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SELECTED TASKS OF THE PROVINCIAL COMMANDER OF THE STATE FIRE SERVICE IN TERMS OF ENSURING SAFETY DURING MASS SPORTS EVENTS IN POLAND

This article discusses the rights and obligations of the provincial commander of the State Fire Service, who has been equipped with the tasks of this entity in the field of safety of mass sports events. In accordance with the regulations of the Act of March 20, 2009, on the safety of mass events adopted by the legislator, the provincial commander of the State Fire Service plays a key role, among others, in assessing the safety status of the facility or area where a mass sports event is to be held. The commander also undertakes a number of direct activities aimed at preventing the occurrence of various types of threats during the events in question.

Keywords: safety, provincial commander of the State Fire Service, mass sports events.

1. INTRODUCTION

Issues related to ensuring public safety and order are currently one of the most important areas of interest of both public administration bodies and society. At the outset, it is right to admit that the first quarter of the 21st century is a time in which humanity had to face a number of events that had and still have a significant impact on the general sense of security among people. Looking chronologically, one of the first threats that significantly influenced the subconscious sense of security in society were large-scale terrorist attacks. Their targets were most often civilians. Another global danger was the COVID-19 infectious disease pandemic, which was caused by the SARS-CoV-2 coronavirus. Currently, society is paying attention to the armed conflicts taking place in Ukraine and the Middle East. From the perspective of people living in Central and Eastern Europe, the negative effects of the above dangerous events are particularly noticeable. Such consequences include, among others, the destabilization of the economic situation caused by a significant increase in inflation, the migration crisis and a decrease in the cultural and sports comfort of everyday life. All these factors have a very large impact on the level of security in society, and therefore each of us wonders how we can minimize the risk of personally experiencing any danger. Concerns about one's health and even life have also

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had an impact in recent years on the level of sense of security among participants of mass events, including mass sports events - both in Poland and around the world.

Ensuring the safety of citizens is one of the most important tasks of every state. The same is the case with Poland. Therefore, state authorities are obliged to create appropriate legal regulations and then implement them effectively, so that citizens can feel confident about their own lives and health, as well as those of their families. In connection with the above, first of all, the content of Art. 5 of the Constitution of the Republic of Poland, which states that the Republic of Poland is responsible for safeguarding the independence and inviolability of its territory, as well as ensuring the safety of its citizens. When interpreting the cited provision of the Constitution of the Republic of Poland, which is the highest source of generally applicable law in Poland, it should be assessed that it is a regulation of a general nature, and its further developments (in various areas of everyday life) are mainly found in separate acts and regulations. With regard to the safety of mass sports events, the issues of ensuring public safety and order in connection with the organization and conduct of a mass sports event, as well as the tasks entrusted in this matter to the provincial commander of the State Fire Service, are regulated in detail in the Act of March 20, 2009 on the safety of mass events (hereinafter referred to as: u.b.i.m.) and in the implementing acts to this Act.

In connection with the above, it is also appropriate to point out that the term „safety of mass events” means that the organizer meets the requirements regarding the safety of persons participating in the event, protection of public order, medical security, as well as ensuring the appropriate technical condition of buildings and the facilities used for this purpose, facilities with installations and technical devices – in particular fire protection and sanitary equipment (Kotowski, Kurzepa, 2012).

2. EXAMPLES OF THREATS OCCURRING DURING MASS SPORTS EVENTS

The organization of mass events, and therefore also mass sports events, generates a very large variety of potential threats that may occur during the event. This is mainly determined by the characteristics of such an event, which is characterized by very high dynamics and unpredictability, which, in correlation with the participation of a very large number of people - for example at a football stadium or sports hall, means that actions aimed at counteracting the possibility of any threat must be taken not only during a mass sports event, but above all at the stage of planning its implementation. Therefore, it should be noted that the group of potential threats that may occur during mass sports events include, among others: hooligan behavior, fire outbreak or construction disaster, as well as the possibility of carrying out a terrorist attack aimed at people participating in such event (Wiśniewski, Socha, Gracz, 2010). The most reliable proof of the view presented earlier may be examples of tragic events that took place in the past in connection with the organization of a mass sports event.

The first example will be a story that took place in May 1985. It was then that a fire broke out during the first half of a football match between Bradford City and Lincoln City, resulting in the tragic death of 56 people. Based on media reports, it can be learned that the fire was caused by the irresponsible behavior of one of the match participants, which, combined with the wooden structure of the stadium and the aura that prevailed at that time, became a trap for many fans from which they had no chance to escape. According to unofficial opinions, this outdated stadium at that time did not meet the safety requirements for a football match attended by over 10,000 football fans

(<https://sportowefakty.wp.pl/pilka-nozna/686256/w-pozarze-stadionu-zginelo-56-osob-drewniane-trybuny-okazaly-sie-smiertelna-pula>).

Another tragic event was the disaster that took place on October 16, 1996 in Guatemala. It was due to the improper organization of the qualifying match for the 1998 FIFA World Cup between the national teams of Guatemala and Costa Rica that 83 people died and over 200 were injured. This tragedy was caused by several factors, including, above all, too many participants in this sports event (this was caused by an excessive number of tickets) and the inappropriate construction of the stadium from the point of view of ensuring safety. These factors first led to fan dissatisfaction and then panic, which ultimately led to the death of many people (<https://www.swissinfo.ch/spa/guatemala-recuerda-la-tr%C3%A1gica-avalancha-humana-en-su-estadio-nacional/47033956>).

A separate issue is the issue of stadium hooliganism, which in the past was a very big problem for all entities responsible for the safety of mass sports events. An example is an event that took place during the 2023/2024 football season in Poland. During a league match between Śląsk Wrocław and Pogoń Szczecin played in February 2024, fans of the Śląsk Wrocław team repeatedly threw objects from the stands onto the pitch, which could have endangered the health of the players playing in the match. After hitting the head of Pogoń Szczecin goalkeeper Valentin Cojocarú with a plastic bottle, the referee of this match, Szymon Marciniak, decided to stop the match for a few minutes and threatened that if such a dangerous situation was repeated, he would end the match with a victory for the team from Szczecin (<https://gol24.pl/pko-ekstraklasa-przerwany-mecz-slask-wroclaw-pogon-szczecin-bramkarz-valentin-cojocarú-zostal-obrzucony-przez-kibicow/ar/c2-18303703>). While highlighting the issues related to the phenomenon of stadium hooliganism, it is worth emphasizing that, in retrospect, the expansion and strengthening of criminal provisions relating to illegal acts committed by hooligans during mass sports events has brought positive effects, leading to a visible reduction in dangerous hooligan-related incidents (Chlebowicz, 2018).

Another problem that people responsible for ensuring safety during mass sports events have to face are terrorist attacks, which in the past were repeatedly aimed at participants of mass events, and as T. Bąk points out, this problem has been particularly visible since the beginning of the 21st century (Bąk, 2012). The purpose of a terrorist attack may be to intimidate or force specific entities to behave in a specific manner, as well as to cause dramatic emotions in society (Cupryjak, 2015). An example is the terrorist attack directed at people leaving the Ariana Grande concert, which took place on May 22, 2017 at the Manchester Arena. The bomber detonated an explosive that killed 22 people and injured over 100 people. The entire world's horror due to this terrorist attack was even greater because the concert was organized for charity purposes (<https://www.france24.com/en/europe/20240414-hundreds-of-manchester-arena-attack-survivors-file-lawsuit-against-mi5>).

The examples presented are sufficient proof that entities responsible for ensuring safety during mass sports events should be comprehensively trained and experienced, and at the same time legally equipped with competences that will allow them to effectively carry out their tasks. One of such entities is the provincial commander of the State Fire Service, whose tasks in this matter are regulated in detail in the currently applicable Act on the Safety of Mass Events of 2009.

3. DEFINITION OF A MASS SPORTS EVENT

Pursuant to Art. 3 point 1 u.b.i.m. the term mass event – as a rule – means a mass artistic and entertainment event and a mass sports event (including a football match). When analyzing this legal provision, it should be emphasized that the legislator did not decide to establish a clear definition of the concept of a mass event, but only indicated its types. Due to this, and due to the subject of this study, it is necessary to focus directly on the statutory definition of a mass sports event.

Based on Article. 3 point 3 u.b.i.m. you can find out that a mass sports event is a mass event aimed at sports competition or popularizing physical culture, organized at:

- a) a stadium or other facility that is not a building in which the number of places available for people provided by the organizer, determined in accordance with the provisions of the construction law and fire protection regulations, is not less than 1,000, and in the case of a sports hall or other building enabling a mass event – not less than 300,
- b) an area enabling a mass event to be held, where the number of places available for people provided by the organizer is not less than 1,000.

Moreover, it is worth noting that the legislator distinguished football matches from among mass sports events. Such specification was conditioned by the need to cover sports events in this discipline with separate legal provisions. This need resulted directly from negative and dangerous incidents that occurred in the past during football matches played mainly in league competitions. In connection with this, it is also reasonable to point out that in Art. 3 point 4 u.b.i.m. the legislator indicated that the term „football match” should be understood as a mass sports event aimed at competition in the discipline of football, organized in a stadium or other sports facility in which the number of places made available by the organizer for people, determined in accordance with the provisions of the construction law and regulations regarding fire protection, is not less than 1,000. As M. Drózdź emphasizes, the separate regulation (in Chapter 3 of the Act on the Safety of Mass Events) of issues related to the safety of football matches raises many doubts, but is due to the fact that it is the most popular sport discipline globally, and therefore, during this type of sports event, legal order is most often violated (Drózdź, 2024).

Organizing a mass sports event is often a very demanding undertaking in terms of logistics, hence the cooperation of the organizer, security services or information services with entities whose statutory task is to ensure safety and public order is necessary for real peace and quiet during a mass sports event. It is also worth emphasizing that the participants of mass events themselves take an active part in securing it - however, their obligations are of a negative nature and consist in behaving in a way that does not threaten the safety of other people and complying with the provisions of the law, including the regulations of the mass event and the regulations of the facility where the event takes place (Suski, 2014).

4. TASKS OF THE PROVINCIAL COMMANDER OF THE STATE FIRE SERVICE IN THE CONTEXT OF ENSURING THE SAFETY OF MASS SPORTS EVENTS

In order to analyze the tasks that fall on the provincial commander of the State Fire Service in the context of the safety of mass sports events, it should first be emphasized that the legal position of the above-mentioned entity was defined in the Act of August 24, 1991 on the State Fire Service. In art. 11 in connection with Art. 12 of the above-mentioned Act

specifies a number of powers and obligations of the Provincial Commander of the State Fire Service, which include, among others:

- managing the provincial headquarters of the State Fire Service,
- controlling the coordination of construction projects in the field of fire protection,
- analyzing rescue operations carried out by entities of the national rescue and fire-fighting system in the voivodeship,
- analyzing the safety status of the voivodeship in the scope of tasks performed by the State Fire Service.

As K. Kwapisz-Krygel points out – the tasks that fall within the competence of the provincial commander of the State Fire Service reflect the tasks for which the Chief Commander of the State Fire Service is responsible, but are limited to the area of the voivodeship for which the given provincial commander of the State Fire Service is responsible (Kwapisz-Krygel, 2014).

With regard to mass sports events, first of all, it should be emphasized that in accordance with Art. 5 section 3 u.b.i.m. The obligation to secure a mass event rests with the organizer and, to the extent specified in this Act and other regulations, also with: the commune head, the mayor, the city president, the voivode, the Police, the State Fire Service and other organizational units of fire protection, services responsible for public safety and order in areas railways, health services, and, if necessary, other relevant services and bodies. In this regard, it should be noted that the legislator has explicitly indicated the State Fire Service as one of the most important entities responsible for ensuring safety during a mass event, and thus during a mass sports event. In general, it should be noted that the State Fire Service is obliged during a mass event to take action to fight fires, natural disasters, and other local threats (Drózd, 2020). It is also worth adding that in the context of the Act on the Safety of Mass Events of 2009, the legislator distinguishes the tasks and competences that have been statutorily transferred to the provincial commander of the State Fire Service, the district (municipal) commander of the State Fire Service, and institutionally to the entire State Fire Service.

When specifying the tasks that rest with the provincial commander of the State Fire Service in the context of ensuring the safety of mass sports events, it is appropriate to note three basic competences with which the entity in question has been endowed under the law. The above-mentioned competences certainly include:

- participation of the locally appropriate provincial commander of the State Fire Service in the provincial interdisciplinary team for the safety of mass events,
- the role played by the provincial commander of the State Fire Service in the context of the rules related to recording the course of a mass event – in particular the behavior of people participating in it, using image and sound recording devices,
- the influence of the provincial commander of the State Fire Service on stadium construction projects - in terms of the creation and operation of infrastructure affecting the safety of people participating in football matches.

In order to specify and systematize the above issues, it is first of all necessary to indicate the legal position and the role played by the provincial interdisciplinary team for the safety of mass events in securing mass events - including mass sports events. Legal provisions regarding this entity were introduced into the Act on the Safety of Mass Events by the amendment of September 11, 2015, which finally entered into force on November 26, 2015 (Drozd, 2018). Pursuant to Art. 11a u.b.i.m. it is an auxiliary body of the voivode ensuring the performance of tasks related to the safety of mass events. This entity is appointed by

the voivode, who determines its composition, detailed scope of responsibilities, mode of operation, and chairs it. Based on Article. 11a section 3, when specifying the composition of the discussed team for the safety of mass events, the legislator specified that it includes the locally competent voivodeship commander (Capital Commander) of the Police or his representative, and the locally competent voivodeship commander of the State Fire Service or his representative, as well as representatives of other government and local government administration bodies whose presence is deemed justified by the voivode. The most important tasks of the provincial interdisciplinary team for the safety of mass events include:

- analysis of threats related to the organization of mass events,
- supporting programs aimed at improving the safety of mass events,
- enabling the transfer of information about threats related to mass events between entities participating in the activities of the discussed team for the safety of mass events.

As C. Kąkol aptly points out in his study, the above-mentioned competences are of a very general nature and are focused mainly on mutual support of the entities included in it and the analysis of various types of threats related to the organization of, for example, mass sports events – including the observations that The Provincial Commander of the State Fire Service also has knowledge on this subject (Kąkol, 2020).

Another issue in which the provincial commander of the State Fire Service actively participates is directly related to the principles of recording the course of a mass sports event. Well, according to Art. 11 section 1 u.b.i.m. the organizer is entitled to record the course of a mass event, and in particular the behavior of people participating in it, using image and sound recording devices. As you can easily see, this provision states that recording the course of a mass event is, in principle, the organizer's right, not his obligation (Kurzeża, 2020). The legislator provides for situations in which the organizer's right to record the course of a mass event ceases to be a right and becomes his obligation. This applies, among others, to the situation described in Art. 11 section 4 of the u.b.i.m., which consists in the fact that the voivode, in consultation with the provincial commander (Capital Commander) of the Police, with the provincial commander of the State Fire Service, and after seeking the opinion of the relevant Polish sports association, prepares a list of stadiums, facilities or areas where the course of the event is recorded. mass recording using image and sound recording devices is mandatory. Inclusion of a specific stadium, facility or area on the list is made by way of an administrative decision. What is also worth adding – if a specific stadium has not been included in the previously described list – both the provincial commander of the State Fire Service and the provincial commander (Capital Police Commander) may apply to the voivode to include a given stadium, facility or area on the previously mentioned list. This will happen if they come to such a conclusion in connection with their issuing an opinion on the necessary amount of forces and resources needed to secure a given mass sports event, reservations regarding the technical condition of the facility (area) and the expected threats.

The last competence of the provincial commander of the State Fire Service in the context of guaranteeing safety and public order of mass sports events, and more precisely – football matches, concerns the infrastructure issues, mainly of newly built football stadiums in Poland. Based on Article. 16a section 1 u.b.i.m., which was added to the content of the Act on the safety of mass events pursuant to Art. 1 point 8 of the Act of September 11, 2015 amending the Act on the safety of mass events and certain other acts

- stadium construction designs are subject to arrangements, among others, with the relevant provincial commander of the State Fire Service regarding the creation and operation of infrastructure affecting the safety of people participating in matches. football. This solution allows, for example, to minimize the risk of a situation in which, after the construction of a football stadium, doubts will arise on the part of the State Fire Service as to the adopted solutions to guarantee the safety of people who will be participants of mass events at a given stadium in the future.

5. THE CONCLUSION

Ensuring safety during mass sports events, which are characterized by great dynamics and unpredictability, is one of the most difficult challenges faced by entities responsible for the proper organization and conduct of sports events. These entities undoubtedly also include the provincial commander of the State Fire Service, who bases his work in this matter primarily on collected and analyzed past experience and the ability to adapt his actions to the currently applicable legal provisions.

Observing the contemporary high level of safety during mass sports events organized in Poland, it must be admitted that the work of individual provincial commanders of the State Fire Service is becoming more and more professionalized, which also makes it very effective. This opinion is due to the decreasing concern observed in society related to participation in mass sports events that take place in Poland. Taking into account past events, this mainly concerns the number and intensity of negative incidents that occur during football matches. Therefore, the work of all entities responsible for ensuring public order during mass sports events, including the provincial commanders of the State Fire Services, can be positively assessed.

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- Act of March 20, 2009 on the safety of mass events (consolidated text: Journal of Laws of 2023, item 616).
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