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## **ADMINISTRATIVE AND LEGAL DIMENSION OF THE POLICE COOPERATION WITH INTERNATIONAL ENTITIES**

### **Introduction**

The police, like a number of other police units, undertakes complex but socially important tasks, aimed at ensuring the level of security. Its main role is to protect people from illegal activities that undermine their right to life, health or safety. The aim is also to maintain a state of peace and public order in the whole country. Thus, it takes care of a number of values that are extremely important not only for individuals, but also for entire social groups. It is characterized by a great variety of tasks assigned to it and a presumption of competence in matters of public safety and order. Therefore, it can be said that despite being classified as a special administration in the aforementioned matters, it becomes a body with general competence.

It is also noteworthy that it uses a variety of operational forms and methods that result from the provisions of generally applicable law. The nature of protected values causes that the basic form of its activity is the ruling legal function. In practice, the forms provided for the entire public administration are used, as well as the specific ones, the application of which is within the competence of uniformed services or the Police. They are increasingly used as an auxiliary or main form, which are referred to as non-executive functions. In this respect, the cooperation and collaboration of the Police with other entities, which are sometimes undertaken on the basis of statutory authority, but often result from the need for joint action in a specific area, are of great importance.

This unit mainly cooperates with public administration, social organizations and private administration entities. For many years numerous forms of international cooperation with services and other organizations working for the benefit of security have been undertaken. For this reason, at the beginning of deliberations, a hypothesis was adopted that the contemporary Police is not able to act

effectively and efficiently without cooperation with foreign entities. In order to verify this assumption, it is necessary to analyse the importance of the Police's international cooperation and to point out its main elements. A short analysis of historical and legal conditions of international cooperation of the Polish Police will also be helpful in this respect.

### **The origins of international cooperation**

Opinions on the beginnings of the international Police cooperation are not unanimous, but it seems that, in the opinion of most researchers, this cooperation has its roots in the 19th century. As early as 1888, Austria, Belgium and the Netherlands concluded an agreement providing for the exchange of information on criminals on their territory – the beginning of police cooperation<sup>1</sup>. This agreement could be the beginning and synonym for implementing the concept of European police cooperation. The post-war conflict period, which was the First World War, seems to be a significant time.

After the end of the First World War, the International Criminal Police Commission was established in order to become the predecessor of Interpol<sup>2</sup>. Its beginnings date back to 1914, when the International Criminal Police Congress was held in Monaco. In 1923, the International Criminal Police Commission was established in Vienna and since 1956 has been acting as the International Criminal Police Organization. Interpol, the International Criminal Police Organization, is now the world's largest international police organization<sup>3</sup>. Poland's cooperation with this organization began from its establishment and lasted until 1952, when there was a break in contacts. Poland's re-entry took place on 27 September 1990, and eight years later the Polish Interpol Office was transformed into the International Police Cooperation Office<sup>4</sup>.

In the 70s of the 20th century there was an intensification of criminal activities, in particular acts of terrorism. A very serious problem was the growing organized crime, drug trafficking and "money laundering". Therefore, there were three main forms of international criminal activity which forced Western European countries to try to combine their efforts for combating them<sup>5</sup>. On 29 June 1976 in Luxembourg, the organization TREVI was established by representatives of the EEC countries to exchange experiences, police officers and a range of information

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<sup>1</sup> A. Misiuk, A. Letkiewicz, M. Sokołowski, *Policje Unii Europejskiej*, Warszawa 2011, p. 152.

<sup>2</sup> M. den Boer, *Rozwój współpracy policji: rys historyczny* [in:] *Układ z Schengen: współpraca policji i organów sprawiedliwości po Maastricht*, ed. J. Beczała, Łódź 1998, p. 34.

<sup>3</sup> M. Chrzanowski, *Interpol – rola organizacji międzynarodowych we współczesnym świecie*, „Studenckie Zeszyty Naukowe” 2009, No. 19, p. 86.

<sup>4</sup> *Ibidem*, p. 92.

<sup>5</sup> M. den Boer, *Rozwój współpracy...*, pp. 34–35.

on terrorist acts. Over the years it has undergone numerous changes, extending the scope of cooperation to e.g. organized crime, drugs, public order problems, and immigration issues. Within the TREVI police cooperation, means of communication have been established, national meeting centres have been set up, information exchange and cooperation on combating terrorism and serious crime, civil aviation and nuclear safety, natural disasters, police techniques and equipment have been intensified, and liaison officers and police officers have been exchanged<sup>6</sup>. The TREVI group, acting as an informal organization, existed until the Treaty on European Union entered into force on 1 November 1993.

Under the Maastricht Treaty, the European Drugs Unit (EDU) was established in 1992 to support the fight against drug crime and “money laundering”. It was the precursor of the European Police Office – Europol, which was established on its basis in July 1999. Poland became a member of Europol on 1 November 2004, which was related to its accession to the European Union. The aim of this organization is to increase the effectiveness of competent authorities of the Member States and cooperation between them in preventing and combating serious international organized crime and terrorism<sup>7</sup>.

In 1985 the Schengen Agreement was signed, in 1990 the Convention implementing the Schengen Agreement, and the entry into force of the provisions of the Agreement and the Convention took place on 26 March 1995<sup>8</sup>. The Schengen Agreement is strictly related to European cooperation, which in combination with the principle of free movement of persons is a driving force for police cooperation. It is worth mentioning here the Schengen Information System, which is a collection of a number of data used by authorized entities, such as the Border Guard or the Police. The SIS is part of a whole range of compensatory (so-called “back-up”) measures aimed at counterbalancing the negative effects of the abolition of border controls between the countries that have signed the Schengen Agreement<sup>9</sup>.

The issue of cooperation within the public administration bodies gained a new dimension with the accession of Poland to the European Union. At that moment, the issue of cooperation of Polish authorities with EU bodies appeared, especially with the European Commission, as well as with bodies of other EU member states<sup>10</sup>. In this respect, the Polish Police could not remain passive, as a modern European police unit should undertake cooperation with European Community entities.

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<sup>6</sup> A. Misiuk, A. Letkiewicz, M. Sokołowski, *Policje Unii Europejskiej*, pp. 154–155.

<sup>7</sup> *Ibidem*, p. 156.

<sup>8</sup> M. den Boer, *Rozwój współpracy...*, p. 39.

<sup>9</sup> M.Th. Ford-Clasen, *System informacyjny Schengen (SIS)* [in:] *Układ z Schengen: współpraca policji i organów sprawiedliwości po Maastricht*, ed. J. Beczała, Łódź 1998, p. 61.

<sup>10</sup> J. Zimmermann, *Prawo administracyjne*, Warszawa 2012, p. 153.

## Forms of international cooperation

In order to carry out the tasks assigned to it by normative acts, the Police use a whole range of operational forms and methods that are allowed by law. A specific area of activity is the international cooperation of the Police, which takes place in forms that are specific and adapted to sometimes complicated conditions. The basis for cooperation with police forces of other countries and their international organizations, as well as with bodies and institutions of the European Union is to a large extent the Act on the Police, international agreements and settlements and other legal regulations. International Police cooperation is carried out on the basis of governmental and departmental legal acts, as well as documents enabling local cooperation in border areas<sup>11</sup>.

The Police Chief Commander, using the statutory delegation included in Art. 7(1)(2) of the Act on the Police, which grants him the right to determine the methods and forms of performing tasks by individual police services, to the extent not covered by other provisions issued on the basis of the Act, regulated the issue of the international Police cooperation in an act of internal management. Ordinance No. 92 of the Police Chief Commander of 29 January 2010 on the organization and implementation of international undertakings specified methods and forms of organization and implementation of international undertakings by the Police<sup>12</sup>.

When analysing regulations related to international activities, first of all it is necessary to indicate the entities authorized to carry out such activities, which are the heads of organizational units of the Police Headquarters and organizational units of the Police. Their task is to organize and implement international undertakings, taking into account the directions of international cooperation defined by the Police Headquarters.

The above mentioned normative act clearly distinguishes between operational and non-operational police cooperation. Referring to the operational Police cooperation – this should be understood as activities of the Police related to the performance of operational, exploratory or investigative activities within the international police cooperation<sup>13</sup>. Operational cooperation includes primarily the exchange of information through:

- The Schengen Information System (SIS) and the National SIRENE Office (for the Schengen States),
- EUROPOL (European Police Office, operating only within the EU),
- INTERPOL (a police organization to assist law enforcement authorities in the fight against all forms of crime),

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<sup>11</sup> B. Hołyst, *Policja na świecie*, Warszawa 2013, p. 1133.

<sup>12</sup> Dz.Urz. KGP 2019, Item 2.

<sup>13</sup> § 1, Section 3, Item 5 of the Ordinance No. 92 of the Police Chief Commander of 29 January 2010 on the organization and implementation of international projects.

- cooperation within the network of Polish Police Liaison Officers operating in several countries of the European Union and selected non-EU countries, as well as cooperation with foreign liaison officers accredited in Poland,
- direct access to police databases (missing and wanted persons, dactyloscopic cards, DNA profiles, stolen vehicles and documents etc.)<sup>14</sup>.

In turn, non-operational Police cooperation includes activities of the Police, other than those related to carrying out operational, exploratory or investigative activities as a part of international police cooperation<sup>15</sup>. It is aimed at developing methods, forms and legal basis for operational police cooperation, i.e. preparation for actual activities<sup>16</sup>. Non-operational cooperation consists in creating EU law and learning about legal solutions and regulations applicable in other countries, as well as establishing contacts with police representatives of other countries. In carrying out non-operational cooperation, the Polish Police obtains EU funds, access to technology and the most modern specialist equipment. Non-operational cooperation also involves exchange and training cooperation with other police institutions from EU Member States and through such EU agencies and bodies as the CEPOL European Police Academy (Collège Européen de Police)<sup>17</sup>. The activity of the Polish Police on the international arena is also expressed through participation in foreign peacekeeping missions.

According to B. Hołyst, “the current system of the Police cooperation from various European countries is sometimes referred to as a patchwork. Three main planes can be distinguished:

- 1) macro – at the level of which international agreements are established and actions are taken to harmonize criminal law,
- 2) mezo – concerning organizational structures, practice and taking actions by police services,
- 3) micro – covering research on specific crimes, as well as preventing and combating specific forms of crime”<sup>18</sup>.

The international Police cooperation is mainly based on a number of contacts with various organizations and entities which vary in terms of their objectives and tasks. There are different planes and areas of activity undertaken in the cooperation, and it is characterized by striving to achieve specific effects in the issues of public safety and order. For this reason, it seems important to briefly describe the entities with which the Police cooperate.

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<sup>14</sup> More: <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/72445,Wspolpraca-miedzynarodowa.html> (27.02.2020).

<sup>15</sup> § 1 Section 3 Item 7 of the Ordinance No. 92 of the Police Chief Commander of 29 January 2010 on the organization and implementation of international projects.

<sup>16</sup> B. Jaworski, *Pozycja prawna Komendanta Głównego Policji jako centralnego organu administracji rządowej*, Rzeszów 2016, p. 310.

<sup>17</sup> <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/72445,Wspolpraca-miedzynarodowa.html> (27.02.2020).

<sup>18</sup> B. Hołyst, *Policja na świecie*, p. 1131.

## Entities and areas of cooperation

When analysing the international cooperation of the Police, it is necessary to indicate what the doctrine of cooperation is, and what collaboration is. These concepts have broad and sometimes identified meanings. Cooperation is understood as collaboration consisting in coordination of implemented undertakings and functions established within the division of work<sup>19</sup>. Collaboration is a kind of bond connecting entities that are not organizationally related and independent from each other<sup>20</sup>. This term is most often understood as various types of relations taking place between individuals and social groups acting collectively, in an organized manner, while pursuing common goals<sup>21</sup>.

The authorization to cooperate within the public administration system may be of a general or detailed nature, the convergence of objectives and tasks as well as general political and legal basis is sufficient to establish cooperation<sup>22</sup>. The structure of the international Police cooperation results from legal conditions, often from substantive law provisions, and bilateral and multilateral agreements concluded. The scope of the international Police cooperation includes cooperation between the Polish Police and international police organizations; cooperation with police forces of other countries<sup>23</sup>.

The dominant act relating to international cooperation is the Act of 6 April 1990 on the Police<sup>24</sup>. Art. 1(2) of the Act of 6 April 1990 on the Police provides for basic tasks of the Police, which include the following “cooperation with police forces of other countries and their international organizations, as well as with European Union bodies and institutions on the basis of international agreements and settlements and separate regulations”<sup>25</sup>. In carrying out this task, the Police cooperates with numerous organizations such as Interpol, Europol, CEPOL, and also creates the so-called “common contact points” or designates liaison officers.

As an international organization, Interpol operates in 194 countries around the world, and its main goal is to help law enforcement authorities of individual countries in the fight against all forms of crime. The legal basis for Interpol’s

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<sup>19</sup> B. Kożuch, *Cele i korzyści współpracy organizacji publicznych i pozarządowych* [in:] *Wpływ przemian cywilizacyjnych na prawo administracyjne i administrację publiczną*, eds. J. Zimmermann, P.J. Suwaj, Warszawa 2013, p. 345.

<sup>20</sup> M. Stahl, *Zagadnienia ogólne* [in:] *System Prawa Administracyjnego*, Vol. VI: *Podmioty administrujące*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warszawa 2011, p. 82.

<sup>21</sup> B. Kożuch, *Cele i korzyści...*, p. 345.

<sup>22</sup> M. Stahl, *Zagadnienia ogólne*, p. 82.

<sup>23</sup> Z. Nowakowski, M. Pomykała, K. Rajchel, H. Tokarski, *Struktura organizacyjna Policji* [in:] *Administracja bezpieczeństwem i porządkiem publicznym ze szczególnym uwzględnieniem prawnych i organizacyjnych aspektów Policji*, ed. K. Rajchel, Warszawa 2009, p. 195.

<sup>24</sup> Dz.U. 2019, Item 360.

<sup>25</sup> Art. 1 Section 2 Item 7 of the Act on the Police.

operation is the Statute passed in 1956. Other important documents regulating its work include General Regulations, Information Processing Regulations, Standards of Interpol National Offices Operation and Financial Regulations<sup>26</sup>. The Statute of the International Criminal Police Organization – Interpol, was adopted in Vienna on 13 June 1956 and published in the Journal of Laws (pol. Dziennik Ustaw) of 2015<sup>27</sup>. The Government Statement of 24 September 2015 on the Statute of the International Criminal Police Organization – Interpol is a supplement<sup>28</sup>.

Interpol consists of bodies, among which the most important is the General Assembly, composed of representatives of each member. It takes all decisions concerning the organization's policy, finances, methods of operation and activity. Another is the Executive Committee, which consists of thirteen members, the President, three vice-presidents and nine delegates representing four regions (Africa, America, Asia and Europe). The bodies also include the General Secretariat located in Lyon, headed by the Secretary General. The Secretariat has six regional offices in Argentina, El Salvador, Kenya, Ivory Coast, Zimbabwe, Thailand and a United Nations liaison office in New York. There are National Offices in each Member State. They are contact points for the Secretariat and other members when they need assistance in the fight against cross-border crime and the location and detention of fugitives<sup>29</sup>. In Poland, the National Office is located in the Office for International Police Cooperation of the Police Headquarters.

The internationalization of crime makes coordination among different actors crucial in maintaining a global security architecture. As Interpol is a global organization, it can provide this platform for cooperation; enabling the police to cooperate directly with their counterparts, even between countries that do not have diplomatic relations<sup>30</sup>. The organization also offers its members very broad opportunities for the Police cooperation in the fight against and prevention of crime. The Polish Police uses among others a modern ASF (Automated Search Facility) system, which includes police data on stolen motor vehicles and works of art<sup>31</sup>.

Thanks to cooperation with Interpol, the Polish Police has the following:

- 24/7 access to Interpol's IT resources, containing data on wanted and missing persons, stolen vehicles, documents and works of art, as well as specialized information on international criminal activities,

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<sup>26</sup> <http://isp.policja.pl/isp/aktualnosci/7811,Statut-Miedzynarodowej-Organizacji-Policji-Kryminalnej.html> (26.02.2020).

<sup>27</sup> Dz.U. 2015, Item 1758.

<sup>28</sup> Dz.U. 2015, Item 1759.

<sup>29</sup> More: <https://antykorupcja.gov.pl/ak/import/institucje-zaangazowane/3681,Interpol-Miedzynarodowa-Organizacja-Policji.html> (26.02.2020).

<sup>30</sup> <https://www.interpol.int/Who-we-are/What-is-INTERPOL> (26.02.2020).

<sup>31</sup> M. Śmigasiewicz, E. Zalewska, *Współpraca w ramach Interpolu* [in:] *Współczesny wymiar funkcjonowania Policji*, eds. B. Wiśniewski, Z. Piątek, Warszawa 2009, p. 72.

- liaise with the criminal services of the police forces of all Member States in order to obtain the necessary information, as well as to provide it for the criminal services of other countries to initiate concrete actions<sup>32</sup>.

Polish police officers improve their skills and raise their knowledge during trainings and conferences organized by this organization. The Polish Interpol office has become a central centre for international police information exchange<sup>33</sup>. This expertise provides support at national level in the fight against crime in three key areas: terrorism, cybercrime and organized crime.

Similar issues are covered by Europol, but its impact is related to the 27 countries of the European Union and cooperation with partner countries. Europol's mission is to support Member States' law enforcement authorities in combating serious crime and terrorism<sup>34</sup>. Europol, like Interpol, is a huge database aimed at facilitating and accelerating information exchange and intelligence<sup>35</sup>. It is based on Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for the Cooperation of Law Enforcement Agencies (Europol), replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA<sup>36</sup>.

Europol is headed by an Executive Director, who is the legal representative of Europol and is appointed by the Council of the European Union. The current Europol Executive Director is Catherine De Bolle, who took up this position in May 2018. She is assisted by three Deputy Executive Directors: Wil van Gemert – Operational Directorate; Jürgen Ebner – Management Directorate; Luis de Eusebio Ramos – Capability Directorate. On 1 May 2017, following the entry into force of the new Regulation, Europol officially became the European Union Agency for law enforcement cooperation. Europol employs more than 1 000 staff members, 220 Europol liaison officers and around 100 criminal analysts who support more than 40 000 international investigations annually<sup>37</sup>. The Polish Europol Office has also been concentrated in the International Police Cooperation Office of the Police Headquarters.

As a platform for cooperation between police, customs, border protection and partly special services, Europol has a multiagency character<sup>38</sup>. It functions as: a support centre for law enforcement operations; a centre for information on

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<sup>32</sup> M. Gierach, *Poziomy międzynarodowej współpracy policyjnej w kontekście realizacji w zakresie wspólnych działań [in:] Policja w sytuacjach kryzysowych. Współpraca transgraniczna w ramach Trzeciego Pilaru Unii Europejskiej*, Białystok 2006, p. 49.

<sup>33</sup> I. Gawłowicz, M.A. Wasilewska, *Międzynarodowa współpraca w walce z przestępczością (międzynarodowe trybunały karne, Interpol)*, Szczecin 2004, p. 131.

<sup>34</sup> T. Safjański, *Europejskie Biuro Policji Europol. Genewa, główne aspekty działania, perspektywy rozwoju*, Warszawa 2009, p. 62.

<sup>35</sup> I. Gawłowicz, M.A. Wasilewska, *Międzynarodowa współpraca...*, p. 129.

<sup>36</sup> EU Official Journal 2016, No. L 135/53.

<sup>37</sup> More: <https://www.europol.europa.eu/about-europol> (26.02.2020).

<sup>38</sup> T. Safjański, *Europejskie Biuro...*, p. 69.



criminal activities; and a centre of expertise in law enforcement. It undertakes operational activities that focus in particular on combating: drug trafficking, human trafficking, facilitating illegal immigration, cybercrime, intellectual property crime, cigarette smuggling, euro counterfeiting, VAT fraud, money laundering and asset tracking, mobile organized crime groups, terrorism.

The most important institutions dealing with the Police cooperation in Europe include CEPOL – the European Union Agency for the Law-Enforcement Training. It is one of the European Union institutions that aims to optimize cooperation between the police training centres of the EU Member States and develops, implements and coordinates training for law enforcement officers. It contributes to making Europe safer by facilitating cooperation and knowledge sharing between law enforcement officials from EU Member States and, to some extent, from third countries, on issues arising from the EU's security priorities; in particular, cooperation and information exchange within the EU policy cycle on serious and organized crime<sup>39</sup>.

The most recent legal basis for the CEPOL's operation entered into force on 1 July 2016, Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for the Development of Law-Enforcement Training (CEPOL)<sup>40</sup>. Pursuant to Art. 6(1) of this Regulation, "each Member State shall establish or designate a national unit which shall act as a liaison body with the CEPOL in the network of national training institutes for the training of law-enforcement personnel in the Member States. The CEPOL National Unit located in the Department for the Coordination of Non-Operative Cooperation BMWP KGP deals with all cooperation within the CEPOL, including among others the coordination of in-service training activities within the country, coordination of the exchange programme, recruitment of national participants in training activities organized outside the Republic of Poland, maintaining contact with the CEPOL Secretariat, Member States and third countries, EU agencies and institutions, security bodies in the Republic of Poland, developing and giving opinions on projects and positions, promoting the CEPOL training offerings, advising on current practice and procedural requirements"<sup>41</sup>.

One of the most important forms of cooperation within the CEPOL are training courses organized in cooperation with individual Member States, focusing on issues of a pan-European nature, which are of key importance to the CEPOL and aimed primarily at raising awareness of European police cooperation<sup>42</sup>. Poland

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<sup>39</sup> More: [www.europarl.europa.eu/factsheets/pl](http://www.europarl.europa.eu/factsheets/pl) (27.02.2020).

<sup>40</sup> EU Official Journal 2015, No. L 319/1.

<sup>41</sup> More: <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/cepol/51106,CEPOL-Agencja-Unii-Europejskiej-ds-Szkolenia-w-Dziedzinie-Scigania.html> (27.02.2020).

<sup>42</sup> B. Wiśniewski, *Współpraca w ramach Unii Europejskiej* [in:] *Współczesny wymiar funkcjonowania Policji*, eds. B. Wiśniewski, Z. Piątek, Warszawa 2009, p. 83.

organizes training projects on combating the most dangerous crime, such as organized crime and drugs, as well as on social prevention.

Referring to the administrative and legal dimension of police cooperation, it is important not to forget about activities related to the functioning of Poland in the Schengen area and the use of its IT system. Since 9 April 2013, a modern second generation Schengen Information System (SIS II) has been operating, which enables the processing of more data and the use of new functionalities.

The basis for establishment of the second generation Schengen Information System (SIS II) are two documents issued under Title VI of the EU Treaty, i.e. Regulation (EC) No. 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)<sup>43</sup> and Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)<sup>44</sup>. The Regulation and the Decision replaced Art. 92–119 of the Convention implementing the Schengen Agreement as well as decisions and declarations of the Schengen Executive Committee on the SIS. The provisions of the Schengen acquis and the Community law on the SIS were implemented into the Polish legal order by the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System<sup>45</sup>. The Act defines the principles and manner of implementation of the Republic of Poland's participation in the Schengen Information System and the Visa Information System, including the duties and powers of the authorities to issue alerts and to access data contained in the Schengen Information System and the Visa Information System via the National Information System (KSI)<sup>46</sup>.

Poland's full legal capacity to operate in the Schengen Information System has been possible since 21 December 2007, when it joined the Schengen area. Therefore, the Police cooperation in this area mainly concerns cross-border Police cooperation and participation, as well as the use of the Schengen Information System (SIRENE)<sup>47</sup>. It includes measures to facilitate the maintenance of public security and order after the removal of border controls<sup>48</sup>. The main instruments of the Police cooperation in this area are cross-border hot pursuit and cross-border surveillance. The tasks of the SIRENE Office are carried out by: Section of the 24-hour International Flow of Information Service in the International

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<sup>43</sup> EU Official Journal 2006, No. L 381/4.

<sup>44</sup> EU Official Journal 2007, No. L 205/63.

<sup>45</sup> Dz.U. 2019, Item 1844.

<sup>46</sup> Art. 1 of the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System.

<sup>47</sup> B. Wiśniewski, *Współpraca w ramach...*, p. 85.

<sup>48</sup> P. Wawrzyk, *Współpraca policyjna a systemem informacyjnym Schengen II*, Warszawa 2008, p. 41.

Information Exchange Coordination Division and by the International Search Coordination Division of the Office for International Police Cooperation KGP<sup>49</sup>.

The most important role in this level of international cooperation is played by Liaison Officers accredited by particular countries, who are intermediaries between law enforcement agencies of cooperating countries<sup>50</sup>. The Police Liaison Officer is a Police officer accredited to the Polish diplomatic post on the basis of the agreement on the rules of functioning of the positions of the Police and the Border Guard Liaison Officers in foreign posts of the Republic of Poland concluded in Warsaw on 24 March 2016 between the Minister of Foreign Affairs and the Minister of Internal Affairs and Administration.

The basic tasks of police liaison officers include:

- maintaining in the country of secondment ongoing contact with representatives of the services of the Central Police Unit, in particular: service for the fight against organized crime, fight against crime, economic crime, investigation service, as well as with the Interpol National Office, the Europol National Unit, the SIRENE Office and other liaison officers,
- inspiring and participating in the preparation of joint undertakings, e.g. coordinated operations in the border regions of Poland and accreditation countries,
- coordinating legal assistance provided by the police-militia of the accreditation countries to the Polish Police,
- exchange of information on the activities of other police departments in order to strengthen mutual cooperation<sup>51</sup>.

At present, the Polish Police has liaison officers in the following 11 countries: Russian Federation, Ukraine, Federal Republic of Germany, Republic of Belarus, French Republic, Kingdom of Spain, Great Britain, Republic of Turkey, Kingdom of Norway, Hungary, Italian Republic. Liaison officers are supported and coordinated by the Liaison Officers Team of the Department of Foreign Missions and Liaison Officers of the International Police Cooperation Office of the Police Headquarters.

An indispensable element of international cooperation of the Polish Police is the peacekeeping missions carried out by police officers in various countries. Peacekeeping missions/observation missions/crisis management operations are one of the tools available to the international community aimed at conflict resolution and prevention of civil wars in unstable regions. They are also used to rebuild the damage caused by conflict and to ensure free and fair elections or referendums<sup>52</sup>. Peacekeeping missions are one of the forms of the international Police

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<sup>49</sup> More: <http://www.policja.pl/pol/sirene/polskie-biuro-sirene/57660,O-nas-czyli-jak-powstala-polska-komorka-SIRENE.html> (27.02.2020).

<sup>50</sup> M. Gierach, *Poziomy międzynarodowej współpracy...*, p. 50.

<sup>51</sup> More: <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/oficerowie-lacznikowi/52161,Oficerowie-lacznikowi-Policji.html> (27.02. 2020).

<sup>52</sup> More: <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/misje-pokojowe/47732,Misje-pokojowe-informacje-ogolne.html> (27.02. 2020).

cooperation with the primary aim of resolving armed conflicts and preventing civil wars, restoring post-conflict losses and ensuring democratic elections<sup>53</sup>.

Currently, outside the country, Polish Police officers are on duty under the auspices of the European Union:

- in Georgia – European Union Monitoring Mission (EUMM Georgia): since 2008 – a total of 69 police officers,
- in Kosovo – European Union Rule of Law Mission (EULEX Kosovo):
  - Polish Police Special Unit – a total of 3317 police officers (1746 under UNMIK and 1571 under EULEX),
  - experts – a total of 45 police officers,
- in Ukraine – European Union’s advisory mission to Ukraine (EUAM Ukraine): from 2015 – 9 police officers.

Under the auspices of the Organization for Security and Cooperation in Europe, they have been operating in Ukraine – OSCE Special Observation Mission (OSCE SMM Ukraine): since 2016 – a total of two police officers<sup>54</sup>.

The Police cooperation takes on a special character at the European Union’s internal borders, where so-called “common contact points” are established. These points of contact are provided by police, border guards and customs officers from neighboring countries. The main objective of these centres is to coordinate activities and exchange information relevant for ensuring public security and order, as well as combating crime. At present, the following facilities are operational: Centre for Police and Customs Cooperation in Barwinek, Centre for Police and Customs Cooperation in Trsten (on the border with the Slovak Republic); Common Centre in Kudowa Zdrój, Common Centre in Chotěbuz (Czech Republic); Polish-German Centre for Police and Customs Cooperation in Świecko; Centre for Cooperation of Border, Customs and Police Services of the Republic of Poland and the Republic of Lithuania based in Budzisko<sup>55</sup>.

The Polish Police, and in particular the Police Headquarters, participates in the legislative process of the Council of the European Union. This is done through the participation of police experts in the Working Groups of the Council of the European Union and through the Central Police Headquarters’ opinion on draft legislative acts of the European Union in the field of police cooperation<sup>56</sup>. Examples of the international Police cooperation could be multiplied and indicated in many different areas, but in order to show a coherent system it was necessary to limit to the most representative ones showing the importance of this issue.

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<sup>53</sup> B. Jaworski, *Pozycja prawna...*, p. 323.

<sup>54</sup> <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/misje-pokojowe/47732,Misje-pokojowe-informacje-ogolne.html> (27.02. 2020).

<sup>55</sup> More: <https://www.strazgraniczna.pl/pl/kontakt/punkty-kontaktowe-na-gr/686,Punkty-kontaktowe-na-granicy-wewnetrznej.html> (27.02.2020).

<sup>56</sup> Z. Nowakowski, M. Pomykała, K. Rajchel, H. Tokarski, *Struktura organizacyjna...*, p. 198.

## Conclusion

The analysis clearly shows that the beginnings of the Police cooperation can be traced back to distant times, and its intensification took place in the early 20th century. It can be said that the Polish Police already nearly a hundred years ago saw the need to function on the basis of information and experience exchange with other police forces and to function in global structures dealing with crime.

In practice the contemporary Police function in connection with police structures operating worldwide and within Europe. Active participation in such organizations as: Interpol, Europol, CEPOL or use of the Schengen acquis and the SIS II IT system guarantees access to the latest solutions and influences the effectiveness of actions taken by this uniformed formation.

The examples of the international Police cooperation and basic forms of action presented in the study indicate that cooperation with other entities has become a requirement of modern times. International cooperation in the era of developing threats of a supranational nature is something natural and necessary to effectively protect the safety of people, as well as to watch over public safety and order. The tasks specified in the Act on the Police also include those concerning cooperation, which point to the needs and trends in this respect and exclude any freedom of international activity. On the one hand, international cooperation has become a legal obligation and, on the other hand, a form which has a significant impact on the Police work.

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## Summary

The modern police formation to which the Police in Poland aspires cannot be limited only to independent execution of tasks. Performing statutory tasks by the Police is related to undertaking various forms of cooperation and interaction with legally and organizationally diverse entities. Apart from national cooperation, legal regulations impose an obligation to cooperate with police forces of other countries and their international organizations, as well as with European Union bodies and institutions. The subject of deliberations is widely understood international cooperation of the Police and the role of entities responsible for its conduct. The areas of cooperation and forms in which it is undertaken have been investigated. Special research attention was also paid to legal regulations relating to police activity on the international arena. In the study attempts were made to assess the current system of international police cooperation.

*Keywords:* security administration, police, cooperation, international police cooperation

## ADMINISTRACYJNOPRAWNY WYMIAR WSPÓŁPRACY POLICJI Z PODMIOTAMI MIĘDZYNARODOWYMI

### Streszczenie

Nowoczesna formacja policyjna, do której aspiruje Policja w Polsce, nie może ograniczać się tylko do samodzielnego wykonywania zadań. Wykonywanie zadań ustawowych przez Policję wiąże się z podejmowaniem różnych form współpracy i interakcji z podmiotami zróżnicowanymi prawnie i organizacyjnie. Oprócz współpracy krajowej regulacje prawne nakładają obowiązek współdziałania z siłami policyjnymi innych krajów i ich organizacjami międzynarodowymi, a także z organami i instytucjami Unii Europejskiej. Przedmiotem artykułu jest szeroko rozumiana współpraca międzynarodowa Policji oraz rola podmiotów odpowiedzialnych za jej prowadzenie. Zbadano obszary współpracy i formy, w jakich jest ona podejmowana. Szczególną uwagę badawczą poświęcono regulacjom prawnym dotyczącym działalności Policji na arenie międzynarodowej. W badaniu podjęto próbę oceny obecnego systemu międzynarodowej współpracy policyjnej.

*Słowa kluczowe:* administracja bezpieczeństwa, policja, współpraca, międzynarodowa współpraca policyjna