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## **An Overview of the European Union Instruments Contributing to the Internal Security of the Organization and its Member States**

### **Abstract**

European Union being a complex organization has been launched in order to increase quality of the EU citizens' life. Mainly aimed at building economic and social well-being through inclusivity and integrity processes which are regulated by the EU and its Member States [1]. The EU security is a natural and necessary condition for the postulated well-being of human kind. Therefore, the EU has been investing and regulating also internal security domain for many years now. There are several policies and instruments that were designed and implemented to meet the expectation of the 'Europe which protects'. Different EU bodies administrate many of these mechanisms, although they are aimed at achieving the same goal – EU citizens safety and security. The article presents a review on the key EU policies and instruments in order to analyze them towards their EU internal security implications. Finally, it presents overall picture of the EU crisis response logic and synergy what is the aim of the article.

**Keywords:** crisis management, crisis response, internal security, EU policy, EU instrument

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## **Przegląd instrumentów Unii Europejskiej przyczyniających się do wewnętrznego bezpieczeństwa organizacji i krajów członkowskich**

### **Abstrakt**

Unia Europejska, stanowiąc złożoną organizację, została stworzona w celu ulepszenia jakości życia mieszkańców UE. Głównym zamierzeniem jest budowanie dobrobytu gospodarczego i społecznego dzięki realizowaniu inkluzywności i integralności procesów, które

są regulowane przez UE i jej państwa członkowskie [1]. Bezpieczeństwo UE to naturalny i konieczny stan dla postulowanego dobrostanu ludzi. Tak więc od lat UE inwestowała w dziedzinę bezpieczeństwa wewnętrznego i przyjmowała stosowne regulacje. Istnieje szereg polityk i narzędzi, które zostały zaplanowane i wprowadzone w celu spełnienia wymagań „Europy, która chroni”. Różne organy UE zarządzają wieloma z takich mechanizmów, lecz mają one wszystkie na celu osiągnięcie tego samego celu – bezpieczeństwa i obronności obywateli UE. Artykuł przedstawia przegląd kluczowych polityk i instrumentów UE w celu przeanalizowania ich pod względem ich implikacji w stosunku do wewnętrznego bezpieczeństwa UE. Ponadto przedstawia ogólny opis logiki i synergii reagowania w sytuacjach kryzysowych UE, co stanowi zamierzenie niniejszego artykułu.

**Słowa kluczowe:** zarządzanie kryzysowe, reagowanie w sytuacjach kryzysowych, bezpieczeństwo wewnętrzne, polityka UE, narzędzie UE

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## **Огляд інструментів Європейського Союзу, що сприяють внутрішній безпеці організації та її держав-членів**

### **Анотація**

Європейський Союз, як складна організація, створений для підвищення якості життя громадян ЄС. В основному, вона спрямована на формування економічного та соціального добробуту через процеси інклюзивності та цілісності, які регулюються ЄС та його державами-членами [1]. Безпека ЄС – це природна і необхідна умова постульованого добробуту людини. Тому ЄС вже багато років інвестує та регулює також сферу внутрішньої безпеки. Існує декілька напрямків та інструментів, які були розроблені та впроваджені, щоб відповідати очікуванню «Європа, яка захищає». Різні органи ЄС керують багатьма з цих механізмів, хоча вони спрямовані на досягнення тієї ж мети – безпека громадян ЄС. У статті представлено огляд ключових політичних напрямків та інструментів ЄС з метою їх аналізу відносно їх впливу на внутрішню безпеку ЄС. Стаття представляє загальну картину логіки та синергії реагування на кризи ЄС, що являється метою статті.

**Ключові слова:** кризове управління, реагування на кризу, внутрішня безпека, політика ЄС, інструмент ЄС

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## Introduction

The European Union constitutes a value for all its member states and citizens. This value is prescribed by several dimensions that serve the improvement of the Europeans' quality of life [2]. Obviously, this process might be impacted by different kind of intentional and unintentional threats, rooted by natural environment (natural disasters) as well as triggered by human beings (man-made disasters, political and military crises, etc.). These threats can adversely influence the Europeans by affecting the life of individuals, their property, natural environment and critical infrastructure. Furthermore, they may also undermine the political and economic stability, development and many other values the EU is based on. Literally, that is the vital issue of the member states and the EU responsibility for provision acceptable safety and security level to its citizens. How is this done?

In today's undisputed reality, separate considerations on the internal and external security of a state, or even an international organization, could easily mislead the decision makers. Omitting the international context, in which the international organization or a state is functioning, is burdened by a cognitive methodological error [3]. This is mainly because we all are affected by so-called megatrends, such as globalization, which generate both positive and negative consequences. Globalization, modernization and progressive integration processes on a global scale have made it difficult to consider states, organizations in terms of so-called 'lonely islands' [4]. States or organizations that are not a part of a wider context, influenced by multilevel interdependencies with the outside world, do not really exist any longer. Even the politically and economically isolated North Korea succumbs to those processes, although the issue of scale is definitely smaller than in the world of the western civilization. Such a global world, interconnected by diverse social, economic, political and other interrelations on many levels, influence positively the quality of life, however, at the same time this can generate uncontrolled threats like political and military crises driven from the inside or the outside of the state/organization, e.g. by fake news, economic, cultural or cyber influence and many other 'old' and 'new' threats [5].

Moreover, for natural or man-made disasters, the international context can play a bigger role. In the first place, due to climate changes the impact of the disasters is getting more intense and severe. Secondly, the consequences of disasters do not respect administrative borders. In consequence national resources could prove to be insufficient to provide the required emergency response. In such an event a need would arise for the facilitation of this

response by other states and organizations. Therefore, working on the EU member states internal security, and the EU as a whole, without a broader international context from the state and the EU perspective can lead to an incomplete and somewhat defective analysis.

Cooperation between European states towards foundation of European internal security commenced in the 1970s. All this started in a historical context of internal and external terrorist threat to European states at that time. The first meetings in the European dimension, the so-called TREVI groups, were informal meetings comprising ministers of a few member states. They were organized ad hoc in order to find a way to strengthen cooperation to allow better response to an increasing level of terrorism threats in Europe. These ministerial meetings were held out of the formal European community organizational framework; this is quite significant for many developments in Europe, which post factum were introduced and regulated formally in the broader legal format of the EU. That type of cooperation like TREVI was mainly tailored to the internal EU threats, however, it was sometimes generated by the external sociopolitical context, like for example activation of separatist terrorist movements in Europe and out of the region [6].

Nowadays, the foundation of the EU safety and security is based on the Treaty of Lisbon, which came into force on 1 December 2009 [7]. The treaty consists of two main legal acts and namely the Treaty of the European Union and the Treaty on functioning of the European Union. These two legal acts address the key policies directly tackling the EU security aspects. These are for example:

- The area of freedom, security and justice, which is defined in the Treaty on the functioning of European Union, is mostly targeted at improving the EU internal security [8];
- There are also some other security-oriented aspects covered by the common and shared civil protection responsibility of the EU member states [9], which is materialised through the Union Civil Protection Mechanism and the Solidarity Clause;
- Furthermore, there is the Common Foreign and Security Policy (CFSP) defined in the Treaty of European Union that covers the Common Security and Defense Policy (CSDP). This policy is mainly oriented towards external EU threats, concentrating on building stable and peaceful neighborhood of the organization [10].

The above listed domains, which directly and indirectly influence the EU citizens safety and security, are realized within the framework of different policy fields. This obviously means that they are introduced and regulated in a course of different legislative procedures and executed by different EU bodies, including different EU high level politicians, e.g. commissioners [11]. With this complex political and organizational

context, what type of universal instruments has the EU at its disposal to manage crises and disasters triggered by 'old' and 'new' threats, rooted in and outside? Are those instruments coordinated in some way on the international level? Is it possible that all the safety and security policies and instruments on the EU level could effectively work together?

The article is an analytical attempt at presenting a descriptive and consistent image of key instruments functioning in the EU safety and security domain, instruments that were brought into force through the period of almost thirty years of the EU existence. To do so, there is a need for a brief historical genesis of the surveyed field that goes back to an even earlier period, while the European integration process has been framed by the EU predecessors such as the European communities [12]. There is a need for explaining and putting together the safety and security related instruments of the EU in a single consistent and logical picture offering key dependencies between them.

## **Method**

The article is based on the EU legislative framework, as well as a review and analysis of the published body of research. The key legal acts of the EU were studied to establish a common picture on the internal security regulations. Furthermore, some literature sources were selected and analysed towards finding links between different EU policies and dimensions, as well as their EU internal security implications. The findings were facilitated by the author's 15 years of experience and observations in the field of EU actions, mainly conducted by European Commission General Directorates such as DG ECHO and DG HOME.

## **Results and discussion**

Assumptions presented earlier on in this article may suggest that the EU does not really have a systematic approach to internal security. This issue is sometimes being addressed in scientific articles dedicated to the EU [13]. For example external politics of the EU, also with respect to security issues, on one hand is a general EU competence, while on the other hand in the EU regulations; it is considered to be a distinctive competence to the CFSP. This distinction of competences is not defined clearly in the EU treaties, therefore it requires deeper analysis on an operational level of the organization. The devised instruments are designed and implemented in order to fulfil the one and only

aim and namely the safety and security of the EU citizens. Therefore, the EU is challenged to define and implement common policies as well as strives to ensure a high level of cooperation in all areas of international relations (in and out of the EU), in order to, inter alia [13]:

- Protect its values, basic interests, security, independence and integrity;
- Strengthen and support democracy, legal regulations, human rights and the principles of international law;
- Maintain peace, prevent conflicts and strengthen international security in accordance with objectives and principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including objectives and principles regarding external borders, and;
- Help nations, countries and regions affected by natural disasters or man-made disasters.

The objectives formulated above are being implemented by many different types of policies and actions taken by the EU. However, the three key ones that constitute the basis for the achieving of objectives are the three listed above, and namely the 'Area of freedom, security and justice', common EU and member states measures in the field of civil protection and humanitarian aid, and last but not least the Common Foreign and Security Policy (CFSP), including the Common Security and Defense Policy (CSDP).

In the current stage, the work that has been implemented in the course of few last decades and briefly presented earlier on pertaining to the EU internal security regulations, launched by TREVI meetings, allowed the development of the 'Area of freedom, security and justice'. The area covers a broad range of instruments that facilitate the institutionalization of cooperation in the EU internal security dimension, including police cooperation, judicial cooperation in criminal matters, as well as, asylum, migration and external border control issues (including Schengen area regulations) and is mainly coordinated by the General Directorate for Migration and Home Affairs (DG HOME) [14]. In order to increase efficiency and effectiveness of measures undertaken by the member states and the EU in this specific area, the EU has established a number of agencies working on the international level. To list some of them, there is the EUROPOL, called also 'European police', which is competent to facilitate coordination between the member states' law enforcement agencies, such as Police. A further one is the EUROJUST introduced as an institution providing a platform for prosecutors cooperation. Given the creation of a free movement area there was also another EU agency launched, called FRONTEX, responsible for cooperation between border control

authorities in order to protect external EU borders. In the last few years, FRONTEX has been significantly developing, including creation of rapid intervention assets, ready to be deployed within five days from a member state's request. The resources are assigned by the EU member states to a commonly pooled and shared border control forces [16].

The idea of pooling and sharing resources between the member states is also a fundamental rule and value for another area of the EU internal security that deals with in this civil protection and humanitarian aid. This field of the EU competences has its internal and external dimension meaning that the mechanism provides civil protection assistance both to member states and to any other country in the world which requests it. In this respect the Treaty of Lisbon provides the EU a competence to complement, support or coordinate activities on international level. These measures are organized through an instrument called the Union Civil Protection Mechanism (UCPM). The system has been established in order to [17]:

- Achieve a high level of protection against disasters by preventing or reducing their potential effects, by fostering a culture of prevention and by improving cooperation between the civil protection and other relevant services;
- Enhance preparedness at Member State and Union level to respond to disasters;
- Facilitate rapid and efficient response in the event of disasters or imminent disasters;
- Increase public awareness and preparedness for disasters.

The inclusive character of the UCPM is confirmed by the fact that besides the EU member states, the system also comprises six non-EU countries (Iceland, Norway, Serbia, North Macedonia, Montenegro, and Turkey), which assigned their civil protection resources to it [18]. As has already been mentioned, those assets could be deployed not only in Europe (e.g. to facilitate the flood response in Poland in 2010 [19]) but also worldwide. The assistance could be deployed if any disaster or crisis affects the country, including terrorist attacks, and a request is submitted for assistance to the central information hub of the system, i.e. the European Emergency Coordination Centre (ERCC) in Brussels. On a strategic level UCPM is being coordinated by the General Directorate for European Civil Protection and Humanitarian Aid Operations (DG ECHO). In recent years, in order to increase the efficiency and effectiveness of the mechanism, an extra pool of civil protection assets has been established, called RescEU. The idea of this pool is that UCPM participating states, if they want to do so, assign some of their capacities to be relatively freely deployed by the ERCC. This means that the state dedicating its resources to the RescEU agrees that they would be deployed whenever the EU decides it is required, with no objection from the state owning the assets. Conversely, the countries

which decide to put some of their civil protection resources to the RescEU could count on covering the majority of the assets maintenance and operating costs. This makes a kind of win-win situation, both for the EU and the member state participating in the RescEU.

The UCPM is a system that is aligned with another security related instrument introduced by the Treaty of Lisbon – the Solidarity Clause. The regulation states that the EU and its member states act together in a spirit of solidarity if any member state becomes a subject to a terrorist attack or a victim of a natural or a man-made disaster. The EU mobilizes all instruments at its disposal, including military means, made available to it by the member states. This is done in order to support:

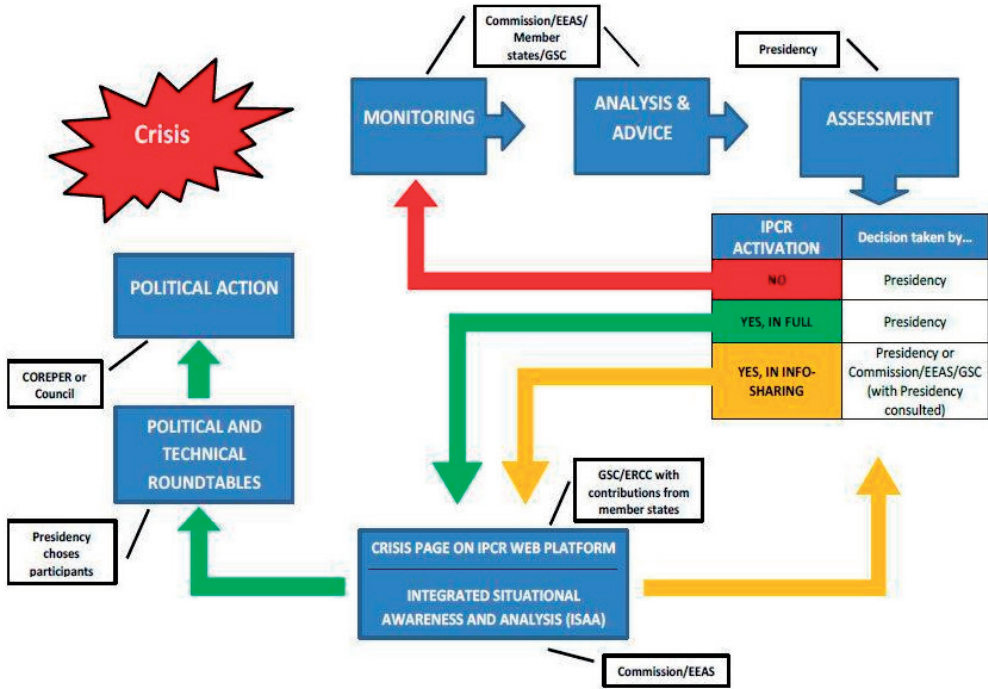
- Risk prevention;
- Protection of democratic institutions and civilians;
- Assisting a Member State in its territory at the request of its political authorities.

Practical execution of this clause could be utilized through so called EU Integrated Political Crises Response Arrangements (IPCR) launched in 2013 [20]. The IPCR is an instrument that may lead, although not necessarily, to the application of the aforementioned Solidarity Clause. It should be noted that IPCR is activated in case of an exceptionally serious crisis, when other mechanisms and instruments available at the national and EU level are unable to take control over the development of particular situation. IPCR reinforces the EU ability to make decisions when faced by a major emergency, including a conflict, requiring response on strategic political level [21]. Therefore, there is a strong need for a clear and direct link to other instruments, bridging all them across on operational level. This role is covered by the Emergency Response Coordination Centre (ERCC), working 24/7, and being the central contact point also for the IPCR. ERCC liaisons with crucial stakeholders in respect to safety and security issues. It also performs monitoring and alerting functions, not only for the UCPM, but also for IPCR purposes. Figure 1 presents the IPCR scheme of decision making process.

IPCR arrangements introduce a set of different instruments, logically connected in the sense of decision making process flow. However, before activation of the mechanism certain pre-phases need to be executed. One of them is ‘monitoring mode’ which lets the key EU actors, like e.g. the European Commission (EC), the European External Action Service (EEAS), member states, General Secretariat of the Council (GSC), collect information pertaining to a crisis that are shared by the states or any type agency on a voluntary basis. This measure is taken in order to generate possibly objective, at that time, commonly shared picture of the crisis. For this purposes there is a monitoring ‘web platform’ activated, which by gathering data allow their further



analyses, and facilitate the search for advice on the surveyed crisis as well as making assessments on up-coming steps towards the crisis mitigation.



**Fig. 1. IPCR arrangements scheme**

Source: Pappalardo L., European Commission, DG HOME, presentation on Managing the migration crisis. How statistics can help, Brussels, 13 March 2017

In case the crisis is assessed as one that requires consultations on the strategic political level, the country holding the EU Presidency is a competent authority to take a decision on activating the IPCR, regardless whether the crisis as such or its roots are inside or outside the EU. The decision could be triggered by the EU Presidency as such or as an effect of a member state request. There is one exception from this rule in which the EU Presidency decision can be replaced by the European Commission (EC) and/or the European External Action Service (EEAS) and/or General Secretariat of the Council (GSC) for activation in information sharing mode, however, still requiring the EU Presidency consultation. This mode obliges the EC and the EEAS, depending on the nature of the crisis, to produce ‘Integrated Situational Awareness and

Analyses' reports aimed at providing most relevant and complete, commonly agreed picture of the crisis. ISAA production is obviously supported by the informational and coordination hub which is the ERCC. Moreover, while the IPCR is activated there is a dedicated 'crisis page' launched on the IPCR 'web platform' by the GSC that facilitates the exchange of information (incl. ISAA reports), situational maps and other involved actors' contributions. However, the full mode activation by the EU Presidency generates more straightforward results and gives more visibility to the EU response. The full mode enables the organization of extraordinary meetings of the Council of the EU or the European Council. Those meetings are aimed at preparation of decisions for concrete actions to be taken towards the crisis on EU level. The decisions are discussed during 'roundtable meetings' and later on presented to the Committee of Permanent Representatives of the member states to the EU (COREPER) and the Council as such. Roundtables are informal meetings led by the EU Presidency. Their goal is to facilitate the EU Presidency by providing the best possible expertise on decision making. This is done by gathering key stakeholders in the process, such as the EC, the EEAS, the Cabinet of the President of the European Council, relevant EU agencies as well as experts from the affected member state and cooperating international organization [22].

The recent 'refugee crisis' has shown that the EU internal security can be highly impacted by phenomena being a consequence of instability in foreign, even remote regions and states. It leads us to the purely international context of the EU security. There is another EU policy in place ready to mitigate this type of threats and crises. The Constitution of the EU Common Foreign and Security Policy (CFSP) has been launched by the process called the European identity of security and defense. It is primarily a policy oriented outside the EU [23]. The CFSP main objectives are:

- safeguarding its values, fundamental interests, security, independence and integrity;
- consolidating and supporting democracy, the rule of law, human rights and the principles of international law [24].

The EU competence in this field covers all areas of foreign policy and issues regarding EU external security, including the gradual definition of a common defense policy that can lead to common defense. It is subject to specific rules and procedures, and is to be defined and implemented by the European Council and the EU Council acting unanimously, unless the treaties provide otherwise. What is important is the adoption of legislative acts in this regard. The CFSP is performed by the EU High Representative for Foreign Affairs and Security Policy in close cooperation with the Member States. As part of the principles and objectives of its external actions, the EU

maintains, defines and implements the CFSP, based on the development of mutual political solidarity between states, identifying issues of general interest and achieving the degree of convergence of its activities. The EU conducts the CFSP through:

- defining general guidelines and adopting decisions, defining actions, political positions and rules for the implementation of these decisions;
- strengthening systematic cooperation between Member States in the conduction of their policies.

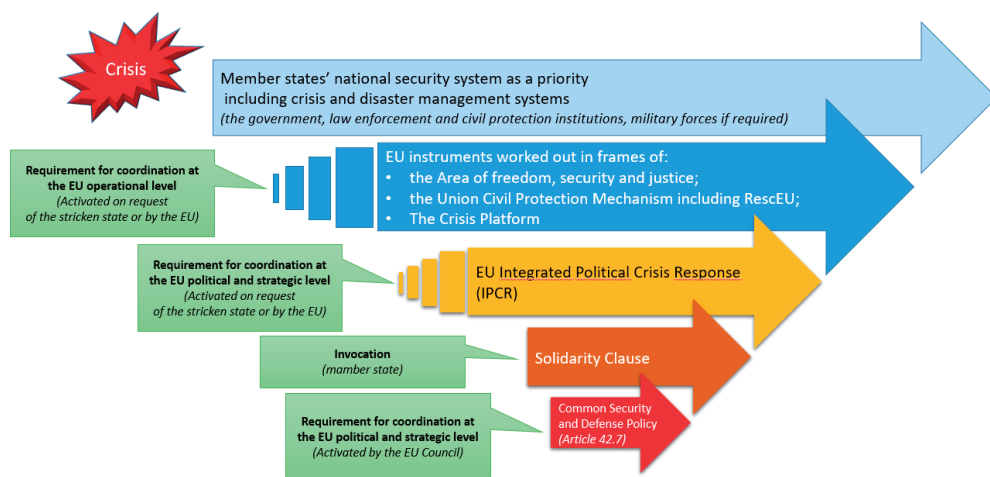
Moreover, under the CFSP, the EU develops the Common Security and Defense Policy (CSDP), which might lead to setting up an EU army, however, it seems to be a remote future, if any. Under the CFSP, the EU created a political and organizational capacity to implement the so-called ‘Petersberg Missions’ [25], which according to the United Nations terminology would mean political and military missions, conducted in the close proximity of the EU borders. The CFSP foresees that following missions could be executed if necessary:

- Armed missions for crisis management, including peace-keeping missions and post-conflict stabilization operations;
- Conflict prevention and peace-keeping missions;
- Military advice and support missions, and;
- Joint disarmament operations.

A key element of the CSDP, achieved by the EU and reflected in the Treaty of Lisbon, is the article 42 point 7, which says that if a member state is a victim of an armed aggression on its territory, the other member states are obliged to provide aid and assistance with all the means they have available. By the way, this article reflects, to some extent, the famous article 5 on common defense under the North Atlantic Treaty Organization (NATO) introduced by the Washington Treaty establishing the organization. Therefore, commitments and cooperation in this respect should be aligned with the measures taken by the NATO [26]. Defense strategies of both organizations need to be consistent and coherent given the fact that most of the associated states are members of the EU and the NATO. Furthermore, the NATO and the EU dispose national military capacities of their member states, literally for most of the EU states it might be the same assets. This suggests that logical maintaining of both defense policies in strong political and organizational proximity is crucial and clearly required.

As discussed above there is a common logic in and linkage between the EU instruments related to the safety and security of the organization and its member states. Figure 2 presents a concept of a hierarchical and scalable logic of the EU crisis response

*modus operandi*. On the basis of international and national regulations it must be highlighted that the priority responsibility for safety and security is placed on the state. This is the crucial matter of the sensitive sovereignty of each country. Therefore, the affected state will react as the first to the crisis, however, it can count on support from the EU provided in a form of some concrete instruments such as UCPM and IPCR. These instruments are being launched consecutively to the reaction of the afflicted country, and always on its request, or at least with its commitment.



**Fig. 2. The EU crisis continuum scheme**

Source: own elaboration based on T. Meziani, Political/Strategic Crisis Management at EU level, 3rd Workshop on Strategic Crisis Management, Geneva, 12–13 June 2014

The broad spectrum of the EU instrumentation for crisis response is preceded by much softer mechanisms that are focused on preventive measures. These are primarily political (e.g. EEAS) and socio-economic (EU development aid) instruments. All these EU policies and instruments compensate each other and form quite a complete, but also flexible, system that can effectively serve towards building the EU security in internal and external context.

## Conclusions

The EU builds its internal security, and the security of its member states, by adopting an inclusive approach towards the member states and other cooperating agencies, states,

organizations. Furthermore, it is endeavouring to create favourable conditions for cooperation with third countries, as well as supporting processes aimed at strengthening stable democracies around the EU, or at least in its close proximity. These policies stabilize the European region, and in such a way have a direct impact on security within the EU. To do that the EU has different kind of instruments at disposal. These instruments could be launched in a proportional manner, adequately to a specific threat exposition. In addition, implementing one of the instruments does not exclude having the other one launched as well, working in parallel and achieving a synergy effect. This brings also some flexibility to the system which enables it could respond to different type of threats at the same time.

The EU is well equipped in a set of instruments that significantly contribute to the safety and security levels of its member states and the organization as such. This mechanism could facilitate public order, civil protection and even military efforts of each member state in case of facing such a crisis. Although there are different instruments, coordinated by different EU bodies, there is a common vision, logic and possibility that all these mechanisms can effectively work together. Although in many cases the instruments are structured as separate mechanisms, they are being effectively bridged across by informational and coordination hubs e.g. the ERCC, which constitute solid links and enable the achievement of the synergy effect of the response. The proposed concept visualizes the key assumptions for this type of process.

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