Critical Areas of Services and Supplies — the Legal Mechanisms for the Special Control of their Functioning

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Abstract. *The article concentrates on the issue of legal mechanisms to control some areas with a huge impact on national security. In other words we could call this 'protection' or 'limitation' of free movement of goods or services. Some type of this control is the only opportunity to maintain influence in a crisis or in critical situations in respect of citizens and their daily life. It covers specific people and capital in different types of economic activities but mainly such services and supplies as energy, fuel, communication, telecommunication networks, food and water supply, transportation or production, storage and use of chemical and radioactive substances. Even in countries which are entirely open to foreign investors, ceding control over strategic areas or companies, or firms that are the most competitive in the world, is not welcome. This is because they could block or restrict the autonomy to make strategic political or economic decisions. The analysis concentrates on legal aspects of this limitation and is based on three Acts: the Act of 2010, 18th of March on special powers of the Ministry of State Treasury and their execution in certain capital companies or capital groups operating in the sectors of electricity, oil and gas, the Act of 2010, 29th of October on strategic reserves and the Act of 2015, 24th of July on the control of certain investments. Of course these regulations, even with acknowledging their significance, cannot provide a total guarantee of security. The other issue is that these solutions for protection, prediction of threats and their elimination, and finally, a demand to maintain backup systems, are so general that they can be interpreted differently.*

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The development of society has always been associated with dynamic technological and infrastructure progress. In the last few dozens of years it has become clear that, beneath such progress, there arise much greater risks of disruption of a country then previously. While in the past infrastructure was mostly created and developed locally, its disruption also had only local significance. With time, we had to deal with a change in this dimension. River regulations[1], electricity, more efficient system of production and exchange of goods (that results in the disappearance of some existing industries and production of goods- not only within a country, but in a whole region), as well as computerisation, have caused an almost total re-evaluation in thinking about the countries security. Globalisation is its final example. So, disruption in one part of the globe can complicate the situation in many other parts of the world.[2]

All that was, however, a kind of prelude to the situation with which we are now dealing on a daily basis. Not only the forces of nature, bringing local difficulties, are a problem that we have to deal with. Currently, entire societies' systems of organization may be endangered by organised criminal groups or even by countries which

[1] Thereby causing a potential shift of the impact of flooding to areas situated much further away than previously.

[2] The most outstanding example of this is the oil crisis in 1973.

practice an aggressive policy or tendency for conflict (often officially denying such actions). Of course, in the second example, officially we are talking about speculation. However, it is very difficult to imagine, that in each case an "ordinary" group of people (even if they are very talented and they used these abilities in immoral intentions) disrupt the informatics systems of the whole state (e.g. Estonia, 2007) without being traced and identified or could steal the data of millions of officials, including employees of the secret services (United States, 2014 and 2015). Without exaggerating well-known examples, such as the *Snowden case,* we all aware that some countries create institutions and structures which support them by collecting and processing information important for their functioning.[3] Anyway, they have always done this, but the technical capabilities to do so were different previously.

The problem which we have to now face, is the scale and impact of such threats. The theoretical considerations (for now) about the possibility of causing remote failure of a nuclear power plant, shutdown (just to cause chaos or disaster) of traffic control systems (e.g. railways, airports), faking a surge in demand in energy networks (blackout), disruption of communication networks, etc., do not mean that we can give up on efforts to create the mechanisms (methods) to prevent or eliminate the consequences of such events. These few hypothetical examples show that safety considerations must be more broadly focused than before. For this reason, countries (its elements, structures, institutions) plan to control or prevent these types of cases and also the supply of certain goods. On the other hand, in the recent years, we can observe that countries are gradually switching from spontaneous performance of certain tasks, which are integrally associated with general safety. The supply of goods and strategic services becomes, in many cases, a kind of "monopoly" for the private sector, which is supposed to focus primarily on profit, as an economic subject. This requirement also involves companies, which still partially belong to the state. When they become commercial companies they must start to calculate, to a much larger extent than they did before, the economic consequences of their decisions. This, however, means that investing in security systems or cooperation with other critical systems for enterprises and companies (private or partially private) is not of supreme value, unless it increases their financial wealth.

One type of protection is the possibility to exert influence on the investment opportunities of specific people and capital in these types of economic activities. Even in countries which are entirely open to foreign investors, ceding control over strategic areas, such as national companies, or firms that are the most competitive in the world, is not welcome. This is also because they could block or restrict the autonomy to make strategic political or economic decisions.[4]

[3] In fact, it is not just about whether access to certain information is ethical or not. This line of thought is rather a question of the effects and the manner in which the knowledge is gained. Snowden's case shows, that there are at least a few countries in the world that are trying to gain access to information stored and transmitted in cyberspace. With this in mind, the need to remember that criticism of only one of them is undoubtedly preferred by the others. This does not mean that their "need" to access the data is smaller. Rather it means that they have not yet had such opportunities.

[4] An example of this is the opposition of the US Congress in 2006 for the sale of port management rights in New York, New Jersey, Philadelphia, Baltimore, Miami and New Orleans to a company from the United Arab Emirates.

For this reason there are attempts and actions, in accordance with the roles of law, which guarantee control and influence for the country over the activities of such companies. Therefore, the law and its form always, in democratic countries, constitute what the level (scale) of interference or control over these companies may be. Nevertheless, this is not an easy task. Firstly, we have to deal with interference in the right of ownership (which is the basis of the free market), including interference in freedom of economic activity often guaranteed by not only national, but also by international laws. Secondly, it creates a need to build functioning instruments of control and enforcement standards. Finally, regardless of the above actions, a state still must protect itself from the potential consequences of crises. This can be achieved by creating certain stockpiles, often called strategic reserves, which are brought into operation, notwithstanding the will or desire of entrepreneurs, in crisis situations where established control mechanisms do not work. All of this is expensive but necessary. However, it is difficult to imagine a situation in which the government "shifts" responsibilities for lack of supply for citizens and will put human lives in danger, onto private companies which "do not want to work as would be expected". For the state that would be a denial of its existence.

We can call services and supplies with particular importance for the functioning of the state "critical". Sometimes their component parts can also be called critical infrastructure, disruption of which causes a negative effect on society. In Poland the legal definition of critical infrastructure can be found in the Act of 26th of April 2006 *on crisis management*.[5] Under this term we understand (Article 3 paragraph 2) systems and their constituent objects, including building structures, equipment, installations, services essential to the security of the state and its citizens, as well as those being essential for the functioning of public authorities, institutions and entrepreneurs. Critical infrastructure systems include:

1) energy supply, energy raw materials and fuel;
2) communication;
3) telecommunication networks,
4) financial services;
5) food supply;
6) water supply;
7) health protection;
8) transport;
9) rescue;
10) continuity in the work of public administration;
11) production, storage, storage and use of chemical and radioactive substances, including pipelines and hazardous substances.

Moreover, this Act also specifies (considering European Union legislation[6]) the issue of European critical infrastructure, indicating (Article 3 paragraph 2a) that systems and their integral objects, including building structures, equipment, installations, services essential to the security of the state and its citizens as well as being essential for functioning of public authorities, institutions and entrepreneurs

[5] Official Journal 2013, position 1166 (unified version).

[6] Communication from the Commission on a European Programme for Critical Infrastructure Protection — COM (2006) 786 final.

established in supply and transport systems, electricity, petroleum and natural gas, road, rail, air, inland water transportation, ocean shipping, short sea shipping and ports, located on the territory of the European Union Member States, disruption or destruction of which would have a significant impact on at least two Member States. The Act which determines the scope of the infrastructure is also the basis for actions aimed at its protection, therefore any action ensuring the functionality, continuity and integrity of critical infrastructures in order to prevent threats, risks or weaknesses and limitations, neutralisation of their effects plus the rapid restoration of infrastructure in case of emergency, attacks and other events which interfere with its proper functioning. How important this matter is for the state is shown by the fact that, according to article 5b of the above mentioned Act, the Council of Ministers accepts, by resolution, the National Programme for Critical Infrastructure Protection, the aim of which is to create conditions to improve the security of critical infrastructure, and in particular the:

1) prevention of the malfunctioning of critical infrastructure;
2) preparation for emergency situations that could badly affect critical infrastructure;
3) response in the event of destruction or disruption of critical infrastructure;
4) reconstruction of critical infrastructure.

The programme determines national priorities, objectives, requirements and standards, for effective functioning of critical infrastructure, appoints ministers in charge of government departments and heads of central offices responsible for these systems, as well as providing comprehensive criteria to distinguish objects, installations, equipment and services which are part of critical infrastructure systems, taking into account their importance for the functioning of the state and needs of citizens.

The programme is prepared by director of the Government Security Centre in cooperation with the ministers and heads of central offices responsible for critical infrastructure systems and competent in national security matters. It is update at least once every two years, and its content is protected as classified information. The same authorities also are involved in the protection of European critical infrastructure. In this case, the primary things to be considered (Art. 6a) are if:

1) it meets the sector criteria — the approximate numerical thresholds established by the European Commission and European Union Member States. Characterising parameters are included in critical infrastructure systems facilities, equipment and installation or the functionality of these objects, equipment and installations, determining identification of critical infrastructure;
2) it is a system component or part of the infrastructure that is essential for the maintenance of social functions, health, safety, security or social well-being and which disruption or destruction would have a significant impact on Poland as a result of the loss of those functions;
3) its disruption or destruction would have a significant impact for at least two European Union Members;
4) it meets the cross-section criteria — including casualties criterion (assessed in terms of the potential number of fatalities or injuries) and the economic impacts conditions (assessed in relation to the importance of economic loss

or drop in the quality of goods or services), and finally the criterion of social impact (assessed in terms of the impact on public trust, physical suffering and disruption of everyday life, including the loss of essential services).

Only when the pre-designated infrastructure meets all requirements referred to in paragraphs 1–3 and at least one of the requirements referred in point 4, can it be viewed as a definite, and no longer as a potential, European critical infrastructure.

In accordance with article 6 of above mentioned Act, the tasks related to the protection of critical infrastructure include:

1) collecting and processing information regarding the dangers of critical infrastructure;
2) development and implementation of procedures for critical infrastructure emergencies;
3) reconstruction of critical infrastructure;
4) cooperation between public administration and associated and dependent objects owners or holders, installations or equipment of critical infrastructure, in the scope of its protection.

Committed to this are associated and dependent objects owners or holders, installations or equipment of critical infrastructure. They have a duty to protect them, in particular by the preparation and implementation, with reference to predictable risks and critical infrastructure protection plans as well as to maintain their own backup systems providing security and supporting the functioning of this infrastructure until its complete restoration.

Of course these regulations, even acknowledging their significance, cannot give a total guarantee of security. The obligation for protection, prediction of threats and their elimination, and finally, the demand to maintain backup systems, are so general that they can be interpreted differently. The most important handicap of these solutions, however, is focusing only on the aspect which defines what part of the critical infrastructure and a general description of the duties of those supporting it, without the possibility of direct and rapid intervention in a situation where the assumed obligations are intentionally not implemented. For this reason, in other legislation further mechanisms to influence or enforce certain behaviours, including, of course, the restrictions which have already been mentioned was projected. The three following laws deal with these issues:

1) the Act of 2010, 18th of March *on special powers of the Ministry of Treasury and their execution in certain capital companies or capital groups operating in the electricity, oil and gas sectors*[7];
2) the Act of 2010, 29th of October *on strategic reserves*[8];
3) the Act of 2015, 24th of July *on the control of certain investments*.[9]

The first act introduces specific regulations in relation to companies and capital groups operating in the electricity, oil and gas sectors. This law specifies:

1) in the electricity sector — the infrastructure for manufacturing or transmission of electricity;

[7] Official Journal 2010, No. 65, pos. 404.
[8] Official Journal 2016, position 1635 (unified version).
[9] Official Journal 2016, position 980 (unified version).

2) in the oil sector — the infrastructure for extraction, refining, oil processing, storage and transmission of oil and other petroleum products, as well as port terminals to handling these products and oil;
3) in the gas sector — the infrastructure for the production, extraction, refining, processing, storage, transmission of gas fuels and terminals of liquid natural gas (LNG).[10]

The influence on activity in these areas is the ability to express opposition (as an administrative decision) against a board's resolution, or other legal action made by the board, relating to a disposal of the assets mentioned above constituting a real threat to the functioning, continuity and integrity of critical infrastructure, as well as to any other resolution made by company's body such as:

1) dissolution of the company;
2) reassignment or discontinuation of exploitation of the company's property;
3) change of its business;
4) sale or lease of the company or its organisation and establishment of a limited property rights;
5) approval of the material and financial plan, investment or long-term strategic plan;
6) transfer of the company abroad

— if the implementation of such a resolution would create an actual threat to operation, continuity and integrity of critical infrastructure.[11]

Moreover, according to article 2 paragraph 4, such resolutions cannot be enforceable and legal action arising from them has no legal effect during the period in which the minister has the right to oppose (14 days from receiving the information), during the time in which a party may apply for a appeal (as this is an administrative procedure) or until assessment of the decision, in the case of an application, or complaint about it, by the administrative court. The Act also introduces the special institution of an attorney for the protection of critical infrastructure, which in each company is appointed by the board in agreement with the minister responsible for the Treasury and the Director of the Government Security Centre (Article 5, paragraph. 1). In accordance with article 5, paragraph. 2, his task are:

1) providing the minister responsible for the Treasury information regarding legal activities, made by its company authorities, which he may question;
2) preparing, for the board and board of directors information about the protection of critical infrastructure;
3) providing the company board with advice on critical infrastructure existing in the company;
4) monitoring the company activities for the protection of critical infrastructure;
5) providing information on critical infrastructure to the Director of the Government Security Centre on his request;

[10] Whose properties were disclosed in the uniform list of facilities, installations, equipment and services comprised by the critical infrastructure referred to in the act *on Crisis Management.*

[11] Art. 2 paragraph. 1 and 2.

6) passing and receiving information about the threat to critical infrastructure in cooperation with the Director of the Government Security Centre.

It is easy to notice that this is a very significant form of control of the companies described activities. A level of control, which actually bears influence on their business, only if the Government considers such decisions (sometimes resolved in the courtroom) as harmful to state security.

The second of Acts mentioned on strategic reserves is an example of an attempt to guarantee by the state that, in cases when companies carry supplies of materials and services of particular importance for state security and defence, public order, public health and a natural disaster or crisis situations, in order to support the tasks of the security and defence of the state, restoration of critical infrastructure, reduction of disruptions in delivery of supplies that help in functioning of economy and fulfilling the basic needs of citizens and preserve their lives and health, as well as fulfilling Polish international obligations (article 3), it maintains reserves which allow continued functioning for some time even if the basic system do not work. The Act states (article 4) that the strategic reserves may include:

1) raw materials;
2) materials;
3) devices;
4) machines;
5) structures to make overpasses, road and rail bridges;
6) elements of critical infrastructure;
7) oil products;
8) agricultural products and food;
9) foods and ingredients;
10) medical products, medicinal products and veterinary medicinal products, active compounds, and biocidal products.

Details are described in the Government Strategic Reserve Programme (article 8), bearing in mind that the Minister for the Economy may create (by decision) assets not covered by the programme (article 14). For the tasks described in the Act, the Agency for Material Reserves was also, established (Chapter 6), responsible for the technical side of creating, using and ongoing surveillance of strategic reserves. It is not difficult to note that this is another element of care for the efficiency of the state infrastructure functioning (its parts), focused not only on the organisational aspect (which belongs to such infrastructure) or how to use it (company operating in sensitive areas), but creating a storing mechanism in case of emergency. Let us add that this inventory also includes food and drugs, which is important in the case of a large-scale crisis.

In drawing up such a system there is a gap, which consists of the temporary or even permanent lack of control over the changes of ownership in companies involved in critical domains of social life. This results from the far-reaching anonymisation in the market trading of shares in enterprises and the potential "hiding" of its real owners. Loss of control over strategic enterprises, in such a way, means that every attempt to reverse this situation, even based on legal mechanisms, can lead to a court case, often transferred into the international arena (e.g. arbitration courts) and that can cause a lack of success. As a result, the state, despite the role it has

to fulfil, may be forced to cede control (temporarily or permanently) to the hands of people (companies), which not only can be unknown to us, but actually do not guarantee the fulfilment of the functions which such a company has to meet in national security system. Such reasons may be many, for instance:

1) preference, by new management, for other parts of the corporation at the cost of the acquired businesses (including even its liquidation, as it may be competition);
2) "specialisation" ("diversification"), so focusing only on selected aspects of the subsidiary company, at the expense of others, which results in loses of the ability for self-implementation of comprehensive services (although it previously did this);
3) the strategic policy of some countries, deliberately influencing the owners (or acting through undercover agents who "pretend" to be entrepreneurs), to carry out specific goals, such as: weakening the potential of others, gaining information, taking over the control systems, or know-how, in case of a need to use them against others or to gain domination in the event of a conflict.

Regardless, however, of the actual intentions, which are often impossible to prove, it began attempts to limit the free-market mechanisms and therefore the overall primacy of economic freedoms. One of these is the anti-trust law; the law prohibiting a concentration of activities, which eventually causes harm to consumers. However, in the case of crucial areas the state's action is not enough. We must not only ensure influence on current decisions, but also in respect of the loss of control of the company itself: hence the adoption of the Act on control over certain investments. This Act does is not the easiest of Acts to read. It specifies however (art. 1):

1) rules and procedures for the control of certain investments consisting of the acquisition of:
   a) shares or stocks,
   b) the general rights and obligations of the shareholder, who is entitled to manage the company or have rights to represent it,
   c) the company or its organisational parts — resulting in the acquisition or achievement of significant participation or gaining control over a company which is subject of protection;
2) penalties for breach of responsibilities under the act.

The control authority over the implementation of the Act is the Minister for the Treasury and recommendations regarding the objection of potential or actual commercial transactions are made by the Consultative Committee, which includes representatives (Article 13) of:

1) the Minister responsible for foreign affairs;
2) the Minister of defence;
3) the Minister responsible for internal affairs;
4) the Minister responsible for the economy;
5) the Minister responsible for the treasury;
6) the Minister responsible for the environment;
7) the Minister responsible for agriculture;
8) the Minister responsible for public administration;

9) the Minister responsible for transport;
10) the Minister responsible for communications;
11) the Head of the Internal Security Agency;
12) the Head of the Foreign Intelligence Agency;
13) the Director of Government Security Centre;
14) the Head of the Military Counterintelligence Service;
15) the Head of the Military Intelligence Service;
16) the Director of the Energy Regulatory Office;
17) the Director of the Office of Electronic Communications.

When talking about commercial transactions, the previously mentioned acquisition of the shares, rights of ownership or the whole company (and its parts) should be kept in mind. In this case, the buyer it is obligated to notify the control authority (article 5), which may raise objections, and which will stop the entire transaction and start the administrative and legal procedure and therefore include the right to be involved in a court dispute (articles 9–11). The Act also determines that the lack of such notice is not only cancellation, under the law (article12), of the transaction itself but also a criminal offence (articles15 and 16).

Most important, from this perspective, is to indicate about the kinds of activities involved. In accordance with article 4, paragraph, 1, included are:

1) production of electricity or
2) production of motor gasoline or diesel fuel, or
3) pipeline transportation of oil, motor gasoline or diesel, or
4) warehousing and storage of motor gasoline, diesel, gas, or
5) underground storage of oil or natural gas, or
6) manufacture of chemicals, fertilizers and chemical products, or
7) production and trade of explosives, firearms, ammunition, products and technology for military or police, or
8) re-gasification or liquefaction of natural gas, or
9) trans-shipment of oil and oil products in ports, or
10) distribution of natural gas or electricity, or
11) activities of telecommunications, or
12) gas transmission.

The list of subject protected under the Act will be defined in the government regulation.

The last of the listed Acts complements the structure of critical infrastructure protection in Poland. Of course, this is not a complete statement, because in today's legal circumstances, both national and international, we have to deal with a huge amount of regulations relating even partially to the discussed topics. However, these four Acts and the supplementary Acts of lower orders should protect, at a basic level, actions in sensitive areas of supplies and services in our country. It is vital to remember, that the legislative groundwork has existed in such form for only a few years. Their use in practice will help, in time, to draw conclusions about their effectiveness or their defects. In each case the power of the state is limited by the possibility of a negative court decision, therefore conceding the point of the company, even then when this acts against the interest specified by the government and those responsible for security.

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Acts

1. Act of 18 March 2010. *o szczególnych uprawnieniach ministra właściwego do spraw Skarbu Państwa oraz ich wykonywaniu w niektórych spółkach kapitałowych lub grupach kapitałowych prowadzących działalność w sektorach energii elektrycznej, ropy naftowej oraz paliw gazowych* (Dz. U. Nr 65, poz. 404).
2. Act of 29 October 2010. *o rezerwach strategicznych* (j.t. Dz. U. z 2016 r., poz. 1635).
3. Act of 24 July 2015. *o kontroli niektórych inwestycji* (j.t. Dz. U. z 2016 r., poz. 980).
4. Act of 26 April 2006. *o zarządzaniu kryzysowym* (j.t. Dz. U. z 2013 r., poz. 1166).

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Tomasz Miłkowski*, LLD; he was Voivodeship Commander of the Police in Kraków, currently head of Government Protection Bureau. He has 25 years of service. Because of his duties and research interests, he deals with — besides political issues and the limits of individual freedoms — issues of security of the state and its structures. One of its aspects is undoubtedly the issue of restriction and control of critical areas, such as supplies and services, the disruption or disorganisation of which prevents the efficient functioning of the state.* Correspondence*: Biuro Ochrony Rządu, ul. Podchorążych 38, 00-463 Warszawa, Poland.*

Streszczenie. *Artykuł koncentruje się na problematyce mechanizmów prawnych, poprzez które można kontrolować niektóre obszary o ogromnym wpływie na bezpieczeństwo narodowe. Moglibyśmy nazwać je „ochroną" lub „ograniczeniami" dla swobodnego przepływu towarów i usług. Niektóre odmiany tego typu działań są jednak jedyną szansą na w miarę normalne funkcjonowanie w sytuacjach kryzysowych, które dotknąć mogą mieszkańców i ich codziennego życia. Problematyka ta obejmuje zarówno osoby, jak i kapitał działający w różnych rodzajach działalności gospodarczej, ale przede wszystkim takich jak: usługi i dostawy energii, paliwa, komunikacyjne, sieci telekomunikacyjne, żywność, czy zaopatrzenie w wodę, transport lub produkcja, przechowywanie i stosowanie substancji chemicznych i promieniotwórczych. Nawet w krajach, które są całkowicie otwarte na inwestorów zagranicznych, nie jest mile widziane, aby oddawać całkowitą kontrolę nad tak zdefiniowanymi obszarami strategicznymi na rzecz spółek, które działają jako podmioty konkurujące w świecie globalnym, dla których jedyną kategorią oceny jest zysk. Jest tak choćby dlatego, że mogą one zablokować lub ograniczyć autonomię państwa w podejmowaniu strategicznych decyzji politycznych i gospodarczych. Analiza koncentruje się na prawnych aspektach tego ograniczenia i opiera się na trzech ustawach: z dnia 18 marca 2010 r. o szczególnych uprawnieniach ministra właściwego do spraw Skarbu Państwa oraz ich wykonywaniu w niektórych spółkach kapitałowych lub grupach kapitałowych prowadzących działalność w sektorach energii elektrycznej, ropy naftowej oraz paliw gazowych, z dnia 29 października 2010 r. o rezerwach strategicznych oraz z dnia 24 lipca*

2015 r. o kontroli niektórych inwestycji. Inną jeszcze kwestią jest to, że rozwiązania te, dotyczące ochrony, zabezpieczenia przed zagrożeniem i jego eliminacją, a ostatecznie obowiązkiem zagwarantowania działania systemów są na tyle ogólne, że mogą być różnie interpretowane.

Резюме. *Автор сосредоточивается на проблемах правовых механизмов, с помощью которых можно контролировать некоторые сферы, оказывающие огромное влияние на национальную безопасность. Эти механизмы можно называть «защитой» или «ограничениями» для свободного потока товаров и услуг. Однако, некоторые виды данной деятельности являются единственным шансом довольно нормального существования в чрезвычайной ситуации, которая может касаться граждан и их повседневной жизни. Данная проблематика охватывает как отдельные лица, так и капитал, существующий в разных видах экономической деятельности, прежде всего в сфере: услуг и поставки электроэнергии, поставки топлива, транспортных услуг, телекоммуникационных сетей, продовольственной продукции или водоснабжения, транспорта или производства, хранения и использования химических и радиоактивных веществ. Даже в странах, которые полностью открыты для иностранных инвесторов, нелегко предоставляется полный контроль за определенными стратегическими областями компаниям, которые конкурируют в глобальном мире и единственной категорией их оценки является прибыль. Дело обстоит так например потому, что компании могут блокировать или ограничивать автономию государства при принятии стратегических политических и экономических решений. Анализ сосредоточен на правовых аспектах данного ограничения и опирается на три законодательные акты: закон от 18 марта 2010 г. о специальных полномочиях министра, уполномоченного по вопросам государственной казны и деятельности в определенных компаниях с уставным капиталом или группах капитала, работающих в секторах электроэнергетики и нефтегазового топлива, закона от 29 октября 2010 г. о стратегических запасах, а также закона от 24 июля 2015 г. о контроле некотрых инвестиций. Другая проблема заключается в том, что представленные решения в сфере охраны, защиты от угроз и их устранения и, в результате обязанности, связанные с обеспечением функционирования систем настолько общие, что их можно интерпретировать по-разному.*

Translation: *Małgorzata Jasińska (резюме)*