1. Basic information
1.1. CRIS number: 2002/000-580-03-03
1.2. Title: Sea border protection system
1.3. Sector: Administration of Justice and home Affairs
1.4. Location: Poland - Sea border (blue border)

2. Objectives
2.1. Overall objectives
Adjustment of the standards of the future external EU border in Poland to Schengen requirements;
Implementation of the guidelines contained in the document Poland – Strategy for Integrated Border Management;
Achieving consistency with the priorities contained in the Accession Partnership and in the National Programme of Preparation for Membership in the European Union.

2.2. Project purpose
Increasing detect ability of illegal border crossing; reduction of the effects and extent of illegal migration; increase of safety on the sea border. (blue border)

2.3. Priorities of the Accession Partnership and NPPM
AP: Continue preparation for future participation in the SIS by developing national databases and registers. Continue efforts in upgrading the equipment at the border crossing points, but also the green and blue border and in particular at the future external border of the Union; allocating adequate national budgetary and administrative resources; align visas. Ensure full co-operation between national and EU law enforcement agencies by providing necessary administrative and logistical support; ensure the alignment of data protection practices; align cross-border surveillance, ensure exclusively civilian co-ordinated crime fighting services.

NPPM: Priorities as listed in part 24 of "Administration of Justice and Home Affairs": to adapt the national border protection system to EU standards (24.3), to fight organized crime (24.4).

3. Description
3.1. Background and justification
Adjustment of the state sea border protection system to EU requirements is one of the main priorities of the Ministry of the Interior and Administration indicated in the Accession Partnership and confirmed in the National Program of Preparation for Membership in the European Union. Guidelines for Polish border management have been included in the Government document titled Poland – Strategy for Integrated Border Management (part IV.1 Border Guard). Implementation of the provisions of the Strategy is constantly monitored and on this basis an annual report will be prepared. Project is in full compliance with just established Polish Schengen Action Plan (chapter: Border Control – Crossing external border). Furthermore, in accordance with the latest Commission documents – namely the Commission note “Schengen and Enlargement” of 10 July 2001 and the Communication from the Commission to the Council and the European Parliament on the Development on SIS II of 18 December 2001 – the Polish sea border surveillance system should be strengthened.

Thus the team of experts employed within the PHARE 2000 project is going to prepare technical specification for the entire project for the sea border under Technical Assistance. Also, in the frame of twinning 2002 the component “Land and sea border protection and surveillance” is foreseen. PHARE 2001 project funds are expected to finance the construction of the first, pilot section of the radar coast protection system (Hel peninsula).

The PHARE 2002 project is focused on the strengthening and modernising the Polish sea border protection system and is consistent with provisions of the Strategy. Due to high costs of the investment – EUR 60 million (amount indicated in the document Poland – Strategy for Integrated Border Management Chapter IV subsection 1.9 page 142) – the project was divided into stages. Under PHARE 2002 the second stage of the undertaking will be implemented. Generally, BG intends to construct from 20 to 25 radar stations. Cost of one radiolocation station is about 1 M€, so the Phare 2002 won’t cover all needs in the construction of whole radar system. The length of the future sea border of the EU on Polish territory is approximately 534
km of specific area that often poses a barrier to control using conventional means. Thus Poland’s accession to the European Union requires changes in the border protection system. Adjustment of the border protection system to Schengen standards requires strengthening of the blue border through the construction of a radar coast protection system. Purchase of the necessary equipment, compatible with that used by border services of Baltic region countries contribute to increase of the effectiveness of cooperation in detecting dangers in the Baltic region.

When the strategy has been elaborated it has been assumed that the entire undertaking would be implemented by BG services by themselves. Therefore estimated costs was very high (60M€). However at later stage, close cooperation with other services (see annex 4) allowed to modify the assumptions of the way the task might be implemented. This is based on utilisation of existing infrastructure (facilities), which now is at the disposal of other services concerned. This may lead to high cost reduction. Final estimation of the entire undertaking will be provided as a result of analyses carried out under Phare 2000. The BG Commander-in Chief appointed a working team for preparing technical assumptions of building Automated Radar Surveillance System for Polish sea zone. The work carried out by the task team will result in overtaking above-mentioned facilities, which would serve as an element of the required infrastructure. For further details see activities and Annex 4.

3.2. Linked activities
The PHARE 2002 program is a continuation of the construction of the coast protection radar system, commenced under the PHARE 2001 project. Within the PHARE 2000 project budget (technical assistance), the design and infrastructure of the construction of the coast protection radar system is going to be developed, and the costs involved in its maintenance will be estimated. PHARE 2001 project funds are expected to finance the construction of the first, pilot section of the coast protection system radar (Hel peninsula).

3.3. Results
- the tasks set out in the Poland - Strategy for Integrated Border Management (part IV.1.9) fulfilled,
- Border Guard Sea Division’s equipped with effective high-tech radar system, informing on navigation traffic and on possible threats to the integrity of the state border protection.
- Polish radar system adjusted to the structures already existing in the Baltic region countries.

3.4. Activities
Logistic support planned under the PHARE 2002 program will cover construction of a second section of the automated radar system of monitoring of Polish sea areas, which should ensure immediate detection of sea border crossing. Purchase of the necessary equipment such as radar stations, 4 local supervision centres (Ustka, Leba, Kolobrzeg, Darlowo) and telecommunication net (light duct) for data transmission for the second section of the automatic radar system for surveillance of the Polish sea area (Ustka, Leba, Kolobrzeg, Darlowo). The proposed budget for Phare 2002 allows BG to cover more sea surface with radar surveillance under this project.

Scope of planned procurement:
- Radar stations;
- Communications equipment (radio lines or optional fibre links);
- Equipment for management centres:
  - computer equipment for data gathering and processing,
  - data base servers,
  - archive equipment,
  - equipment for transforming information into image (incl. large- size image),
  - equipment for remote monitoring of the operation of the radar stations,
  - power supply equipment (incl. UPS and generators);
- Equipment for training centers (detailed data can be given after carrying out expert’s analyses)
- Software to coordinate operation of the whole system.
Apart from purchasing of equipment it could be necessary to prepare an appropriate infrastructure, which means:
- building new towers for installing radar stations (the exact number can be established when the analyses within TA 2000 are carried out),
- adapting existing facilities for the needs of the system (incl. rooms for management centres),
- preparing tele-communications infrastructure.

Performing the project (16,66 M€) BG intends to construct system which means not only supply with equipment but also, if necessary, proper infrastructure. Detailed data concerning the issue of creating Automated Radar Surveillance System for the Polish sea zone can be presented after a group of experts chosen within TA 2000 finish their analyses concerning services and costs.

<table>
<thead>
<tr>
<th>Project</th>
<th>PHARE budget (investments in million EUR)</th>
<th>Poland’s commitment (in million EUR)</th>
<th>Investment and operation cost covered by Poland (in million EUR)</th>
</tr>
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<tbody>
<tr>
<td>Construction of the second section of the Automated Radar Monitoring System for Polish sea areas (supply/works**)</td>
<td>12,50</td>
<td>4,16</td>
<td>4,16 – design of tender documentation and additional project budget funding (including equipping local monitoring centres in Leba, Ustka, Darlowo and Kolobrzeg)</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<tr>
<td><strong>Total</strong></td>
<td>12,50</td>
<td>4,16</td>
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</table>

*From the budget of Phare 2002 (16,66 M€) BG intents to construct from 15 to 16 radiolocation stations.

** Type of procurement (supply with an element of works or two separate contracts) will depend on results presented by team of experts employed with the Phare 2000 project within TA 2000.

4. Institutional framework
The leading institution for the program is the Ministry of Interior and Administration. Major institutions involved in the project: Border Guard Headquarters – Communications and IT Office. Owner of the equipment will be Polish Border Guard (Maritime Border Guard Division).

5. Budget (M€)

<table>
<thead>
<tr>
<th>PHARE funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment support</td>
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<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Contract 1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

Cofinancing will be available

6. Implementation Arrangements

6.1. Implementing Agency
PAO: Mr Zenon Kosiniak-Kamysz, Under-Secretary of State at the Ministry of Interior and Administration ul. Batorego 5, 02-591 Warsaw, Poland. Telephone: (+48 22) 621 0391 fax: (+48 22) 849 5213;
Tenders and contracts for investment will be provided by Implementing Authority for Phare Cross-Border Co-operation Programme, Mrs Grazyna Weclewska, Director; ul. Krucza 36, 00-522 Warsaw, Poland; telephone: (+48 22) 695 9910/11; fax: (+48 12) 695 9912/13; e-mail: phare@wwpwp.it.pl

6.2. Twinning
The Twinning Project is contained in a separate fiche.

6.3. Non-standard aspects
The project will be implemented in accordance with PHARE procedures (Practical Guide for PHARE, ISPA and SAPARD).

6.4. Contracts
Contract 1: € 16.66 million (joint co-financing)
One tender for the supply of complete system covering the whole coast would be the best solution. Construction of the system should be divided into stages. Thus realisation of each stage could progress as necessary financial means are acquired.

7. Implementation schedule
7.1. Commencement of bidding: 2nd quarter of 2003
7.2. Commencement of project operations: 1st quarter of 2004
7.3. Project completion: 2nd half of 2005

8. Equal opportunities
The main criteria of assessment and selection of employees will be their appropriate professional qualifications and experience in implementation of similar projects, and not their age or gender. Both men and women will be guaranteed equal opportunities.

9. Environment: not applicable
10. Rates of return: not applicable

11. Investment criteria
11.1. Catalytic effect: not applicable
11.2. Co-financing (joint co-financing)
The condition for the implementation of the PHARE project is ensuring appropriate coordination within the institutions involved and co-financing by the state budget.
11.3. Additionality: not applicable
11.4. Project readiness and size
The State is in possession of a locality for the purchased equipment
• The beneficiary declares preparation of technical specification for contract 1 in its own time;
• The project will be implemented according to European Union standards;
• Operating costs will be covered.
11.5. Permanent results of the project
Implementation of the second and third stage of the project will be a permanent solution to the problem of adjusting the Polish border to European Union requirements and will not require further expenditure. Funds for maintenance and operation of the equipment purchased with PHARE funds are provided by the Polish state budget.
11.6. Compliance with state aids provisions
In the duration of the project any regulations regarding European Agreements will be observed. The contractor will be selected in an international bid.

12. Conditionality and sequencing (joint co-financing)
• detailed tender documents will be prepared before signing the financial memorandum;
• additional funds will be provided according to the Implementation Schedule;
• tender documentation will be ready before 4th quarter of 2002.

Milestones:
• Negotiation Position in the field of "Administration of Justice and Home Affairs;"
• Technical specification concerning blue border prepared by experts employed with the PHARE 2000 project under Technical Assistance.
### Annex 1 LOGICAL MATRIX OF THE PROJECT

<table>
<thead>
<tr>
<th>Program name and number</th>
<th>Sea border protection system</th>
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<td>Contracting period expires</td>
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<tr>
<td>Disbursement period expires</td>
<td>30/11/2005</td>
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<tr>
<td>Total budget:</td>
<td>16.66M€</td>
</tr>
<tr>
<td>Phare budget:</td>
<td>12.50 M€</td>
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</tbody>
</table>

#### Overall objective:
Adjustment of standards of the future EU external border to Schengen requirements; implementation of tasks contained in *Poland – Strategy for Integrated Border Management*; performance of tasks contained in *Accession Partnership* and the *National Program of Preparation for Membership in the European Union*.

#### Objective verifiable factors:
Adjustment to EU requirements.

#### Sources of verification:
Reports of EU representatives and EC experts; reports of the Ministry of Home Affairs and Administration, including Border Guard and Office for Repatriation and Aliens; statistical data and specialist analyses.

#### Project purpose:
Reduction of the volume and effects of increasing illegal migration; increase of detect ability of illegal border crossing, strengthening security on the sea border.

#### Objective verifiable factors:
Construction of a radar coast protection system; restriction of illegal migration,

#### Sources of verification:
Treaty documents, beneficiary's reports, relevant reports from local authorities in the areas where project is implemented.

#### Assumptions:
No delays in contract procedures; no differences in project organization; coordination and management.

#### Results:
- the tasks set out in the *Poland – Strategy for Integrated Border Management* (part IV.1.9) fulfilled,  
- Border Guard Sea Division’s equipped with effective high-tech radar system, informing on navigation traffic and on possible threats to the integrity of the state border protection.
  
- Polish radar system adjusted to the structures already existing in the Baltic region countries,

#### Objective verifiable factors:
- more threats-detecting activities undertaken  
- increased number of border crimes detected,  
- reduced number of illegal border crossings,  
- decreased number of border crimes,  
- more ships detected on territorial waters and exclusive economic zone,  
- growth of percentage of the sea coast covered by radar system,

#### Sources of verification:
Progress reports; independent assessments; monitoring the project and an assessment report, expert reports, contractors' reports, and training reports.

#### Assumptions:
Commitment of financial, logistic and human resources by relevant authorities of the entities – beneficiaries of the program; strengthening cooperation between experts from member countries and Polish officials and experts; trained personnel within the organization receiving the aid.
### Activities:
Selection of experts, commissions, installation, construction, testing and shipment of the equipment and services to the beneficiary; training and equipment deliveries.

### Means:
Equipment (radar stations, 4 local supervision centres Ustka, Leba, Kolobrzeg, Darlowo and telecommunication net -light duct- for data transmission for the second and third section of the automatic radar system for surveillance of the Polish sea area (Ustka, Leba, Kolobrzeg, Darlowo) delivered according to specifications and terms agreed.

### Assumptions:
Precise ToRs and specifications; no delays. Financial Memorandum signed; PHARE funds available.

### Preconditions:
E.g. signing Phare 2002 program

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**Annex: 2-3. Implementation, contracting and expending schedule**

<table>
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<tr>
<th>Planned</th>
<th>Preparation date</th>
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Description: D= design of sub-projects; C= tendering and contracting; I= contract implementation and payment
ANNEX 4
Information on the maritime state border protection and Polish sea areas surveillance

1. Legal basis and responsibilities of the Polish Border Guard

Polish maritime State Border is protected by the Maritime Regional Unit of the Polish Border Guard based in Gdansk.

Basic responsibilities of the Border Guard in the maritime sector of the State Border and the Polish sea areas are specified in detail in:

- Act on the Protection of the State Border of 12 October 1990 (Journal of Laws N° 78, item 461, with later amendments);
- Act on the Border Guard of 12 October 1990 (Journal of Laws N° 78, item 462, with later amendments);
- Act on the Sea Areas of the Republic of Poland and Maritime Administration of 21 March 1991 (Journal of Laws N° 32, item 131 with later amendments);
- Act on the Maritime Safety of 9 November 2000 (Journal of Laws N° 109, item 1156);
- Act on the Sea Fishing of 6 September 2001 (Journal of Laws N° 129, item 1441)

According to the above-mentioned Act on the Protection of the State Border, the State Border at sea is located either 12 nautical miles from the basic line, or at the outer limit of roadstead included in the territorial sea.

The Republic of Poland executes its sovereignty over the land territory and the interior of the earth lying beneath it, over internal seawaters and territorial sea, including the seabed and the interior of the earth lying beneath it, and over the airspace over the land territory, internal seawaters and territorial sea.

The Minister of National Defence is responsible for the protection of the State Border in the airspace of the Republic of Poland.

The Minister of Interior and Administration is responsible for the protection of the State Border on land and sea, and for the control of border traffic, the responsibilities of the Minister are in this respect performed by the Commander-in-Chief of the Border Guard.

Main responsibilities of the Border Guard are:

1) the State Border protection;
2) border traffic management and control;
3) recognition, prevention and detection of crimes and offences, prosecution of wrongdoers, in so far as it concerns the Border Guard;
4) ensuring safety of international transport and public order in the territorial range of a border crossing point and border zone, in so far as it concerns the Border Guard;
5) gathering and processing information regarding the State border protection and border traffic control and making the information available for the appropriate State authorities;
6) supervising the exploitation of the Polish sea area and the observance of the rules valid on the area;
7) the State border protection in the airspace of the Republic of Poland realised through surveillance of aircraft and other flying objects crossing the State Border at low altitudes, notifying appropriate units of the Air Defence;
8) preventing harmful wastes and chemicals, nuclear and radioactive materials from being transported illegally across the border;
9) preventing narcotics and psychotrops, arms, ammunition and explosives from being carried illegally across the border.
On 25 June 1999 the Commander-in-Chief of the Border Guard approved of The Concept of the Maritime Border Protection and Surveillance of the Polish Sea Areas elaborated by the Border Guard officers. According to the Concept the Maritime Regional Unit of the Border Guard (MRBGU) is the basic organisational unit of the BG responsible for performing at sea the tasks determined by the Law.

2. Concept of development and current responsibilities of border organisational units

A new organisational structure of the MRBGU, resulting from the Concept, was implemented on 1 January 2000. The maritime sector of the State border will be protected and the Polish sea areas will be monitored by means of:

- 9 Patrolling Units located in: Miedzyzdroje, Rewal, Dzwirzyno, Darlowo, Ustka, Leba, Wladyslawowo, Gdansk and Krynica Morska;
- 2 squadrons based in: Swinoujscie (Pomorski BG Squadron) and Gdansk (Kaszubski BG Squadron);
- 6 Local BG Units located in: Kolobrzeg (responsible for the crossing points in Dziwnowo, Mrzezyno and Kolobrzeg), Ustka (responsible for the maritime crossing points in Darlowo, Ustka and Leba), Wladyslawowo (responsible for the maritime crossing points in Wladyslawowo, Jastarnia and Hel), Gdynia (responsible for the maritime crossing point in Gdynia), Gdansk (responsible for the maritime crossing points in Gdansk - Nowy Port [New Port], Gdansk - Port Północny [North Port], Gdansk - Górki Zachodnie), Gdansk - Rebiechowo (airport crossing point);
- 2 operational reconnaissance groups;
- independent reinforcement company;
- air division.

The present information has been prepared on the basis of the Concept.

The Concept describes a complex protection system for the maritime sector of the State border. The system is made up of activities undertaken in maritime crossing points, sectors between the points, with particular stress put on the internal seawaters and the territorial sea.

The State border protection executed in maritime crossing points is the responsibility of the Local Border Guard Units. Their tasks are:

- border control of people, goods and means of transport;
- preventing people and means of transport from crossing the border without documents required by the Law;
- making crossing the border without border clearance impossible;
- preventing illegal migration;
- identifying forged travel documents or permits to enter and stay in the Republic of Poland;
- preventing smuggling;
- counteracting and preventing crimes and offences against the safety of international transport, within the territorial range of crossing points;
- performing some tasks of customs authorities in selected maritime border crossings;
- gathering and transmitting information on detected significant events affecting the security of the State border, monitoring the Polish sea areas;
- operational reconnaissance within the territorial range of a crossing point;
- co-operating with border organisational units neighbouring with the MRBGU, according to earlier prepared co-operation plans.

Fishing boats and ships control procedures

Border controls of vessels are conducted in the area of maritime crossing points according to the following procedures:
a) **Ferries and passenger ships** - border control is performed at maritime crossing points, in ferry ports prepared to this purpose. It applies methods similar to the ones used in inland control, but such control can be performed also on the ship or on the ferry during the way.

b) **Merchant ships** - border control is performed at maritime crossing points, aboard the ships in harbours. Control is based on a declaration made by a captain about the crew, ship documents and events, which took place during the way, checking documents permitting to cross the border and a crew list. In justified cases, additional searching of the ship and checking identity of the entire crew can be performed. In case of foreign ships, the captain is questioned additionally in order to find out about anybody who should not be permitted to leave the ship. If there are such people aboard the ship, they are forbidden to leave the board. The transport agent is fined. The captain of the ship is made responsible for supervising the people.

c) **Polish fishing boats** - border control is performed at maritime crossing points, aboard the boat in specially designated place or in the anchorage place. Boats fishing outside the Polish economic zone are controlled in the same way as Polish merchant ships, while boats fishing within the Polish economic zone are obliged to notify an appropriate BG unit about their going into the sea. In justified cases they can be checked for the purpose of making sure that they observe regulations.

d) **Sports and sailing boats** - border control is performed at maritime crossing points, aboard the boat in specially designated place or in the anchorage place. Yachts being on international cruises are checked according to the rules applied for merchant ships. Yachts sailing only on the Baltic Sea, without calling at foreign ports, are obliged to notify an appropriate BG unit about the fact. Yachts and boats used for recreation on the inland and territorial seawaters are not a subject of border control.

Vessels are cleared to enter the Republic of Poland after they enter the first harbour. When they sail between Polish ports border control is not conducted. They are cleared to leave the Republic of Poland in the port where the crew declare leaving the Polish territory.

The main tasks of maritime patrolling units:
- operational reconnaissance in small harbours, fishing ports and in the border zone aiming at preventing and detecting border crime and offences as well as people being a threat towards the security and inviolability of the State border;
- protecting the State border outside the points designated for crossing the border;
- patrolling the territorial sea (up to 2 nautical miles from the coastline), internal seawaters and inland waters with light vessels in order to identify and check suspicious vessels and to monitor the observance of regulations valid for these water areas;
- patrolling the border road line on the seashore;
- visual and technical observation (radar stations) of the territorial sea and internal seawaters aimed at detecting both vessels which approach or cross the border, which approach or leave the seashore in places where it is not allowed and aircraft and flying objects breaching the State border at low altitudes (up to 500 m);
- preventive measures towards fishermen communities and people present within the border zone in order to ensure enforcement of the laws related to the State border protection and co-operation with the communities and people;
- ensuring public order in the border zone in co-operation with the Police;
- checking if foreigners staying in the Republic of Poland do it on legal basis and if the real reason for their stay is compliant with the declared one;
- searching for people wanted by the Police, stolen vessels and vehicles;
- performing some tasks of customs authorities in small harbours and fishing ports;
- gathering and transmitting information on significant events which may affect the security of the State border and monitoring the Polish sea areas;
- seashore surveillance aimed at detecting sea environment pollution;
- participating in search and rescue actions in the sea;
- co-operating with border organisational units neighbouring with the MRBGU, according to co-operation plans prepared earlier.
Methods of protecting the maritime border between border crossing points:

From the land side the border is divided into sectors protected by 9 Border Guard Patrolling Units based along the coast. Each border sector is patrolled 24 hours a day by 6-8 foot and motorised patrols, independently or in co-operation with the Police, Military Police, Metropolitan Guard, Maritime Administration inspectors, Sea Fishery inspectors, National Labour Inspection inspectors. 8 Patrolling Units are equipped with light sea-born vessels (pontoon type) for tasks on internal seawaters and territorial sea up to 2 nautical miles from the coastline. The tasks include: making sure the regulations concerning fishing and environment protection are observed by seagoing ships, sailing and motor boats and other vessels, co-ordination of sea and land activities connected with the State border protection.

The sea border with the Russian Federation and Germany is additionally protected by 4 visual and technical observation posts equipped with radar stations (2 for either sector).

From the side of the sea, the State border is protected and monitored by 2 squadrons by means of the Border Guard vessels used for border surveillance and operations.

1) Border surveillance depends on:
   - duties in designated sea ports so that ships leaving the ports without clearance could be pursued;
   - monitoring (the internal seawaters of Zalew Szczecinski and Zalew Wislany) direct vicinity of the State borderline in order to prevent illegal border crossings and to inform ships intending to cross the border about the necessity of border control performed at designated maritime crossing points.

2) Border operations depend on:
   - identifying ships and their character during patrol cruises on the Polish territorial sea;
   - checking suspicious ships or those breaking regulations in order to make sure they are authorised for the trade they deal with;
   - pursuing ships which do not obey the orders of the BG vessel commander;
   - escorting a ship, in case it is arrested or directed towards a Polish port in order to prevent it from committing a crime or offence on the Polish sea areas.

While performing their border protection tasks the squadrons co-operate with the Local BG Units and the BG Patrolling Units, according to the plans prepared earlier.

From the sea side, activities connected with the State border protection are realised by the Border Guard independently by means of their own reconnaissance and information acquired from the Maritime Administration, Fishery Administration, Navy, crews of Polish merchant ships, sports, sailing and fishing boats as well as from the coast residents.

Tasks regarding surveillance of the Polish Sea Areas are fulfilled by:
- Maritime Administration – in so far as navigation safety, search and rescue and environment protection based on the Law on the Sea Areas of the Republic of Poland and Maritime Administration and on the Sea Environment Protection;
- Fishery Authorities – in so far as sea fishing based on the Law on the Sea Fishing;
- Border Guard – in so far as the State border protection and observance of the rules valid on the Polish Sea Areas and regarding navigation safety, search and rescue and environment protection;
- Customs Office – in so far as customs control on the Polish customs area (including territorial sea and internal seawaters);
- Navy – in so far as the State defence.

Laws determine the scope of co-operation between the services and their executive acts and the rules for the co-operation are given in agreements signed on the level of local offices and authorities.
In practice only the Border Guard, the Navy and Search and Rescue Services (SAR) can operate on the sea, and only the BG is authorised to perform ‘police’ tasks.

While realising their tasks, the Border Guard supports the above-mentioned administrative authorities. The BG collect information during patrol cruises and while checking ships at sea and then the information is transmitted to appropriate authorities, i.e. the heads of the Maritime Offices or Sea Fishery Inspectorates. The authorities have the power to fine the wrongdoers. Moreover, inspectors of the Maritime Administration and Sea Fishery take part in the BG patrol cruises.

The Act on the Border Guard specifies the responsibilities of the commander of a BG vessel operating on the Polish sea areas:

1) in case it is necessary for the State defence and security of the State border, the commander of a BG vessel operating on the internal seawaters or the Polish sea territory is empowered:
   - to order a ship to slow down, to stop for being checked and to change its course;
   - to stop a ship, to check its documents and the documents of its crew and passengers, to search it, to inspect its cargo and to detain any person suspected of committing an offence;
   - if the captain does not fulfil the orders, to force a ship to call at a given port.

2) Commanders of the BG vessels are empowered to undertake the above mentioned actions if any ship on the Polish internal seawaters or the territorial sea:
   - takes aboard or lands people illegally;
   - loads or unloads outside places designated for the purpose;
   - leaves a port without border clearance;
   - establishes communications with the coast for criminal purposes;
   - fishes or exploits the waters or seabed illegally;
   - enters any area closed temporarily for sailing and fishing;
   - lies at anchor outside places designated for the purpose;
   - breaks sanitary or environment protection regulations.

3) the BG vessels commanders enjoy the same rights while fulfilling tasks regarding the protection of the rights of the Republic of Poland in its exclusive economic zone and while undertaking actions against ships sailing in the Polish territorial sea, aboard which ships a crime was committed while they were sailing in the territorial sea, if:
   - consequences of the crimes affect the territory of the Republic of Poland;
   - the crime affects public order on the territorial sea;
   - this kind of actions are necessary to fight drug and psychotropic trafficking;
   - the captain, diplomatic representative or consular officer of the country to which the ship belongs calls for the help of a BG vessel.

All the actions of the above mentioned operational reconnaissance groups, independent enforcement companies and a patrol plane, all at the disposal of the Commander of MRBGU, support border organisational units.

The operational reconnaissance groups undertake actions in major cities, where organised crime groups are likely to appear and then move to operate in the border zone.

The independent enforcement companies support the patrolling units in their border activities.

The plane patrols the Polish sea areas in order to detect groups of fish cutters, ships that break regulations, sea environment pollution. During its patrol flights, the plane co-operates closely with the BG vessels. Information collected by the patrol plane is the basis for designating tasks for the BG vessels. The plane also makes reconnaissance flights for patrolling units. Moreover, the Border Guard officers take part in the patrol flights of TURBOLET plane belonging to the Maritime Office in Gdynia.

3. Planned equipment investments
An integral part of the Concept of the Maritime Border Protection and Surveillance of the Polish Sea Areas is an intended investment consisting of 4 main components.
1) Integrated automated radar surveillance system will be built in co-operation with the Maritime Administration and the Navy.
2) Aircraft prepared to fulfil the tasks of the Border Guard over the sea areas will be purchased.
3) New vessels will be purchased.
4) Patrolling units will be equipped with pontoon type boats prepared to fulfil tasks up to 2 nautical miles from the coastline.

The following activities have been undertaken towards realising the above:

Ad. 1 – radar system

a) Experts from the BG HQ had talks with the Maritime Administration, the Navy and the Customs Office, in result of which talks:
- operational needs to be met by the integrated radar system were specified;
- provisional assumptions for building the radar system were worked out;
- existing infrastructure elements belonging to each of the services, which elements can be used for building the system were listed.

b) Market study of radar system manufacturers has been started. A few meetings with manufacturers of this type of equipment – companies from Europe, Israel and the Republic of South Africa were held. Some radar equipment was tested on the Polish coast or the BG specialists visited operating radar systems, which were recommended by the manufacturers.

Ad. 2 – aircraft

The Concept assumed equipping the MRBGU with two helicopters and a patrol plane. On 1 January 2001, M-20 MEWA patrol plane was introduced into service in the MRBGU.

Ad. 3 – vessels

The Concept assumes equipping the MRBGU with 4 seagoing boats, 6 hybrid boats, 4 pontoon type cabin boats, 2 hovercraft and 5 auxiliary vessels.

In 2000, 2 SAR-1500 hybrid boats (Straznik 1 and Straznik 2) were purchased with the State budget means. Studies on technical assumptions for building a modern seagoing boat were begun. Three hovercraft offered by their manufacturers were tested, but they did not meet technical and functional requirements of the Border Guard.

Ad. 4 – pontoon type boats for patrolling units responsible for maritime border (enforcement for patrolling units)

In 2000-2001 eight patrolling unit stations of the MRBGU (apart from the station in Gdansk) were equipped with pontoon type boats to fulfil tasks up to 2 nautical miles from the coast.

Taking into account the scale of the investment connected with building a radar system and the costs of equipping the MRBGU with aircraft and vessels, both of which are assumed by the Concept, the BG Commander-in-Chief appointed a team to prepare the programme of implementing the Concept of the Maritime Border Protection and Surveillance of the Polish Sea Areas. In 2002, the Commander approved of the programme prepared by the team. The programme specifies particular stages of equipping the MRBGU with the above-mentioned aircraft and vessels in the years 2003-2010.

However, experience with MEWA plane decided about a change introduced into the Concept. Another MEWA patrol plane will be purchased in place of one of the two planned helicopters. The purchases are preliminary planned to be financed with the State budget means. To prepare formal grounds for that, the Border Guard Headquarters elaborated a draft of the resolution of the
Council of Ministers entitled ‘Programme for equipping the Border Guard with vessels and aircraft for the State Border protection and surveillance of the Polish sea areas in the years 2003-2010’. Estimated costs amount to 415 mln PLN (approx. 112.2 mln EUR).

The purchase of modern vessels will coincide in time with the withdrawal of the vessels, which at present are in operation in the MRBGU.

In the years 2003-2010, the Border Guard will purchase the following vessels:

- 2003 - two hovercraft,
- 2003-2005 - four hybrid boats,
- 2003-2007 - four pontoon type cabin boats,
- 2005-2010 - four seagoing boats.

### 4. Radar system

The idea of building an integrated, automated radar surveillance system for the Polish sea areas appeared in connection with working out methods for monitoring the area, which monitoring is obligatory according to the Polish Law and according to international agreements concluded by the Republic of Poland.

The issue was included in the Integrated Border Management Strategy prepared by the Department of European Integration and International Co-operation of the Ministry of Interior and Administration and approved of by the Council of Ministers on 6 June 2000.

The integrated, automated radar surveillance system for the Polish sea areas is meant to provide full radar monitoring of the Polish sea territory and internal seawaters at least. Thanks to the system, different authorities, which are made by the Law responsible for the sea areas, will be able to cooperate closely. The system will also make Poland better prepared to fulfil all the obligations resulting from international conventions.

The Border Guard will be the owner and main user of the system. However, the information stored in the system will be accessible for organisational units subordinated to:

- Minister of Infrastructure – Maritime Administration, Search and Rescue (SAR) service;
- Minister of National Defence – Navy, Air Defence;
- Minister of Finances – Customs Administration;
- Minister of Agriculture – Sea Fishery Administration.

It means that the above-mentioned services have to build their system access terminals on their own.

Some of the above mentioned services have their own radar infrastructure e.g. Maritime Administration uses vessel traffic surveillance systems (VTS) on the fairways Szczecin-Swinoujscie and in Gdanska Bay. The Navy has its own radar system (for defence purposes) located along the coast and some facilities, which could be used to build an integrated system (towers, light houses, communications and information exchange systems). However, the systems do not meet the requirements of the Border Guard in so far as detecting and tracking small on-water objects (approx. 1.5 m² of effective surface) in short ranges (3 nautical miles from the coastline).

All the above facts were taken into account while formulating basic assumptions for building an integrated system allowing for co-operation between all the services involved in the surveillance and protection of the Polish sea area. One integrated system will allow for economical and effective use of the existing infrastructure, which will diminish the costs of building and running the system.

All the information stored in the Border Guard system can be made accessible for other users according to their needs. In return they will feed the system with information coming from e.g. the satellite monitoring system for fishing ships or the Baltic Sea monitoring system for merchant ships, which is planned to be built.

The main task of the system will be to support different services in their activities aimed at:

- surveillance of the State border,
- monitoring sea traffic and exploitation of the Polish sea area,
- taking search and rescue actions,
supervising observance of sea environment protection regulations.

It was assumed that the organisation of the system would be based on:

- 20-25 radar stations located along the Polish coast (future external border of the European Union) and mobile radar stations installed on vessels, aircraft and vehicles (the exact number will depend on the technical and functional characteristics of the equipment actually installed);
- 11 local dispatching (management) centres located in 9 stations of Patrolling Units and in 2 squadrons of the Maritime Regional BG Unit, the centres will be commanded by the chiefs of these organisational units,
- 1 main dispatching (management) centre located in the MRBGU HQ in Gdansk and 1 back-up centre, which would guarantee non-stop commanding activities over the BG forces in the Polish sea area, both of them will be commanded by the Commander of the Maritime RBG Unit.

Functioning of local surveillance centres will be based on operators’ stations, which will be equipped with:

- monitors with ‘raw’ and ‘synthetic’ image of the sea areas adjacent to the sector of the coast protected by particular BG units, it will be possible for the stations from neighbouring responsibility areas to see the images, an automated signalling/warning system will be activated in case of earlier specified situations;
- station to introduce data into the system;
- equipment and systems to keep up communications with the BG vessels, aircraft and patrols;
- equipment to collect, process, transmit and archivise all the information coming from the sea areas under surveillance.

The main dispatching (management) centre situated in the Maritime RBG Unit HQ will be equipped with:

- central operation computer unit;
- operation coast surveillance station (stations), with monitors to build a complete image of the situation in the local surveillance centres;
- equipment to keep up communications with all the local BG surveillance centres, operation centres of other Polish services and the National Coordination Centre responsible for communications and exchange of information with national coordination centres of other Baltic Sea countries.

The BG Commander-in-Chief decided to appoint a working team to elaborate technical assumptions for building Automated Radar Surveillance System, which team is to take into account the results of work of a group of experts who represented different ministries and dealt with the problem of an integrated, automated radar surveillance system.

At the same time, in order to create best possible conditions to build the system, the Border Guard undertook activities aiming at establishing formal and legal grounds for co-operation between infrastructure, defence and home affairs authorities. The co-operation would aim at creating most favourable conditions for building by the Border Guard an integrated radar surveillance system using PHARE aid funds. The initiative met with interest and the above-mentioned authorities declared their will for co-operation. At present, a draft of an agreement between different authorities involved is being discussed. The draft specifies the rules according to which the Border Guard could use for building the radar system components of infrastructure, which belong to other services.

The Border Guard intends to gain access to the facilities which belong to other services and which in future could be used as components of the system so that international team of experts hired for PHARE 2000 project and financed with Technical Assistance means could examine to what extent the facilities could actually be used or what should the adaptation be. The tender to prepare the experts’ analysis will be announced on 23 April 2002.

The analysis is expected to cover the following issues:
- organisational structure of the system,
- selection of the system information sources and their locations,
- locations and equipment of management centres,
- method of data transmission,
- staff training,
- estimated costs of building the system,
- estimated costs of running the system.

The analysis is expected to suggest various solutions making use of equipment coming from different manufacturers. It will be the basis for preparing final concept of building the radar system, for writing technical specifications and for calculating real costs connected with announcing a tender for building a pilot sector.

It was provisionally agreed that the construction and running costs would be borne by the Border Guard as the owner of the system. The other services will allow for their infrastructure to be used directly or adapted for the needs of the system, they will cover the maintenance and protection costs connected with their facilities. In return the system information will be made accessible for them.

It appears from talks with organisations dealing with building or integrating radar systems that the costs of equipment and installation of one radar station are between 450,000 and 500,000 EUR depending on technical parameters, estimated costs of equipping one local and central management centre are approximately 1 MEUR (this amount includes a.m. equipment and installation of one radar station which is from 450,000 to 500,000 EUR.) The organisations estimate that the infrastructure costs are 50-75% of the total costs of building the system. That is why the Border Guard decided to co-operate in this respect with the Maritime Administration and the Navy.

The way the Border Guard approach the problem of the radar system guarantees significant decrease of the costs of building and running the system as well as close co-operation with other services responsible for the Polish sea areas. Building the system will be financed with PHARE aid funds with 25% co-financing input from the State budget.

The radar surveillance system will be an important tool of the Border Guard organisational structures used for the State border protection and surveillance of the Polish sea areas. It will provide information on the navigation situation on the sea areas, it will detect and track vessels suspected of committing crimes or offences there. In this way the system will help to use the BG staff and equipment in more effective and economical way. It will also help different services operating at sea to integrate their actions.

It has been proved by the experience of the border services of other Baltic Sea countries that stationary radar systems are the most effective in so far as the sea area surveillance and protection. The initiative to build a radar system by the Border Guard fits into the plan to create overall radar surveillance system for the Baltic Sea, which plan appeared and was elaborated during the conference on co-operation between the border services of the Baltic Sea countries. Radar systems existing in Denmark, Sweden, Finland, Russia, Estonia, Latvia, Lithuania and Poland have been already examined and described. It has been agreed that works on the project will be suspended till the time Estonia, Lithuania and Poland build modern systems compatible with the others.
5. Planned budget and schedule for purchases of equipment

**Vessels – Budget financing (estimated values given in PLN)**

<table>
<thead>
<tr>
<th>Years</th>
<th>4 seagoing boats</th>
<th>4 hybrid boats</th>
<th>4 pontoon type boats</th>
<th>2 hovercraft</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>3,000</td>
<td>1,200</td>
<td>2,500</td>
<td></td>
<td>6,700</td>
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<td>2004</td>
<td>11,000</td>
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<td></td>
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<tr>
<td>2005</td>
<td>20,000</td>
<td>14,000</td>
<td></td>
<td></td>
<td>34,000</td>
</tr>
<tr>
<td>2006</td>
<td>80,000</td>
<td></td>
<td></td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td>2007</td>
<td>60,000</td>
<td>3,600</td>
<td></td>
<td></td>
<td>63,600</td>
</tr>
<tr>
<td>2008</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
<td>60,000</td>
</tr>
<tr>
<td>2009</td>
<td>60,000</td>
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<tr>
<td>2010</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>Total</td>
<td>320,000</td>
<td>28,000</td>
<td>4,800</td>
<td>2,500</td>
<td>355,300</td>
</tr>
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</table>

**Aircraft – Budget financing (estimated values given in PLN)**

<table>
<thead>
<tr>
<th>Years</th>
<th>1 patrol plane</th>
<th>1 helicopter</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
</tr>
<tr>
<td>2008</td>
<td></td>
<td>19,000</td>
<td>19,000</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td>7,500</td>
<td>7,500</td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td>7,500</td>
<td>7,500</td>
</tr>
<tr>
<td>Total</td>
<td>25,000</td>
<td>34,000</td>
<td>59,000</td>
</tr>
</tbody>
</table>

**Radar System**

Estimated costs shown in the below table are given in MEUR and they include 25% of the State budget input.

<table>
<thead>
<tr>
<th>Program</th>
<th>Radar stations</th>
<th>Dispatching/management centres</th>
<th>Communications systems</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PNP 2001</td>
<td>1.5</td>
<td>1.5</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>PNP 2002</td>
<td>4.05</td>
<td>6.5</td>
<td>6.11</td>
<td>16.66</td>
</tr>
<tr>
<td>PNP 2003</td>
<td>1.35</td>
<td>5</td>
<td>4.4</td>
<td>10.75</td>
</tr>
<tr>
<td>Total</td>
<td>6.9</td>
<td>13</td>
<td>11.51</td>
<td>31.41</td>
</tr>
</tbody>
</table>
According to Integrated Border Management Strategy the costs of building radar system were to amount to 60 MEUR. This calculation assumed that the Border Guard would build the whole system on their own covering full costs of building necessary infrastructure (radar masts/towers and communications systems).

At present, taking into account advantages resulting from the agreement between:
1) Ministry of Interior and Administration,
2) Ministry of Infrastructure,
3) Ministry of National Defence,

which agreement says that the Maritime Administration and the Navy will allow for their facilities to be used for installation of some radars, the costs of the project can be reduced to a significant extent. Another advantage created by the agreement is the fact that the Border Guard will be able to use information coming from VTS system of Gdanska Bay newly built by the Maritime Administration (the system started to operate in spring 2002). Thanks to that it will be possible to reduce the number of new radars, which were planned to be built for the system.

Calculations regarding estimated costs of installing radar stations, building and equipping dispatching/management centres and communications systems were based on the information received from the Maritime Administration, which is currently extending their VTS system.

Detailed data concerning costs of building the system can only be given after a team of international experts prepare their analysis.