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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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THE EUROPEAN UNION**

Brussels, 2 August 2006

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**SCH-EVAL 119
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NOTE

from :	the Republic of Poland
to :	Working Party on Schengen Evaluation
No. prev. doc. :	10473/06 SCHEVAL 101 FRONT 120 COMIX 539
Subject :	Schengen evaluation of new Member States - POLAND: report on Air Borders - Replies by Poland to additional questions put by the Belgian delegation

1. What is the nature of the cooperation of the Polish Border Guard with the Military Intelligence Service and its function in the general strategy of the Polish border management?

Cooperation between the Border Guard and the Military Intelligence Service is provided for in the Agreement between the Head of the Military Intelligence Service and the Commander-in-Chief of the Border Guard of 5 March 2004, and covers in particular:

- mutual exchange of information on investigation, prevention and detection of crime,
- providing assistance in using human, technical and logistic resources,
- mutual use of registries, IT and archival resources,
- transfer of information on incidents, situations, phenomena and persons of interest for both services,
- use of own communication equipment and telecommunication infrastructure.

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Military Intelligence Service (currently under modernisation) operate within the framework of state security authorities and is obliged to inform competent bodies/services in case of receiving information on threats against the security or integrity of the state borders (in this case it is the Border Guard).

2. *One of the main threats seen by the Polish Border Guard is the terrorist threat against airport targets and aircraft. What specific measures and means is Poland developing to counter this specific threat?*

In the field of air transport security the Border Guard precisely fulfils the tasks and obligations set out in the Act of 12.10.1990 *on the Border Guard* (Dz.U. /Journal of Laws/ of 2005 No 234 item 1997), Act of 03.07.2002 on Aviation (Dz.U. of 2002 No 02 item 1112 as amended) and Regulation of the Council of Ministers of 15.07.2003 on the *National Programme for Civil Aviation Security implementing the rules of aviation security* (Dz.U. of 2003 No 160 item 1549), as well as Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security.

Besides, the Border Guard closely cooperates with other government authorities and entities responsible for the broadly understood security issues in order to investigate and prevent terrorist threats in air transport. If a need appears, in case of radical increase of terrorist attack threat, Border Guard Posts' activities are supported by special platoons. Members of the special platoons are trained in the field of combat operations, EOD (Explosive Ordnance Disposal) inspections and security control as well as tactical and rescue actions with the use of aircraft.

3. *A special intervention team is available at Warsaw airport for reaction in case of incidents. What is the nature, force and specific ability of this intervention team and what is it's reaction capability in case of unforeseen incidents?*

A Special Intervention Team exists within the structures of the Border Guard Post (BGP) of Warszawa-Okęcie. It is part of the Flight Security Group of the Warszawa-Okęcie BGP and is directly subordinate to the head of the Group.

The Team is on duty 24 hours a day.

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Among the members of a shift there is always an EOD specialist on duty and officers of the intervention squad, who are trained in EOD and identification of bomb threats and in case of such a threat they provide direct support to the EOD specialist on duty.

There are 45 posts in the Special Intervention Team, out of which 12 are designated for EOD specialists (the present total number of officers employed in the Team /posts filled/ is 28, out of which 8 are EOD specialists).

The Special Intervention Team has specialist equipment for identification and neutralisation of explosives and explosive devices. Among the mobile devices used by the Team there are: EXPERT SRS robot, Inspector 2000 analogue screening device for checking luggage; FOX RAY electronic screening device for checking luggage. Besides, there are PIRO I and II sets, mechanical equipment, Jonoscan and Atomizer explosives vapour detector and sets of chemical substances for detection of explosives, special EOD suits.

The team is capable to react to possible threats 24 h/day. Depending on the operational situation at least one EOD specialist and up to 4 members of the intervention squad are on duty. In urgent situations it is possible to deploy more forces of the Special Intervention Team.

The most important tasks of the Team include:

1. carrying out border operations in case of illegal border crossing or escape of apprehended persons,
2. inspection of objects, cargo and luggage lost or left unattended,
3. inspection of airport terminal facilities, the apron, runways and other facilities located within the area of the border crossing point.
4. carrying out of investigation and disposal/liquidation operations in cases of sabotage or terrorist threat or other exceptional threats,
5. patrolling of the airport zones and border crossing point area in order to ensure security and public order,
6. carrying out EOD interventions in the airport and onboard of aircraft, including identification and neutralisation of dangerous objects,
7. ensuring security of VIP missions in cooperation with the Government Security Bureau, the Police and airport services,
8. escorting persons by air and escorting persons that are particularly dangerous, persons apprehended for committing major crimes.

4. *A special platoon within the structure of the Karpatski Regional Unit can be used in case of different incidents at the airport of Krakow. What is the nature, force and specific ability of this special platoon and what is it's reaction capability in case of unforeseen incidents?*

There is a special platoon within the structure of the Reserve Unit of the Karpacki BGRU in Nowy Sącz. The platoon's tasks are performed on the basis of the following ordinances of the Commander in Chief of the Border Guard: No Z-16 regulating the way of carrying out border service and performing border operations, No Z-11 on special operations and Z-55 on instructions for the BG officers taking part in EOD operations.

The Reserve Unit carries out two types of activities:

1. individual border activities in cooperation with or for Border Guard posts – such activities are directed at identifying and combating organised illegal migration and other border crimes or petty offences, in accordance with the Border Guard Act and other acts.
2. special activities (physical and tactical carrying out of intelligence and investigation cases leading to apprehension of persons); securing state events on national and international level (within the territory under the responsibility of a given BG post as well as within the territory under the responsibility of the Karpacki BGRU), including securing VIPs, special air operations (e.g. EL-AL), EOD inspection and security control, protecting of Polish aircraft within the framework of “Sky Marshall” project onboard of aircraft. The decision on use of the Reserve Unit in special operations is made by the Commander of the Regional Unit in accordance with a scheduled plan or on an *ad hoc* basis.

The forces of the Reserve Unit include:

- 3 dogs trained for detecting drugs, explosives and a trail dog,
- 3 minibuses,
- 2 cars,
- 2 Land Rover off-road cars,
- 3 motorbikes,
- in its activities the platoon can also use the W-3 Sokół helicopter belonging to the Karpacki BGRU.

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Currently there are 28 officers employed out of 35 available posts in the Reserve Unit. The officers were specially selected and they meet strict psychological and physical criteria. All officers underwent a training in combat operations, EOD inspection, and security control as well as in tactical and rescue actions with the use of aircraft. Two of the officers underwent a specialist “Sky Marshal” training in Germany, the others are prepared for such activities on a systematic basis. One of the officers is vested with the authority to be in charge of works involving explosive combat materials.

Within the structures of the Border Guard Post of Kraków Balice there is a Group for EOD and Security Control in International Transport which consists of a Team for Security Control, a Team for Specialist Control and a Team for EOD and Special Control.

The specialist equipment includes electronic, chemical and mechanical equipment designed for identification and neutralisation of explosives and explosive devices, as well as police dogs.

Besides the BGP of Kraków Balice is supported by the special platoon of the Karpacki BGRU.

Within the framework of activities aimed at prevention of committing illegal acts the Reserve Unit co-operates with the Independent Antiterrorist Police Unit in Krakow – on the basis of partnership and mutual support.

The Reserve Unit fulfils its tasks with the Kraków Balice BG Post on the basis of an agreement on Cooperation between the Reserve Unit and the BGP in Kraków Balice signed on 09.03.2006 which provides for the aim of the cooperation, legal basis, planning of special operations within the territorial competence and within the framework of intelligence and investigation cases that are carried out, control of the legality of the aliens’ stay within the territory of the Republic of Poland and providing for communications. In case of a threat the commander of the BG Post and the commanding officer of the Reserve Unit are included among the members of crisis staff and carry out the tasks set by the staff.

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Each 24 h an emergency team is appointed composed of the members of the Reserve Unit. It takes about 2 h 30 min for the team to arrive from the Headquarters of the Regional Unit to the Kraków Balice BGP by car (including getting ready the indispensable forces and resources); and in case of a flight it takes 1 h.

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