the Council of Ministers or the Prime Minister, and in particular opinion-making or advisory boards and teams in matters belonging to the tasks and competences of the RM or PRM. The Prime Minister, creating such auxiliary bodies, specifies their name, composition,

¹ *Ordinance No. 162 of the Prime Minister of 25 October 2006 on creation of the Inter-Ministerial Team for Terrorist Threats*. Current legal status: *Order No. 162 of the Prime Minister of 25 October 2006 on the creation of the Inter-Ministerial Team for Terrorist Threats*, amended by Order No. 95 of the Prime Minister of 4 September 2008, Order No. 74 of the Prime Minister of 21 September 2009, Order No. 18 of the Prime Minister of 3 April 2014, Order No. 84 of the Prime Minister of 18 September 2015, Order No. 86 of the Prime Minister of 5 July 2016, Order No 32 of the Prime Minister of 27 April 2017, Order No. 160 of the Prime Minister of 9 November 2017, Order No. 92 of the Prime Minister of 7 June 2018 and Order No. 37 of the Prime Minister of 8 April 2021.

² *Ibid.*, § 2(1).

³ Pursuant to Article 12(1)(3) and (2) of that Act (i.e. Journal of Laws of 2021, item 178, as amended).

scope of activity and procedure. Therefore, the Interministerial Team for Terrorist Threats was not created on the basis of a specific legal norm embedded in the legislation on terrorist threats, but a general norm constituting the basis for the creation of various types of auxiliary bodies.

As mentioned above, the MZds.ZT is perceived as a strategic level of the Polish anti-terrorist system. Although this term does not have a direct normative basis, it is used both in analytical documents and formal governmental documents, as well as during international evaluation missions concerning the assessment of various aspects of Poland's preparedness to deal with terrorist threats, such as, for example, evaluations conducted by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism - MONEYVAL, operating at the Council of Europe. On the other hand, an example of a formal document of governmental nature defining MZds.ZT as a strategic level of the Polish anti-terrorist system may be the *National Anti-Terrorist Programme for 2015-2019*, which was adopted on the basis of the *Act of 6 December 2006 on the principles of development policy*⁴ as a resolution of the Council of Ministers⁵. Pursuant to the provisions of the Programme:

The anti-terrorist system of the Republic of Poland adopted in Poland can be divided into three levels:

- strategic - under which key actions of a systemic nature are taken by the Prime Minister and the Council of Ministers with respect to counter-terrorist protection of the country. Creating a national anti-terrorist policy is also the task of consultative and advisory bodies, i.e. the Interministerial Team for Terrorist Threats, the Special Services College and the Government Crisis Management Team (RZZK). A special role in the system is also played by the minister relevant for internal affairs,
- operational - which performs tasks aimed at coordination of information exchange between particular services and institutions comprising the anti-terrorist system of the Republic of Poland, as well as current monitoring

⁴ Pursuant to Article 19(2) of that Act (Journal of Laws of 2021, item 1057).

⁵ *Uchwała nr 252 Rady Ministrów z dnia 9 grudnia 2014 r. w sprawie „Narodowego Programu Antyterrorystycznego na lata 2015–2019”* (Eng. Resolution No. 252 of the Council of Ministers of 9 December 2014 on the “National Anti-Terrorism Programme 2015-2019”), MP of 2014, item 1218.

- and analysis of threats of a terrorist nature. Tasks on this level are coordinated by the Counter-Terrorism Centre of the Internal Security Agency and in relation to issues connected with crisis management by the Government Centre for Security (RCB),
- tactical - performed by individual services, bodies and institutions within the scope of competence of the anti-terrorist protection of the country⁶.

As indicated in further provisions of the Programme, clarifying the role of the MZds.ZT as the strategic level of the anti-terrorist system:

An important role in terms of determining the basic directions of the state's activities in the area of prevention, preparation and response to terrorist threats is played by the Interministerial Team for Terrorist Threats, which is an auxiliary body of the Council of Ministers. The tasks of the Team include, inter alia, monitoring threats of a terrorist nature, their analysis and assessment, as well as presenting opinions and conclusions to the Council of Ministers. An important task of the Team is also initiating, coordinating and monitoring activities undertaken by relevant government administration bodies in the field of preventing, preparing for and responding to terrorist threats. Within the framework of the works conducted, proposals are also prepared to improve the methods and forms of counteracting threats of a terrorist nature, together with the possibility of requesting the relevant authorities to undertake legislative works. The Chairman of the MZds.ZT may appoint, from among its members and persons invited to participate in its work, task forces in an advisory capacity in order to implement specific tasks⁷.

As indicated in the introduction, the MZds.ZT was established in a radically different organisational and legal environment of the Polish anti-terrorist system. This organisational environment, understood for the purpose of this study as the institutional framework of the system, had, in comparison to the present state, significant limitations in terms of mechanisms for coordination and support of cooperation of services and other entities in relation to terrorist threats. Using the above quoted distinction of three levels in the anti-terrorist system, it should

⁶ Ibid.

⁷ Ibid.

be stressed that at that time there was no Counter-Terrorism Centre of the Internal Security Agency, ensuring coordination of cooperation and exchange of information on a 24-hour basis with the use of information resources of all participants in the anti-terrorist system, or the Government Centre for Security as a unit supporting exchange of information on threats from the perspective of crisis management. From the legal perspective, on the other hand, it should be noted that not only the scope of powers and the manner of defining the tasks of individual services was narrower and less detailed, but above all there was no law normalizing the key coordination mechanisms, which only years later, from the perspective of the moment the MZds.ZT was established, became the *Act of 10 June 2016 on anti-terrorist activities*⁸.

In the context of systemic differences, the tasks ascribed to the MZds.ZT have also undergone changes over the years. Over time, those tasks connected with monitoring and forecasting threats have become less important, while those aimed at undertaking initiatives of a systemic nature have gained in importance. The very manner of defining these tasks has also changed, being adapted to the terminology used in the Act on counter-terrorist activities. These changes are presented in the table below.

Table 1. Evolution of tasks of the MZds.ZT

MZds.ZT in 2006	MZds.ZT in 2021	Comments
Purpose of the appointment		
The team ensures the interaction of government administration in the field of recognition, prevention and combating terrorism.	The team ensures cooperation of the government administration in preparation for preventing, taking control of and responding to terrorist events through planned undertakings.	Terminology has been aligned with the Act on anti-terrorist activities.
Tasks		
Monitoring terrorist threats, analysing and evaluating them and providing opinions and conclusions to the Council of Ministers.	Monitoring terrorist threats, analysing and evaluating them and providing opinions and conclusions to the Council of Ministers.	No changes have been made in this respect.

⁸ Journal of Laws of 2021, item 2234.

<p>Drafting counter-terrorism standards and procedures, in particular standards for assessing the presence of a threat and determining its level.</p>	<p>Drafting standards and procedures for responding to terrorist incidents.</p>	<p>Terminology has been aligned with the Act on anti-terrorist activities, hence the change of the word „combat” to „response” - the Act on anti-terrorist activities distinguishes four phases of activities - prevention, preparation, response and recovery. Reference to the development of standards and procedures for assessing the occurrence of a threat and determining its level has been dropped - this issue has been standardised in the Act on anti-terrorist activities.</p>
<p>Initiating, coordinating and monitoring the activities undertaken by the competent government administration bodies, in particular in the field of the use of information and the recognition, prevention and combating of terrorism.</p>	<p>Initiating, coordinating and monitoring the activities undertaken by the relevant governmental authorities in preparation for preventing, taking control over and responding to terrorist events through planned undertakings.</p>	<p>Terminology and scope have been aligned with the Act on anti-terrorist activities.</p>
<p>Proposing to the relevant ministers to take legislative action to improve the methods and forms of combating terrorism.</p>	<p>Developing proposals to improve the methods and forms of preventing, preparing to take control of and responding to terrorist incidents, and requesting the competent authorities to undertake legislative work in this regard.</p>	<p>The scope of the task has been clarified and the terminology and scope has been brought into line with the Act on anti-terrorist activities.</p>
<p>Organising cooperation with other countries in the fight against terrorism and coordinating the exchange of information and the organisation of joint operations.</p>	<p>Not tasks determined</p>	<p>The coordination of information exchange takes place on the operational level of the anti-terrorist system and, on the basis of the Act on anti-terrorist activities, constitutes the task of the Head of the Internal Security Agency - Article 4-8 of the Act. On the other hand, cooperation with other countries is carried out by individual services and other entities of the system both by way of direct contacts within the framework of bilateral cooperation with partner services, as well as through bodies and agencies of international organisations selected for these issues.</p>

Initiating counter-terrorism training and conferences	Not tasks determined	The task has been abandoned - this issue is the domain of individual services and institutions, and not of an auxiliary body of the Council of Ministers. In order to implement the main training initiatives, the ABW's Terrorism Prevention Centre of Excellence (TP CoE) was established - its creation is directly in line with Article 3.1 of the Act on counter-terrorist activities, indicating the Head of the ABW as responsible for preventing anti-terrorist threats.
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In the period of functioning of the MZds.ZT its composition was also adjusted, on the one hand - which is obvious - to the changing organisational structure of public administration (for example, transformation of the Customs Service into the National Revenue Administration, transformation of the Government Protection Bureau into the State Protection Service or establishment of the Government Centre for Security), and, on the other hand, which is more important, it was supposed to correspond to newly defined needs resulting from an increasingly broader approach to the issue of terrorist threats. Currently, the composition of the MZds.ZT consists of:

- Chairman - the minister in charge of internal affairs;
- Deputies - minister in charge of public finance, minister in charge of financial institutions, minister of national defence, minister in charge of foreign affairs, minister of justice, as well as minister - member of the Council of Ministers, coordinator of Special Services;
- Secretary - a person appointed by the Chairman of the Team from among the employees of the office serving the minister in charge of internal affairs;
- Members:
 - Secretary of State or Undersecretary of State appointed by the minister in charge of internal affairs, supervising the conduct of affairs covered by the section of government administration - internal affairs within the scope of security and public order protection,

- Secretary of State or Undersecretary of State appointed by the minister in charge of internal affairs, supervising the conduct of affairs falling within the section of government administration - internal affairs with respect to crisis management, fire protection and civil defence,
- Secretary of the Special Services College or a person substituting them,
- Head of the National Civil Defence or their deputy,
- Head of the Internal Security Agency or their deputy,
- Head of the Foreign Intelligence Agency or their deputy,
- Commander of the State Protection Service or their deputy,
- Police Commander-in-Chief or their deputy,
- Commander-in-Chief of the Border Guard or their deputy,
- Commander-in-Chief of the State Fire Service or their deputy,
- Chief of the General Staff of the Polish Armed Forces or their deputy,
- Armed Forces Operational Commander or their deputy,
- Head of the Military Intelligence Service or their deputy,
- Head of the Military Counterintelligence Service or their deputy,
- Chief Commander of the Military Police or their deputy,
- General Inspector of Financial Information or a person substituting them,
- Head of the National Fiscal Administration or their deputy,
- Director of the Government Centre for Security or a person substituting them.

A national prosecutor (or their representative) is invited to participate in the work of the Team as a member. A representative of the National Security Bureau also participates in the meetings.

Composition, in relation to that of 2006, has been expanded in particular to include the Minister of Justice, the Chief of the General Staff of the Polish Armed Forces, the Armed Forces Operational Commander, the Director of the Government Centre for Security, the Secretary of the Special Services College and the national prosecutor invited to participate in the sessions. Thus, the participation of the Ministry of Justice, which was not initially taken into account, was ensured and the participation of representatives of the prosecutor's

office was formalised, which is particularly important in the area of creating penal policy with regard to penalisation of crimes related to terrorist threats (actually, the activity of the MZds.ZT translated into changes in the Penal Code). The participation of the representatives of the Ministry of National Defence was also extended through the direct involvement of the representatives of the Armed Forces of the Republic of Poland.

From the perspective of 15 years of functioning and after summarising the activities of the MZds.ZT, it seems that the most significant role is played by those related to the initiation of legislative changes - some of which were fundamental for the Polish anti-terrorist system - and the implementation of common procedures and algorithms for the functioning of services and other entities, as well as the assessment of anti-terrorist security and the implementation of procedures aimed at raising their standards.

With regard to the issue of regulation, particular attention should be paid to the aforementioned Act on anti-terrorist activities, the *Act of 9 May 2018 on the processing of passenger flight data*⁹ and the *Act of 17 September 2021 on amending the Act - Aviation Law and the Act on the Border Guard*¹⁰, concerning detailed checks of aviation employees.

The Act on anti-terrorist activities entered into force on 2 July 2016, and its main objective - as stated in the justification - was to increase the effectiveness of the Polish anti-terrorist system and thus increase the security of all citizens of the Republic of Poland by strengthening the coordination of the activities of services and clarifying their tasks, providing response mechanisms adequate to the type of threats occurring and the possibility of more effective action in the event of a suspicion of a terrorist offence, including in the area of pre-trial proceedings, as well as adapting criminal provisions to new types of terrorist threats.

The importance of the Act on anti-terrorist activities for the Polish anti-terrorist system is demonstrated not only by the introduction of new legal solutions, but also by its integrating nature in relation to the provisions of other acts. It is worth noting that as many as 31 other laws have been amended by the Act, which is due to the fact that despite

⁹ Consolidated text: Journal of Laws of 2019, item 1783.

¹⁰ Journal of Laws of 2021, item 1898.

its comprehensive nature, in other legal acts there remain provisions on counteracting and combating terrorism, the inclusion of which in the Act would not be justified from a legislative and functional point of view¹¹.

The Act on anti-terrorist activities is also viewed positively in the international arena. In December 2019, a visit of the United Nations Counter-Terrorism Executive Directorate (UN CTED) took place in Poland to evaluate Poland's implementation of UN Security Council resolutions on counter-terrorism. During the visit attention was paid to the Act on anti-terrorist activities as a document comprehensively regulating the division of responsibility in particular areas of activity, as well as to the system of alert degrees established by this act in accordance with NATO requirements. The Act on anti-terrorist activities was also highly appreciated by the members of the European Centre of Excellence for Countering Hybrid Threats in Helsinki (Hybrid CoE), who decided to present the Polish regulations as a model legislative solution on the subject.

The way in which work on the so-called Anti-Terrorist Act, or the later Act on anti-terrorist activities, was carried out shows, however, that the effect itself depends not only on the involvement of the expert level of the Interministerial Team for Terrorist Threats, but also on decisions at the political level, on which the actual adoption of the solutions proposed by the Team depends. Work on a coherent regulation normalizing anti-terrorist issues was undertaken several times and lasted many years¹².

¹¹ Cf. M. Cichomski, M. Horoszko, I. Idzikowska, *Przygotowanie do przejmowania kontroli nad zdarzeniami o charakterze terrorystycznym oraz reagowanie w przypadku wystąpienia takich zdarzeń w świetle rozwiązań ustawy o działaniach antyterrorystycznych – w kontekście zadań resortu spraw wewnętrznych* (Eng. Preparing to take control over events of a terrorist nature and reacting in the event of the occurrence of such events in the light of solutions of the act on anti-terrorist activities - in the context of the tasks of the ministry of internal affairs), in: *Polska ustawa antyterrorystyczna – odpowiedź na zagrożenia współczesnym terroryzmem*, W. Zubrzycki, K. Jałoszyński, A. Babiński (ed.), Szczytno 2016 pp. 281–282.

¹² Cf. W. Zubrzycki, *Dzieje ustawy Antyterrorystycznej w Polsce*, w: *Polska ustawa antyterrorystyczna...* (Eng. History of the Anti-Terrorist Act in Poland); and also M. Cichomski, M. Horoszko, I. Idzikowska, *Przygotowanie do przejmowania kontroli nad zdarzeniami o charakterze terrorystycznym oraz reagowanie w przypadku wystąpienia takich zdarzeń w świetle rozwiązań ustawy o działaniach antyterrorystycznych – w kontekście zadań resortu spraw wewnętrznych*, in: *Polska ustawa antyterrorystyczna...*

By decision of the Chairman of the MZds.ZT of 10 June 2008, under the chairmanship of a representative of the Ministry of the Interior and Administration, a Task Force for Systematising National Regulations and Legal Solutions Concerning Counteracting Terrorism was established. Its responsibilities included a review of legal regulations on counteracting and combating terrorism, which were in force in Poland, and the development of proposals of new legal and organisational solutions on preventing and combating terrorist threats. The report on the works of the Task Force presented, *inter alia*, the assumptions of the draft act on collecting and processing information for the purpose of recognising threats of a terrorist nature and recommended the establishment of an inter-ministerial team to develop the above-mentioned draft act. Subsequently, having regard, *inter alia*, to the aforementioned recommendation, by decision of the Chairman of the MZds.ZT of 12 January 2009 the Task Force for Elaborating Detailed Assumptions to the Act on Recognising, Counteracting and Combating Terrorism, acting under the chairmanship of a representative of the Internal Security Agency, was established. Despite the recommendations presented by the Task Force, it was not decided to initiate the legislative process in order to adopt the draft act in question, neither was a draft of assumptions to the draft act developed, while the work of the Task Force was terminated by a decision of the then management of the Ministry of the Interior and Administration.

Another initiative was undertaken in connection with the increase in the terrorist threat in Europe and actions taken on the forum of the Council of Europe and the United Nations aimed at criminalising the activity of the so-called foreign fighters who undertake travel abroad to commit, plan and prepare for terrorist attacks or to participate in them, as well as to give or receive terrorist training. The Chairman of the MZds.ZT on 26 March 2015 established a Task Force for the review of legal solutions relating to terrorist threats, acting under the chairmanship of a representative of the then Ministry of the Interior. However, the purpose of this body was not to draft a comprehensive law regulating the subject matter, but to present proposals for changes to the existing legal acts. The recommendations presented by the Task Force included - in addition to the criminalisation of the activities of so-called foreign fighters - proposals of legal changes aimed at improving the coordination of services and bodies forming the anti-terrorist system.

However, it was only in 2015, as part of another initiative, that it was possible to prepare, subsequently adopted, a draft law on anti-terrorist activities. The draft was prepared by the Ministry of the Interior and Administration and the Chancellery of the Prime Minister in cooperation with the Internal Security Agency and with the support of the Task Force for the development of the concept of a comprehensive regulation on the issues of recognition, counteraction and combating threats of a terrorist nature, appointed by the Chairman of the MZds.ZT on 4 December 2015.

Another important regulation adopted, inter alia, thanks to the cooperation within the framework of MZds.ZT is the aforementioned Act on collection and processing of air passengers' data. According to its provisions, air carriers are obliged to provide the Border Guard with data on the flights of passengers using their lines. Information on passengers is processed in order to prevent, detect and combat terrorism and other crimes, and to prosecute their perpetrators. The obligation to introduce the new legislation resulted from the *EU Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime*¹³.

The provisions of the Act of 17 September 2021 on amending the Act - Aviation Law and the Act on Border Guard, prepared in the framework of cooperation between the Border Guard and the Ministry of Infrastructure initiated by the Mds.ZT, entered into force on 31 December 2021". Also in this case, the need to issue new regulations resulted from changes in EU law, i.e. introduced in *Commission Implementing Regulation (EU) 2019/103 of 23 January 2019 amending Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification, as well as the strengthening of certain specific aviation security measures*¹⁴. Appointed by the Chairman of the MZds.ZT on 2 April 2019, the Task Force for the development of new solutions in the field of background checks of aviation employees has analysed the scope of the necessary legislative and organisational and technical measures aimed at adapting the Polish legal order to the above-

¹³ OJ EU L 119 of 4 May 2016, p. 132.

¹⁴ OJ EU L 21 of 24 January 2019, p. 13.

mentioned Regulation with regard to the performance of background checks of aviation employees in the context of their criminal history, developed new procedures for the performance of these checks and a scheme for the exchange of information in this regard, and finally prepared a draft of the provisions through which these procedures will be implemented.

In addition to its significant contribution to legislation relating to threats of a terrorist nature, the activity of the MZds.ZT in the area of developing recommendations relating to the improvement of the security of specific facilities, which - due to their strategic significance for the security of the state or their key importance from the perspective of providing specific services to society, such as efficient communication - may constitute a potential target of attacks, deserves particular attention. Thus, over the past 15 years, the MZds.ZT, within the framework of the work of successive task forces appointed for that purpose, has analysed and assessed both the level of terrorist threat and the preparedness in terms of the possibility to respond to events of a terrorist nature, as well as the mechanisms related to evacuation and transmission of information in the event of threats, in relation to:

- the grounds and buildings serving the President of the Republic of Poland;
- the grounds and building of the Chancellery of the Prime Minister;
- Parliament facilities (twice in 2010 and at the turn of 2016 and 2017);
- railway stations - Warszawa Centralna and Warszawa Śródmieście, as well as the Railway Cross-City Tunnel in Warsaw (whereby the developed recommendations were forwarded to relevant entities for use also with regard to other similar facilities in the country);
- the Warsaw metro;
- nuclear facilities in Świerk.

Each time, the work involving study visits of experts to the indicated facilities resulted in recommendations concerning changes of a technical as well as organisational and procedural nature. In the case of the areas and facilities administered by the Chancellery of the Prime Minister and the Chancellery of the President of the Republic of Poland, the work resulted also in the adoption of uniform plans for the protection

of these facilities, which were the basis for the development of detailed instructions and possible additional mechanisms for cooperation of the institution responsible for protecting the most important persons in the state, i.e. the State Protection Service, with the Chancellery of the Prime Minister, the Chancellery of the President of the Republic of Poland and other relevant entities, including the Police, the State Fire Service and special services.

The recommendations developed were passed on to relevant entities and ministries for implementation, and - as far as possible - the manner and scope of their implementation was monitored on the forum of the MZds.ZT. It should be stressed, however, that some of them were addressed to entities from outside the government administration, such as, for example, in the case of the entity managing the Warsaw underground, as a result of which the MZds.ZT could only provide an advisory opinion, while it had no competence to impose the application of specific solutions related to the implementation of these recommendations.

In this context, also the work of the Task Force for the development of anti-terrorist security standards and rules of cooperation concerning critical infrastructure and the principles of performing security checks of critical infrastructure facilities in accordance with the provisions of the Act on anti-terrorist activities, established on 26 May 2017, deserves attention. It should be emphasized that the implementation of the standards and recommendations developed by the Task Force remains largely dependent on the entities managing such facilities, and due to the potentially high costs in the context of the generally low level of terrorist threat in Poland, it is not always treated as a priority.

The contribution of the MZds.ZT to the improvement of procedures of cooperation of relevant services and institutions in the context of terrorist threats is also not without significance. Prior to the entry into force of the Act on anti-terrorist activities, the document constituting the basis for the organisation of cooperation was the agreement of the Head of the Internal Security Agency, the Police Commander-in-Chief, the Commander-in-Chief of the Border Guard, the Chief Commander of the Military Police and the Commander-in-Chief of the State Fire Service of 21 January 2014, concluded on the basis of the principles developed by the Task Force, established by the decision of the Chairman of the MZds.ZT of 13 August 2012, for the development

of a proposal for an algorithm of cooperation and management at the scene of a terrorist incident. The principles worked out at that time were then, by means of the Act on anti-terrorist activities, partly incorporated into the ground of universally binding provisions of law. Moreover, as a result of the arrangements made on the forum of the MZds.ZT, a new agreement of the heads of the above-mentioned formations on cooperation at the scene of a terrorist incident was concluded on 7 March 2018 - constituting this time only a supplement at the technical and organisational level to the statutory regulations.

The work of the MZds.ZT also resulted in the *Guidelines of the Prime Minister of 31 October 2021 on the coordination of exchange of information on terrorist threats* and a catalogue of incidents and events reported to the Counter-Terrorism Centre of the ABW, which was initially adopted by a resolution of the MZds.ZT. Both these documents were used in the development of the provisions of the Act on anti-terrorist activities - currently, the catalogue of terrorist incidents is defined in the Ordinance of the Minister of Internal Affairs and Administration of 22 July 2016¹⁵ issued on the basis of the aforementioned Act, while the coordinating role of the Head of the ABW in relation to analytical and information activities of the remaining services of the Polish anti-terrorist system results directly from Article 5(1) of the Act.

The involvement of the MZds.ZT in the development of the methodology for the examination of terrorist and disaster crime scenes and the identification of victims' bodies is also not without significance. Prepared for the first time in 2011, the methodology was subsequently evaluated within the framework of the task team established by the decision of the Chairman of the MZds.ZT on 28 July 2017. Importantly, as a result of the work of the MZds.ZT, a solution currently regulated in the aforementioned agreement of 7 March 2018 on cooperation at the scene of a terrorist incident was also adopted, consisting in the creation of a central, part-time team to support investigation activities at the scene of an incident caused by the use of an explosive material or device, including one that may contain a chemical, biological or radioactive substance or agent. The possibility of rapid deployment of a joint team consisting of experts from the Police, the Internal Security Agency, the Border Guard, the Military

¹⁵ Journal of Laws of 2017, item 1517.

Police and the State Fire Service, acting with the support of the Public Prosecutor's Office, is an extremely important tool when such events occur. It is also indispensable to ensure possibly frequent training sessions for representatives of this team - exercises conducted so far with its participation have shown the need to continue the cooperation in question and the added value of exchanging experiences between specialists in the field of visual inspection in particular formations.

The aforementioned so-called CBRN threats - chemical, biological, radiological and nuclear, more than once constituted the subject of the work of MZds.ZT due to the complicated arrangement of the scope of responsibility of individual entities in the event of responding to this particular form of threats, characterized by a potentially unlimited and sometimes difficult to foresee scale of impact. The results of actions undertaken in this respect include the *Algorithm of conduct and cooperation in the case of receiving an unidentified package which may pose a chemical, biological or radiological threat*, as well as preventive material in the form of generally available *Procedure for an institution receiving a suspicious package*.

Anti-terrorist prevention in the past years was one of the many aspects of MZds.ZT's activity. Within the framework of the Task Force - Permanent Expert Group operating within the MZds.ZT, a government website - antiterrorism.gov.pl - was prepared and updated on an ongoing basis, with not only materials prepared on the basis of the findings of the MZds.ZT, such as the above-mentioned *Procedure for an institution receiving a suspicious package*, instruction entitled *Proceedings in the case of a terrorist attack*, *Alarm instruction - principles of conduct in the case of obtaining information about planting or locating an explosive device in a public utility facility*, but also handbooks addressed to specific groups of recipients, such as the handbook entitled *Principles of conduct in the case of an attacker entering the premises of an educational facility*, prepared by the Warsaw Metropolitan Police Headquarters and the Warsaw City Hall or the publication prepared by the Internal Security Agency entitled *Security of Large-Scale Commercial Facilities - Anti-Terrorist Security. Universal handbook*, but also basic information on the functioning of the Polish anti-terrorist system, as well as up-to-date information on obligatory alarm degrees or CRP alarm degrees, introduced pursuant to the provisions of the Act on anti-terrorist activities. Following the entry into force of the provisions of the Act

of 19 July 2019 on ensuring accessibility to persons with special needs¹⁶, the website previously functioning on the ABW server has been transferred as the tab *Anti-Terrorist System of the Republic of Poland*¹⁷ to the website of the Public Information Bulletin of the Ministry of Internal Affairs and Administration, while the above-mentioned preventive materials are still available in the tab.

An important achievement of the MZds.ZT in the context of the threat related to false reports on explosive devices was development of rules for circulation of information in such situations with a coordinating role of the Central Investigation Bureau of the Police, which made it possible to identify the phenomenon of the so-called cascade reports, i.e. reports addressed to many institutions or concerning many objects at the same time. As a consequence, these actions made it possible to limit the number of evacuations which are a significant hindrance not only to the functioning of public administration entities or the judiciary but also to the private sector, involving considerable forces and resources on the part of services and resulting in financial losses or even posing a threat to life and health, as in the case of the evacuation of hospitals.

Among the many significant initiatives carried out over the last 15 years on the forum of the MZds.ZT, it is impossible to omit the issue of first preparing a draft and then coordinating the implementation of the *National Anti-Terrorist Programme for 2015-2019*.

This document, which was discussed within the framework of the Task Force - Permanent Expert Group supporting the MZds.ZT at the expert level, presented the then current level of terrorist threat, indicated - even before the adoption of the Act on anti-terrorist activities - the mechanisms for conducting its current assessment, as well as the elements conditioning the effectiveness of the functioning of the anti-terrorist system of the Republic of Poland. The programme provided for undertaking activities aimed at ensuring optimum cooperation of entities carrying out tasks with regard to counteracting and combating threats of a terrorist nature. One of the fundamental objectives of the document was also raising public awareness of threats of a terrorist nature, principles of behaviour in the event of an occurrence and forms and means of state involvement in counteracting

¹⁶ Consolidated text: Journal of Laws of 2020, item 1062.

¹⁷ <https://www.gov.pl/web/mswia/system-antyterrorystyczny-rp> [accessed: 13 XII 2021].

and combating terrorism. The specific objectives of the programme assumed streamlining the implementation by the entities of the Polish anti-terrorist system of tasks in the individual phases of crisis management and anti-terrorist activities, i.e.: prevention, preparation, response and recovery¹⁸.

According to the mechanism of its implementation specified in the programme, the coordinator of the programme, on behalf of the Council of Ministers, was the minister in charge of internal affairs, who carried out his tasks by means of the Interministerial Team for Terrorist Threats¹⁹. The programme also emphasised, as it had been mentioned earlier, the role of the Interministerial Team for Terrorist Threats (MZds.ZT) in terms of initiating, coordinating and monitoring activities undertaken by relevant bodies of government administration, as well as developing proposals to improve methods and forms of combating terrorism and applying to relevant bodies to undertake legislative work in this respect, resulting from the *Order No. 162 of the Prime Minister of 25 October 2006 on the establishment of the Interministerial Team for Terrorist Threats*.

The main tool for implementing the programme and its current monitoring was the so-called *Action Plan*, being its integral part, which defined the undertakings of legislative and organisational nature (priorities) of key importance for achieving greater effectiveness of the Polish anti-terrorist system. At the same time, the *Action Plan* indicated leading entities and entities cooperating in the implementation of individual priorities. In accordance with the implementation mechanism defined in the programme itself, the heads of individual services, bodies and institutions, listed as leading entities in the implementation of individual priorities resulting from the *Action Plan*, were obliged to develop, in cooperation with the heads of cooperating entities, schedules for the implementation of each priority, including the deadlines for their planned implementation.

¹⁸ Cf. *Raport o stanie bezpieczeństwa w Polsce w 2016 r.* (Eng. Report on the state of security in Poland 2016), p. 279, <https://archiwumbip.mswia.gov.pl> [accessed: 13 XII 2021].

¹⁹ Cf. M. Cichomski, K. Więcek, *Narodowy Program Antyterrorystyczny na lata 2015–2019 jako operacyjno-wdrożeniowy dokument służący realizacji polityki rozwoju* (Eng. National Anti-Terrorism Programme 2015-2019 as an operational and implementation document for development Policy), „Przegląd Bezpieczeństwa Wewnętrznego” 2014, no. 11, pp. 321–322.

These schedules were then forwarded to the minister in charge of internal affairs and discussed and adopted within the MZds.ZT. The team not only monitored the implementation of individual schedules on a current basis, but also carried out an annual evaluation of the progress in implementing the programme in the form of a report discussed at a meeting of the MZds.ZT and then submitted to the Council of Ministers for information²⁰. Moreover, it was at the forum of the MZds.ZT that decisions were made as to the allocation of funds from the special purpose reserve allocated for the implementation of the programme.

Among the most important results of the programme's implementation, it should be noted, in particular, the aforementioned implementation of a new model of cooperation between services in the area of assessing the reliability of information on the planting of an explosive device, the commencement of work aimed at implementing in Poland a mechanism for collecting and processing airline passenger data in accordance with the provisions of the Directive on the management of airline passenger data (PNR) for the purposes of preventing, detecting, investigating and prosecuting terrorist offences, which is finalised by the aforementioned Act on the processing of passenger name record data, implemented in 2016 a series of trainings on anti-terrorist prevention for management and teaching staff of schools, under which more than 98,000 headmasters and employees of educational institutions were trained, trainings for representatives of the industry of large-area commercial facilities on how to behave in a terrorist threat situation, trainings for directors general of government administration offices on how to behave in the case of receiving a suspicious package and how to behave in the case of obtaining information about planting an explosive device in a facility of a public institution.

At present, the works of the MZds.ZT are carried out primarily on the basis of annual schedules adopted continuously since the team was established. Some of the tasks included in them are cyclical, others result from current needs and the evolution of terrorist threats.

The former include, in recent years, the assessment and forecast of terrorist threats to the Republic of Poland and its citizens made

²⁰ Cf. *Uchwała nr 252 Rady Ministrów z dnia 9 grudnia 2014 r. w sprawie „Narodowego Programu Antyterrorystycznego na lata 2015–2019”* (Eng. Resolution No. 252 of the Council of Ministers of 9 December 2014 on the “National Anti-Terrorism Programme 2015-2019”), MP of 2014, item 1218.

by the ABW, the discussion of the security situation of Polish tourists in selected countries in connection with the tourist season, as well as the preparation by the Government Centre for Security of a compilation of conclusions from exercises on responding to terrorist events or the reports of the General Inspector of Financial Information on the implementation of the *Act of 1 March 2018 on preventing money laundering and terrorist financing*²¹.

The last two years of the functioning of the MZds.ZT have brought a new challenge - this time of an organisational nature. The situation related to the COVID-19 pandemic has not been without impact on the functioning of the team, whose work remains largely a matter protected by law as classified. In view of the change to the virtual formula of meetings of most bodies of a similar nature to the MZds.ZT, in the case of this team, for security reasons, a decision was taken to carry out part of its work through the exchange of correspondence and to make binding decisions by circulation. The need for these changes was reflected in changes to the rules of procedure of the Team, which, despite these difficulties, has maintained continuity of its activities and implements the adopted work schedules also during the pandemic period.

During the aforementioned visit of the UN Counter-Terrorism Executive Directorate in December 2019, our country was positively assessed in terms of the adopted anti-terrorism solutions of a systemic nature, as well as with regard to the activities of individual services undertaken to combat this type of crime. UN experts highly evaluated our systemic approach to the threat, stating that although Poland faces a relatively low threat from terrorism, it nevertheless takes this threat seriously, introducing a number of legal, institutional and operational counter-terrorism measures.

It should be emphasized that such a high rating would not have been possible without the inter-institutional cooperation forum, such as the MZds.ZT, which has been operating continuously for 15 years.

To sum up, it should be emphasised that the Interministerial Team for Terrorist Threats, despite significant changes in the legal environment which have taken place since its establishment, still plays the role of a strategic body, a key one in the context of coordination

²¹ Consolidated text: Journal of Laws of 2021, item 1132, as amended.

of undertakings aimed at creating legal and procedural grounds for preventing terrorist events, preparing to take control over them and responding to the occurrence of such events. This is evidenced above all by its uninterrupted activity since 2006 in the area of initiatives of a legislative and procedural nature. Particularly important from the perspective of ensuring a possibility of effective coordination of undertakings in the scope in question and enabling cooperation of a number of services and entities of the Polish anti-terrorist system is also the continuity of functioning of this body - allowing to avoid ad hoc actions undertaken without due analysis of the evolution of terrorist threats and effectiveness of regulations and procedures implemented so far.

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