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ANALYSIS OF THE FIRE PROTECTION AUTHORITY AND PROFESSIONAL ACTIVITY IN THE SYSTEM OF THE INTEGRATED DISASTER MANAGEMENT SYSTEM

Abstract

The system of tasks of the professional disaster management body comprises a very wide range of activities. The tasks based on industrial security, fire protection and civil protection include authority prevention of disasters, organization and management of protection, implementation of rescue in emerged civil emergencies, as well as liquidation of the harmful consequences and realization of restoration-reconstruction. In addition the industrial security, the professional field of water affairs and water protection have been performing more widely authority and professional authority activities in the past periods. Authority activity is the important part of disaster management, prevention, planning and organization activity. The fire protection authority takes licencing, prohibiting and limiting measures, conducts fire inspections, issues authority certificates and imposes fire protection fines during its activity.

Keywords: disaster management, fire protection, authority and professional authority activity, prevention

A TŰZVÉDELMI HATÓSÁGI, SZAKHATÓSÁGI TEVÉKENYSÉG ELEMZÉSE AZ INTEGRÁLT KATASZTRÓFAVÉDELEM RENDSZERÉBEN

Absztrakt

A hivatásos katasztrófavédelmi szerv feladatrendszere igen széles tevékenységi kört foglal magában. Az iparbiztonság, tűzvédelem, polgári védelem pillérén nyugvó feladatok magukban



foglalják a katasztrófák hatósági megelőzését, a védekezés megszervezését, irányítását, valamint a bekövetkezett polgári veszélyhelyzetekben a mentés végrehajtását továbbá a káros következmények felszámolását és a helyreállítás-újraépítés megvalósítását is. Emellett az elmúlt időszakban a tűzvédelmi, iparbiztonsági, vízügyi és vízvédelmi szakterülete egyre szélesebb körben végez hatósági és szakhatósági tevékenységet is. A hatósági tevékenység fontos része a katasztrófavédelem megelőző, tervező, szervező tevékenységének. A tűzvédelmi hatósági tevékenység során engedélyező, tiltó és korlátozó intézkedéseket hoz, tűzvizsgálatot folytat le, hatósági bizonyítványt ad ki és tűzvédelmi bírságot szab ki.

Kulcsszavak: katasztrófavédelem, tűzvédelem, hatósági és szakhatósági tevékenység, megelőzés

1. INTRODUCTION

The basic need of man is the pursuit of security. According to OGY resolution 58/1998 (2nd Oct) about publication of the consolidated text of Convention about the protection of human rights and fundamental freedom right to security is a fundamental human right, a universal value. [1] Security is in unthreatened condition and it means at the same time the system of purposes and means that would reduce threatening and avoid danger. Lack of security endangers not only life but it also hinders sustainable development of the society. The components of security are: social (legal social), political, (diplomatic, military, informatic, economic, environmental (ecologic), financial, health and security of home affairs. Protection of the individuals and groups must be the fundamental element of the national security of each developed country. Without protection of the full system the individual elements cannot be in security, but without the protection of the elements the system cannot properly work. [2] [3]

Act 74th of 1999, entered into force on 1st January, 2000 about the management, the organization and the protection against disasters, and against dangerous materials in a new organizational form established - with special regard to the domestic and national regulations - the professional disaster protection organization of Hungary, the National Disaster Management Main Directorate of the Home Ministry (hereinafter: BM OKF) for the purpose



of uniform protection against disasters. Uniform management of the experience from the events which occurred in the period after entering into force and the system of protection demanded making of the system of disaster management more efficient and the development of the conditions of uniform management. [3] [4]

By increasing national engagement the act 128 of 2011 (hereinafter Kat. tv) and the related acts about the modification of certain acts about protection against disasters for ensuring life and property of the population and operability of the country entered into force on 1st January, 2012 establishing a legal, institutional and organizational framework for disaster management. [5]

The organization of professional disaster management ensures the protection of human life and property and the continuous operation of vital systems by performing prevention and risk reduction tasks to protect the safety of life and property of the Hungarian population, the national economy and the safe operation of critical infrastructure elements and it support investments with priority from the point of new of the national economy.

The system of tasks based on the pillars of industrial safety, civil protection and fire protection covers a very wide range of professional disaster management activities. The industrial safety department identifies critical infrastructures, participates in the designation as a competent authority and carries out their inspections. In order to ensure secure transport of dangerous goods, it carries out inspections of sites and transport vehicles (water, road, rail, air), ensures the safe operation of these plants and of below-threshold plants, and ensures a high level of protection for the citizens and the environment [5]

Civil protection tasks are planning, organizing and decision-preparation activities carried out in order to protect the life of the population and material assets. Its tasks include preparing and informing the population, planning and organizing their temporary care, and establishing and preparing civil protection organizations. In the course of its official activities, conducting on-site inspections of damage and on-site inspections of civil protection risks in order to perform public protection tasks. [5]

The fire-fighting department carries out the implementation of firefighting and technical rescue, the professional supervision of municipal fire brigades, voluntary fire brigade associations and facility fire brigades. Within the scope of its fire prevention authority activities, the prevention of the occurrence and the spread of fires, as well as the enforcement of firefighting legislations,



standards and official regulations to ensure the basic conditions of firefighting during installation and use. [6]

Disaster management is responsible for the utilization of waters, the preservation of its utilization possibilities, the licensing of water facilities and water works, the prevention of water damage, the prevention of water quality protection and the protection of water as an environmental element. It also acts as a tax authority with regard to the water supply levy. [7] [8]

2. THE SYSTEM OF MANAGEMENT

After January 1, 2012, the professional disaster management organization adapts its organizational structure to the changes in tasks. Pursuant to the relevant legislation currently in force, the professional management of the ever wider authority tasks is performed by the Prevention and Licensing Service of the Deputy Director General of the National Directorate General for Disaster Management (hereinafter: BM OKF) of the Ministry of the Interior and the General Inspectorate for Industrial Safety. The Water and Water Protection Department, the Fire Prevention Department, the Market Supervision Department, the Power Plant Licensing Department, the Critical Infrastructure Coordination Department, the Dangerous Plants Department and the Dangerous Consignments Department perform professional supervision and control of the authority and professional authority activities profession-specifically, but in certain authority matters they also act at first and second instance.[9]

The professional disaster management organization is a law enforcement agency, it is part of the central state administration. [10]

According to Waldo¹, the administration is a cooperative, rational action, the activity of the manager to persuade others to behave in a certain way. Administration is an activity, not necessarily a public one, which has a subject who controls, has objects who are controlled and

¹Dwight Waldo (1913-2000) the determinant figure of modern public administration (source: <http://www.igs.berkeley.edu/publications/par/Dec2000/Waldo.html> downloaded: 22nd Jan. 2021)



it also has a content. [11] According ²to the theory of Fayol this content of the administration includes planning, organization, giving out of orders, coordination and supervision and these subsequent actions compose [12]public administration, that is the specific kind of administration. Public administration is also administration, it is an operation achieved from power situation. The specificity of public administration, the *differentia specifica*, is primarily the specific subject, regulation and specific purpose of (public) administration. [12] The subjects of public administration act in the possession of the state public power (empire). This means that public administration is a legally regulated activity, whose legality refers to the close legal binding of the administrative action series. The administrative competence, the procedure, the decision-making possibilities, the means of enforcing the decision are determined by law. Its purpose is always achievement of the desired and legally defined conditions referring to the public affairs. With this end in view its decisions are enforceable. [12] During the preparation of decision, decision-making, implementation and control of decisions in the possession of the state public authority, through the application of law (enforcement), organization and participation in legislation by a separate state organization. [13]

The professional disaster management body is a law enforcement organization that also performs public administration tasks.[4] In the course of this administrative activity, it applies the relevant legislation within the public administration. The system of public administration includes defence administration, which is a system of tasks and organizations that, under the direction of the Government, is designed, implemented and administered by administrative bodies established to carry out the tasks of the state against threats and attacks jeopardizing Hungary. [14]

The defence administration, as a part of the public administration, mainly covers the tasks of national defence administration, law enforcement and defence economic planning. Its aim is to achieve the security of the country, an important cornerstone of which is the effective responses of the defence administration system to the global, European and national challenges affecting the security of our country. [15] The subject of defence administration is extremely diverse. Here are included threats to the European region such as financial collapse, various forms of

²Henri Fayol (1841-1925 one of the great figures of classic management trends (source: Encyclopedia of 21st century Economics Pannonica Publishing House, 2005. page 426 ISBN 963 7319 07 7)



terrorism, cyber, financial and energy security threats, global warming issues such as climate change disasters, the spread of extreme ideologies, energy and raw material shortages, drug-trafficking, organized crime, natural and industrial disasters, traditional interstate wars, and other military attacks. [15] The subject of defence administration is protection against threats in specific legal situations as per articles 48-53 Articles of the Constitution [16], which is part of a complex system of defence tasks. Based on this it includes performance of the administration tasks related to the tasks of national protection.

In the special legal order, the system of centralized, hierarchically structured administrative organization and tasks performing central, territorial and local control, as well as the legally regulated activities of state administration and local governments, and the armed forces and law enforcement agencies involved in defence, which also determine the planning, organizing and directing the implementation of its obligations under the special legal order. The defence administration includes the national defence administration, the law enforcement, and the defence economic planning. If the defence administration is divided into two major activities, one is the defence administration and the other is the disaster management administration. In fact, the difference lies in the period, as the national defence administration carries out planning and organizing activities primarily for the period of armed and military conflicts, while the disaster management administration carries out planning and organizing activities for the period of peace and disaster. However, it should be noted that the task of protecting the population of a professional disaster management organization is not only civil protection in the event of a disaster, but also civil protection tasks in times of an armed conflict.

The disaster protection administration includes the tasks of industrial security, civil defence and fire protection tasks of the professional disaster protection organization. The system of complex tasks endeavour to implement the primary aims in the phase of prevention, intervention and restoration. To protect human life and property security.

In the complex system of administration, the central state administration bodies perform the functions of defence administration within the scope of their administrative tasks, with licensing and control activities performed within the framework of the administrative authority procedure.



3. TASKS OF THE FIRE PROTECTION AUTHORITY

Implementation of the authority activity has been performed in the integrated disaster protection system with harmonized central coordination since 1st October 2012. In order to ensure efficient fulfilment of the task in compliance with the legal rules the supervision of the local - Disaster Management Branch - Territorial - County Directorate - official activities is carried out under the special guidance of the BM OKF Deputy Director General of the Organization. The professional support and management of the central body promotes the transparent, traceable, uniform and efficient performance of the official tasks. The purpose of the complex system is protection of human life and material assets, prevention of disasters, quick and professional management of them and proper and earliest starting of the restoration.

In the period of prevention ³forecasting activity is an important task; the aim is to forecast - based on the domestic and international experience of the previous years and the professional prognoses - the expected event types that can be modelled and would occur with great probability, and which can serve as a basis for the preparations of the activity. The development of operations analysis is a key task for an integrated disaster management system in order to process and put experience into practice. [17]

In addition to performing fire-fighting and technical rescue the special field of fire protection it licences, introduces restrictions, performs inspections, issues official certificates, imposes a fine against those who violate the fire protection obligations in the framework of official and professional authority procedures. [6] [18] It comprises fire prevention, fire-fighting and fire inspection. The target of fire protection is to provide appropriate solutions to real problems with the help of legal rules and standards. Its function is to protect the citizens by means of consistent observation and enforcement of the fire protection rules, to establish the conditions of efficient intervention to fire-fighting and to ensure the fundamental security for the intervening persons in the meantime. In order to achieve its goals, it carries out its well-founded, efficient, client-

³ § 3 16 of Act 128 of 2011 Prevention: any activity of application of a regulation that eliminates or reduces to the minimum the reasons causing the disaster and limits the probability of the damaging effect to the lowest possible.” (source: <https://uj.jogtar.hu/#doc/db/1/id/A1100128.TV/ts/20210101/lr/chain14/>. download time: 24th Jan. 2021.)



centric official, authority, market surveillance and information activities that meet the challenges of the age. [17]

The authority procedure is a controlled activity, so the procedures have to be conducted in compliance with act 150 of 2016 about the general public administrative order; of course the detailed rules are regulated by the decrees of the government and of the minister.

The system of protection against fire and the fire protection tasks, rights and obligations are governed by act 31 of 1996 about protection against fire, technical rescue and fire brigades: Governmental decree 259/2011 (7th Dec) (hereinafter: Korm.r.) on the organization of fire protection authorities, fire protection fines and compulsory life and accident insurance for those dealing with fire protection [19] contains rules, [20] Governmental decree 489/2017 (29th Dec) (hereinafter T.Korm.r) governs the general and special rules of fire protection authority procedures [21]

The fire protection department conducts official proceedings

in the following matters:

- licensing procedure for the construction and decommissioning of built-in fire detection and fire-fighting equipment
- licensing procedure for the commissioning of built-in fire detection and fire-fighting equipment
- procedures for service supervision of fire service activities subject to notification
- granting a derogation from the fire safety regulations for buildings and structures and the requirements for the intervention of fire brigades
- announcement of the start of chimney sweeping activities, keeping of records
- disputes related to the issuance of the chimney sweep industrial certificate and the chimney sweep industrial professional declaration
- supervision of the content of the chimney sweep industrial certificate and the chimney sweep industrial professional declaration
- review of the stipulations of more frequent inspections of flue gas drainpipes than required by law



- procedure to be followed in the event of failure to carry out periodic inspections of the flue gas drainpipes and to remedy the irregularity of the flue gas drains until the next inspection
- procedure in case of notification related to temporarily used properties
- market surveillance official procedure
- a consumer protection procedure concerning the conformity of the packaging, the marking and the affixing of the CE marking to pyrotechnic articles. [22]

As a competent authority, it participates in the following procedures:

- building authority procedures
- procedures of granting operating permit
- site licensing procedure
- licensing procedure of musical and dance events
- registration of social, child welfare and child protection service providers and institutions in the official register
- licencing procedure related to pyrotechnical activities[22]

Within the scope of its official and professional authority activities, it also conducts on-site inspections of fire protection if necessary to establish the facts. [22]

Pursuant to § 55 of Act 150 of 2016 on General Administrative Procedure (hereinafter: *Ákr.*), if an expert opinion must be given to a professional question in an official proceeding before the authority, then due to the enforcing reason based on public interest and specified by the law a binding opinion on the matter must be obtained from another authority. The authority makes its decision on the basis of the resolution of the competent authority. As the professional issue requires special knowledge, the fire protection authority participates in the proceedings as a specialist authority in the cases listed above.

The rules of acts *Ákr.*, *Ttv.*, *Korm.r.* and *T.korm* must be applied to conduct the official and professional procedures. The competent authorities acting on the basis of certain overriding reasons in the public interest are determined by governmental decree 530/2017 on the designation of professional authorities (hereinafter: the Decree) [23] These procedures are investments of special importance from the point of view of the national economy, for which



the Decree establishes different deadlines for the competent authority regarding the issuance of the resolution compared to the deadlines specified in the Ákr. Differently from Ákr, the procedural deadlines are set out in Act 53 of 2006 on the acceleration and simplification of the implementation of investments of key importance for the national economy. [24]

In addition to the official and authority procedures of the fire protection department, it also conducts a fire inspection procedure, for which Governmental decree 490/2017. (29th Dec.) on the procedural rules for the investigation of fires, [25] and decree 4/2011. (5th Dec.) of the Ministry of Interior on the rules for the investigation of fires [26] shall apply. The fire inspection must be carried out ex officio within the framework of an official procedure, by means of an on-site inspection, the purpose of which is to gain professional experience in fire prevention and firefighting, to investigate the causes and origins of fire and to establish liability. [25] [26] At the request of the fire protection authority, an official certificate is issued according to § 95 of Ákr.

4. SUMMARY

The official activity of the professional fire protection organization in the field of fire protection is very wide. Within the framework of the official procedure, it may adopt licensing, restricting and prohibiting provisions and carry out inspections, which serve the safety of life and property of the population within the framework of disaster prevention activities. As a professional authority, it contributes with its expertise to the well-founded decision of the acting authority, the data and findings obtained in the fire inspection procedure serve as an experience for firefighting activities.

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