



*Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.*

## ***b-solutions***

### **FINAL REPORT BY THE EXPERT**

**Advice Case:** Cooperation protocol aimed at simplifying LT-PL cross-border institutional cooperation in emergency management

**Advised Entity:** Vilkaviskis District Municipality, LT

**Expert:** Šarūnas Radvilavičius

#### **Table of Content:**

- I. Description of the Obstacle
- II. Indication of the Legal/Administrative Dispositions causing the Obstacle
- III. Description of a Possible Solution
- IV. Pre-assessment of whether the Case could be solved with the ECBM
- V. Other Relevant Aspects to this Case
- VI. References and Appendix/Appendices if any



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.

## I. Description of the Obstacle

The report analyses cooperation of emergency services across Polish-Lithuanian border with a special focus on fire and rescue services in the border region between Vilkaviskis municipality in Lithuania and municipalities of Wizajny and Rutk-Tartak (County of Suwalki) on the Polish side.

Both countries, Lithuania and Poland, have well-developed system of fire and rescue services with structures on state, county and municipal levels.

On the Lithuanian side the main institution responsible for emergency works is the Fire and Rescue Department under the Ministry of Interior of the Republic of Lithuania (FRD) (in Lithuanian *Priešgaisrinės apsaugos ir gelbėjimo departamentas*) <https://pagd.lrv.lt/en/> The FRD is a statutory, militarized organization funded from the state budget. After reform in January 2019, the FRD has been divided into five geographical Fire and Rescue Boards, where Vilkaviskis belongs to Kaunas FRB. This Boards is divided into several Fire and Rescue Board Services situated in each of municipality, one of them situated in Vilkaviskis town.

In addition to the national fire and rescue structure, there are Fire and rescue services in each of Lithuania's 60 municipalities. Fire and rescue service of Vilkaviskis municipality has a small administration, 5 fire station situated around in the territory of municipality (Pilviškiai, Vištytis, Gražiškiai, Karklėnai and Užbalių,) and employs 45 firefighters. This service is funded by the municipality but operationally it falls under control of the FRD and its branch in Vilkaviskis. Municipal firefighters are a non-military structure with limited capacity to perform complicated rescue operations (for example, they cannot enter smoked areas).

Finally, there is a voluntary service of firefighters (33 persons) spread across the municipality but these a non-professional service without special equipment or their own fire stations. Compared to their counterpart in Poland, the Lithuanian voluntary fire service is still at the initial stage of establishment because it was created only few years ago.

In Poland, the State Fire Service (SFS) (in Polish: *Państwowa Straż Pożarna*) <https://www.straz.gov.pl/>, supervised by the Minister of Interior and Administration, is a leading rescue organization in Poland. The SFS is also manager and a core part of the National Firefighting and Rescue System (KSRG) – the network of professional and voluntary fire services and other supporting entities, cooperating together at scenes of emergencies. The National Headquarters of the SFS is placed on the top of the organizational structure of the State Fire Service of Poland, consisting of the National Headquarters of the State Fire Service, 16 Regional Headquarters, 353 District (municipal) Headquarters of the State Fire Service and 501 fire and rescue (operational) units. The territory of Polish municipalities at the Lithuanian border across Vilkaviskis are under the Białystok Voivodship (province) Headquarters and County (second level of municipalities, in Polish called *powiat*) Headquarters in Suwalki and Sejny.

In Poland, local inhabitants may create a Voluntary Fire Service (*Ochotnicza Straż Pożarna*). Such volunteer fire service often receive a financial help from the government or municipalities for the equipment and staff training but the fire fighters do not receive salary (except of small



*Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.*

compensations). In certain areas of Poland almost every town and village have a volunteer fire service which is fully integrated with the emergency system. Any call to fire emergency number is routed to the nearest State Fire Service station in county and from there to fire and rescue units. The two first level municipalities (called *gmina*) across the border from Vilkauskis have three fire and rescue units in Wizajny, Rutka-Tartak and Smolniki, all of them operated by voluntary firefighters. In general, the Polish fire stations at the border are better trained and better equipped, not only compared to Lithuanian volunteers but in some cases also to some municipal fire and rescue services stations in Vilkauskis.

Despite the long history of cooperation between Poland and Lithuania across the border, which has existed since early 1990ies, it seems that the fire and rescue brigades still very seldom cross the border in order to assist each other. On the local level fire fighters think that it is hardly possible. There have been several EU funded projects supporting Polish-Lithuanian cooperation on regional headquarters level, and during joint exercises firefighters and equipment have been moved across the border but not so much in case of real accidents.

The need for such cooperation was mentioned on both sides of the border. For example, if a more complex accident occurs on the Lithuanian side of the border, near the town of Vištytis, it takes at least 40 minutes for a nearest Lithuanian fire brigade from Vilkauskis to reach the place. While it would take only 10-15 minutes for the fire-rescue unit based in the Polish town of Wizajny to reach the area. The fire fighters in Wizajny, have, for example, diving equipment, which in Lithuanian case is available quite far away from the border, only in Marijampole. The need for such joint operations may appear because there are a couple of camping places, villas and houses in relatively sparsely populated and not easily accessible forest areas. There are as well large areas of forest here, therefore there is a risk of forest fires. Quite heavy truck traffic crosses the border every day, and danger of large traffic accidents or chemical disasters is high. Nevertheless, the absence of legal basis and administrative procedures in this field prevents the teams from cooperation and, therefore, limit the empowerment of a joint border emergencies management plan. The fire teams on the ground are ready to help but they are not sure how different aspects of moving the firefighters and equipment across the border may function. The following unclear specific aspects has been identified during the interviews:

- To what degree the health insurance covering fire fighters in their country of origin would be valid in another country, in case injuries would appear during the operation abroad;
- What might be the consequences in case equipment used in another country would be damaged;
- How would the information and command line function between the countries because the information flow happens through centralized Emergency Response Centres (ERC) in each of the countries;
- Would any mechanisms of compensation for the work of manpower and equipment be needed between the municipalities and countries? The compensation may as well cause the problem of transfer of funds between the two countries, especially because the differences in currency and limitations for public institutions to transfer money abroad;
- The lack of common language was also mentioned as one of problems. The language barrier between Polish and Lithuanian in this border region is not that huge since there are substantial Lithuanian minority on the Polish side, and many of Lithuanians know some Polish. Still, when it comes to the professional terminology this could be a certain obstacle.



*Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.*

It is important to underline that on both sides of the border there is an obvious willingness to support fire and rescue units across the border.

This border region is also unique because borders of three countries, Lithuania, Poland and Russia (the Kaliningrad enclave) meet here. Due to existence of external EU border, and rather cold political relations between EU and Russia, cooperation with Russian colleagues is extremely difficult. As a result, in case of big regional crisis, help from Russia can hardly be expected.

## **II. Indication of the Legal/Administrative Dispositions causing the Obstacle**

The main treaty which has established cooperation between Lithuania and Poland after the modern borders of the countries were defined is *“Treaty between the Republic of Lithuania and the Republic of Poland on friendly relations and good neighbourly cooperation”* which was ratified in 1994. This is a more general document which does not mention in detail issues related to emergency services, except mutual support in case of large scale environmental catastrophes, chemical and radioactive contamination (article 12).

The agreement which was specifically designed for cooperation in area of rescues services is *“Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on mutual support in the event of natural calamities and large - scale accidents”* (further referred as the Agreement) signed in 4.04.2000. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.109152> (in Lithuanian). This agreement provides general rules, conditions and procedures for mutual support in case of more complex calamities and accidents but it does not describe more specific aspects related to, for example, insurance and flow of information. Nevertheless, some of the unclear issues which were mentioned in interviews with local stakeholders are actually addressed by the law. For example, the responsibilities related to compensations, where the agreement clearly states that no mechanisms of compensation is foreseen, thus, each side is responsible for their own costs (with exception of use of air vehicles). When it comes to the issue of insurance, the only mentioning of it is in article 6, point 7, where it is said that the international insurance is not required for vehicles crossing the border in case of emergency.

Following signing of the above-mentioned agreement a special *“Methodical instruction for rescues services of the Republic of Lithuania and the Republic of Poland providing mutual support”* (further referred as the Instruction) was adopted in 2005. This document was especially designed to regulate order of actions and concrete procedures between the parties during an incident, including description of relevant institutions in both countries, the internal procedures, line of command, system of signs, radio signal channels etc. Annexes to the Instruction contain detailed contact information on different administrative levels, technical description of most common equipment used in both countries, list of main legal documents, Lithuanian-Polish glossary of main terminology, different templates of documents in two languages, and detailed maps.

It is important to underline that both the Agreement and Instruction were signed before Lithuania and Poland joined the Schengen Treaty (2007). Therefore, some of regulations mentioned in these documents are not anymore relevant for the new legal environment. A decision to revise the Instructions was taken during the meeting of the Working group of civil protection and rescue in



*Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.*

cases of extreme emergencies between Lithuania and Poland in September 2018. The process was started but was slowed down by the reforms of the Fire and Rescue Department in Lithuania and changes in State Fire Service of Poland at the beginning of 2019. In accordance to the information from the Fire and Rescue Department of Lithuania this work will soon be started again but it is still unclear when the updated version of instructions will be ready.

### **III. Description of a Possible Solution**

The main conclusion is that there is already a solid legal ground for mutual assistance in fire and rescue services between Lithuania and Poland. The main problem remains two-folded: firstly, the legal documents (the Agreement of 2000 and Instruction from 2006) are outdated and need to be revised. Secondly, the main stakeholders on the ground (district entities of state fire and rescue services and municipal fire services) are not aware of legal conditions regulating cross border assistance. Symptomatically, the interviews have proved that many of them do not know about the Agreement signed by two countries or the methodical instruction. None of interviewees could find a copy of instructions, so it had to be fetched at the national level. It seems that the knowledge about what has been agreed was not passed to the local stakeholder from the national level. Or, since the documents are so outdated, they were considered as not useful.

There is a mutual understanding and willingness to assist colleagues across the border, and even if such cases have not occurred recently, everyone understands that it may occur at any time. Then, the lack of procedures or not sufficient knowledge about them may cost human lives or harsh financial consequences. Since the most important actors, the state fire and rescue services on both sides, are militarized organizations, clear procedures, division of responsibilities and line of command must be established if one wishes the cooperation system to be in use. All this information could be included into existing methodological instruction.

Therefore, the first step in order to improve the situation should be the immediate start of the process of update of the Agreement and methodological instruction. This is responsibility of Lithuanian Fire and Rescue Department and Polish State Fire Service Headquarters in Białystok. It is very important that these bodies involve the local stakeholders (state fire services in counties and municipalities), so all local knowledge is taken into account at early stage of the process. The following issues should be specifically discussed and described in the documents:

- Insurance for firefighters (both professionals and volunteers) and for equipment;
- A proper flow of information between national Emergency Response Centres and clear line of command for all levels of services involved;
- The issue of financial compensations between the parties must be addressed. Since the occurrence of international cross border assistance most probably is not going to be significant, the recommendation is not to foresee the mechanisms of compensation because there are certain administrative restrictions on both sides of the border which may hinder the whole process.



*Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy, European Commission. Financed by the European Union.*

The second step should be a proper system of dissemination of agreed procedures at all levels of state, municipal and voluntary fire services. This could be done by organizing joint trainings and exercises, where all stakeholders are invited (national, county, municipal level and volunteers). During these exercises the procedures could be tested on the ground, shortcomings identified and suggestions for further updates developed. A glossary of main specific terms used by fire fighters in Lithuanian and Polish languages could be further developed.

Finally, the Polish-Lithuanian cross-border cooperation bodies could initiate new projects applying to the Interreg programme Lietuva-Polska in order to increase capacities of rescue services and also improvement of their working conditions and equipment. Priority 1 (“Preserving and protecting the environment and promoting resource efficiency”) and Priority 4 (“Enhancing institutional capacity of public authorities and stakeholders and efficient public administration”) of the programme seem to be suitable for this kind of cooperation. A common standard of equipment across the border would facilitate easier joint efforts during joint operations. What is important, that such projects should first of all situation of fire stations situated in a close proximity to the border, for example in the territory of functional border region between Kalvarijos, Lazdijai, Vilkaviskis municipalities in Lithuania and their counterparts in Poland. Previously, too often the project funded from the Interreg programme were implemented in territories eligible for the programme but situated far from the border itself. Such projects could be prepared by secretariats of Euroregion Neman, in the frame of cooperation of functional border region, between municipalities or between the fire and rescue services themselves.

#### **IV. Pre-Assessment of whether the Case could be solved with the European Cross-Border Mechanism**

Due to already existing legal basis and cooperation structures on Lithuanian-Polish border, in the case of analysed cross-border obstacle, it seems unnecessary to apply a possible new *“Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross border context”* <https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-373-F1-EN-MAIN-PART-1.PDF> The updated Agreement between Lithuania and Poland and methodical instructions should satisfy the legal framework. Then it will only be a question of testing of these provisions on the ground during concrete rescue operations and further improvement of legal basis, if needed.

#### **V. Other Relevant Aspects to this Case**

#### **VI. References and Appendix/Appendices if any**

Šarūnas Radvilavičius