

The positioning of the GROM Military Unit in the national security system

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The purpose of this study is to signal the difficulties in the effective use of Special Forces units on the territory of Poland and abroad to support entities of the non-military system (organisational units subordinated to the minister responsible for internal affairs and supervised by the Minister Coordinator of Special Services or the Minister of Foreign Affairs) in the dynamically changing security environment of the state, in connection with both external and internal threats.

The statutory term the Armed Forces of the Republic of Poland (hereinafter: the Polish Armed Forces) began to function in general legislation since 9 December 1991, i.e. from the entry into force of the Act amending the Act on the universal duty to defend the Polish People's Republic and certain other acts¹. In the amendment, the expression "Polish People's Republic" has been replaced by the expression "Republic of Poland", which is of particular significance in the change of the content

¹ Act of 25 October 1991, amending the Act on the universal duty to defend the Polish People's Republic and certain other acts (Journal of Laws of 1991, no. 113, item 491).

of Article 3(1) of the amended Act on the universal duty to defend the Polish People's Republic (Republic of Poland)², in accordance with which the sovereignty and independence of the Polish Nation as well as its security and peace are guarded by the Armed Forces of the Polish People's Republic (Republic of Poland). It can therefore be indicated that the Polish Armed Forces have existed since 1991. The GROM Military Unit was established by Organisational Order no. 004 of 13 August 1990 of the Minister of the Interior with a date of its final formation until 31 March 1991. It functioned within the Ministry of the Interior on the material, technical and financial provision of the commander of the Vistula Units of the Ministry of the Interior. Interestingly, the then Head of the GROM Military Unit – in accordance with § 3(1) of the aforementioned order – was a member of the Inter-Ministerial Anti-Terrorist Team.

Special Forces as a type of the Polish Armed Forces is a relatively young formation. It was introduced into the legal order, together with the Special Forces Command and the Commander of Special Forces³, as of 4 July 2007 by virtue of Article 1 point 1 of the Act amending the Act on universal duty to defend the Republic of Poland and amending certain other acts⁴. The Minister of National Defence – by execution of the statutory delegation set out in Article 13a(6) of the Act on universal duty to defend the Republic of Poland⁵ – defined the requirements for the Special Forces by Order no. Z-8/MON of the Minister of National Defence of 15 February 2008⁶. Due to the nature of this study, only documents and data constituting publicly available and open information will be provided.

The Special Forces, despite the fact that they consist of highly specialised formations, especially the GROM Military Unit, the Commandos

² *Act of 21 November 1967 on the universal duty to defend the Polish People's Republic* (Journal of Laws of 1988, no. 30, item 207, as amended).

³ Article 1 point 2 of the *Act of 24 May 2007 amending the Act on universal duty to defend the Republic of Poland and amending certain other acts*, which introduced the regulations in question in a new Article 13a(4) and (5) of the *Act of 21 November 1967 on universal duty to defend the Republic of Poland*.

⁴ *Act of 24 May 2007 amending the Act on universal duty to defend the Republic of Poland and amending certain other acts* (Journal of Laws of 2007, no. 107, item 732).

⁵ *Act of 21 November 1967 on universal duty to defend the Republic of Poland* (Journal of Laws of 2004, no. 241, item 2416, as amended).

⁶ *Ordinance No. Z-8/MON of the Minister of National Defence of 15 February 2008 on the detailed scope of activities, organisational structure and the headquarters of the Special Forces Command* (Journal of Laws of Ministry of National Defence of 2008, no. 7, item 71).

and the Formoza Military Units, have been subordinated to the same system regulations identical to those of conventional military units. Over the course of several years, the Special Forces have gained and then lost independence. Along with the introduction of the Special Forces as a new type of the Polish Armed Forces, the Special Forces Command was established under the aforementioned Act of 24 May 2007. Subsequently, the reform of the leadership and command system carried out, among others, under the Act amending the Act on the office of the Minister of National Defence and certain other acts⁷, abolished, as of 1 January 2014, the commands of the branches of forces (including the Special Forces Command). It left only the Operational Command of Branches of the Armed Forces and established the Armed Forces General Command. Thus, despite the existence of a de facto separate type of military such as the Special Forces, they ceased to function independently and began to operate within the framework of all-military regulations, which is slowly being reversed.

Legal basis for the use of the GROM Military Unit in the country

There are two key provisions in the Constitution of the Republic of Poland⁸ relating to the use of the Polish Armed Forces in the country: Article 26(1) and Article 5. The former defines the tasks of Polish Armed Forces and states that they serve to protect the independence of the state and the integrity of its territory and to ensure the security and inviolability of its borders. The latter provision complements the former and indicates that the Republic of Poland, among other things, ensures the security of citizens (protects them from external and internal threats). The statutory implementation of the constitutional regulations is the provision of Article 11(3) of the Act on defence of the homeland⁹, according to which the Polish Armed Forces may participate in combating natural disasters and elimination of their effects, anti-terrorist actions, actions in the field

⁷ *Act of 21 June 2013 amending the Act on the office of the Minister of National Defence and certain other acts* (Journal of Laws of 2013, item 852).

⁸ *Constitution of the Republic of Poland of 2 April 1997* (Consolidated text of Journal of Laws of 1997, no. 78, item 483, as amended).

⁹ *Act of 11 March 2022 on defence of the homeland* (Consolidated text of Journal of Laws of 2024, item 248, as amended).

of property protection, search actions, actions to save or protect human health and life, protection and defence of cyberspace, clearing areas of explosives and hazardous materials of military origin and their disposal, as well as in the implementation of tasks in the field of crisis management. The legislator has developed these activities into a military operation conducted on the territory of the Republic of Poland in peacetime, introduced by Article 8 point 1 of the Act amending certain acts in order to improve the functioning of the Polish Armed Forces, the Police and the Border Guard in the event of a threat to state security¹⁰. This regulation entered into force on 31 August 2024. Such an operation consists of:

- a) an organised activity of the Polish Armed Forces conducted for the purpose of ensuring the external security of the state, which is not a training or exercise,
- b) the action of foreign troops within the framework of military reinforcement of the Polish Armed Forces or troops of the States Parties to the North Atlantic Treaty, as referred to in Article 3a(1) of the Act on the principles of stay of foreign troops on the territory of the Republic of Poland¹¹, the principles of their movement through this territory and the principles of providing assistance to allied troops and international organisations.

This action is taken if the circumstances require immediate action, in particular in situations of threat to the state border, critical infrastructure (hereinafter: CI) facilities, security of people or property of significant size, including when the forces and means of services subordinate to the minister responsible for internal affairs internal or supervised by him may prove inadequate due to the nature of the threat.

One may ask whether this type of action is related to the response of the Polish Armed Forces to threats of a terrorist nature, since the legislator does not refer here to any extent to anti-terrorist or counter-terrorist actions or CI as defined in Article 2 points 1, 2 and 4 of the Act on anti-terrorist

¹⁰ Act of 26 July 2024 amending certain acts in order to improve the functioning of the Armed Forces of the Republic of Poland, the Police and the Border Guard in the event of a threat to state security (Journal of Laws of 2024, item 1248).

¹¹ Act of 23 September 1999 on the principles of stay of foreign troops on the territory of the Republic of Poland, the principles of their movement through this territory and the principles of providing assistance to allied troops and international organisations (Consolidated text of the Journal of Laws of 2024, item 1770).

activities (hereinafter: AT Act)¹². This type of action, however, relates to supporting or even replacing the services responsible for preparing to take control of terrorist incidents by means of planned undertakings, responding to the occurrence of such incidents and restoring the resources intended for responding to such incidents (Article 3(2)).

In attempting to answer the question posed, it is necessary to recall the essential regulations concerning the tasks of the Special Forces. Firstly, Order no. 30/MON of 4 November 2013¹³ was issued (pursuant to Article 12(1) point 1 and (2) of the Act on public finances¹⁴), in which the military units constituting the Special Forces and their tasks are openly indicated. According to the content of § 8 of Annex no. 2 to the mentioned order, the basic task of the GROM Military Unit is to carry out the full spectrum of special operations and physical counter-terrorist operations in the national, allied and coalition system in the land and maritime environment of the highest risk and strategic importance, including hostage release operations and conducting anti-terrorist operations during peace, crisis and war. Secondly, it should be emphasised that there is no clear and internally consisted system of the use of the Polish Armed Forces, including the GROM Military Unit, on the territory of the country in situations of terrorist threat. Despite the fact that the threat is one, the legislator has introduced as many as six solutions contained in as many acts, containing different modes of subsidiary use of the Polish Armed Forces, at the request of different entities, with different regulation of the use of weapons, armament and means of direct coercion and different forms of directing these actions.

The Act of 6 April 1990 on the Police

Branches and subdivisions of the Polish Armed Forces may be used to assist Police branches and subdivisions if the use of Police branches or subdivisions proves or may prove insufficient in the event of threat to public safety or public disturbance, in particular by causing:

¹² *Act of 10 June 2016 on anti-terrorist activities* (Consolidated text of the Journal of Laws of 2024, item 92, as amended).

¹³ *Order no. 30/MON of 4 November 2013 on granting statutes to Special Forces Units* (Journal of Laws of the Ministry of National Defence of 2013, item 292).

¹⁴ *Act of 27 August 2009 on public finances* (Journal of Laws of 2013, item 885 and 938).

- 1) public danger to life, health or freedom of citizens,
- 2) direct threat to property of significant volume,
- 3) direct threat to facilities or devices important for the country's safety and defence, on the seats of principal authorities, principal and central state administration authorities or the judiciary, on facilities of economy and national culture and on diplomatic missions and consular offices of foreign countries or international organisations, as well as facilities supervised by armed protection unit established pursuant to separate provisions,
- 4) **the threat of a criminal offence of a terrorist nature liable to result in danger to the life or health of participants of cultural, sporting or religious events, including gatherings or mass events¹⁵.**

The Act of 12 October 1990 on the Border Guard

Branches and subdivisions of the Polish Armed Forces may be used to assist the Border Guard, if the use of forces of the Border Guard proves insufficient or is justified by the degree of threat. They may be used in the event of a threat to public security or disturbance of public order within the territorial range of the border crossing point and in the border area, in particular:

- 1) direct threat of an attack on the inviolability of the state border or its accomplishment,
- 2) introduction of direct public danger to life, health or freedom of citizens,
- 3) direct threat of an attack on facilities or equipment used by the Border Guard,
- 4) **the threat or commission of a criminal offence of a terrorist nature against the facilities or equipment referred to in point 3 or which may result in danger to human life¹⁶.**

In addition, the provision of Article 11c(1) of the Act on Border Guard provides for the use of troops and subdivisions of the Polish Armed Forces in the form of independently conducted counteraction when required by

¹⁵ Article 18 of the *Act of 6 April 1990 on the Police* (Journal of Laws of 2024, item 145, as amended). The emphasis in the text comes from the author (editor's note).

¹⁶ Article 11b of the *Act of 12 October 1990 on the Border Guard* (Journal of Laws of 2024, item 915, as amended).

reasons of state security, ensuring the inviolability of the state border or a threat to public security in the territorial range of the border crossing and in the border zone or in the Polish maritime areas, if the Border Guard is not in a position to effectively counteract a threat or the commission of an offence or this is justified by the type of threat.

The Act of 3 July 2002 – Aviation Law

An unmanned aircraft may be destroyed, rendered inoperative or its flight may be overtaken when:

- 1) the course of operation or operation of the unmanned aircraft:
 - a) endangers or is likely to endanger the life or health of a person,
 - b) poses or is likely to pose a threat to protected objects, equipment or areas,
 - c) disrupts or is likely to disrupt the course of a mass event or endangers the safety of its participants,
 - d) **creates or is likely to create a reasonable suspicion that it may be used as a means of a terrorist attack,**
 - e) poses or is likely to pose a risk to the safety of air traffic, the aircraft or the life or health of the crew or passengers on board,
 - f) hinders or is likely to hinder air traffic or causes or is likely to cause its interruption or restriction;
- 2) an unmanned aircraft, contrary to a prohibition, performs an operation in a geographical zone established over:
 - a) protected objects of the Polish Armed Forces and organisational units subordinated or subservient to the Minister of National Defence or supervised by the Minister of National Defence,
 - b) facilities, equipment or areas essential for the security or defence of the state, public safety or the inviolability of the state border.

Among others, soldiers of the Military Police (points 1 and 2) and the Polish Armed Forces (points 1 letters a,b, d–f and 2) are authorised to destroy or immobilise an unmanned aircraft or take control of its flight¹⁷.

¹⁷ Article 156ze of the *Act of 3 July 2002 – Aviation Law* (Consolidated text of Journal of Laws of 2025, item 31, as amended).

The Act of 26 April 2007 on crisis management

If, in a crisis situation, the use of other forces and resources is impossible or may prove insufficient, unless other provisions state otherwise, the Minister of National Defence, at the request of voivode, may place at his/her disposal troops or subdivisions of the Polish Armed Forces, together with directing them to perform crisis management tasks, in accordance with the voivodeship crisis management plan. The tasks referred to above include:

- 1) participation in the monitoring of threats,
- 2) carrying out tasks related to the assessment of the consequences of phenomena occurring in the area of danger,
- 3) performing search and rescue tasks,
- 4) evacuation of the affected population and property,
- 5) performance of tasks aimed at preparation of conditions for temporary stay of evacuated population in designated places,
- 6) participation in the protection of property left in the area of danger occurrence,
- 7) isolating the danger area or the place where rescue action is to be carried out,
- 8) carrying out protection, rescue and evacuation works at endangered buildings and monuments,
- 9) carrying out works requiring the use of specialised technical equipment or explosives owned by the Polish Armed Forces,
- 10) removal of hazardous materials and their disposal, with the use of forces and means equipped by the Polish Armed Forces,
- 11) elimination of chemical contamination and biological contamination and infections,
- 12) elimination of radioactive contamination,
- 13) performing tasks related to the repair and reconstruction of technical infrastructure,
- 14) participation in ensuring the possibility of transport routes,
- 15) providing medical assistance and performing sanitary, hygienic and anti-epidemic tasks¹⁸.

¹⁸ Article 25 of the *Act of 26 April 2007 on crisis management* (Consolidated text of Journal of Laws of 2023, item 122, as amended).



Photo 1. Soldiers of the Grom Military Unit during the training on counter-terrorist tactics in the Warsaw metro.

Source: own materials of the Grom Military Unit.

Act of 4 September 2008 on the protection of shipping and seaports

In the event when the forces and resources of the Police and the Border Guard are insufficient or may prove to be insufficient, the Minister of National Defence, on the proposal of the minister responsible for internal affairs, may decide on the application of necessary measures by the Polish Armed Forces in order to prevent, reduce or remove a serious and imminent danger created by the use of a ship or floating object as a means of a terrorist attack. This applies to the danger threatening:

- 1) ships, port and harbour facilities and associated infrastructure,
- 2) the Baltic Pipe interconnector constituting the connection of the transmission systems of the Republic of Poland and the Kingdom of Denmark along with the infrastructure necessary for its operation within the maritime areas of the Republic of Poland,
- 3) facilities, equipment and installations included in the infrastructure providing access to ports of fundamental importance for the national economy,
- 4) the use in the exclusive economic zone of artificial islands, all kinds of structures and equipment intended for the exploration or exploitation of resources, as well as other projects for the economic research and exploitation of the exclusive economic

zone, in particular for energy purposes, including offshore wind farms within the meaning of Article 3 point 3 of the Act on promoting electricity generation in offshore wind farms¹⁹ and sets of equipment for the output of power within the meaning of Article 3 point 13 of the aforementioned Act, as well as submarine electricity and fibre-optic networks or pipelines and related infrastructure,

5) the liquefied natural gas regasification terminal in Świnoujście.

The Polish Armed Forces in the Polish maritime areas may take the necessary measures, up to and including the sinking of that ship or floating object²⁰.

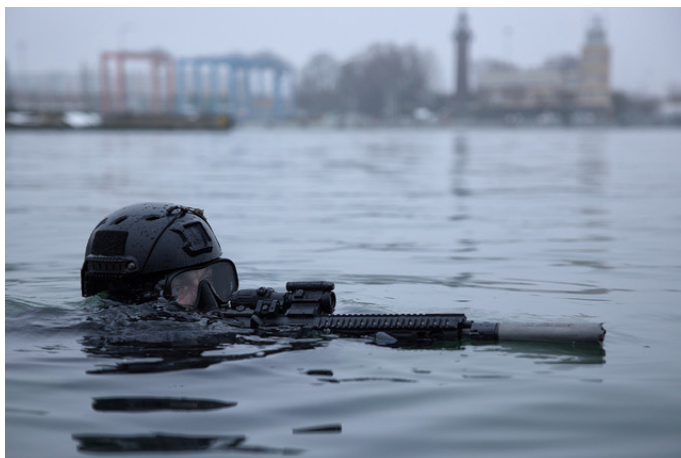


Photo 2. Counter-terrorist operations tactics exercises in internal port areas.

Source: own materials of the Grom Military Unit.

The act of 10 June 2016 on anti-terrorist activities

In the case of the introduction of the third or fourth alert level pursuant to Article 16(1) of the AT Act, if the use of police divisions and subdivisions proves insufficient or may prove insufficient, troops and subdivisions

¹⁹ Act of 17 December 2020 on promoting generation electricity in offshore wind farms (Consolidated text of Journal of Laws of 2025, item 498).

²⁰ Article 27 of the Act of 4 September 2008 on the protection of shipping and seaports (Consolidated text of Journal of Laws of 2024, item 597).

of the Polish Armed Forces may be used to assist the police divisions and subdivisions, in accordance with their specialised preparation, the equipment and armament they possess and the needs that arise²¹. Soldiers may be part of the counter-terrorist group referred to in Article 23(4) of the AT Act.

In order to fully answer the question concerning the response of the Polish Armed Forces to threats of a terrorist nature, it is necessary to clarify the tasks of counter-terrorism by the Special Forces. The provision of Article 3 of the AT Act established a kind of division of responsibility for anti-terrorist and counter-terrorist activities. Paragraph 1 refers to the responsibility of the Head of the Internal Security Agency (ABW), while paragraph 2 refers to the responsibility of the minister responsible for internal affairs (currently the Minister of the Interior and Administration).

Tasks related to counter-terrorism stem directly from the wording of Article 1(2) point 3a on the Police, delegating to the Police the conduct of counter-terrorist activities within the meaning of the AT Act.

To a certain extent, anti-terrorism issues are also included in the sphere of activities of the Border Guard, in accordance with the Act on the Border Guard. This is related to the main tasks of this service with regard to border traffic control, combating illegal migration and the supervision of the entry and residence of foreigners on the territory of Poland, as well as the prosecution of related crimes (Article 1(2) points 1–2a, point 4 letter (a), (c) and (e), points 5–5b) and with the obligation to cooperate with other bodies and services with regard to identifying and counteracting terrorist threats (Article 1(1) point 5d).

As mentioned, the Act on defence of the homeland in Article 11(3) indicates the tasks in which the Polish Armed Forces may participate. Since this law does not specify how they carry out the counter-terrorist activities in question, it would be appropriate to clarify their specific tasks. This is also a good starting point for enabling the establishment and development of cooperation of selected military units – primarily the Special Forces – with bodies whose tasks include: preventing terrorist incidents, preparing to take control of them by means of planned undertakings, responding to the occurrence of such incidents and removing their consequences, including the restoration of resources intended for responding to them. This would therefore be a cooperation primarily with the ABW.

²¹ Article 22 of the *Act on anti-terrorist activities*.

This would allow a holistic whole-of-government approach (WGA) to state security, which would enhance the capabilities of both partners. The ABW would benefit from the use of logistics capabilities, equipment, forces and resources at the disposal of the Special Forces – if only in terms of chemical, biological, radiological, and nuclear (CBRN) threats, drones, communications integration, counter-terrorism and counter-insurgency expertise in terms of CI protection, and the Special Forces would gain access to threat information. This will enable the ABW and the Special Forces to better prepare, according to one of the principles, “for the war that will be, not that was”. Furthermore, since – according to the AT Act – the counter-terrorist group includes, among others, officers of the ABW and soldiers of the Polish Armed Forces (Article 23(4)), one may ask why this law does not allow the Polish Armed Forces to cooperate directly with this service in counter-terrorist activities.

A similar inconsistency on the part of the legislator is evident in the entrusting of the Military Police (ŻW), within the meaning of the AT Act, only with the conduct of anti-terrorist activities in areas or facilities belonging to organisational units and entities subordinate to the Minister of National Defence or supervised by him or administered by these organisational units and entities (Article 4(1) point 3a of the Act on the Military Police and Military Law Enforcement Bodies)²². In view of the fact that the Act on the Military Police, in the provision indicating the way in which the tasks of the Military Police are carried out, apart from operational and reconnaissance activities, does not contain a provision indicating another way of carrying out the mentioned counter-terrorist activities, one has to wonder whether the tasks of the Military Police include counter-terrorist activities (Article 4(2)). Such tasks are also not provided for in the Regulation of the Council of Ministers of 2 July 2018²³, despite the fact that Article 14(1) and (2) of the Act in question does not take into account the cooperation of this formation with, inter alia, the Police and the ABW. The answer is contained in two provisions of the AT Act. The first

²² Act of 24 August 2001 on the Military Police and Military Law Enforcement Bodies (Consolidated text of Journal of Laws of 2025, item 12, as amended).

²³ Regulation of the Council of Ministers of 2 July 2018 on the cooperation of the Military Police with authorities entitled to perform operational and reconnaissance activities, to conduct investigations in cases of offences, as well as with authorities entitled to exercise the powers of a public prosecutor, and with authorities entitled to impose fines by way of a penalty ticket in cases of offences (Journal of Laws of 2018, item 1334).

of these, Article 18 point 2, entrusts the leadership of anti-terrorist actions – undertaken by the competent services or bodies within the framework of their statutory tasks at the scene of a terrorist incident – to a soldier of the Military Police designated by the Minister of National Defence and, in urgent cases, by the Commander-in-Chief of the Military Police. This applies to incidents of a terrorist nature in areas or facilities belonging to organisational units and entities subordinate to the Minister of National Defence or supervised by him or administered by these organisational units and entities. The second provision, i.e. Article 23(4), specifies that special use of weapons may be made by officers of the Police, the Border Guard, the ABW, soldiers of the Military Police or the Polish Armed Forces who are part of a group performing counter-terrorist actions (hereinafter: counter-terrorist group). It would be reasonable to supplement the pragmatic Act on the Military Police with a provision analogous to that contained in the Act on the Police, where in Article 1(2) point 3a the legislator indicated that the basic tasks of the Police include, among others, carrying out counter-terrorist activities within the meaning of the AT Act. In addition, it is worth considering the possibility of providing support to the Military Police in counter-terrorist activities carried out within its local jurisdiction (in areas or facilities belonging to organisational units and entities subordinate to the Minister of National Defence or supervised by him or administered by these organisational units and entities) by the Central Counter-Terrorism Unit of the Police 'BOA' or by the Special Forces, which is not provided for in the Regulation of the Minister of National Defence of 24 July 2012²⁴.

This is a legitimate proposal because, as can be seen from the content of Resolution No. 252 of the Council of Ministers of 9 December 2014 on *the National Anti-Terrorist Programme for the years 2015–2019*²⁵, which, it is worth noting, was adopted before the enactment of the AT Act, (...) *a branch of the Armed Forces particularly predisposed to support anti-terrorist actions are the Special Forces, which have capabilities, capacities, training and equipment increasing the potential of the aforementioned services in responding to threats of a terrorist nature. The Polish Armed*

²⁴ Regulation of the Minister of National Defence of 24 July 2012 on the scope and mode of cooperation of the Military Police with the Military Counterintelligence Service, the Military Intelligence Service, military law enforcement bodies and with commanders of military units and commanders (commandants) of garrisons (Journal of Laws of 2012, item 880).

²⁵ Resolution no. 252 of the Council of Ministers of 9 December 2014 on "the National Anti-Terrorist Programme for the years 2015-2019" (M.P. of 2014, item 1218).

Forces also participate in stabilisation missions, peacekeeping missions and international anti-terrorist coalitions. Unfortunately, this document was not amended after 2019 and the entire programme was expired.

The 2020 National Security Strategy, on the other hand, indicated that it is necessary (...) to develop the operational capabilities of the Polish Armed Forces, in particular the Special Forces, to combat threats, including those of a hybrid nature [,] and counter-terrorist activities, in all states of emergency and state of national defence readiness²⁶. Similar provisions appear in the National Security Strategy Recommendations of 4 July 2024: (...) the state's ability to counter hybrid threats is an important element of building the state's resilience and should include, due to its unique nature, inter alia, the development of the operational capabilities of the Polish Armed Forces, in particular the Special Forces – for counter-terrorist operations in all states of national defence readiness (...) ²⁷.

Unfortunately, the indicated documents have not been translated into specific solutions that could significantly improve the use of the Special Forces, especially the GROM Military Unit, which is discussed in more detail later in the text.

Tasks of the GROM Military Unit

The operations carried out by Special Forces are wide-ranging. The tasks of individual Special Forces units are listed in the already mentioned Order No. 30/MON:

- 1) the GROM Military Unit – **implementation of the full spectrum of special operations and physical counter-terrorism operations in the national, allied and coalition system in land and maritime environments of highest risk and strategic importance, including hostage release operations and conducting counter-terrorist operations, during peace, crisis and war,**
- 2) the Commandos Military Unit – **implementation of the full spectrum of special operations in the national, allied and coalition**

²⁶ *The National Security Strategy of the Republic of Poland of 2020*, https://www.bbn.gov.pl/ftp/dokumenty/Strategia_Bezpieczenstwa_Narodowego_RP_2020.pdf, p. 19 [accessed: 23 I 2025].

²⁷ *The National Security Strategy Recommendations*, 4 VII 2024, https://www.prezydent.pl/storage/file/core_files/2024/7/4/7fa9f08052b51758d6ed4e9a11a9d32d/REKOMENDACJE%20SBNRP%204%20lipca%202024.pdf, p. 28 [accessed: 23 I 2025].

system in the land environment, including inland waters, to achieve objectives of operational and strategic importance in times of peace, crisis and war,

- 3) the Formoza Military Unit – implementation of the full spectrum of maritime special operations in national, allied and coalition system to achieve objectives of operational and strategic importance. The unit retains the capability to support the maritime component in a combined operation and to support hostage release operations in a maritime environment.



Photo 3. Counter-terrorist operations tactics exercises in aircraft.

Source: own materials of the Grom Military Unit.

Significantly, the entire cycle of recruitment, training, planning and procurement is subordinated to maintaining and enhancing the capability to conduct the above-mentioned actions and operations. Thus, the Polish Armed Forces have military units dedicated to anti-terrorist operations, including counter-terrorist, of which, in the author's opinion, the most versatile and specialised in physical counter-terrorism is the GROM Military Unit.

The GROM Military Unit maintains forces and resources to support the structures of the Ministry of the Interior and Administration and constitutes an effective tool to ensure the internal security of the country

within the framework of the tasks of the Polish Armed Forces²⁸, which include:

- support of the forces and resources of the Police and the Border Guard by, inter alia, providing transport of task elements during operations in support of the protection of the land border and territorial waters, day and night and in all weather conditions,
- support of RENEGADE operations (in particular M-RENEGADE) by, inter alia, maintaining forces and means in high readiness for action at all times,
- securing the country's CI by, inter alia, conducting aerial reconnaissance of threatened areas,
- support of the forces of the Ministry of the Interior during the security of large mass events and VIP visits, inter alia, by maintaining constant readiness of task elements within the framework of AT duty, as well as by increasing the mobility and reducing the response time of dedicated forces and resources, in a situation of a threat of a terrorist event,
- supporting the non-kinetic crisis management system, for example, by evacuating victims from disaster areas,
- conducting search and rescue operations in an environment beyond the capabilities of civilian services.

The GROM Military Unit, in accordance with the *Crisis Management Plan of the Ministry of National Defence*²⁹, maintains forces and resources in readiness to assist the Police in conducting counter-terrorist operations. The Police unit designated for this type of operation is the Central Counter Terrorism Unit of the Police 'BOA'.

As noted in the literature on counter-terrorism, the GROM Military Unit (...) occupies a very important place in the crisis response system. It should be

²⁸ Order no. Z-3/KT of the Commander of the Special Forces Component of 20 January 2023 on the use of the "Plan for the Use of Forces and Means of the Commander of the Special Forces Component in Crisis Situations" in the Special Forces Component Command and subordinate units of the Special Forces Component (classified document).

²⁹ "Crisis Management Plan of the National Defence sector" approved by the Minister of National Defence on 16 August 2022; Order no. Z-9 of the General Commander of the Armed Forces of 10 January 2023 on the implementation of the "Plan for the use of forces and means of the General Commander of the Armed Forces in crisis situations" in the Armed Forces General Command and the organisational units subordinate to the Armed Forces General Commander; Order no. Z-3/KT of the Commander of the Special Forces Component of 20 January 2023 on the use...

emphasised that it is the only unit capable of performing tasks related to physical counter-terrorism in all its manifestations, (...) it is a versatile unit, capable of performing tasks of varying degrees of difficulty in all regions of the world³⁰.

Prospects for the development of the Special Forces, including the GROM Military Unit

The issue of the development of the Special Forces, including the GROM Military Unit, can be considered on two levels. The first one concerns separate legislation for the Special Forces or their selected units. As indicated in the literature, such a solution has been planned before. As part of the work on the legal basis of the GROM Military Unit in the state structures, it was proposed that the rules of its operation should be regulated by an act of statutory rank. The draft act regulating the principles of operation of this special unit was developed by a group of lawyers specialising in internal security³¹. However, the proposal was rejected by the Ministry of Defence. The unit became part of its structure on 1 October 1999. Since the subordination of the GROM Military Unit to the Special Forces Command, later to the Special Forces Component Command (subordinate to the Armed Forces General Command), the concept of a separate regulation for this formation has not had any support among military and political decision-makers. Currently – in the author's opinion – such a complete exclusion of the GROM Military Unit from subordination to military structures and its transfer to the direct disposal of a political body (e.g. the Minister of National Defence) does not find any practical or functional justification. However, it is undoubtedly necessary to improve and accelerate the procedures for the use of the Special Forces units in widely understood crisis situations and to make these procedures to some extent secret.

³⁰ *Zagadnienia fizycznej walki z zagrożeniami terrorystycznymi – aspekty prawne i organizacyjne* (Eng. Issues in the physical fight against terrorist threats – legal and organisational aspects), K. Jałoszyński (ed.), Warszawa 2010, p. 264.

³¹ H. Królikowski, *Wojskowa formacja specjalna GROM im. Cichociemnych Spadochroniarzy Armii Krajowej 1990–2000* (Eng. Military special formation GROM named after Cichociemni Paratroopers of the Home Army 1990–2000), Gdańsk 2001, pp. 110–111.



Photo 4. CBRN threat prevention exercises.

Source: own materials of the Grom Military Unit.

The second level of development is the creation of a body directly subordinated to the Minister of National Defence (through the Secretary of State or Undersecretary of State or the Chief of the General Staff of the Polish Armed Forces) or within the Government Centre for Security or within the structures of the Minister's Cabinet – the member of the Council of Ministers responsible for coordinating of special services (e.g. under the name of the High Risk Operations Bureau). The task of this body would be to coordinate within the Ministry of National Defence or inter-ministerially the exchange of information between the Ministry of National Defence, the Special Forces, the special services, as well as to quickly, effectively and secretly earmark a component of the Polish Armed Forces with the leading role of the Special Forces (especially the GROM Military Unit) to create task forces with the participation of the special services. This is justified insofar as, in accordance with Article 19(1) and (2) of the AT Act, the minister responsible for foreign affairs, in cooperation with the Minister Coordinator of Special Services,

if appointed, coordinates the actions of the relevant services and authorities in the event of a terrorist incident outside the borders of the Republic of Poland against citizens or property of the Republic of Poland, excluding terrorist incidents outside the borders of the Republic of Poland against personnel or property of the Polish Armed Forces. Such a dichotomous division has not worked and appears ineffective, as demonstrated by the operation to evacuate Polish citizens from the Islamic Republic of Afghanistan³². In this case, military action was taken (a military operation both in terms of its nature and the forces and means used) in the case of a threat to non-soldiers, citizens of the Republic of Poland and citizens of other countries. Such a solution has been planned in similar circumstances in other threat areas where civilian Polish citizens were or are present. This operation proves the necessity to develop legal solutions concerning the cooperation of the Special Forces and the Foreign Intelligence Agency (hereinafter: AW). A seed of such solutions exists in Article 10(2a) of the Act on the Military Counterintelligence Service (hereinafter: SKW) and the Military Intelligence Service (hereinafter: SWW)³³. According to this provision, in the performance of their tasks, these services cooperate with the General Staff of the Polish Armed Forces and other organisational units of the Ministry of National Defence, as well as the General Commander of the Armed Forces, the Operational Commander of the Armed Forces, the Commander of the Territorial Defence Forces, the Chief of the Inspectorate for the Armed Forces Support, commanders of military garrisons and military units. In the purpose for this cooperation, in particular to ensure the security and proper implementation of the tasks of the SWW outside the country's borders, task forces may be created in the SWW, consisting of officers of this service, professional soldiers assigned to official positions in the SWW and soldiers serving in troops or subdivisions of the Polish Armed Forces.

Taking into account the nature of potential threats to the state's security related to terrorist activity and the analysis of potential directions of their development, it should be emphasised that efficient and discrete (the so-called *law pro*) cooperation of the Special Forces,

³² *Polish soldiers completed mission in Afghanistan*, the Ministry of National Defence, 27 VIII 2021, <https://www.gov.pl/web/obrona-narodowa/polscy-zolnierze-zakonczyli-misje-w-afganistanie> [accessed: 23 I 2025].

³³ *Act of 9 June 2006 on the Military Counterintelligence Service and the Military Intelligence Service* (Consolidated text of Journal of Laws of 2024, item 1405, as amended).

especially the GROM Military Unit, with special services, the Police and the Border Guard is necessary for ensuring the country's security at a high level. The most desirable form of development of the Special Forces is the creation of a legal framework in individual acts regulating the functioning of special services, on the basis of which the Special Forces, and especially the GROM Military Unit, will be able to efficiently support bodies responsible for the internal security of the state. In the case of the need to use the Special Forces outside the country, there is also a need to modify the current mode. Currently, the operation of the Polish Armed Forces abroad is decided by the President of Poland. However, the interaction of the task forces of the special services and the Special Forces will be subject to multi-level control in the form of the Minister of National Defence, the Minister Coordinator and the Prime Minister. Bearing in mind the need for speed, the sparse composition of the task force and, above all, the operations security, the President may be informed of it but does not necessarily have to decide, as such a task force would operate under the direction of the service concerned (in this case the AW). It is also important to improve and make the process secretive. To this end, a number of issues need to be regulated, including pseudonymisation³⁴ and planning and financial autonomy of the Special Forces, i.e. the creation of a separate special operations fund to pay for logistics costs, as well as, the creation of the Special Forces task groups with the special services, and the possibility of shifting ADCOM (Administrative Command) or OPCOM (Operational Command) subordination to shorten the decision-making path.

Countering hybrid threats and counter-terrorist activities require effective coordination of the use of the services responsible for these tasks, according to the whole-of-government (WAG) principle. This requires:

- a) rapid transmission of information,
- b) rapid decision-making,
- c) rapid activation and use of adequate forces and resources.

With regard to the speed of the flow of information and decision-making, it should be pointed out that the recent amendments to the service pragmatics of the Police, the Border Guard and the AT Act introduced under the Act amending certain acts in order to improve the operations

³⁴ Using operational numbers or nicknames to make it difficult to identify formations or personal data of soldiers.

of the Polish Armed Forces, the Police and the Border Guard in the event of a threat to state security, made it possible to transmit a request or decision on the use of the Polish Armed Forces by authorised bodies orally, by telephone, by means of electronic communication within the meaning of Article 2 point 5 of the Act on the provision of services by electronic means³⁵ or by other means of communication. The content of the request or decision and the relevant motives for such settlement of the case shall be recorded in writing in paper form (Article 1 point 2 letter (b), Article 2 point 1 letter (b), Article 7 point 2 letter (a)). Such a solution has previously been postulated by the Special Forces on several occasions and can be assessed as positive. Practice will show whether it will be properly used.

De lege ferenda proposals and comments

The next part of the text will present proposals on the principles of the functioning of the Special Forces for consideration by experts in the field of state security, especially the operation of the special services.

According to the current legal order, the Special Forces do not have the possibility of direct interaction with the AW, the ABW or the State Protection Service (SOP). There seems to be a willingness to cooperate at the tactical and operational levels, but there is a lack of legal solutions of a statutory rank, which is necessary in the case of transferring classified information or the use of means of direct coercion or firearms, as well as – to a limited extent – supporting or protecting special services in carrying out operational and reconnaissance activities (e.g. by collecting biometric data for the needs of these services) or protective measures (SOP). The creation of tools analogous to those in the case of the SWW or the SKW could be considered (Article 10 or Article 4 of the Act on the SKW and the SWW), i.e. task forces consisting of the AW, the ABW or the SOP officers, professional soldiers appointed to official positions in these services and soldiers serving in troops or subdivisions of the Polish Armed Forces (due to the specificity of the tasks of these services, the participation of the Special Forces soldiers only could be considered in this situation).

³⁵ *Act of 18 July 2002 on the provision of services by electronic means* (Consolidated text of Journal of Laws of 2024, item 1513).

The current provisions of Article 10 of the Act on the ABW and the AW³⁶ or Article 4 and Article 19(1) of the AT Act do not provide sufficient grounds for real cooperation between the Special Forces with the ABW and the AW, including the use of weapons or means of direct coercion even for the protection of CI, CBRN security (protection against proliferation of weapons of mass destruction) or action beyond the borders of the state. Similarly, according to Article 38 of the Act on the SOP³⁷, no provision is made for the possibility of support of this formation by the Polish Armed Forces, in particular the Special Forces, and especially the GROM Military Unit. In the case of persons of special status, their protection on the ground in the country and, above all, outside its borders, e.g. in the area of armed conflict, it seems to be an area requiring consideration and correction by the legislator. All the more so, as discussed, Article 11 of the Act on defence of the homeland provides for the possibility of using the GROM Military Unit (as an element of the Polish Armed Forces) for anti-terrorist activities (specific primarily for the ABW, in accordance with Article 3(1) in conjunction with Article 2 point 1 of the AT Act) and crisis management, and thus, inter alia, for the protection of CI (Article 2 in conjunction with Article 3 points 1 and 2 of the Act on crisis management). It is also worth considering the participation of experts from the GROM Military Unit in the deliberations of working groups and teams operating in the crisis management system. The proposed solution will undoubtedly benefit the Special Forces, as demonstrated by operations outside the country's borders, inter alia, in the Islamic Republic of Afghanistan. After analysing these operations, the experts assessed that (...) *the necessary skills to use their own sources of information were subsequently acquired, including through the acquisition of appropriate equipment and better cooperation with the relevant services*³⁸.

A complementary element should be the addition of Special Forces to the chain of bodies with which the Head of the ABW coordinates analytical and information activities and exchanges information, in particular those

³⁶ Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Consolidated text of Journal of Laws of 2024, item 812, as amended).

³⁷ Act of 8 December 2017 on the State Protection Service (Consolidated text of Journal of Laws of 2025, item 34, as amended).

³⁸ T. Sapierzyński, *Operacje bojowe JW GROM w pierwszej dekadzie XXI wieku* (Eng. The GROM Military Unit combat operations in the first decade of the 21st century), "Bezpieczeństwo. Teoria i Praktyka" 2020, no. 2, p. 164. <https://doi.org/10.34697/2451-0718-btip-2020-2-009>.

relating to events and threats of a terrorist nature (Article 5(1) of the AT Act), as well as making it clear in organisational documents that the Special Forces are the reconnaissance service of the Polish Armed Forces, as referred to in Article 11 of the Act on the ABW and the AW.

As mentioned, the support of the 'BOA' by the GROM Military Unit can take place both under the Police Act (Article 18) and the AT Act (Article 22). In the first case, the cooperation (decision of the authorised body) can be initiated without the introduced alert levels referred to in Article 15(1) of the AT Act, but with restrictions on the use of firearms³⁹. In the second case, the use of the GROM Military Unit to support counter-terrorist operations conducted by the 'BOA' can only take place after the introduction of the third (CHARLIE) or fourth (DELTA) alert level (Article 22(1) of the AT Act). The two procedures are carried out on two different legal bases. Therefore, for example, the support of the Police by the GROM Military Unit during a Polish Army Day or a mass event related to the visit of a person with a special status from another country (which without the third or fourth alert level can only take place under the Police Act), it cannot continue as a counter-terrorist group activity within the meaning of Article 23(4) of the AT Act (this also applies to the authority for the special use of weapons referred to in Article 23(1) of that Act) immediately after the introduction of the third or fourth alert level. This is due to the fact that the original decision of the Minister of National Defence (Article 18(5)) or the provision of the President of the RP (Article 18(3)) issued under the Act on the Police, as already stated, are issued on a different legal basis.

Similarly, the issue of the special use of weapons (Article 23(1) of the AT Act) needs to be reviewed, as it only applies to firearms. Today, it is already known that an unmanned aerial vehicle (UAV) with a suspended explosive charge may also be used if this is necessary to counter a direct, unlawful, violent attack on a person's life or health or to free a hostage, and the use of firearms in a manner causing the least possible harm proves insufficient and it is not possible to counter such an attack or to free the hostage by other means. In the circumstances indicated, the effect of this special use of a weapon may be death or an imminent threat to the life or health of the person making the attack.

³⁹ Lack of possibility to use weapons in a special way, as referred to in Article 23 of the AT act.

In this regard, due to the dynamic development of UAV technology, the provisions of the Act – Aviation Law and ministerial regulations should be adapted so that the Special Forces can use UAVs, including loitering munitions commonly referred to as kamikaze drones, as weapons⁴⁰, in the course of both real-world operations and training, without having to treat their damage or destruction as an aviation accident or incident or damage to property. In addition, the process of acquiring UAV flight authorisations for military pilots to counter hybrid threats and perform counter-terrorist or CI resilience-building activities should be deformalised.

Another issue has also recently emerged, namely the conduct of a counter-terrorist operation to free hostages during a full-scale armed conflict. In principle, there is no controversy regarding its legal basis, the difficulty arises in the selection of the tools (means) used for this purpose. According to Article 8 of the Rome Statute of the International Criminal Court⁴¹, war crimes mean serious violations of the Geneva Conventions of 1949⁴² and other serious violations of the laws and customs of international law applicable to armed conflicts of an international character. These include the use of bullets which expand or flatten in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions (Article 8(2) letters (a) and (b) (ix) of the Rome Statute of the International Criminal Court). In counter-terrorist operations, such ammunition, i.e. hollow-point bullets, is advisable because of their anti-ricochet properties (safety for bystanders) and their knock-down power (increasing the likelihood of eliminating the threat with a small number of shots). These bullets have several advantages that make them an excellent for self-defence:

- are safer for bystanders than full metal jacketed bullets,
- are less likely to ricochet and hit bystanders because they are less likely to bounce off hard surfaces and hit unintended targets,
- are less likely to kill bystanders if fired at the wrong angle,

⁴⁰ SOFCOM Doctrine and Lessons Learned 26.11.2024 – The New Frontier of Warfare: Unmanned Systems and Countermeasures (NATO UNCLASSIFIED document, but it has not been submitted for publication, the document can only be used by the institutions indicated in it).

⁴¹ *Rome Statute of the International Criminal Court of 17 July 1998* (Journal of Laws of 2003, item 708, as amended).

⁴² *Conventions for the Protection of War Victims signed at Geneva on 12 August 1949* (Journal of Laws of 1956, item 171, as amended).

- they expand on impact, creating a larger wound channel, thus increasing the incapacitation rate⁴³.

This type of ammunition is also used in Poland for counter-terrorist operations within the country during peacetime⁴⁴. This is a topic for discussion in terms of conducting effective, and therefore hostage-safe Hostage Rescue operations in analogous conditions to what happened in Gaza⁴⁵, although using means that are questionable from the point of view of international humanitarian law, i.e. hollow-point ammunition.

Summary

The presented issues are the result of experiences related to the functioning of the Special Forces and the GROM Military Unit gained during real-life operations and trainings with various national and foreign formations. The author hopes that the thoughts contained in the text will help initiate an expert discussion on the role of Special Forces' units in supporting the so-called non-military system. It should be emphasised that the aim is to increase the statutory capabilities of the constituent services and formations, not to replace them or duplicate their tasks by the Special Forces. In the author's opinion, the enhancement of these capabilities is necessary for peacetime and non-war crisis operations. This is especially true for securing CI and ensuring the security of the most important persons in the state in situations of hybrid threats. At the same time, attention should be paid to the legal security of soldiers and officers. They should feel that when they are carrying out tasks ordered by their superiors, the state and clear legal regulations are behind them and that they are able to select forces and means the most appropriate to the threat.

⁴³ *Amunicja typu Hollow Point a konwencja genewska* (Eng. Hollow Point Ammunition and the Geneva Convention), Centrum Praw Człowieka, 9 VIII 2022, <https://ofpc.pl/amunicja-typu-hollow-point-a-konwencja-genewska/> [accessed: 23 I 2025].

⁴⁴ J. Sabak, *Milion pocisków antyrykoszetowych dla JW GROM* (Eng. One million anti-ricochet missiles for the GROM Military Unit), *Defence24*, 15 V 2015, <https://defence24.pl/geopolityka/milion-pociskow-antyrykoszetowych-dla-jw-grom> [accessed: 23 I 2025].

⁴⁵ P. Celej, *Elitarna izraelska jednostka Jamam w akcji: Kulisy uwolnienia zakładników przez Siły Obronne Izraela* (Eng. Israel's elite Jamam unit in action: Behind the scenes of the release of hostages by the Israel Defence Forces), *Gazeta Prawna*, 8 VI 2024, <https://www.gazetaprawna.pl/wiadomosci/swiat/artykuly/9522754,elitarna-izraelska-jednostka-jamam-w-akcji-kulisy-uwolnienia-zakladni.html> [accessed: 23 I 2025].

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