

CURRENT PROCESS OF OPTIMISATION OF THE LEGAL SYSTEM OF THE CZECH REPUBLIC, INCLUDING THE IMPLEMENTATION OF THE PRESENT EU STRATEGY IN THE FIGHT AGAINST TERRORISM AND RADICALISM / Vladimír Souček, Jozef Sabol

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Abstract: *The programme statement of the new government of the Czech Republic (CR) from the beginning of 2022 about the current security situation in the country and the European Union (EU) foresees the implementation of a significant optimisation of legal regulations in dealing with crises and emergency events. In addition to the experience of the fight against the Covid-19 pandemic, the worsening effects of weather, and the current negative indicators in the economy, the government decided to focus its legislative efforts on combating terrorism in line with the policy of both the EU and NATO. The paper provides an overview of relevant EU documents and discusses some specific problems encountered by the Member States, including the CR. In these regards, due attention is also paid to the consistent implementation of the EU Directives into national legislation. The paper also discusses some of the Department of Crisis Management activities as part of scientific research at the Police Academy of the CR in Prague (PACR), which is partially related to the optimisation of the legislative process in the security field.*

Key words: *Legal System; Czech Republic; Implementation; European Union Strategy; Terrorism; Radicalisation*

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1. INTRODUCTION

During the creation of the foundations of security legislation and in the subsequent implementation of relevant legal regulations, practical experience from dealing with specific emergencies and other crises shows that these regulations must be modified. There is a need for changes to respond to a variety of the current conditions of security risk management. Crisis management does not have sufficient legal support and the necessary tools for dealing with some new threats.

The terrorist danger, especially cyber threats, increasing radicalisation and the potential use of CBRNE substances should be considered, and appropriate countermeasures adopted. Therefore, it is necessary to respond to current developments and implement an adequate approach at the international and national levels. In addition,

the present legal tools proved insufficient in the case of other fundamental threats that often turned into crises, such as the Covid-19 pandemic, migration waves, drought and other natural disasters. Due to inadequate legal support, the declared emergency measures were challenged in court, the state of crisis had to be declared, or specific laws with temporary validity had to be swiftly introduced (e.g., the Czech Pandemic Act).

That is why the Ministry of the Interior of the Czech Republic (MI CR) is currently analysing the situation and the need to optimise legal regulations governing all relevant security areas in the country. These activities are consistent with the program statement of the Czech Government from the beginning of 2022.

2. CURRENT STATE OF OPTIMISATION OF THE LEGAL AND SECURITY SYSTEM OF THE CZECH REPUBLIC

The process of ongoing requests for changes in the legal security system is part of the program declaration of the current Czech Government, where it is mentioned: "By the end of 2023, we will prepare a revision of the legislation for crisis management and critical infrastructure and, if necessary, also amend the Competence Act. We will set up effective crisis management consisting of the revision of type plans for managing crisis events, the analysis of current security threats, preparation for crises (pandemics, floods, droughts, blackouts, industrial accidents, cyber-attacks, soft targets etc.), and a clear strengthening of the functions and activities of crisis units or bodies, especially the Central Crisis Staff."¹

The MI CR is currently conducting a survey of the opinions of representatives of the public administration and relevant components of the security system of the CR on the need for changes in current legal regulations, such as the Crisis Act and other security legislation, and is collecting individual suggestions and proposals from security and crisis management experts. This follows from the optimisation process of the CR security system, which was initiated by the updated version of the Security Strategy of the CR from 2015,² the Threat Analysis for the CR from 2015,³ and the National Security Audit from 2016.⁴

As a starting point for government material, the national security audit addresses, among other things, the progress of the fight against terrorism and the further linking of international cooperation in this area. The following steps have been outlined:

a) Provision and updating of basic anti-terrorist documents

The key document that regulates the strategic framework of the fight against terrorism in the CR is the **Strategy of the CR for the fight against terrorism from 2013** (further on in this chapter only "Strategy"). The Strategy covers five core areas – cooperation between interested parties in the fight against terrorism, protection of the population and other potential targets, security research and communication with the public, prevention of radicalisation and recruitment into terrorist groups, and the

¹ Programové prohlášení vlády z ledna 2022 (Program Declaration of the Czech Government). Available at: <https://duckduckgo.com/?t=ffab&q=2022%2Fprogramove-prohlaseni-vlady-Petra-Fialy.pdf&ia=web> (accessed on 11.09.2022).

² Bezpečnostní strategie České republiky, 2015 (Security Strategy of the CR, 2015). KRIZPORT. Available at: <https://www.krizport.cz/soubory/data/dokumenty/bezpecnostni-strategie-cr-2015-pdf> (accessed on 11.09.2022).

³ Analýza hrozeb pro ČR, Závěrečná zpráva, 2015 (Threat Analysis for the Czech Republic, Final Report, 2015). Available at: <https://www.hzscr.cz/soubor/analyza-hrozeb-zprava-pdf.aspx> (accessed on 11.09.2022).

⁴ Centrum proti hybridním hrozbám (mvcr.cz). *Audit národní bezpečnosti (National Security Audit)*. Available at: <https://www.mvcr.cz/chh/clanek/audit-narodni-bezpecnosti> (accessed on 11.09.2022).

necessary insight into the legislative anchoring of the issue of the fight against terrorism. The validity of this document is not limited in time, and any update should therefore arise from the current need. From the point of view of the Audit working group, the content of the Strategy is still valid in its entirety, and there is no need to change it at this time.

To implement the Strategy, the Czech Government adopted a new **Action Plan for the fight against terrorism from 2016 to 2018** on August 31, 2016. This Action Plan consists of three separate documents. These are the "**Legislative Proposals in the Field of Internal Security**" and the "**Anti-Terrorism Package**", which contain concrete steps to reduce the risk of a terrorist attack and its negative consequences. The third document is the "Proposal of measures to increase security at international airports in the CR", which contains some measures in the field of civil aviation security.

b) Status in the legislative area

The CR does not have a special "anti-terrorist law"; the issue of criminal responsibility for terrorism is nevertheless fully covered in the **Criminal Code** (40/2009 Coll.). In particular, they relate to terrorism here: §311 (Terrorist attack), §312 (Terror), §272 (General threat), §290 (Taking control of an air transport vehicle, civilian vessel and fixed platform), §292 (Introduction of air transport means abroad), §314 (Sabotage), §140 (Murder), §174 (Hostage taking), §175 (Extortion), §279 (Unauthorised armament), §280 (Development, production and possession of prohibited weapons), §281 (Unauthorised production and possession of radioactive substances and highly dangerous substances), §282 (Unauthorised production and possession of nuclear material and special fissile material) and §357 (Dissemination of alarm messages), or in some cases also (verbal) criminal acts disrupting the coexistence of people § 352 to 356 (e.g., Dangerous threats etc.).

Currently (2015), an amendment to the **Criminal Code** is in the legislative process, which further regulates financing terrorism, supporting and promoting terrorism or threatening a terrorist crime. According to the proposal, it should be about amendments to § 311, § 129 (where the term "Terrorist group" is newly defined), § 312, § 361. The amendment is also related to the revision of Act No. 141/1961 Coll. on criminal court proceedings (Criminal Procedure). This amendment clarifies some facts and prevents some interpretation issues and will thus enable more effective criminal punishment of crimes related to terrorism. The Audit Working Group fully supports adopting this amendment to the Criminal Code in its proposed wording.

Some partial deficiencies in the existing legislation that may have an impact on the fight against terrorism (e.g., the retention of data from telecommunications traffic, the use of intelligence information in evidentiary proceedings, or the expansion of controls on the cross-border transfer of cash) are addressed in more detail in the already mentioned material "Legislative proposals in the area internal security". See also the Recommendations section.

Recommendations – the government already adopted a series of proposed measures in 2016 in two documents:

a) Anti-terror package⁵

- Storage of data from telecommunications traffic;

⁵ The material is subject to the level of secrecy according to Act No. 412/2005 Coll. on the protection of classified information and on security capability as amended, therefore it is not possible to include proposed measures in the text of the Audit.

- Act on the Office for Foreign Relations and information (foreign intelligence service);
- Intelligence as evidence;
- Cancellation of the stay of a foreigner who is in the territory of the CR;
- Classified information in administrative proceedings;
- Proceedings for granting international protection at the internal border;
- Events with a more significant number of people (mass events) and police powers;
- General evaluation of the current legislation in the area of the punishment of terrorism and related security threats;
- Expanding controls on the cross-border transfer of cash.

b) Legislative proposals in the field of internal security

- Paying attention to the issue of radicalisation and recruitment. It is necessary for the relevant authorities to pay attention to the signs of radicalisation of individuals or small groups (not only) in the Muslim community environment. This radicalisation can manifest itself in different ways, e.g., through social networks or other activities in the cyber domain. It is essential for the state to intervene when persons who may have a broader influence on a given community (e.g., imams) abuse their position to spread extremist interpretations of Islam incompatible with the principles of a democratic society or directly call for violence.
- In this regard, monitoring the financing and support of similar activities from abroad is also appropriate.
- Attention must also be paid to radicalisation in prisons – experience from Western Europe shows that the criminal environment is an important radicalisation factor.
- Strengthen measures in relation to an active attacker - in particular, continue to practice riot police in AMOK-type actions, creating a register of offences, etc.
- Pay attention to the issue of protecting soft targets from terrorist attacks. Attacks on soft targets can be prevented (or their consequences mitigated) by strengthening their security (but it is necessary to balance the aspect of security with the aspect of cost and effectiveness), but also by training the personnel of these places, etc. The general problem with the security of soft targets is that they are owned mainly by private subjects, and the cooperation of the state with the private sector and the participation of the soft targets themselves in their security is, therefore, key in this regard. The Ministry of Internal Affairs of the Czech Republic (MIA CR) was tasked by the government with preparing a proposal to create a nationwide system of support for the security of selected soft targets. This activity builds on long-term experience from cooperation, for example, with owners of Jewish buildings.
- In connection with the issue of foreign fighters, it is also necessary to pay attention to the issues of the formation of paramilitary groups on Czech territory and foreign influence.
- Strengthening the protection of critical infrastructure, both physical and cyber.
- Support for the long-term development of communication infrastructure and technologies of public administration and eGovernment for use in ensuring internal order and security, state security and solving crisis situations.

- Adoption of the amendment to the Criminal Code prepared by the Ministry of Justice of the Czech Republic (MJ CR), which also regulates some provisions concerning terrorism.
- Propose an amendment to the legislation that would, in urgent cases, enable the intelligence services and law enforcement authorities, on the basis of specific information, to deploy actions that are generally subject to the approval of another state authority (typically a court) immediately, while the request for authorisation would be submitted within an additional period (e.g., 48 hours). Usually, these would be cases where it is possible to prevent the commission or repetition of a terrorist attack and subsequently clarify and minimise the harmful consequences of terrorism.
- To propose an amendment to the legislation that would allow to ascertain or verify information about terrorist crimes, immediate access to information about the owners and managers of bank and similar accounts, about the balance on the interest account, and which would allow access to a statement of financial transactions on the relevant account.
- The legislation amendment with the aim, among other things, to enable the prosecution of service in non-state foreign forces is currently being resolved in the MJ working group. This area should certainly be included among the problems this Audit chapter recommends addressing.

3. PROGRESS OF THE IMPLEMENTATION AND UPDATE OF THE LEGISLATION IN THE FIELD OF THE FIGHT AGAINST TERRORISM AND RADICALISM

The European Union pays special attention to the issue of combating terrorism, as well as radicalism and violent extremism, which is reflected in a number of their directives, documents and measures aimed at tackling these negative tendencies with the aim of strengthening the security situation in the region. To effectively combat this danger, the EU strategy focuses on four main pillars: prevention, protection, prosecution and response. The CR is trying to consistently transpose these attributes into national legislation and project them into other regulations and regulations, the aim of which is to ensure a coordinated procedure in ensuring adequate security of citizens and the state against the current threats of international terrorism and other adverse factors that could adversely affect the situation in Europe and the world.

a) Implementation process in national strategic materials and legal documentation until 2013

A basic evaluation of the previous measures of the CR security policy and a summary of documents important for further international cooperation in the fight against terrorism is given in the Strategy for the fight against terrorism from 2013.⁶

The security strategy of the CR ranks terrorism among the leading threats. This trend is captured, for example, in the study "Global Trends 2030".⁷ The counter-terrorist efforts of the CR go hand in hand with efforts at the level of the EU and NATO. In doing

⁶ Strategie pro boj proti terorismu od roku 2013 (Strategy for the fight against terrorism from 2013). Available at: <https://www.mvcr.cz/soubor/strategie-ceske-republiky-pro-boj-proti-terorismu-pdf.aspx> (accessed on 11.09.2022).

⁷ National Intelligence Council (2012). Global trends 2030. Alternative Worlds. Available at: http://www.dni.gov/files/documents/GlobalTrends_2030.pdf (accessed on 11.09.2022).

so, it also uses key EU documents, such as the European Counter-Terrorism Strategy and the associated EU Action Plan for Combating terrorism, the EU Sanction Lists created in connection with sanctions against the financing of terrorism, the Strategy for Combating Radicalisation and Recruitment, and the European Union Action Plan for Combating radicalisation and recruiting, Action plan to strengthen the security of explosives, Action plan on the subject of chemical, biological, radiological substances and nuclear materials, regular half-yearly report of the anti-terrorist coordinator of the European Union, etc.

In this context, activities within the United Nations (UN) cannot be neglected, especially the implementation of the UN's Global Strategy for Combating terrorism from 2006 and the CR's cooperation with the UN's anti-terrorist bodies. The CR implements the Stockholm Program for the area of freedom, security and law in the service of citizens (2010-2014), which also regulates issues of the fight against terrorism.

The European Commission created an Action Plan for the Stockholm Program that clearly defines "Lone Wolves" - these are individual terrorists who act in isolation from terrorist organisations or terrorist associations. This document was also used in the national anti-terrorist documentation.

The Counter-Terrorism Committee of the UN Security Council /CTC/ in the implementation of UN Security Council Resolution 1373 (2001), the UN Security Council Committee 1267 for the implementation of sanctions against Al-Qaeda and the Taliban, and the Counter-Terrorism Implementation Task-force. The CR, following its alliance obligations, constantly monitors and evaluates the dynamically developing international-political situation to find ways to support international anti-terrorist efforts in the form of participation in foreign stabilisation missions of military and non-military nature and further active involvement in working groups of the EU (Terrorism Working Group, COTER) and the Council of Europe (The Committee of Experts on Terrorism). Purely for the area of extremism, there is a separate government document, "The concept of combating extremism", which is updated and evaluated annually.

b) Principles of the fight against terrorism

Due to the transnational nature of international terrorism, the security forces pay significant attention to ensuring that domestic procedures are harmonised to the maximum extent with efforts at the global level, with an emphasis on the activities of the EU, the NATO and the United Nations.

The security services of the CR perceive the responsibility for protecting the public from terrorism, but they also do not lose sight of the issue of protecting the privacy of the state's residents. Every single measure mentioned in this document emphasises the balance of two core values, which are the safety and freedom of the individual. The CR fully respects the basic principles of a democratic state and democratic values; it designs its actions not only in the fight against terrorism in such a way that there is no limitation of the basic rights and freedoms of citizens beyond the framework given by the relevant laws and appropriate to the given situation. These are mainly the Police of the CR and the Intelligence Service of the CR.

Basic principles in the fight against terrorism in the CR:

- Compliance with the fight against terrorism with the Security Strategy of the CR and other essential documents;
- Respecting the principles of democracy and protection of human rights;
- Cooperation and information sharing between interested institutions;
- Deepening the involvement of the CR in international activities (however, this does not mean transferring activities that we can solve at the national and local level);

- Building and deepening trust between like-minded foreign partners;
- Examination (practice) of abilities to face the threat of terrorism;
- Education;
- Active approach to threat prevention;
- Informing the public to an appropriate and reasonable extent;
- Maximum assistance, support and protection to entities that provide information about planned terrorist actions.

c) Legislative and international-contractual issues

The legal system of the CR currently allows the prosecution of terrorist activities in their entirety. At the same time, a terrorist act is understood not only to carry out specific attacks but also any logistical support of terrorist activities, with a special emphasis on the effort to finance them. In the same way, the area of protection, compensation and assistance to victims of terrorism and the protection of witnesses and other persons involved in criminal proceedings (i.e. including cases related to terrorism) is adequately covered. In this context, the situation (including examples based on foreign developments and modifications) related to the possibility of further legislative changes are still being studied.

The CR is currently a contracting party to all thirteen universal anti-terrorism instruments, as well as the European Convention on the Suppression of Terrorism (an agency of the Council of Europe). The necessity of fulfilling obligations arising from specific international instruments necessitated the adjustment of the liability of legal entities in the Czech legal system. By adopting Act No. 418/2011 Coll. on the criminal liability of legal entities and proceedings against them, the CR fulfilled a number of international obligations and European regulations, including anti-terrorist instruments. Specifically, this is the fulfilment of the Framework Decision of the European Union on the fight against terrorism (2002/475/SVV), which explicitly requires the introduction of criminal liability of legal entities into the legal system of the member states.

In principle, all legal entities are subject to criminal liability, i.e., not only commercial companies but also foundations, associations or registered churches. Although legal entities are not responsible for all criminal acts, they are responsible for approximately 80 selected criminal acts recorded in international instruments (including terror, terrorist attacks, incitement to hatred, etc.). By accessing these instruments (or thoroughly implementing already adopted mechanisms), the CR will increase its capabilities for international cooperation (for example, including the enforcement of foreign decisions on the sanctioning of the property of legal entities used for criminal activities, e.g., for the financing of terrorism).

A legal person is responsible "in addition to" a natural person for a crime committed, not only if the crime is committed by a member of its management, but also if such an act is committed by an employee on the instructions of a body of the legal person or in case of neglect of preventive control measures. In this way, the law creates pressure on legal entities.⁸ The obligations of the CR towards the United Nations regarding the treaty agenda on terrorism are covered in principle. Only three amendments or protocols to the conventions adopted in 2005 within the framework of the International Atomic Energy Agency (IAEA) and the International Maritime Organization, which relate to the fight against terrorism, have not been ratified.

⁸ Especially the Law No. 40/2009 Sb. of the CR [Trestní zákoník (Criminal Code) - § 311: Teroristický útok (Terrorist attack)].

Examples of international obligations,⁹ related to the fight against terrorism, the successful implementation of which requires a valid law on the criminal liability of legal entities and proceedings against them in risky situations to prevent criminal activities of their employees without weakening the individual responsibilities of individual natural persons for criminal activities.

Criminal liability is imposed against legal entities in criminal proceedings, which have the most balanced protection of the suspect's rights in relation to the powers of law enforcement authorities. This allows law enforcement authorities to choose the optimal course of action against all suspects while at the same time using a wide network of foreign judicial cooperation agreements. The provision on effective regret for a legal entity also contributes to this. The diverse nature and power of legal entities are matched by a wide range of sanctions, which should enable the appropriate punishment of small and large legal entities, with the basic sanction being a fine (in the amount of CZK 20,000 to 1.46 billion) and then confiscation of property or other property values, prohibition of activity until the dissolution of the legal entity.

The adoption of the law on criminal liability of legal entities and proceedings against them is an important conceptual element of the state's criminal policy and security architecture, which aims to have long-term positive consequences for the country's internal security. As part of international legal activities, the MI CR concludes bilateral agreements on police cooperation between the Police of the CR and the police authorities of other countries. One of the standard obligations contained in these treaties is cooperation in the fight against terrorism and its financing.

d) Current examples of international anti-terrorist cooperation, including the implementation of the current EU strategy into national law

The EU pays special attention to the issue of combating terrorism, as well as radicalism and violent extremism, which is reflected in a number of their directives, documents and measures aimed at combating these negative tendencies with the aim of strengthening the security situation in the region. To effectively combat this danger, the EU strategy focuses on four main pillars: prevention, protection, prosecution and response. The CR is trying to consistently transpose these attributes into national legislation and project them into other regulations and regulations, the aim of which is to ensure a coordinated procedure in ensuring adequate security of citizens and the state against the current threats of international terrorism and other adverse factors that could adversely affect the situation in Europe and the world.

The EU began to form in the middle of the last century and gradually reached its current form, where it represents an essential political and economic actor in international relations. During the last decades, the EC has continuously expanded its influence and leading position in the formation of European integration, which was manifested mainly in economic and political cooperation, the main objective of which was to contribute to the creation of a common market, which will respect the free movement of people, goods, services and capital. This whole process, as well as intensive

⁹ United Nations Convention against Transnational Organized Crime, 29 September 2003, No. 39574, Amending Protocol (ETS 190); European Convention on the Suppression of Terrorism (ETS 90); Convention on Cybercrime (ETS 185); Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189); Council of Europe Convention on the Prevention of Terrorism (ETS 196); Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198); United Nations Security Council Resolution 1373 - counter-terrorism, adopted unanimously on 28 September 2001, is a counter-terrorism measure passed following the 11 September terrorist attacks on the United States.

efforts to integrate the single market and loosen border controls, led to a certain extent to the need to pay more attention to security issues, where the growing influence of the phenomenon of world globalisation, migration, organised crime and international terrorism began to manifest itself. As a result of many factors, such as war conflicts, adverse health, social and working conditions or threats of natural disasters resulting from climate change and global warming, the number of people who migrate for a better and safer life increases yearly. Related to this is the increasing danger of security threats at the national and international levels.

The EU, through its specific mechanisms, must constantly update its foreign and security policy, including solutions to the current problems of the fight against terrorism, following the development of the security environment. These efforts were also manifested in the creation of Directive 12017/541¹⁰ on the fight against terrorism or Regulation 2017/458 aimed at strengthening controls at external borders.¹¹ These documents of the European Parliament and the Council of the European Union are gradually implemented into national legislation and other regulations related to counter-terrorism measures. National security services are alert to the specific threats of extremism, which is spread by violent right-wing ideology through various forms, where social networks and other forms of Internet radicalisation also play a significant role. Currently, it appears that the population in EU countries ranks terrorism among the main global challenges. There are signs that the EU's work in the fight against terrorism is paying off.¹² Between 2019 and 2021, 1,560 people were arrested in EU member states on suspicion of terrorism-related offences. Around 29 jihadist or far-right plots were foiled across the EU during the same period. In 2021, there were 15 terrorist incidents in the Member States, compared to 57 in 2020.

The combination of social isolation and more time spent online during the COVID-19 pandemic has exacerbated the risks posed by violent extremist propaganda and terrorist content online, particularly among younger people.

The role of the EU is essential to ensure that the work of the Member States in the fight against extremism is effectively coordinated. Of course, the threat of terrorism does not begin and end at European borders. The safety of citizens is directly affected by what happens elsewhere. The EU continues to work with international organisations and third countries to share information to ensure the safety of citizens around the world, and the EU Counter-Terrorism Coordinator plays a vital role in this work.

4. ACTIVITIES OF THE DEPARTMENT OF CRISIS MANAGEMENT WITHIN SCIENTIFIC RESEARCH ACTIVITIES AT THE POLICE ACADEMY OF THE CZECH REPUBLIC IN PRAGUE

A number of research projects are underway within the Police Academy of the Czech Republic in Prague (PACR), which also impact the CR's security system, including crisis management in the field of internal security and terrorism.

¹⁰ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, pp. 6–21).

¹¹ Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement (OJ L 132, 20.5.2017, pp. 1–25).

¹² Eurobarometer, 2022. Latest surveys and publications. Available at: <https://europa.eu/eurobarometer/screen/home> (accessed on 11.09.2022).

As part of the institutional research of the PACR, representatives of the Department of Crisis Management and other workplaces of the PACR are implementing a partial research project entitled **Streamlining the functioning of the population protection and crisis management system in the CR**, carried out as part of **the Development Program of the PACR as a research organisation for the years 2017 – 2023**.

The project is aimed at solving extraordinary events and crisis situations when it is necessary to prepare forces and resources that can be deployed for immediate use for the benefit of public administration and residents who may be negatively affected by emergencies and crises. A significant challenge for this area is, for example, security challenges such as terrorist attacks and the wave of migration. The most vulnerable are elements of the transport infrastructure, including civil aviation, or places with a high concentration of population (which are not necessarily elements of the critical national infrastructure), such as social, political, cultural and sports gatherings, large shopping centres, large hotels, etc.

To identify and analyse the possible eventualities of the further development of the security situation, it is possible to use the previous experience of research at the PACR, focused on the creation of scenarios, including the updating of methodologies for their processing as part of the modelling process of the most likely risks and threats related to the CR (probability, impacts, timing, countermeasures, response, etc.). The model scenarios that have already been processed have been checked for their relevance, and especially in the area of a large-scale migration wave, it is necessary to incorporate current findings and supplement them with measures and procedures that can be used in an alternative future (desirable and undesirable future - with an emphasis on the functioning of the security system of the CR).

As part of the elaboration of new scenarios in connection with the updated methodology for creating model situations, the effort to propose appropriate methodological, organisational, resource and other measures for solving specific problems in the monitored areas, using foreign as well as domestic experience (best and worst practice), dominates. When processing the scenarios of model situations, attention will be paid to the practical use of the results for ordinary solvers of extraordinary events and crisis situations (for example, in the form of manuals and recommendations).

The aim of the activities within this project is mainly to:

- **Create** model scenarios for individually selected "stress situations" that have not been the subject of previous research by the PACR or other academic workplaces (following on from Sub-research task 2/1, completed in 2015).
- **Develop** proposals for streamlining (helping to bridge potential weaknesses) the functioning of the crisis management system within the CR (proactive approach to some emerging challenges).
- **Map** new trends in "crowd management", i.e., managing a potentially aggressive crowd with security forces, technical measures and other means.
- **To map** the possibilities and limits for the potential use of other components of the security system, such as new forms of volunteering (volunteer groups) or the use of the capacities of the private security service (the private sector as a whole).
- **To propose** (technical, organisational or other) measures to reduce the vulnerability of critical infrastructure (national and European) on the territory of the CR (including vulnerability due to external influences, the

effects of natural disasters and intentional anthropogenic acts, terrorist attacks and sabotage).¹³

- **Formulate** recommendations to improve mutual communication between actors within the public and private sectors, education of owners and operators (manuals of recommended behaviour for operators of places with a large concentration of people). The same applies to the topic of communication with the public (groups of society) during emergencies and crisis situations.
- **Methodically assist** the application of **business continuity management** within critical infrastructure entities.
- **Propose** recommendations to streamline the functioning of the population protection system and protection of critical infrastructure (including protection against the delivery of IEDs and weapons to the site of a terrorist attack).

Other areas implemented within the security research of the Ministry of Defense are two projects: "**Use of radiation methods for detection and identification of CBRNE materials**" and "**Elemental characterisation of microtraces and narcotic and psychotropic substances by nuclear analytical methods**".

In particular, the following scientific research activities are carried out within the framework of these projects:

- Study of various sources for the use of detection of effects and identification of CBRNE substances and treasures for the preparation and use of prepared methodologies and continuous processing of professional monographs, articles and contributions for organised and prepared events - for conferences and, where appropriate, in the proceedings of events that did not take place due to the pandemic. A number of events took place in the form of online or virtual conferences.
- Assessment of organisational and technical systems of radiation protection and study of national radiological standards and diagnostic reference levels, including the field of radiological physics.
- Identification and preparation of documents for cooperation with representatives of entities that can use the results of the research and can be involved in practical solutions and preparation to ensure the results and outputs of the project.
- Preparation and assurance of certification of the methodology for detection and identification of explosives using a DT generator (University of Mining and Technology Ostrava, Faculty of Electrical Engineering and Informatics) and Preparation and assurance of certification of the methodology for detection of enriched uranium (Czech Technical University in Prague).
- As part of the project, relevant documents will be provided on the needs of radiation methods for individual areas of security practice, including the usability of radiation methods by the security components of the CR. For this, the PACR will use both its expert background in this area and also a wide network of contacts in the field of security practice in the CR.

¹³ Ensuring the recovery of critical infrastructures consists in efforts to minimize the recovery time in order to prevent the development of a crisis situation (its seriousness usually increases exponentially depending on the time of the interruption of the critical infrastructures) taking into account the effects of the interruption of the function of critical infrastructure elements.

- Implementation of laboratory measurements of various samples of drugs and other materials for the application of the use of similar projects in this research. Examples include the preparation and measurement of MDMA methamphetamine tablets, the analysis of the binary mixture of cocaine and levamisole, the use of ab-initio simulations, the analysis of the possibility of using the method of elemental analysis by nuclear methods in the research project "Drugs and management - proof of intoxication and a condition excluding competence" - VJ01010090.

In addition to the basic goal of the mentioned projects to use model scenarios to improve the quality of the tools of the security system of the CR and to detect samples of CBRNE substances, drugs and other materials from the point of view of their use for their application in forensic practice, they can also be used in the field of combating terrorism and ensuring readiness for new threats.

5. CONCLUSION

Following the optimisation of the legal environment and updating the security system prepared by the government, the representatives of the PACR proposed some new perspectives on this optimisation. For this purpose, knowledge from the academy's scientific research activities was also valuable and applicable.

Among other things, improving (optimising) the safety management system in the CR is recommended. In addition, it would be appropriate to consider changes in the legal regulations governing crisis management in order to introduce comprehensive security management regarding the solution of serious events and situations before the declaration of crisis situations. The experience of the Covid-19 pandemic and the current wave of migration has shown that if there is no high-quality legislation to deal with extraordinary events before declaring a state of crisis, it is necessary to use crisis measures, which often arouse considerable reservations among politicians and the public. The term "emergency event" (hereafter referred to as "EE") can not only be understood according to the Act on Emergency Situations to carry out rescue and liquidation work but also in the areas of internal security and public order, protection of the economy and critical infrastructure when rescue and liquidation work is not carried out.

The need for two-system risk management has been demonstrated by practice. For example, in the case of floods, which are dealt with following the Water Act at a lower level of threat, and in the case of a worsening situation and the ineffectiveness of flood measures according to the Water Act, this pre-crisis risk management system is changed by the declaration of crisis situations to crisis management according to the Crisis Act.

It is also possible to consider whether an extensive revision of the so-called crisis legislation (rather, the legal regulations governing crisis management) is necessary, as stated in the government's program statement. Basic attention should be paid to legal regulations that would make it possible to solve all serious emergencies and situations according to the model of the Water Act, which, among other things, contains a pre-crisis system of risk management for floods and droughts, including the possibility to order extraordinary measures and obligations, which can even temporarily limit some constitutional rights and freedoms.

When determining the list (scope) of legal regulations enabling the solution of serious MU, we recommend starting from the same procedure used for crisis management in the Threat Analysis for the CR. We propose to impose by law on all ministries and other central administrative authorities the obligation to analyse threats

within their scope in a similar way as for the processing of type plans and to ensure the necessary additions or new legislation for their pre-crisis solution according to the model of the Water Act. In the future, the problems that had to be solved, for example, during the Covid-19 pandemic in terms of the inadequacy of the Act on the Protection of Public Health and the Pandemic Act or for measures to deal with the wave of migration, would be eliminated.

The above recommendations will be the subject of further discussion, and the question remains to what extent they will be accepted and implemented.

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