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## **SPECIAL CHARACTER OF THE POLISH COUNTERTERRORISM POLICY AS COMPARED TO THE EUROPEAN UNION**

The intensity of the threat of terrorism, previously considered only as a potential event, is now increasing. The greatest consequence of the impact of terrorism as an asymmetric threat is its psychological dimension. Its negative impact manifests itself in the reduction of the sense of security in society, rather than in society's actual deterioration. This often leads to a change in voting preferences in subsequent elections in a given country, and in the long run, can also lead to a reallocation of resources in a given state, changing its development prospects. The article categorizes terrorist phenomenon and their asymmetric threat factors, discussing the special nature of each threat. The authors found that terrorism also factors into the security considerations of a state. In the cases examined, a synergy effect occurs, caused by the many transnational entities responding to the emergence of this threat, numbers which continue to grow.

**Keywords:** terrorism, counterterrorism policy, security, Poland, European Union.

### **1. INTRODUCTION**

Especially, the last Europol reports from 2019–2022 show that the terrorist threat in the European Union cannot be equated solely with the activities of Islamic fundamentalists (Europol, 2019; Europol, 2020, Europol, 2021, Europol, 2022). In European countries, separatist terrorism, extreme left-wing or right-wing terrorism is still a dangerous tendency, although in the face of the Covid-19 pandemic and the war in Ukraine it has declined significantly. The difference in numbers across the last three years can be also attributed to a change in classification of incidents by some Member States from terrorist to extremist attacks. The greatest threat in the case of Islamist terrorism are not people who fought in the ranks of the so-called Islamic state, and then, for various reasons and in various ways, they returned to the European Union, because they can be monitored in general. A similar comment applies to the Islamists living in the EU, who conduct radical activities, including on internet forums or in mosques. The most dangerous are those who identify themselves with Islamic fundamentalism and willingly use terrorism, but do not disclose their beliefs in public (cf. Berrebi, Klor, 2008; Abrahms, 2008; Brennan, 2015; Braun, 2003; Williams, 2000).

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It should be noted that from 2014 to 2018 the number of arrests increased, while the number of attacks dropped significantly already in 2018. The overall number of terrorist attacks continued to decrease in the EU in 2019 and 2020 compared to the previous year, mainly due to a continued downward trend in ethno-nationalist and separatist terrorist attacks. The breakthrough year was 2021, which was caused both by pandemia COVID-19 and the effect of the criminal reform was undertaken by all Member States in 2019 in the area of tightening penalties and criminal measures related to the crime of terrorism (table 1; chart 1 and 2).

Table 1. Numerous of attacks and arrests in EU

Year	2014	2015	2016	2017	2018	2019	2020	2021
Arrests	774	1077	1002	1219	1056	723	449	338
Attacks	226	211	143	205	129	55	57	15

Source: (own study based on TE-SAT 2015-22 European Union Terrorism Situation and Trend Report 2015-22).

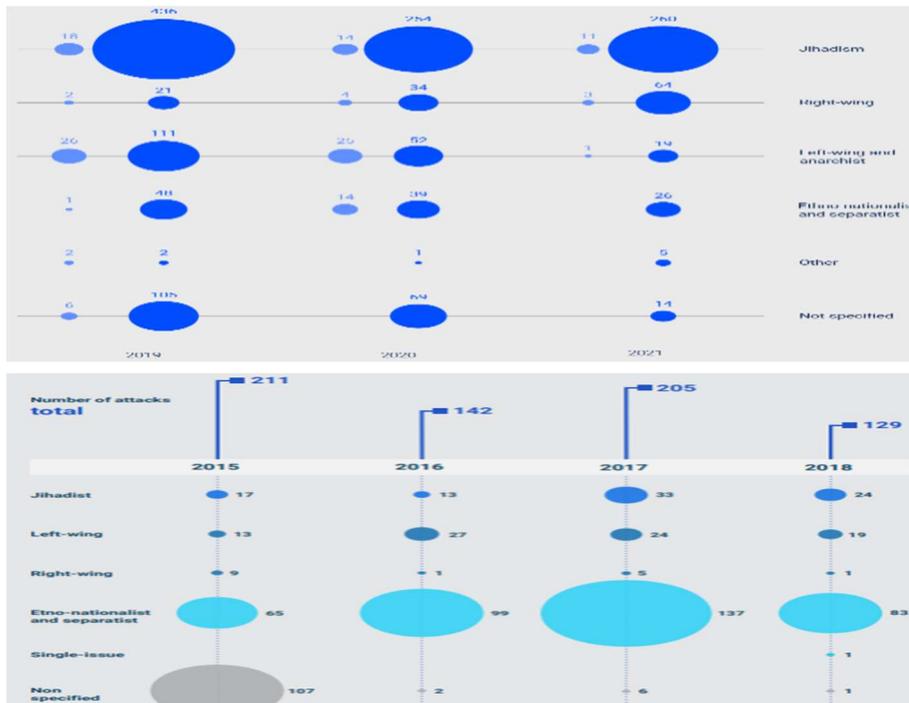


Chart 1 and 2. Total number of terrorist attacks in 2015-2021 divided into ideological motivation

Source: TE-SAT 2019-22 European Union Terrorism Situation and Trend Report 2019-22.



Chart 3. Average height of penalties imposed for a terrorist offense in individual EU Member States in 2017

Source: TE-SAT 2017, European Union Terrorism Situation and Trend Report 2017.

Table 2. Number of persons convicted of terrorism in 2016-2018 in individual EU countries

Member State	2016	2017	2018
<b>Austria</b>	<b>26</b>	<b>18</b>	<b>36</b>
<b>Belgium</b>	<b>136</b>	<b>85</b>	<b>80</b>
<b>Bulgaria</b>	-	-	<b>1</b>
<b>Czechia</b>	-	<b>8</b>	<b>7</b>
<b>Denmark</b>	<b>8</b>	<b>4</b>	<b>6</b>
<b>Estonia</b>	<b>2</b>	<b>2</b>	-
<b>Finland</b>	<b>4</b>	<b>2</b>	<b>1</b>
<b>France</b>	<b>66</b>	<b>120</b>	<b>141</b>
<b>Germany</b>	<b>30</b>	<b>34</b>	<b>57</b>
<b>Greece</b>	<b>3</b>	<b>19</b>	<b>22</b>
<b>Hungary</b>	<b>2</b>	-	<b>3</b>
<b>Italy</b>	<b>11</b>	<b>23</b>	<b>15</b>
<b>Lithuania</b>	<b>1</b>	<b>2</b>	<b>10</b>
<b>The Netherlands</b>	<b>42</b>	<b>46</b>	<b>37</b>
<b>Poland</b>	-	<b>4</b>	-
<b>Portugal</b>	<b>1</b>	<b>1</b>	-
<b>Slovenia</b>	<b>1</b>	-	<b>1</b>
<b>Spain</b>	<b>154</b>	<b>69</b>	<b>120</b>
<b>Sweden</b>	<b>4</b>	<b>3</b>	<b>1</b>
<b>United Kingdom</b>	<b>89</b>	<b>125</b>	<b>115</b>
<b>Total</b>	<b>580</b>	<b>565</b>	<b>653</b>

Source: TE-SAT 2019, European Union Terrorism Situation and Trend Report 2019.

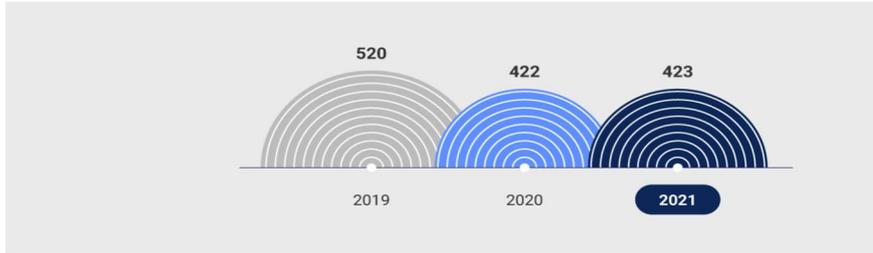


Chart 4. Number of persons convicted of terrorism in 2019-2021 in EU countries  
 Source: TE-SAT 2022, European Union Terrorism Situation and Trend Report 2022.

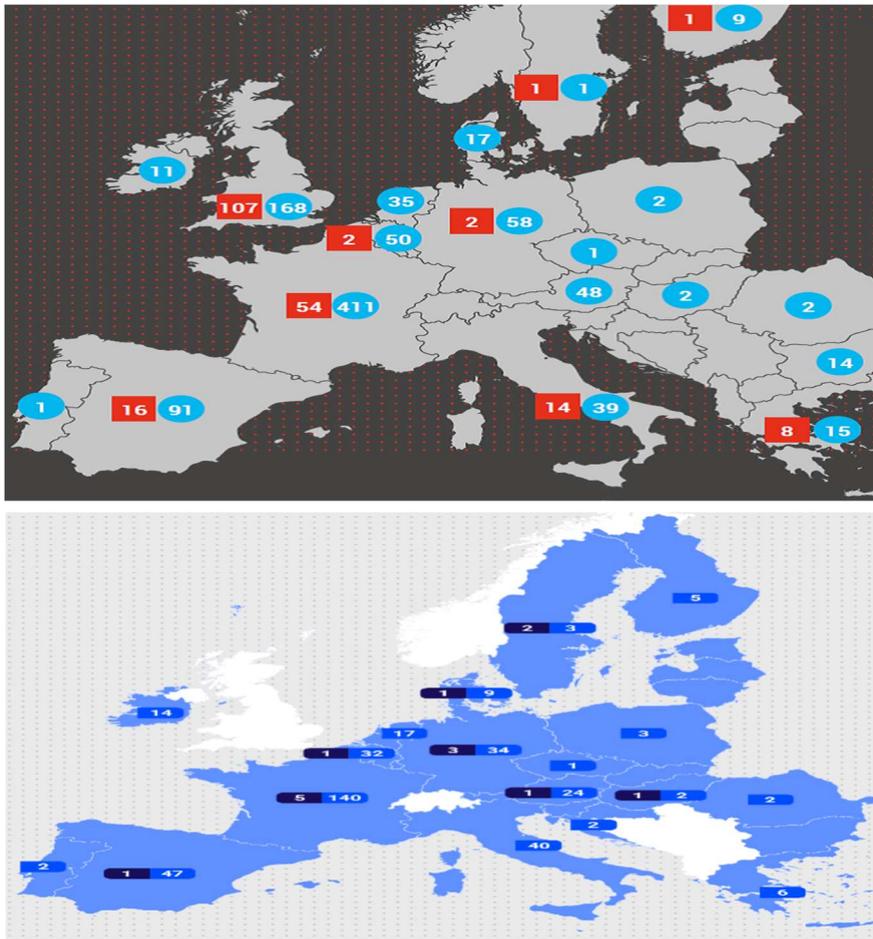


Fig. 1 and 2. An area of terrorist attacks (red) and the number of people arrested for terrorist activities (blue) in EU Member States in 2017 and in 2021  
 Source: TE-SAT 2018 and 2022, European Union Terrorism Situation and Trend Report 2018, Report 2022.

The desire of modern terrorists to escalate violence and cause a high number of victims and material damage, marked by a kind of conservatism manifested in the choice of types of weapons, tactics or targets is a characteristic feature that determines the shape of other changes (Cronin, 2002). The desire to achieve the greatest possible psychological effect by maximizing the destruction and the number of individual victims results in the use of non-selective methods of attack that involve the use of specific types of measures, e.g. explosives. This gives the possibility of many victims even with uncomplicated measures (McLeish, 2017). This also affects the choice of targets directly attacked, with the consequence that the number of terrorist attacks perpetrated on objects that guarantee at least a potentially large number of victims and damages, e.g. public transport, is constantly increasing (Nanopoulos, 2012; Madej, 2007; Pape, 2003). The pursuit of as many attack victims as possible is also associated with the growing complexity of modern terrorist operations.

When analysing the phenomenon of terrorism at the level of the European Union, both global and local threats should be taken into account. On the other hand, the issue of internal differentiation of the intensity of the terrorist threat is important. When a relatively large number of attacks occur in some European Union countries, the Central and Eastern European countries are definitely less exposed to them (Malešević, 2017; Pietraś, Baluk [ed.], 2021). What is more, it can be easily see that the threat of terrorist attacks in Poland is relatively low. The occurrence of acts of terror is mainly related to crime or revenge by organized crime groups or individuals using weapons, devices and explosives, rather than terrorist organizations (Figure 1 and 2).

These conditions result from satisfying the values, interests, needs and goals of a political, historical-political, socio-economic, socio-cultural and psychological nature. They are closely related to the development of states and nations and their neighbourhood policy (Huntington, 2018; Byman, 2016).

Therefore, it must be stated that terrorists are primarily concerned with attracting attention at all costs and maximizing the direct effects of their attacks. In addition, the specificity of the methods used by terrorist organizations serves to reduce the will to fight terrorism both in society and in the authorities of the attacked state (Gray, 2002; Deflem, 2009).

Globalization processes are the factors that exert the greater impact on security than divisions in the international community (Pietraś [ed.], 2021). The inevitable consequence of the globalization process is the transformation (erosion) of state sovereignty that affects each country, albeit to a varying degree. This is due to the aterritoriality of social processes and the deepening of various interdependencies on a global or international scale in every area of social life (Newman, 2007). This process is gradual, but it is sustainable, as is globalization itself, thus affecting international order and environment. It gives a wider area of activity to non-state entities and the possibility of creating new forms and types of activities, as well as an opportunity to expand the existing structure (Kerchove de, Hohn, 2014).

## **2. THE INSTITUTIONAL AND LEGAL DIMENSION OF POLAND'S COUNTERTERRORISM POLICY**

On 25 December 2014, Resolution No. 252 of the Council of Ministers of 9 December 2014 on the *2015–2019 National Counterterrorism Programme* (Resolution No. 252, M.P.

2014, item 1218) issued in accordance with art. 19 paragraph 2 of the Act of 6 December 2006 on the development policy (Speaker's Announcement, M.P. 2014, item 1649) came into effect<sup>2</sup>. This document results from the *2020 Efficient State Strategy* (Resolution No. 17, M.P. 2013, item 136), one of Poland's nine integrated development strategies (objective 7: Ensuring a high level of security and public order, including detailed forms of intervention such as for instance preventing and combating crime as well as threats to public security and order, including counteracting terrorist threats).

On 12th May 2020, Resolution ([https://www.bbn.gov.pl/ftp/dokumenty/Strategia\\_Bezpieczenstwa\\_Narodowego\\_RP\\_2020](https://www.bbn.gov.pl/ftp/dokumenty/Strategia_Bezpieczenstwa_Narodowego_RP_2020)) of President accepted a new *Security Strategy of Poland*. At the same in the date of approval of the *Strategy* on 5th November 2014 r. has lost its legal force (Koziej, 2020).

The new one Strategy indicates the need to prepare and implement a comprehensive government counterterrorism programme which would strengthen the mechanisms of cooperation and increase the operational efficiency of the relevant services, bodies and institutions. At the same time, the programme complies with the objectives of the *2020 National Development Strategy* (which has priority over the *2020 Efficient State Strategy*) which emphasizes the advisability of constant improvement of the counterterrorism system of the Republic of Poland operating within the internal security system and adapting it to current challenges, including the *Long-Term 2030 National Development Strategy of Poland*.

The issue of counteracting and responding to terrorist threats is also discussed in other strategic documents, including the Resolution No.125 of Council of Ministers adopted on 22<sup>nd</sup> October 2019 on the Cybersecurity Strategy of the Republic of Poland for 2019–2024. The document has been in force since 31<sup>st</sup> October 2019 and replaced the National Framework for Cybersecurity Policy of the Republic of Poland for 2017–2022. The adoption of the strategy results from art. 68 of the Act on the National Cybersecurity System of 5<sup>th</sup> July 2018 (Oleksiewicz, 2021).

Implementing the aforementioned program was the adoption of the law on counterterrorism measures of 10 June 2016 (Act of 10 June 2016, unified text from Journal of Laws 2019, item 796). The main purpose of the said regulation, specified in art. 1 of the Act was to increase the efficiency of the Polish counterterrorism system, and thus to increase the security of all.

The purpose of the act was to integrate the operations of the Polish counterterrorism system institutions and to clearly describe responsibilities in each area. The application of the systemic approach to the issue of terrorist threats in the act was to allow the application of the potential of all services, bodies and institutions with statutory competence to conduct anti-terrorist operations. The Act covers various legal issues and branches of law difficult

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<sup>2</sup> The programme describes the current level of terrorist threat also indicating the mechanisms for conducting its ongoing assessment, as well as elements which affect the efficiency of the Polish counterterrorism system in relation to individual phases of crisis management. The aim of the programme is to determine the necessary measures to be taken by the country to strengthen Poland's counterterrorism system and thus to boost preparations for the occurrence of any terrorist threat. The tool for implementing the programme and its ongoing monitoring is an *Action Plan*, which sets out legislative and organisational projects that are key to achieving greater efficiency of Poland's counterterrorism system. One of the main objectives of this document is also to raise public awareness of the nature of the threat, indicate behaviours in the event of an incident, and describe the forms and means of state involvement in preventing and combating terrorism.

to unify and to harmonise in practice. It contains provisions in the field of police law, criminal law, administrative procedural law, constitutional law, labour law and official pragmatics, civil law, and to a small extent maritime law (Wojciechowski, 2018).

A particularly sensitive problem which occurs virtually all over the world is “competition” between practically all kinds of security and law and order services, a tendency to act “on their own” or a reluctance to share their operational information. This phenomenon is unlikely to be eliminated, but it should be minimised if the legislator has not decided to give specific, limited responsibility to one particular institution. In the case of counterterrorism, however, despite the leading role of the Internal Security Agency (ABW)<sup>3</sup> and the Police<sup>4</sup> this situation has not occurred. Cooperation should not lead to any particular ambiguities.

Although their responsibilities are not clear, the two institutions work very closely together, because terrorism is a serious threat to the public good of every state. The Internal Security Agency is a special service responsible for issues related to the protection of the internal security of the state and its constitutional order. The main responsibility of the Internal Security Agency is to combat various threats to the internal security of the state, such as espionage, terrorism and drug trafficking on an international scale (Opaliński, Rogalski, Szustakiewicz, 2017). Operations to prevent the development of organised crime are the result of operational and exploratory powers, as well as intelligence gathering powers that help detect crime and prosecute its perpetrators. On the other hand, operational-exploratory and analytical and informational operations are mainly used to obtain information to ensure national security and the aforementioned law and order guaranteed by the Constitution of the Republic of Poland. What is important, however, is that the Internal Security Agency does not use any legal instruments to efficiently combat organised crime. This is due to lack of specific statutory regulations that would guarantee such status.

The Department for Combating Terrorism was set up in the Internal Security Agency on 19 September 2005 based on an amendment to the Regulation of the Prime Minister of 26 June 2002 on the institution of the Internal Security Agency. The department's responsibilities are:

- to collect information on terrorism and to monitor terrorism around the world and the resulting threats to Poland,
- to develop concepts for counteracting phenomena related to terrorism and to provide opinions on projects and programmes in this field,
- to prepare information and materials related to terrorism for the Minister – Head of the Interministerial Centre for Combating Organised Crime and International Terrorism (Bożek, Czuryk, Karpiuk, Kostrubiec, 2014)
- to prepare analyses and forecasts on terrorist threats,
- to analyse legal provisions related to terrorism and to prepare proposals for legislative changes on improving methods and forms of combating terrorism,
- to organise trainings and conferences on counteracting terrorism and to prepare educational materials in this field,

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<sup>3</sup> It is an institution established by Act of 24 May 2002 (Journal of Laws of 2002 No. 93, item 829).

<sup>4</sup> It was set up by the Act of 6 April 1990 (Journal of Laws 1990, No. 30, item 179, as amended). The Act does not explicitly contain a provision on combating terrorism, but the Police do so pursuant to the provisions in the Penal Code, e.g. 163, 165–168 of the Criminal Code.

- to participate in organising cooperation with authorities of other countries in the field of counteracting terrorism.

As part of the ABW operation, the Internal Security Counterterrorism Centre (CAT) was established as a coordinating and analytical institution to counteract and combat terrorism. Its main responsibilities include:

- support for decision-making processes in the event of an actual threat of terrorist attack;
- coordinating operational and exploratory operations to combat terrorism;
- analytical and IT operations to prepare situational and synthetic reports as well as information for the decision-makers;
- participation in the development and amendment of procedures related to crisis management in the event of a terrorist attack;
- support following terrorist attacks for the operations of services and institutions participating in the anti-terrorist defence of the Republic of Poland;
- cooperation with the EU and NATO structures in this field (Burczaniuk, 2017).

It is also worth noting that on 1 February 2008, the Government Computer Incident Response Team was established (CERT.GOV.PL). It is a team operating within the structures of the Internal Security Agency and forming part of the ICT Security Department. Its main mission is to teach and train state institutions operating in Poland efficient protection against online attacks. However, its responsibilities also include:

- coordinating responses to online attacks;
- issuing and announcing alerts;
- dealing with accepted applications, including the collection of evidence by a specially appointed team of court experts;
- dealing with incidents in systems that are protected by ARAKIS-GOV;
- conducting studies of network security (More: Kitler, Taczowska-Olszewska, Radoniewicz, 2019).

The provision of art. 3 establishes a kind of division of responsibility for various fields of counterterrorism. Paragraph 1 refers to the responsibility of the Head of the Internal Security Agency, paragraph 2 of the minister for internal affairs (currently the minister of internal affairs and administration). It should be remembered that in accordance with art. 3 paragraphs 1 and 2, The Head of the Internal Security Agency is a central government administration authority and reports directly to the Prime Minister. Admittedly, combating terrorism is not explicitly mentioned as the responsibility of the Police but it follows from article 1, paragraph 2 points 1–3 of an act on the Police<sup>5</sup>.

Other institutions which participate in counterterrorism operations are:

- Foreign Intelligence Agency (AW)<sup>6</sup>;
- Military Counterintelligence Service and Military Intelligence Service;

<sup>5</sup> It was set up by the Act of 6 April 1990 (Journal of Laws of 1990, No. 30, item 179, as amended). The Act does not explicitly contain a provision on combating terrorism, but the Police do so on the basis of the provisions contained in the Penal Code, e.g. 163, 165-168 of the Criminal Code.

<sup>6</sup> It was established pursuant to the Act of 24 May 2002 establishing ABW and AW (unified text of the Journal of Laws of 2010 No. 29, item 154).

- General Inspector of Financial Information (GIIF)<sup>7</sup>;
- Border Guard (SG)<sup>8</sup>.

The Foreign Intelligence Agency operates by ensuring the external security of the state through a specific list of responsibilities mentioned in the Act on the Internal Security Agency and the Foreign Intelligence Agency. The Foreign Intelligence Agency was entrusted with very similar responsibilities (Guzik-Makaruk, 2009)<sup>9</sup> based on article 6 paragraph 1 point 5 of an act, of detecting international terrorism, extremism and international organised crime groups.

Other institutions implementing anti-terrorist objectives in Poland are the Military Counterintelligence Service and the Military Intelligence Service<sup>10</sup> according to the Act on the Military Counterintelligence Service and the Military Intelligence Service. The first one is responsible for discovering, preventing and detecting terrorist incidents and offenses detrimental to the security of the defence potential of the state, the Armed Forces of the Republic of Poland and organisational units of the Ministry of National Defence<sup>11</sup> (article 5 (1) (2a-u) of the SKW.SWW). The responsibilities of the second service are to detect and counteract threats of international terrorism (article 6 (1) (2) of the SKW SWW) and to identify, counteract and prevent terrorist events aimed against personnel and property of the Polish Armed Forces outside the state and eliminating the effects of such events (Article 6 (1) (3a) of the SKW SWW).

To some extent, counterterrorism lie within the sphere of operation of the Border Guard<sup>12</sup> according to the Border Guard Act. It is connected to the main responsibilities of the Border Guard of border traffic control, combating illegal migration and monitoring the arrival and stay of foreigners in Poland, as well as prosecution of related crimes (Article 1 (2) (1-2a), (4 (a, c, e), (5-5b-u) of the SG) and with the obligation to cooperate with other authorities and services to detect and counteract terrorist threats (Article 1 (1) (5d-u) of the SG).

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<sup>7</sup> The Inspector acquired the rights pursuant to the Act on counteracting of 16 November 2000 (Journal of Laws of 2003, No. 153, item 1505, as amended). In turn, the GIIF is to prevent the potential crime of financing terrorism as defined in Article 165a of the Penal Code. Pursuant to the provisions of the Act on counteracting money laundering and terrorist financing, the Inspector obtains, collects, processes and analyses information that may be related to financing of terrorism.

<sup>8</sup> It was established pursuant to the Act of 12 October 1990 (Journal of Laws of 2005, No. 234, item 1997, as amended). Their responsibilities include preventing illegal migration of individuals suspected of terrorist activities, intercepting illegal transports containing harmful chemicals, nuclear materials and explosives.

<sup>9</sup> The Central Bureau of Investigation is an organ of the Police Headquarters, where it operates responsible for detecting and combating organised crime. The crimes investigated by the Central Bureau of Investigation are mainly of transborder, drug, criminal and economic nature. It also includes terrorist attacks. For combating organised crime, the most important aspect is the criminal one as well as the one directly connected with drugs.

<sup>10</sup> Set up by the Act of 9 June 2006 (unified text of the Journal of Laws of 201 item 687).

<sup>11</sup> Currently, the legal basis for the operation of the Ministry of National Defence is the ordinance of the Prime Minister No. 82 of 19 December 2014 (M.P.2015.32) on the statute for this ministry and its subordinate units.

<sup>12</sup> It was established pursuant to the Act of 12 October 1990 (Journal of Laws of 2005, No. 234, item 1997, as amended). Their responsibilities include preventing illegal migration of individuals suspected of terrorist activities, intercepting illegal transports containing harmful chemicals, nuclear materials and explosives.

In accordance with art. 1 paragraph 2 point 5d of the Act on the Border Guard, its responsibilities include “cooperation with other authorities and services to detect and counteract terrorist threats”.

On such grounds, the Border Guard in fulfilling their responsibilities may acquire information, identify phenomena or disclose events that may be related to terrorist threats and (Chochowski, 2021; Jałoszyński, 2008):

- 1) recognise, prevent and detect offenses and prosecute their perpetrators, in particular offenses related to crossing the state border or taking goods and items specified in the regulations on weapons, ammunition and explosives across a border;
- 2) ensure security in international air transportation, by carrying out security checks on passengers, luggage, cargo and aircraft operating on high-risk flights, as well as by conducting mine and pyrotechnic material operations;
- 3) maintain public order and law and order in the territorial range of border crossings, including the protection of facilities belonging to or used by the Border Guard against terrorist acts;
- 4) prevent the crossing of borders by persons unwanted in the Republic of Poland and detain persons wanted by law enforcement authorities;
- 5) ensure security at airports and seaports due to their strategic importance;
- 6) collect and analyse information on nationals of the so-called increased risk states crossing the state border at border crossing points or attempting to cross it illegally avoiding crossing points,
- 7) monitor groups of individuals from the so-called high risk countries associated with border crime;
- 8) cooperate and exchange information and verify information on counteracting terrorist threats with the Internal Security Agency, the Foreign Intelligence Agency, the Military Counterintelligence Service, the Military Intelligence Service, the Police, the Government Protection Bureau, the Ministry of Finance, the Ministry of Foreign Affairs, the Military Police and border protection authorities of neighbouring countries, as well as other services and institutions.

Art. 3 paragraph 1 does not prove the supremacy of the Head of the Internal Security Agency over other security and law and order services combating terrorism apart from certain important prerogatives strictly defined in this Act, i.e. in art. 5 paragraph 3 (collection of counterterrorism information), in art. 8 paragraph 2 (recommendations regarding the elimination of a terrorist threat) and in art. 11 point 1 letter a (access to service databases). When analysing such competences, it should be kept in mind that there is no relationship of subordination between Head of the Internal Security Agency and the Ministry of Interior and Administration, as pursuant to art. 3 paragraph 2u of the ABW.AW, the former reports directly to the Prime Minister. This division means that until the occurrence of a terrorist event, the responsibility, and mainly all the responsibilities of detection, neutralisation and coordination in combating potential terrorist acts are carried out by the Head of the Internal Security Agency. When a terrorist attack occurs, the responsibility of eliminating of its effects, detention of the involved individuals and reconstitution of anti-terrorist resources is assumed by WSWiA.

The General Inspector of Financial Information (GIIF) plays a leading role in the system of combating financial crime and terrorist financing. The Inspector's responsibilities include:

- conducting the transaction suspension procedure;
- bank account blocking; providing and requesting information on transactions;
- forwarding documents to authorised bodies listing suspected criminal offences;
- controlling compliance with anti-money laundering and anti-terrorist financing provisions;
- cooperation with foreign institutions and international organizations<sup>13</sup>.

In October 2009, the Interministerial Committee on Financial Security was established at the General Inspector of Financial Information, to providing consultative and advisory roles on the application of specific restrictive measures against individuals, groups and entities, i.e. the freezing of assets in order to combat terrorism and counteract its financing<sup>14</sup>.

The institution responsible for collecting information about suspect financial transactions is the Polish Financial Intelligence Unit (PJAF) – the Financial Information Department at the Ministry of Finance. The PJAF verifies suspected “money laundering” and terrorist financing, and then collects evidence and notifies the prosecutor's office, which, in cooperation with law enforcement agencies, takes action to prosecute the suspects. PJAF is supervised by the General Inspector of Financial Information (GIIF). At international forums, PJAF participates in the work of MONEYVAL and the Egmont Group (FIU)<sup>15</sup>.

In addition, two other institutions should be mentioned here, which do not participate in operations: National Security Council (RBN) and the National Security Bureau (BBN). The RBN is an advisory body to the President of the Republic of Poland and is responsible for defining the general plan and objectives for security, international relations and the armed forces. In turn, the National Security Bureau is part of the Chancellery of the President and pursuant to art. 11 of the Act on the universal obligation to defend the Republic of Poland<sup>16</sup> provides the president support in fulfilling responsibilities regarding the inviolability of borders and independence of our state.

It is worth mentioning that none of the above-mentioned regulations addresses the problem as a whole. The Act of 10<sup>th</sup> June 2016 on anti-terrorist activities is limited to the principles of conducting anti-terrorist activities and cooperation between competent authorities in the field of conducting these activities. The provisions of the Act on Crisis Management relate to activities related to the prevention and management of crisis situations. Acts regulating the work of law enforcement agencies, e.g. the Act of 6<sup>th</sup> April

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<sup>13</sup> Article 4 of the Act on the Prevention of Money Laundering and Financing of Terrorism (Journal of Laws 2017.0.1049, unified text).

<sup>14</sup> <http://www.msz.gov.pl> (access: 30.06.2022).

<sup>15</sup> Is an international institution engaged in combating terrorist financing, founded in 1995 in Brussels as an informal organisation, bringing together representatives of financial intelligence units – initially from European Union member states and the USA. In 2007, a decision was made to transform this Group, bringing together financial intelligence units from 105 countries, into a formal international organisation. For more information, please go to: [http://www.antyterroryzm.gov.pl/CAT/antyterroryzm/wspolpraca-zagraniczna/walka-z-finansowaniem/565\\_Walka-z-finansowaniem-terroryzmu.html](http://www.antyterroryzm.gov.pl/CAT/antyterroryzm/wspolpraca-zagraniczna/walka-z-finansowaniem/565_Walka-z-finansowaniem-terroryzmu.html) (access: 30.07.2022).

<sup>16</sup> Unified text Journal of Laws of 2012, item 461, as amended.

1990 on the Police<sup>17</sup> or the Act of 6<sup>th</sup> June 1997 – Penal Code cover issues related to the prevention and combating of crimes in cyberspace.

Certain non-sanctioning elements regulating ICT security requirements relating to the sphere of critical infrastructure are included in Annex 1 to the National Critical Infrastructure Protection Program (NPOIK), adopted on the basis of the Act of 26<sup>th</sup> April 2007 on crisis management<sup>18</sup>. The Government Center for Security verifies the plans of critical infrastructure operators, including in terms of risk assessment, applied security measures and ICT protection principles adopted in the facilities. However, it should be emphasized that the legal basis of Directive 2016/1148<sup>19</sup>, which is Art. 114 TRUE relating to the common market. On the other hand, the issue of the protection of state critical infrastructure is an exclusive competence of the Member States, closely related to the sphere of national security, not covered by the EU treaties.

### 3. CONCLUSIONS

It should also be noted that the Polish society is relatively ethnically and religiously homogeneous, and the integration of foreigners is not a significant social or political problem. National extremist groups in Poland are relatively inactive and mainly involved in street protests and acts of hooliganism. This is due to the absence of major political support for such movements, low social support and the dispersion of these groups and their members all over the country. However, access to the Internet allows such groups to establish contacts and cooperate with foreign counterparts, which may cause increased risk in the future.

The variability of the methods used by terrorists means that Poland must have appropriate instruments to properly identify and assess threats and effectively counteract any incidents. In the event of a terrorist attack, Poland must be prepared to take immediate and adequate measures and also be able to eliminate its effects. Achieving these aims requires mechanisms of cooperation between all services and bodies and institutions involved in broadly understood counterterrorism operations, as well as local authorities, the private sector and the entire society.

It is abundant, so it is an occurrence that has access to acquire skills in terms of performance progress and the presence of players who encounter these types of tools. Lack of a uniform accounting procedure, recording and comparing the achieved compliance, maintaining the progress of the switches (Compare: Mickiewicz, 2018; Wyligala, 2014).

With many security and public order entities, there is a noticeable lack of full coordination in the implementation of the competences assigned to them, which often overlap. Particularly troublesome in the efficient functioning of this subsystem is the duplication of managerial competences, which should be clearly defined by legal regulations. These shortcomings concern the competences of public authorities, both at the central and local levels. Often the competences of public authorities are vague or too vague.

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<sup>17</sup> Journal of Laws 2017 item. 2067 and 2405; Journal of Laws 2018 item. 106, 138, 416, 650 and 730.

<sup>18</sup> Journal of Laws 2017 item. 209 and 1566.

<sup>19</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (O.J.L 194, 19.07.2016).

Above all, they should precisely define the responsibilities of individual institutions, the principles and procedures of the tasks they coordinate, and the principles of responsibility.

The powers of the officers of various services, the procedures of their operation and the professional pragmatics should be unified. As a result, a situation should be achieved that allows to effectively dispose of the personnel resources of special services, assuming the exchange of personnel between services and in the process of cooperation. Against this background, it is necessary to consider the proposal to release the secret services from procedural obligations (they should be taken over by the Central Bureau of Investigation) and limit their activity only to proactive investigations, i.e. those aimed at making the crime more probable.

My reservations are primarily raised by the duality of regulations in terms of the adopted property with regard to specific ICT systems and services. Failure to take into account the principles of competence of authorities resulting from the Act on Crisis Management will lead to a situation in which the qualification of the same services will be performed by different entities. If, in both statutory regimes, the competences are recognized by different authorities with regard to the same ICT system, there will be a disruption in the system of ensuring the security of these systems.

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