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Terrorist Threats and Mass Events

1. Introduction

The threat of terrorist acts is presently one of the most readily-discussed topics; as it is a highly salient media topic, it makes its way easily into print media, the Internet and books. Applying the simplest search algorithm, simply entering the word “terrorism” into a search engine, we generate 104.000.000 hits.¹ The international community, including Poland, keeps track of the information and literature being produced on both the subject of terrorism itself and activities associated with terrorism prevention. Such intense interest, however, leads to ambivalent effects. On the one hand, education and knowledge are favorable to prevention, while on the other, the spread of their message aids terrorists in pursuing their aims, especially those of achieving their badly-needed publicity, generating widespread fear, not only in the places where attacks occur. To paraphrase the oft-cited Brian Jenkins, it should be emphasized that terrorism is a theatre addressed to those who are watching. The direct victims are essentially actors,² pressed unwillingly into provoking fear and trauma among the audience. This characteristic is emphasized here for a reason – the theaters of the 21st century are places whose high mediality and symbolism are, for terrorists and observers alike, unambiguous. Such places undoubtedly include mass events, particularly those organized at stadiums and other large structures (congress halls, concert venues, etc.). They are attractive targets, something demonstrated by the most recent attacks in Paris.

In Poland, concern for the safety of mass parties, including with respect to the terrorist threat, is visible at the level of domestic regulation, international cooperation, and the activities of Member States within the European Union and the Council of Europe. Nevertheless, there are serious doubts arising out of the level of interest in counteracting potential attacks, and its translation into action plans

1 As of 28 December 2015.

2 B. M. Jenkins, *International Terrorism: A New Mode of Conflict*, in: *International Terrorism and World Security* D. Carlton, C. Schaerf (eds.), Croom Helm Ltd., London 1976, cited by: K. Liedel, *Zwalczanie terroryzmu międzynarodowego w polskiej polityce bezpieczeństwa*, Wydawnictwo Difin, Warsaw 2010, p. 27.

in the event such attacks occur. While the first stage is measurable, the second gives rise to significant uncertainty, and it would be better if the need to implement them never arose.

2. Domestic Regulations Addressing Terrorist Threats which may arise in Conjunction with Mass Events

In Poland, the most important document concerning safety at mass events is the Mass Events Act of 20 March 2009.³ Under the provisions of this act, a mass event is a sporting event (including football match) or an artistic-entertainment event (including organized, public screenings of television transmissions on screens and/or devices facilitating the projection of an image with a diagonal in excess of 3 meters) at which the number of places made accessible, depending on the type of event, is between 300 to 1000. The location of the event is also important, and the Act offers the following categorization: site, stadium, other premises which do not constitute a building, sports arena and other sports premises.⁴ The wording of the Act does not directly address the issue of terrorist threats, nor criminal acts perpetrated by so-called “ultras” or hooligans. In respect of the latter groups, it is no great challenge to find normative material designed to reduce the frequency of such occurrences. Significantly, a portion of those regulations may also be of assistance in countering the threat of terrorist attacks.

The starting point for the divagations to be undertaken in the article are two particular statutory provisions. The first concerns the organizer’s responsibility for safety of a mass event at its location and for its duration.⁵ The second imposes on authorities – such as mayors and prefects, the provincial governor, the Police, the State Fire Brigade, the health service and other appropriate authorities – the obligation to secure such an event in the scope set out in the Mass Events Act and other relevant regulations.⁶ However, it should be kept in mind that it is primarily the organizer who bears responsibility for the safety of the event’s participants, for the protection of public order, and for securing access to medical assistance.⁷

3 Ustawa z dnia 20 marca 2009 r. o bezpieczeństwie imprez masowych, Dz.U. 2009 no. 62 item 504 with amendments.

4 Ibid. Art. 3 (1–4).

5 Ibid. Art. 5 (1).

6 Ibid. Art. 5 (3).

7 Ibid. Art. 5 (2) (1–3).

The aforementioned entities are required to support the organizer and complement its activities by, for example, being active in the public space adjacent to the mass event (Police), or by inspecting the site/structure for fire safety issues (State Fire Brigade). The oversight authority given to mayors and prefects is also significant, and it includes the right to refuse to issue a permit for a mass event⁸ and to interrupt the event if it is ascertained that the conditions set out in the permit are broken. Another important role belongs to the provincial governor, who may forbid a mass event from being held with public participation either in an entire structure or in specified sectors of it,⁹ or interrupt the event in the occurrence of a threat to human health or life, or to property of significant value.¹⁰ In the practice of organizing mass events in Poland, particularly those related to sports, the policing element is clearly dominant, owing to detailed risk analyses and information acquired through operational and investigative activities. Unfortunately, there is little activity involving factors directly associated with the organizer. For example, in Poland there is no official association of safety directors, where people could exchange information or undertake systematic cooperation with the Police. These types of solutions are in place e.g. in England and Wales, where safety directors are associated within the Football Safety Officers Association. The FSOA has created an Internet platform allowing safety officers to create pre-match, match and post-match reports, which include information about incidents involving hooliganism, fan behavior, and action taken. This massive database created by experts is a source of useful information and viewpoints which frequently serve as complements or alternatives to police sources.

The organizer does not independently ensure safety – he/she nominates a safety director who represents the organizer in respect of ensuring the safety of participants in the mass event¹¹. This director, in turn, exercises authority over stewarding and informational services. The first is associated with the use of force in ensuring security – its members must figure in the register of qualified physical security specialists. Under the Act on Protection of People and Property, an entry on that list gives the right to engage in activities related to protection of people and property undertaken in the form of direct physical security:

8 Ibid. art. 24, art. 29 (1 and 4).

9 Ibid. art. 34 (1)(1).

10 Ibid. art. 34a (1).

11 Ibid. art. 3 (11).

- permanent or temporary;
- consisting in the continual monitoring of signals sent, gathered and processed in electronic devices and alarm systems;
- consisting in transport of cash and other valuable and/or dangerous items.¹²

In reference to the indicated forms of activity which correspond to particular experience and skills, the aforementioned requirement of certification should be considered appropriate for those engaged in stewarding services, as they function in service of public safety and order for the duration and in the vicinity of a mass event.¹³

In the majority of cases, this formation is the first line of defense when threats arise, including terrorist threats. The second type of service, i.e. information, ensures security primarily by providing information to participants regarding organizational solutions that have been adopted.¹⁴ Both services are obliged to be distinguished by signage, and to undergo training whose subject matter is set out in the schedule to the ministerial regulation issued pursuant to the Mass Events Act.¹⁵ The same obligations rest on the safety director. The difference between this individual and the services under him relate solely to the scope of training which must be undergone, which is naturally far broader for a director: both in terms of hours (50 versus 24 for services)¹⁶ and subject matter. Significantly, the issue of terrorist threats is directly mentioned only in the directors' training curriculum – in module VI titled “Securing mass events”. It lasts only 4 hours and encompasses nine subjects, one of which is called “Counteracting terrorists threats”. This is accompanied by such important issues as monitoring mass events, the rules for threat analysis, and calculation and dislocation of forces and resources. Assuming that the individual conducting the training allocates the same amount of time to each one, this amounts to 27 minutes per subject. This is not sufficient time even for providing the attendees with a general overview of the issue. Other closely related issues, which the directors must study, include evacuation of mass event participants (2 hours) and tasks of the services at the disposal of the organizer,

12 Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia, Dz.U. 1997 no. 114 item 740 with amendments, art. 3 (1) and art. 26 (1).

13 Ustawa z dnia 20 marca 2009 r. o bezpieczeństwie imprez ...op.cit., art. 19 (1).

14 Ibid. art. 19 (2).

15 Rozporządzenie Rady Ministrów z dnia 30 sierpnia 2011 r. w sprawie wymogów, jakie powinni spełniać kierownik do spraw bezpieczeństwa, służby porządkowe i służby informacyjne, Dz.U. 2011 no. 183 item 1087.

16 Rozporządzenie Rady Ministrów z dnia 30 sierpnia 2011 r. w sprawie wymogów... op.cit., schedule no. 1, p. 4 schedule no. 2, p. 2.

which should include discussion of inspection of participants and search of their bags and clothing. These are, however, secondary issues related to a range of threat types,¹⁷ not dedicated exclusively to the issue of terrorist attacks. Assumptions as to the preparation of internal reaction plans taking into account the specificities of particular sites and events would seem obvious. It is difficult to say, however, to what extent they are professionally prepared and adapted to dynamically occurring changes. Nevertheless, the lack of detailed regulations would seem like a clear case of extreme negligence.

One procedure that may be applied in the event of a terrorist-type threat is an appeal by the organizer or the safety director to the Police or the Gendarmerie¹⁸ for help. In accordance with the Act, this can occur when activities of the steward service, taken within the framework of its authority, are ineffective.¹⁹ It should be assumed that a terrorist attack may constitute grounds for the Police or the Gendarmerie to be handed control. The exceptional nature of the situation and the need to employ exceptional force and measures render it necessary to shift the burden of providing security from the director to one of the aforementioned entities. All the more so that the entry of the Police or Gendarmerie allows functionaries to employ the full range of measures afforded to them under the provisions of the Police Act²⁰ and the Act on the Gendarmerie and Military Safety Organs.²¹ There is a significant gap in the form of regulation concerning the presence of the Police and Gendarmerie in the vicinity of a stadium. As functionaries must be able to quickly assume command when a need arises, they should be nearby and prepared to engage immediately. Time is of the essence in such situations: rapid intervention is crucial in minimizing losses and risk.

Desiring to explore in detail the issue of the Police providing assistance to the organizer of a mass event, one should refer to the Police Act, which contains a provision allowing for support to be given to functionaries by the Armed Forces

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- 17 Such threats include fire, panic, attempts to smuggle in pyrotechnics and alcohol.
 - 18 Applying to the Gendarmerie (rather than the Police) for assistance is only possible when the mass event is being conducted at sites which are managed by units under the authority of the Minister of National Defense. See: Ustawa z dnia 20 marca 2009 r. o bezpieczeństwie imprez ...op.cit., art. 22 (5).
 - 19 Ibid. art. 22 (4 and 5).
 - 20 Ustawa z dnia 6 kwietnia 1990 r. o Policji, Dz.U. 1990 no. 30 item 179 with amendments.
 - 21 Ustawa z dnia 24 sierpnia 2001 r. o Żandarmerii Wojskowej i wojskowych organach porządkowych, Dz.U. 2001 no. 123 item 1353. See: C. Kąkol, *Bezpieczeństwo imprez masowych. Komentarz*, Wolters Kluwer, Warsaw 2012, p. 303.

of the Republic of Poland. A condition of exercising this possibility is the appearance of a threat to public safety or public order through the emergence of one or more of the threats enumerated therein. These include the danger of commission of a terrorist act or its commission in respect of facilities of particular significance for state security and/or defense, or which can threaten the safety of human life.²² Units of the Armed Forces of the Republic of Poland may only be employed when the Police has proven insufficient.²³ The decision on their use is taken by the President of Poland by way of a determination issued on application by the Prime Minister. In urgent cases, the decision to provide assistance is taken by the Minister of National Defense on application from the minister responsible for home affairs, who immediately informs of such the President of Poland and the Prime Minister.²⁴ The detailed conditions and manner in which units of the Police and the Armed Forces may be engaged, coordination of joint activities, and the manner in which information is exchanged have been laid down in a Regulation of the Council of Ministers, pursuant to the relevant statutory authorization.²⁵ One of its most important provisions is the regulation concerning the coordinating authority, who, depending on the area, is: the regionally appropriate provincial Chief of Police (in respect of action undertaken by the Police and the Armed Forces of the Republic of Poland within the territory of one province) or the National Chief of Police (when activity is undertaken in an area covering the territory of more than one province).²⁶

In summary, emphasis should be placed on the generalized character of domestic regulations, which are perhaps not entirely aligned with the rapid changes and progressing evolution of the terrorist threat. The Mass Events Act provides the organizer and other entities active in that area (primarily the Police) with defined procedures. Just the application for a permit to hold a mass event triggers engagement in activities intended to have a significant effect on the safety of participants. The legislator's failure to explicitly address terrorist threats does not mean that no measures in that scope have been taken. The Act is intended to address all types

22 Ustawa z dnia 6 kwietnia 1990 r. o Policji...op.cit., art. 18 (1)(4).

23 Ibid. art. 18 (1).

24 Ibid. art. 18 (3 and 5).

25 Rozporządzenie Rady Ministrów z dnia 6 sierpnia 2013 r. w sprawie szczegółowych warunków i sposobu użycia oddziałów i pododdziałów Policji oraz Sił Zbrojnych Rzeczypospolitej Polskiej w razie zagrożenia bezpieczeństwa publicznego lub zakłócenia porządku publicznego, Dz.U. 2013 item 1037.

26 Rozporządzenie Rady Ministrów z dnia 6 sierpnia 2013 r. w sprawie szczegółowych... op.cit., art. 2 (1)(4).

of threats, conceived in a generalized manner. In the future, however, at least partial regulation requiring organizers to engage in stronger efforts concerning this aspect of safety is needed. It is vital and urgent to expand the scope of training required for safety managers as well as steward and informational services. The issue of terrorist threats should not be taken lightly – they deserve more than 27 symbolic minutes of consideration.

3. The EU Regulation Concerning Counteracting Terrorist Threats which may arise in Conjunction with Mass Events

European Union law has not developed a single definition of mass event. In particular documents one may find terms such as “sporting event,” “international sporting event,” “international football match.” From 1999,²⁷ the most prominent term was “football match of an international character,” until 2010, when the term “international football match” was established, with the participation of at least one Member State.²⁸ Differentiating football matches results from the popularity of that particular sport, and the concentration of threats associated with the activity and the movement of large groups of fans. Of significance were also the activities of the so-called hooligans and associated criminality, including organized crime. EU regulations are not limited to sport matches alone – in the majority of cases they are facultative, and can be applied during mass events of an artistic and recreational character, as well as other without an international component. An exception to this is the Decision of the Council on security in connection with football matches with an international dimension²⁹ and its amendments in 2007,³⁰ which require the creation of a national information point for football in every

27 This year saw the publication of Council Resolution of 21 June concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, Dz. U. L C 196 of 13.7.1999.

28 Council Resolution of 3 June 2010 concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, Dz. U. C 165 of 24.6.2010.

29 Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension, Dz. U. L 121 of 8.5.2002.

30 Council Decision of 12 June 2007 amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension, Dz. U. L 155 of 15.6.2007.

Member State. National Football Information Points (NFIP) profile and exchange information concerning security of football matches – however, the common practice is operating the EU's systems in conjunction with national databases. In Poland's case, this is the National Information Point for Sporting Events, which is part of the structure of the National Police Headquarters.³¹ The situation in the United Kingdom is similar, where the United Kingdom Football Policing Unit is the body responsible for such activities as issuing stadium bans and coordinating policing efforts for foreign tournaments.³²

Under the EU's regulations, the burden of ensuring security for mass events is concentrated on generally-defined threats, and in respect of football matches it emphasizes hooligan-related excesses. The existing procedures can, however, also be employed against threats of a terrorist nature. Although this is not stated explicitly, it should be assumed that information concerning such dangers would not go ignored. Networks of cooperating police liaison officers should, as a rule, be prepared for receiving and analyzing various types of data. The aforementioned suppositions would seem to be confirmed by the newest edition of a handbook with recommendations introduced via the Council Resolution of 3 June 2010 concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved.³³ For the first time in the history handbooks with recommendations, there is a directly-articulated need for selection of the appropriate means of communication during exceptional situations that is, fighting terrorism. It is proposed that the existing network of liaison officers, or a selected, specialized officer as an intermediary. Capturing the issue even more precisely, there is also mention made of the present of a Europol liaison officer. The European Police Office has the authority to support Member States by supplying important information and analyses, as well as general assessments of

31 Krajowy Punkt Informacyjny ds. Imprez Masowych, *O punkcie*, informational bulletin, available at <http://www.kpk.policja.gov.pl/kpk/o-punkcie/9,O-Punkcie.html>, accessed 31 January 2015.

32 College of Policing, *Policing football*, available at <https://www.app.college.police.uk/app-content/public-order/policing-football/>, accessed 31 January 2015.

33 Alongside the indicated handbook, the Council previously introduced three handbooks: in 1999, 2001 and 2006, through resolutions Dz. U. C 196 of 13.7.1999, Dz. U. 22 of 24.1.2002, and Dz. U. 322 of 29.12.2006.

threats concerning serious organized crime and terrorism.³⁴ In circular No. 2 to the handbook under consideration a table has been attached with timelines for filling orders for the products and services of Europol. They include a General Terrorism Threat Assessment, (GTTA) and Updates to the GTTA.

Alongside the network of national informational points for football, cooperation between liaison officers, and handbooks with guidelines, an important element of European cooperation in tackling the terrorist threat is the Atlas network.³⁵ It brings together central antiterrorist police units from all Member States. Among its primary objectives is the continual boosting of the professionalism of antiterrorism units through such means as joint training sessions, knowledge exchanges, and also support – particularly important in the case of large-scale terrorist threats.³⁶ Plans for creating a cooperation platform appeared at the end of the 20th century, finally crystalizing after the 9/11 terror attacks in the form of a network called “Atlas”. The network acts under the direction of the Police Chiefs’ Task Group, which itself is funded and overseen by the European Commission’s General Directorate for Home Affairs.³⁷ At present, “Atlas” is home to five Working Groups: Buildings, Water, Transport, Aeroplanes and Entries. Two fora are under them in the hierarchy: Negotiators and Snipers. Their lower status results from the more modest funds spent on their activities.³⁸

The “Atlas” Network is also engaged in fighting terrorist attacks which may occur in conjunction with mass events. In June 2009, three years before the EURO 2012 football tournament, the National Police Headquarters’ web page wrote of plans for joint exercises and workshops focused around the Buildings Working Group. The final exercises were held on September 27th–28th, 2011 at the National Stadium in Warsaw, as well as at other locations in and around the capital. They

34 Chapter I of the attachment to the Council Resolution of 3 June 2010 concerning an updated handbook with recommendations for international police cooperation.

35 The Polish literature employs the term *Atlas* task group. See: homepage of the Bureau of Anti-terrorist Operations: <http://www.policja.pl/pol/kgp/biuro-operacji-antyterrorystycznych/atlas/41550,Unijna-grupa-zadaniowa-quotAtlasquot.html>, accessed 30 January. 2015.

36 *Unijna grupa zadaniowa “Atlas”*, at the homepage of the Biura Operacji Antyterrorystycznych (Bureau of Anti-terrorist Operations), cited above.

37 R. Teichmann, *The European Homeland Security State. EU Anti-Terror Drills and Fear Campaigns*, Global Research, 23 April 2013, available at <http://www.globalresearch.ca/the-european-homeland-security-state-eu-anti-terror-drills-and-fear-campaigns/5332564>, accessed 30 December 2015.

38 *Unijna grupa zadaniowa “Atlas”*, at the homepage of the Bureau of Anti-terrorist Operations, cited above.

encompassed elements of red tactics,³⁹ acting in conditions of contamination, and problem-solving in situations with hostages located in buildings and vehicles (coaches). Participating units came from Austria, Slovenia, Lithuania, Portugal and France.⁴⁰

Poland is represented in the “Atlas” Network by the Bureau of Anti-terrorist Operations (BAO), a unit under the command of the Vice Chief of Police.⁴¹ In respect of its powers and training, the BAO is primarily designed for physical reaction to crisis situations, particularly those with a terrorist element. Additional tasks include training conducted for police forces and other entities (civilians). The subject matter of training encompasses the issue of terrorist threats and counteracting them. In recent years, emphasis has also been placed on social prevention associated with raising awareness of how terrorists operate and conduct their attacks.⁴²

An Austrian initiative is significant from the perspective of the subject under discussion. That country’s efforts led to the December 23rd, 2008 Council Decision on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situation.⁴³ Under this decision, Member States can provide support to one another in crisis situations by engaging special intervention units.⁴⁴ A crisis situation here is defined as any situation in which the competent authorities of a Member State have reasonable grounds to believe that there is a criminal offense presenting a serious direct physical threat to persons, property, infrastructure or institutions in that Member State; in particular, the situations defined in Article 1(1) of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.⁴⁵ Permissible forms of

39 Red tactics is a combination of battlefield medicine with storm tactics. See: B. Serniak, D. Rogoziński, *Czerwona taktyka*, Policja 997, February 2009, p. 1.

40 M. Piekarski, *Polska: ćwiczenia w ramach ATLAS*, available at <http://www.special-ops.pl/aktualnosc/id276,polska-cwiczenia-w-ramach-atlas>, accessed 30 December 2015.

41 Structure of the National Police Headquarters, at the official webpage <http://www.info.policja.pl/inf/kierownictwo-i-struktu/struktura-kgp/86025,Struktura-Komendy-Glownej-Policji.html>, accessed 30 December 2015.

42 M. Olechnowicz, *Biuro Operacji Antyterrorystycznych KGP*, Kwartalnik policyjny, no. 1, 2015, p. 80.

43 Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations, Dz. U. L 210/73 of 6.8.2008.

44 A special intervention unit is every unit for the protection of public order in a Member State that specializes in crisis situation management. See: *Ibid.* art. 2(a).

45 *Ibid.* art. 2 (b).

assistance in joint interventions include supplying equipment, know-how, and operational engagement, including with the use of weapons.⁴⁶ The entity providing assistance is obliged to follow the law in its host state, while the inviting state bears the costs of its intervention (unless the states agree otherwise).⁴⁷

4. Conclusion

Summarizing the presented legal regulations and initiatives of the EU Member States, their general and imprecise nature should be kept in mind. This is required both by the specificities of the threat, as well as the undercover manner in which it is combatted. Additionally, Poland, as a country relatively free from such threats, does not seem to place adequate emphasis on securing mass events in this respect. The freedom of movement within the European Union, the migration crisis, and the activities of Daesh require and will likely continue to require increased engagement by security forces as well as the development of ever-newer solutions.

Key in the context of the subject matter under analysis is the issue of raising awareness among both organizers and participants of mass events. The organizer and the safety manager must recognize the importance of the role played by proper inspection of bags and clothes, specialist monitoring, and development and testing of response plans. These plans primarily involve reactions to bags left unattended, evacuation in the event of a detonation, and managing panicky crowds. Intensification of awareness-raising efforts among participants is vital, as well as a more in-depth discussion of terrorist threats in training courses for safety directors and members of both steward and information services. It would be advisable to conduct exercises at stadiums involving stewards and Police functionaries, including those from the Bureau of Anti-terrorist Operations. The selection and training of stewards is also important, as they are the first line of defense and reaction at a mass event when incidents occur. Preparation for potential terrorist threats should be given priority treatment with the full involvement of both state and private entities organizing and servicing mass events. The example of the November 2015 attacks in France demonstrates that terrorists see mass events as tempting targets, relatively soft, and efficient in creating shock and awe.

46 *Ibid.* art. 3 (1 and 2).

47 *Ibid.* art. 3 (3 and 6).

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- Bureau of Anti-terrorist Operations, available at <http://www.policja.pl/pol/kgp/biuro-operacji-antyter/atlas/41550,Unijna-grupa-zadaniowa-quotAtlasquot.html>, accessed 30 January 2015.
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- B. M. Jenkins, *International Terrorism: A New Mode of Conflict*, in: *International Terrorism and World Security* D. Carlton, C. Schaerf (eds.), Croom Helm Ltd., London 1976, cited by: K. Liedel, *Zwalczanie terroryzmu międzynarodowego w polskiej polityce bezpieczeństwa*, Wydawnictwo Difin, Warsaw 2010.
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- Rozporządzenie Rady Ministrów z dnia 30 sierpnia 2011 r. w sprawie wymogów, jakie powinni spełniać kierownik do spraw bezpieczeństwa, służby porządkowe i służby informacyjne, Dz.U. 2011 no. 183 item 1087.
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