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SECURITY OF SPORTS EVENTS IN POLAND
– POLISH ACT ON MASS EVENTS SECURITY

I. Introduction

The issue of Polish football “hooliganism” and the organisation of the EURO 2012 football tournament in Poland and Ukraine has required not only building appropriate infrastructure but also implementing changes in numerous acts of law, setting out the rights and the duties of spectators at the matches. Poland’s aim also was to present the country with regard to the implementation of the European Convention on Spectator Violence and Misbehaviour at Sport Events in particular at Football Games¹. For that reason the aforementioned issue has been a prominent item on the political agenda in Poland.

In 2009 Polish government, after short deliberations, introduced the Act on Mass Events Security², which made it possible to ensure the safety and security at sport events. On the other hand, some commentators indicate that the Act contravened key principles³ established in the Polish Constitution⁴ and other legal acts⁵. This particular problem is not only limited to Poland but also concerns other countries as the Czech Republic or the United Kingdom⁶.

¹ European Convention on Spectator Violence and Misbehaviour at Sport Events in particular at Football Games, (ETS No. 120).

² Act on Mass Events Security of 20 March 2009 (Journal of Laws 2009, No. 62, item 504 with amendments that followed); hereinafter referred to as the “Act”.

³ See M. Warchoń, *Konstytucyjne problemy bezpieczeństwa imprez masowych* [Constitutional issues with regard to the security of mass events], *Przegląd Legislacyjny* 2012, No. 2; M. Adamski, *Nielegalne kary dla kibiców* [Illegal penalties for sports fans], *Rzeczpospolita* of 13 May 2013.

⁴ Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, No. 78, item 483); hereinafter referred to as (the) “Polish Constitution”.

⁵ H.E. Zadrożniak, *Imprezy masowe – wybrane dylematy oraz uwagi de lege ferenda* [Mass events – selected dilemmas and comments de lege ferenda], *Samorząd Terytorialny* 2008, No. 7–8; A. Janiłowski, B. Kwiatkowski, *Analiza krytyczna ustawy o bezpieczeństwie imprez masowych* [Critical analysis of the Act on the security of mass events], *PKiNP* 2010, No. 1; see M. Adamski, *Prawne wątpliwości po wypadku w Poznaniu* [Legal doubts after the accident in Poznań], *Rzeczpospolita* of 1 July 2013.

⁶ See, for instance, G. Pearson, *A Cure Worse than the Disease? Reflections on Gough and Smith v. Chief Constable of Derbyshire*, *Entertainment Law* 2002, No. 11; C. Scott, G. Pearson, *Football banning, proportionality, and public order policing*, *Howard Journal of Criminal Justice*, 2006, No. 3.

In view of the impact of the current football “hooliganism”, it is becoming increasingly relevant to adopt a comparative approach to the problem in question. The issue centres not only on the establishment of new legal rules, but also on the consideration of the sociological surveys, which very often indicate the main source of the aforementioned issue. Modern sport events have changed quite a bit and not all the changes have been for the better.

The main objective of the acts regulating that issue should be to reduce such behaviour as: alcohol consumption, fighting or throwing objects that may constitute a threat to the life or health of other persons. Within this context, a special role is played by the legislator, but also by police tactics, fans and police interactions. However, the Polish legislator has focused on the issue of imposing sanctions for “football hooliganism” and introduced only very harsh provisions, which cause a lot of problems in practice⁷.

The rest of the paper is structured as follows: Section II discusses the history of the Act. Section III explores general information about the Act. The definition of “mass event”, which is not used in most European countries, is explored in Section IV. It emphasizes practical problems resulting from that definition. Section V indicates the duties and rights of participants of mass events and also analyses penalties for non-compliance with the Act. Section VI presents the conclusion.

II. The Act’s history

The Act replaced the former Act on Mass Events Security of 22 August 1997⁸. The legislator stated that the validity of the former act caused “an internal inconsistency, which is out of touch with other regulations and preventing the effective application of the law against rising stadium hooliganism”⁹.

For that reason a new law on mass events security was passed. In the Act, the legislator defined the most important terms related to the scope of the Act and regulated the procedures of issuing permits for organizing a mass event. In the Act, the legislator also proposed new provisions to ensure the safety of a football match, for example, they introduced the institution of a club ban that consists in a prohibition on the participation in subsequent mass events organized by the

⁷ M. Adamski, *Prawny absurd: każdy mecz w Polsce miał spędzić na komendzie* [Legal absurd: he was to stay at the police station during each match], „Rzeczpospolita” of 12 September 2013; M. Adamski, *Imprezy à la „Projekt X” niezgodne z prawem* [Events à la “Project X” illegal], Rzeczpospolita of 30 October 2012; *Przez lampiony można mieć problem z prawem* [You can have a legal problem because of lanterns], Rzeczpospolita of 23 April 2013.

⁸ Act on Mass Events Security of 22 August 1997 (Journal of Laws 1997, No. 106, item 680 with amendments that followed).

⁹ From the justification of the Act’s project (the Sejm of the Republic of Poland – 6th term, vol. No. VI, 1074).

organizer¹⁰. In the project of the aforementioned amendment, a possibility to sell alcohol at sports events was envisaged, because as it was indicated “it was requested by local governments”¹¹. Eventually, the legislator abandoned that idea.

The first amendment of the Act took place in July 2009. Its main aim was to specify sanctions for failure to appear in the police headquarters or other place designated by the commander of the police during a mass event. That loophole in the law caused that there were no sanctions for failure to comply with that obligation. That situation very often enabled a person with a football banning order to stay at the site of a mass sport event.

Further amendments to the Act were made with the passing of the Act on Sport of 25 June 2010¹². In this case, the legislator concretized the definition of a closed area, and added various types of statutory authorization in order to adopt the Minister of Finance’s regulation¹³ imposing the obligation to conclude an insurance contract on the organizer.

One of the important, recent amendments took place on 12 October 2011¹⁴. Thanks to it, the legislator changed more than 30 provisions and added 11 articles. The amendments concerned about one third of the Act. The changes were established due to the organization of Euro 2012. However, in the justification of the project of amendments it was once again pointed out that “they make it possible to effectively combat the phenomenon of stadium hooliganism”. In the justification, it was also stressed that ensuring mass participation in sport events should prevent “alcohol abuse and antisocial behaviour”. At the same time, however, the amendments to the Act authorized the consumption of low-alcohol content drinks during a mass event. On the basis of that amendment, the legislator extended the scope of the club ban, which now also includes a ban on participation in away football matches. This change also allowed mass event organizer to refuse to sell tickets to persons when there is a reasonable suspicion that at the place and during the time of a mass event they may jeopardize its safety (that norm is considered unconstitutional by some commentators¹⁵). The aforementioned amendment also introduced mandatory accelerated proceedings in cases of unlawful acts within the meaning of the Act and the court’s facultative obligation to rule that a person with a football ban should appear in the police

¹⁰ A football ban already applies also to subsequent mass events in which the organizer’s team takes part and which takes place outside his venue; About doubts regarding that amendment, see M. Drózdź, *Zakaz klubowy to zbyt daleko idące ograniczenie* [Club ban – too far reaching restriction], *Gazeta Prawna* of 3 April 2012.

¹¹ From the justification of the Act’s project (the Sejm – 6th term, vol. No. VI. 1074).

¹² Act of 22 July 2010 amending the Act on Mass Events’ Security and Criminal Code (*Journal of Laws* 2010, No. 152, item 1021).

¹³ Regulation of the Minister of Finance of 11 March 2010 on compulsory insurance of civil liability of the organizers of mass events, (*Journal of Laws* 2010, No. 54, item 323).

¹⁴ Act of 31 August 2011 amending the Act on Mass Events’ Security and some others acts (*Journal of Laws* 2011, No. 217, item 1280).

¹⁵ See, for instance, M. Warchoń, *Konstytucyjne...* [Constitutional...], p. 36.

headquarters or another place designated by the commander of the police during a mass event. In this amendment, the legislator also set up, among others, criminal sanctions for an act of provoking fans to actions that pose a threat to an event's security.

III. General information about the Act

The new Act requires specific involvement of the responsible entities as well as implementation of various solutions enabling efficient and effective operations. According to the present text of the Act, the mass event organiser is responsible for security at mass events¹⁶. The organiser is obliged to ensure the safety of the individuals attending the event, the availability of medical services and support and proper technical conditions of the stadiums and other buildings where the event will take place. In addition, the organiser has a duty to protect public order. To guarantee all these things, they have to collaborate closely with the Police authorities.

In fulfilling the basic duties stipulated in the Act, organisers are also obliged to provide security and stewarding staff in numbers calculated in accordance with the number of people attending the event. The Act requires the mass event organiser to ensure the security and stewarding staff who must be trained on how to ensure mass event security. During the mass event, police forces do not have the right to attend sporting events. Only the commander of the police should be present during the event to ensure co-operation with the security manager. If the manager directly makes a written request to the police to intervene, they are allowed to enter and restore order¹⁷. Any kind of force against spectators can be used only if the spectators fail to obey orders to cease their unlawful behaviour.

In order to maintain public order and ensure the safety of football games, the police may collect, analyse and process information about individuals that may pose a threat to public order or safety, where there is a risk associated with such individuals. This process can be followed without the consent of the individual concerned.

The Act also includes norms, which give big power to a voivodeship governor to control the proceeding of obtaining the permit and continuation of mass events. In the case of a negative evaluation of the security level and the state of public order

¹⁶ M. Dróźdź, *Odpowiedzialność deliktowa oraz kontraktowa organizatora imprezy masowej* [Tort and contract liability of mass event organizer], *Przegląd Sądowy* 2013, No. 6, p. 61; T. Pajor, *Odpowiedzialność cywilna organizatora imprezy masowej* [Civil liability of mass event organizer], *Przegląd Sądowy* 2002, No. 10, p. 41.

¹⁷ According to the Act, in the case when security services actions are ineffective, the organizer or the Security Manager requests the assistance of the Police and immediately confirms this fact by sending a written notification.

regarding a planned or finished mass event, a voivodeship governor, by means of an administrative decision, may prohibit a mass event in which spectators are seated in all sectors of a venue or in selected sectors or issue, for a definite or indefinite period, a ban prohibiting an organizer from organizing mass events in the whole voivodeship or in some of its parts. Also, a voivodeship governor may, by means of an administrative decision, stop a mass event if its continuation may pose a significant threat to life and health of persons and property and the actions by the organizer are insufficient to ensure safety and public order¹⁸.

The Act included the norm regarding the complicated procedure of issuing permits for the organisation of mass events. To obtain a permit (which is also an administrative decision), the organiser has to attach for instance opinions of competent bodies, such as the fire brigade¹⁹. The aforementioned document is issued by local governments, i.e. an administrative officer of the commune, a mayor or president of the city. The permit specifies the requirements applicable to the event. This procedure and formalities (for instance, an organizer shall attach about 20 documents to the application for a permit to organize a mass event) cause that a lot of organizers try to avoid them when organising mass events, thus in that situation they are not obliged to obey rules established in the Act²⁰.

IV. Definition of a Mass Event

In the past, many organizers, due to the lack of a uniform definition of a mass event, avoided the requirements relating to the organization of mass events²¹. These entities often suggested, for instance, that a concert they organized is not a mass event within the meaning of the Act. In practice, that situation resulted in many disputes between them and law enforcement agencies. Hence, in the Act, the legislator established a legal definition of the concept of a “mass event”.

Article 3 of the Act contains a catalogue of 19 legal definitions, including the definition of mass events. Paragraph 1 of the aforementioned article provides that the event shall mean a mass art and entertainment event, including a football game.

¹⁸ The issue causes a lot of discussion in the Polish doctrine. See for example mat, *Kontrowersje prawne związane z zamknięciem stadionu Legii* [Legal controversies in connection with Legia stadium closure], Rzeczpospolita of 4 December 2013.

¹⁹ M. Drózd, *Co trzeba załatwić przed koncertem* [What is to be done before a concert], Rzeczpospolita of 15 January 2013.

²⁰ For that reason, a lot of football games organized in the lower league are not mass events and for instance, fans who have a ban on entering mass events may attend such an event; M. Adamski, *Zaostrzenie kar dla kibiców nie pomoże* [More severe penalties for sports fans will not help], Rzeczpospolita of 19 October 2013.

²¹ C. Kąkol, *Bezpieczeństwo imprez masowych, Komentarz* [Security of mass events – Commentary], Warszawa 2012, p. 56 and next.

According to the interpretation of this provision, it should be expressed that the Act applies only to certain events, which are mostly commercial in nature and are usually adjusted to the achievement of specific profit. The legislator used a dichotomous division in that situation, i.e. mass events shall be a mass art or entertainment event. Thus, the legislator did not specify the definition of mass event directly²².

In Art. 3 point 1 of the Act, some exclusions of the definition of a mass event were also established. The first of them has been included due to the specific location where the event takes place. The second group relates to the nature, type of event, and the people involved in the event.

According to the Act, events organized in theatres, operas, operetta houses, philharmonic halls, cinemas, museums, libraries, community centres and art galleries or other similar venues (like for instance an amphitheatre), as well as events in schools and educational institutions organized by managing bodies of these schools and institutions are not mass events. Events organized as a sports competition of children and young people and for disabled athletes, popular sports in the form of physical recreation generally accessible and free of charge, organized in open space, are not mass events, either. Closed events organized by employers for their employees are not mass events, either. All the above-mentioned exemptions must, however, comply with one condition, i.e. the type of an event has to be compliant with the intended use of the venue or site where the event is supposed to be held²³.

In accordance with Art. 2 of the Act, the provisions of this Act shall not apply to free-of-charge mass events organized on closed sites permanently managed by organizational entities subject to, subordinated or supervised by: the Minister of National Defence, Minister of Justice and ministers competent for: home affairs, education, higher education and physical education if these entities are the mass event's organizers. Such events are regulated by the executive regulations of the above-mentioned entities²⁴.

a) Mass art and entertainment events

In Art. 3 point 2 of the Act, the legislator included a definition of art and entertainment events. This provision stipulates that an art and entertainment event is an event of artistic or entertaining nature or an organized public projection of a television broadcast with the use of screens or devices allowing to project images with a diagonal of over 3 metres, which is supposed to take place

²² G. Gozdór, *Bezpieczeństwo imprez masowych. Komentarz* [Security of mass events – Commentary], Warszawa 2008, pp. 54–56; C. Kąkol, *Bezpieczeństwo...* [Security...], p. 56.

²³ M. Dróźdź, *Definicja imprezy masowej – teoria a praktyka* [Definition of mass event – theory and practice], *Edukacja Prawnicza* 2013, No. 3, pp. 3–4.

²⁴ *Ibid.*, p. 4.

in a stadium or another venue not being a building or on a site allowing to hold a mass event for which the number of places made available for participants, specified in accordance with the provisions of the Construction Law and fire protection regulations, is not less than 1000, in a sports hall or in a building allowing to hold a mass event for which the number of places made available for participants, specified in accordance with the provisions of the Construction Law and fire protection regulations, is not less than 500²⁵.

b) Mass sports events

To determine the definition of mass sports events, the legislator adopted the same criteria as those used in Art. 3 point 2 of the Act. Pursuant to this normative act, a mass sports event shall mean a mass event the purpose of which is sport competition or popularization of physical education organised in a stadium or another venue not being a building or on a site allowing to hold a mass event for which the number of places made available for participants, specified in accordance with the provisions of the Construction Law and fire protection regulations, is at least 1000 and in the case of a sports hall or another site is not less than 300 or a site allowing to hold a mass event for which the number of places made available for participants is not less than 1000²⁶.

In Art. 3 of the Act, the legislator also defined a football game. It was pointed out that a football game is one of the types of mass sports events the purpose of which is a football competition, organised in a stadium or another sports complex where the number of places made available by for participants, which is specified in accordance with the provisions of the Construction Law and fire protection regulations, is not less than 1000²⁷.

Taking that into consideration, it should be noted that the event is considered a mass one where the number of available places (not actual participants) exceeds the standard specified in advance. Therefore, if 10 supporters attend a football match, despite the 1500 places are available, it is still an event that is subject to the Act²⁸.

c) Risk mass events

Both kinds of mass events presented above may be recognized as increased risk mass events, which means mass events during which, based on the information about predicted threats or the previous experiences involving participants'

²⁵ M. Drózdź, *Kiedy trzeba uzyskać zezwolenie na zorganizowanie imprezy masowej* [When is it necessary to obtain permission to organise a mas event], Rzeczpospolita of 19 December 2012.

²⁶ *Ibid.*; M. Drózdź, *Definicja...* [Definition...], p. 5.

²⁷ *Ibid.*

²⁸ *Ibid.*

behaviour, there is a risk of possible acts of violence or aggression occurrence. The mass event risk may be stated only by the authority in its permit for the organization of a mass event.

In such a situation, for instance, the number of places made available for participants is not less than: 300 – for a stadium or another venue not being a building or site allowing to hold a mass event, 200 – for a sports hall or another building allowing to hold a mass event, 200 – for a football match²⁹.

V. Fans' rights under the Act and executive provisions

At the moment of a ticket purchase by a participant or the issue of another document allowing them to enter a mass event, the parties enter into an unnamed agreement³⁰, the normative content of which is most similar to a contract for services regulated by the Polish Civil Code³¹. This legal action, i.e. an agreement to make a mass event available, allows the viewer to participate in a particular mass event organized by the organizer in person or with third parties, and the organizer is required to provide the above events and to ensure the safety of the participants, in particular taking into account the rigors contained in the Act³². For that reason, at the moment of paying for the ticket, an agreement is concluded and participation in the mass event is authorised on the conditions there provided.

According to the Act, the tickets entitle fans to watch the game in the seat indicated. Moreover, as fans are consumers, they enjoy special protection under certain provisions of the Polish Civil Code and other acts, for instance, protection against unfair contractual terms³³.

After the introduction of one of the amendments to the Act, during soccer games in Poland, it is possible to buy and consume alcohol containing no more than 3.5% of alcohol. It is strictly prohibited to bring any alcohol into the stadium (it should be also emphasised that smoking during the event and also in public places is also strictly prohibited).

²⁹ This regulation also causes a lot of problems in practice. See, for example, M. Adamski, *Rzecznik krytycznie o prawie na polskich stadionach* [Ombudsman critically about law at Polish stadiums], *Rzeczpospolita* of 30 November 2013.

³⁰ A. Koch, *Podstawy cywilnoprawnej odpowiedzialności organizatora za szkody powstałe w wyniku naruszeń porządku w związku z imprezami sportowymi* [Basis of civil legal liability of an organizer for damage resulting from public disorder during sports events], [in:] *Naruszenia porządku towarzyszące imprezom sportowym* [Public order violation in connection with sports events], Poznań 1995, p. 137.

³¹ Polish Civil Code (Journal of Laws 1964, No. 16, item 28 with amendments that followed).

³² T. Pajor, *Odpowiedzialność...* [Liability...], p. 41; To determine the significance of this agreement, part of the doctrine defines it as “a contract for the provision of a sports spectacle”.

³³ Under Polish Civil Code they mean the terms of a contract concluded with a consumer that have not been individually negotiated shall not bind the consumer if they shape his rights and duties in a manner contrary to good practices with gross violation of his interests.

The interpretation of the Act is that the objective of the security services is to ensure the security of the spectators. During the events, stewards have to provide information on facilities and security requirements and the location of sanitary facilities, and, most importantly, the location of medical assistance places³⁴. For the protection of the spectators, stewards must react quickly to any incidents that could breach the rights of the spectators. They are also obliged to control other spectators' compliance with the regulations to ensure safety. The stewards are also obliged to address any complaints and questions. Outside the stadium, fans may also obtain information from the police on issues related to organisation and, for example, transport. According to the Act, the National Chief of Police is the body responsible for processing, analysing and collecting information on mass event security. What is more, it also established a National Information Point for Mass Events, which is responsible for the exchange of information within the network of national football information points in other countries.

VI. Fans' duties under the Act and executive provisions

The Act establishes new standard of duties of the people attending mass events that were previously unknown in Poland, for example observance of the venue (premises) regulations or mass events regulations³⁵. According to the Act, it is prohibited to enter restricted areas or to enter the stadium unlawfully. Spectators must follow orders given by the police as well as by stewards or other security guards. No alcoholic beverages, weapons or pyrotechnic products, or any objects that may pose a potential risk to the health of any spectators can be brought into the stadium. Clothes, and clothing accessories, such as scarves, cannot be used to prevent identification, and no items that promote racism or other discrimination are allowed. Spectators and even football players must not provoke other fans³⁶. Nothing can be thrown onto the field and no violation of the bodily integrity of stewards, security guards or other fans will be tolerated.

Most of these behaviour patterns are considered criminal offences under Polish law. The court process may take place with the use of special proceedings, allowing a court ruling to be issued just hours after an arrest at an event.

³⁴ M. Drózdź, *A short legal guide for football fans: Rights and duties during Euro 2012 matches in Poland*, Warsaw Voice 2012, No. 6.

³⁵ *Ibid.*

³⁶ See the case in which a player of Legia Warsaw had a lawsuit for provoking fans. See *Piłkarz Ostrovii ukarany przez sąd za prowokowanie kibiców Polonii* [Ostrovia footballer sentenced for provoking Polonia supporters] of 21 October 2013 available on the website www.pap.pl

The provisions for such proceedings are defined in the Polish Petty-Offences' Proceeding Code³⁷ and also, in the Polish Criminal Procedure Code³⁸.

The court can ban a convicted fan from attending a stadium for a period from two to six years and can impose a fine. The fines can be extreme, ranging up to and exceeding five hundred thousand zlotys. In addition, certain offences and crimes may be dealt with by penalties of the restriction of liberty or imprisonment.

Under stadium regulations or mass events regulations, various items are prohibited in a stadium. In most cases, such items include: helmets, umbrellas, bottles, cans, mugs, jugs, alcoholic beverages, drugs and psychotropic substances and materials with political or religious content. It is also forbidden to bring: professional cameras and video cameras, animals, objects and clothes with commercial and promotional content, aerosols, large quantities of paper, loudspeakers, sirens or other sound-emitting devices or laser pointers. Fans should note that boxes, bags, backpacks and other items must be usually smaller than 25 cm × 25 cm × 25 cm.

The security guards and stewards are authorised, before and during the game, to verify identification documents, inspect bags and clothing and to check tickets. They will refuse entry to anyone who has a stadium ban or is under the influence of alcohol, drugs or psychotropic substances. They may also prohibit anyone who is behaving aggressively or provocatively from entering a match.

a) Sanctions for violation of the Act

In the Act the legislator established very restrictive and harsh punishments for failing to comply with the Act's provisions. In this case, the legislator followed the British norms³⁹ and in Chapter 9 of the Act enacted thirteen penal provisions, the main objective of which is to eliminate football hooliganism from Polish stadiums. Many of the penalties proposed in the Act are financial ones⁴⁰.

First of all, whoever fails to follow a security order issued pursuant to the Act, facility (ground) rules or regulations of a mass event by security or information staff, shall be subject to a penalty of deprivation of liberty or a fine not lower than PLN 2,000. The same punishment shall be imposed on anyone who, during a mass event, enters a place that is not intended for the public or even enters a sector other than that defined on a pass or another document that authorises

³⁷ Polish Petty-Offences' Code (Journal of Laws 2008, No. 133, item 848 with amendments that followed).

³⁸ Polish Criminal Procedure Code (Journal of Laws 1997, No. 89, item 555 with amendments that followed).

³⁹ See, for example, Act of 16 October 1989: *Football Spectators Act*, (1989 c. 37), available on website www.legislation.gov.pl

⁴⁰ C. Kąkol, *Bezpieczeństwo... [Security...]*, p. 473.

entry to a mass event and refuses to leave the sector in spite of an order from an authorised person.

According to Art. 54 of the Act, whoever fails to follow an order issued by the Police or Military Gendarmerie at the venue and during a mass event shall be subject to a penalty of deprivation of liberty or a fine not lower than PLN 2,000.

Despite a permission to sell alcoholic beverages containing not more than 3.5% of alcohol, whoever, contrary to the provisions of the Act, brings or possesses alcoholic beverages during a mass event, shall be subject to a penalty of deprivation of liberty or a fine not lower than PLN 2,000.

A new crime, which was not established in the previous Act, is included in Art. 57 of the Act. Whoever, being obliged, fails to provide information on the security of a mass event or provides incorrect information in that respect, shall be subject to a penalty of deprivation of liberty or a fine not lower than PLN 2,000.

One of the most controversial norms is included in Art. 57a of the Act. According to that provision, whoever, at the venue and during a mass event, uses an item of clothing or an object to prevent or significantly hinder his/her identification, shall be subject to a penalty of deprivation of liberty or a fine not lower than PLN 2,000.

One of the most used provisions in practice is Art. 59 of the Act, which provides that whoever brings or possesses weapons within the meaning of the Act of 21 May 1999 on Weapons and Ammunition⁴¹, pyrotechnical products, fire hazard materials and other hazardous objects or explosives during a mass event, shall be subject to a fine not lower than 180 times the daily fine, a penalty of restriction of liberty or a penalty of deprivation of liberty between three months and five years. The biggest issue nowadays in Poland is a large number of court proceedings for possessing pyrotechnical products.

According to Art.60 of the Act, whoever, during a mass sports event, including a football match, forces his/her way onto the facilities where the sports competitions are held or refuses to leave the place in spite of an order from an authorised person, shall be subject to a fine not lower than 180 times the daily fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for up to three years. Also, whoever, during a mass event, forces his/her way onto the facilities or to the grounds where the mass event is held or refuses to leave the place in spite of an order from an authorised person, shall be subject to a fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for up to one year.

Also, if someone, who is attending a mass event, throws an object that may constitute a threat to the life, health or security of the persons present on the

⁴¹ Act of 21 May 1999 on Weapons and Ammunition (Journal of Laws 2004, No. 52, item 525, with amendments that followed).

ground or in the facilities where the mass event is held, or disturbs the course of the event in another way that is equally dangerous, shall be subject to a fine not lower than 120 times the daily fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for up to two years. The same punishment shall be imposed on anyone who, at the venue and during a mass event, violates bodily integrity of a member of the security and information staff. If the perpetrator, while perpetrating the acts referred above, uses an item of clothing or an object to cover his/her face and thus prevent or significantly hinder his/her identification, shall be subject to a fine not lower than 240 times the daily fine, a penalty of restriction of liberty or a penalty of deprivation of liberty between three months and five years.

The next very controversial provision, which causes a lot of doctrinal discussions, is Art.61 of the Act⁴². In accordance with that provision, whoever, at the venue and during a mass sports event, instigates fans to actions that are a threat to the event's security, shall be subject to a fine not lower than 180 times the daily fine or a penalty of restriction of liberty. For that reason, in practice, some court proceedings under investigation were against some football player who, for instance, showed fans the symbol of another team⁴³.

VII. Conclusion

The Act on Mass Events Security requires the organisers of mass events to guarantee the safety of spectators of those events, particularly sporting events. In general, the Act contains provisions included in the European Convention on Spectator Violence and Misbehaviour at Sporting Events in Particular at Football Matches, which pays special attention to programmes focused on the prevention of violation through sport and on building positive attitudes among fans and also conducted norm, which allow to analyse and evaluate activities undertaken by services and institutions in relation to sports events security.

The organisation of EURO 2012 required not only building new stadiums but also implementing new acts that establish rights and duties of football fans during matches that will take place there. What is more, the main aim of the legislation was to create legal regulations that ensure a safe environment for all spectators. For that reason, all enacted acts pay special attention to all aspects that may violate the aforementioned objective.

The Polish Act is the most relevant legal basis establishing the rights and duties of anyone attending matches. It should be expressed that some particular

⁴² See, for instance, C. Kąkol, *Bezpieczeństwo...* [Security...], p. 575; W. Kotorowski, B. Kutrzępa, *Bezpieczeństwo imprez masowych. Komentarz do ustawy o bezpieczeństwie imprez masowych* [Security of mass events – Commentary on the Act on the security of mass events], Warszawa 2010, p. 188.

⁴³ See note No. 36.

internal acts of UEFA or FIFA will also affect other rights and duties, and for that reason, it is very important to read through the stadium regulations established by UEFA or FIFA.

However, in my opinion, some of the provisions of the Act contravened some key principles established in the Polish Constitution. For example, the institution of a club ban violates Art. 45 of that Act, which provides everyone has the right to court⁴⁴. What is more, very often, the legislator used in the text of the Act indefinite clauses that allow some entities to use the Act to issue very controversial decisions. For example, in Poland, very often, a voivodeship governor closed stadiums or selected parts of a stadium due to the fact that the future mass events might violate public order. The problem is that in justification of that decision the aforementioned entities very often state that the example of behaviour that may cause that situation is, for instance, the fans' former conduct in the course of the game⁴⁵ or even offensive and vulgar slogans expressed earlier by supporters of one team⁴⁶. Despite several changes, the Act still has various mistakes, which due to the volume of the work, cannot be thoroughly discussed herein (for example Art. 26 of the Act states that "To the application to a person appointed the Security Manager, which is referred to in Article 25 (1)(1), the organizer attaches (...) along with his personal information"⁴⁷).

As I mentioned earlier, modern sport has changed and the norms that regulate it have to be different⁴⁸ than, for example, those established in the mid-twentieth century. However, in such a case, the legislator cannot forget the basic principle of the rule of law, i.e. the right to court. For that reason, it is relevant to create a legal norm that will ensure security at sport events but also will be in accordance with the rule of law. What is more, it should be underlined that very often behaviour of some fans is a sociological issue rather than a legal one. If the legislators do not remember that rule, the rules that they establish may be totally ineffective. For that reason, I agree with Professor Pearson, who wrote in one of his papers that "These apparent protections are proving incapable of protecting the civil liberties of football fans that have been convicted of no offence from an overly zealous executive that has become obsessed with protecting the nation's reputation from the so-called "disease" that is football crowd disorder"⁴⁹.

⁴⁴ T. Woś, H. Knysiak-Molczyk, M. Romańska, *Postępowanie sądowoadministracyjne* [Administrative juridical proceeding], Warszawa 2009, pp. 19–20.

⁴⁵ Decision BZK – II.6110.2.9.2013.AU.

⁴⁶ Decision ZK.I.68.31.2011.

⁴⁷ M. Drózdź, *Czy przepisy dotyczące organizacji meczów piłki nożnej wymagają zmian?* [Do the provisions on football match organisation require changes?], Rzeczpospolita of 3 January 2013.

⁴⁸ See also: L.M.K. Lefteroff, *Excessive heckling and violent behavior at sporting events: A legal solution?* Business Law Review of the University of Miami School of Law 2005, No. 119.

⁴⁹ G. Pearson, *A Cure...*, p. 101.

SECURITY OF SPORTS EVENTS IN POLAND – POLISH ACT ON MASS EVENTS SECURITY

Summary

The article presents a general description of the Act on Mass Events Security, whose application in practice causes a lot of problems. The article aims to present the provisions of the Polish Act that regulates the security of sports events in Poland. The article presents an interpretation on various provisions of the aforementioned Act. The article provides the history of the Act, general information about it and a definition of “mass event”. The paper also emphasizes practical problems that the definition causes. The article also points out the duties and rights of the participants of mass events and also presents the sanction for non-compliance with the Act.

BEZPIECZEŃSTWO IMPREZ SPORTOWYCH W POLSCE – POLSKA USTAWA O BEZPIECZEŃSTWIE IMPREZ MASOWYCH

Streszczenie

W artykule przedstawiono ogólny opis przepisów ustawy o bezpieczeństwie imprez masowych, których stosowanie w praktyce powoduje wiele problemów. Celem artykułu jest przedstawienie ustawy, która reguluje bezpieczeństwo imprez sportowych w Polsce. W artykule dokonano interpretacji jej różnych przepisów. Artykuł zawiera historię ustanowienia ustawy oraz ogólne informacje na jej temat. Praca opisuje także definicję „imprezy masowej”. Artykuł przedstawia również praktyczne problemy, które powoduje ta definicja, oraz obowiązki i prawa uczestników imprez masowych, a także sankcje za nieprzestrzeganie ustawy.

LA SÉCURITÉ DES MANIFESTATIONS SPORTIVES DE MASSE EN POLOGNE – LE DROIT POLONAIS SUR LA SÉCURITÉ DES MANIFESTATIONS DE MASSE

Résumé

Dans l'article l'auteur présente une description générale des règlements du droit de la sûreté des manifestations de masse parce que leur mise en pratique cause beaucoup de problèmes. Le but de cet article est la présentation du droit qui régularise la sûreté des manifestations sportives en Pologne. Dans l'article l'auteur interprète ses différents règlements parce que l'article contient l'histoire de constituer le droit

ainsi que les informations générales à ce sujet. Il donne aussi la définition de la «manifestation de masse». Cet article présente quelques problèmes pratiques causés par cette définition ainsi que les droits et devoirs des participants des manifestations de masse et les sanctions contre non respect de ce droit.

БЕЗОПАСНОСТЬ СПОРТИВНЫХ МЕРОПРИЯТИЙ В ПОЛЬШЕ – ПОЛЬСКИЙ ЗАКОН О БЕЗОПАСНОСТИ МАССОВЫХ МЕРОПРИЯТИЙ

Резюме

В статье представлена общая характеристика положений закона о безопасности массовых мероприятий, применение которых на практике создаёт множество проблем. Целью данной статьи является освещение закона, регулирующего безопасность спортивных мероприятий в Польше. В статье произведена интерпретация его различных положений. Статья включает историю установления закона, а также общие информации о нём. Работа содержит также характеристику определения «массового мероприятия». Статья представляет также проблемы практического характера, вызванные этим определением, обязанности и права участников массовых мероприятий, а также санкции за несоблюдение закона.