

Πανάκριβη φέτος η δασοπυρόσβεση

By [dasarxeio](#) on [01/05/2020](#) • (1)



Γράφει ο **Ανδριανός Γκουρμπάτσης**,
Αντιστράτηγος – Υπαρχηγός ΠΣ, ε.α, Νομικός

Σήμερα ξεκινάει η αντιτυρική περίοδος με **αύξηση του αριθμού των αγροτοδασικών πυρκαγιών για το διάστημα από την 1η Ιανουαρίου έως την 30η Απριλίου 2020, σε ποσοστό 52,9%**, σε σχέση με τον μέσο αριθμό των πυρκαγιών κατά το ίδιο ως άνω διάστημα της τελευταίας δεκαετίας (2010 – 2019). Δύο είναι τα σημαντικότερα χαρακτηριστικά της νέας αντιτυρικής περιόδου:

1. Η υπέρμετρη δαπάνη μίσθωσης μεγάλου αριθμού ελικοπτέρων αεροπυρόσβεσης και
2. Η εφαρμογή του προισχύσαντος συστήματος Πολιτικής Προστασίας.

Πιο συγκεκριμένα για πρώτη φορά από το 1998, όπου η δασοπυρόσβεση ανατέθηκε με τον Ν. 2612/1998 στο ΠΣ, **μισθώνονται φέτος τα περισσότερα ελικόπτερα αεροπυρόσβεσης**, ακόμη και από το 2007. Πια συγκεκριμένα μισθώθηκαν συνολικά 20 Ε/Π (8 βαρέως τύπου και 12 μεσαίου τύπου) προϋπολογισθείσας δαπάνης περίπου 39.000.000 ευρώ. Για την ανωτέρω αύξηση του αριθμού των Ε/Π αεροπυρόσβεσης έγινε επίκληση ενός υποθετικού λόγου και συγκεκριμένα η πιθανότητα επιδείνωσης των κλιματολογικών συνθηκών. Επίσης ο δασοπυροσβεστικός μηχανισμός θα στελεχώνεται για πρώτη φορά με τον μεγαλύτερο αριθμό προσωπικού (μονίμου, ΠΠΥ και εποχικού) που ξεπερνά τις 16.500. Φέτος δηλαδή έγινε η πρόσληψη επιπλέον 1.300 εποχικών δασοπυροσβεστών σε σχέση με το 2019.

Το άλλο επίσης χαρακτηριστικό αυτής της περιόδου είναι η εφαρμογή του προισχύσαντος συστήματος πολιτικής προστασίας, δηλαδή αυτού που ίσχυε το 2018 στην εθνική τραγωδία στο Μάτι και όχι του Ν. 4662/2020. Και τούτο γιατί αναβίωσε το προισχύσαν νομικό πλαίσιο, δυνάμει της από 14 Μαρτίου 2020 ΠΝΠ, άρθρο τέταρτο, παρ. 4, επειδή δεν πρόλαβε η ΓΓΠΠ να εκδώσει τις αναγκαίες κανονιστικές αποφάσεις, προκειμένου να εφαρμοστεί ο Ν. 4662/2020 (Α' 27), με τον οποίον θεσπίστηκε ο νεοπαγής Εθνικός Μηχανισμός Διαχείρισης Κρίσεων και Αντιμετώπισης Κινδύνων.

Συμπερασματικά λοιπόν, η πολιτική ηγεσία του ΠΣ μπρος σε μια νέα πιθανή αποτυχία του δασοπυροσβεστικού μηχανισμού και γενικά του μηχανισμού Πολιτικής Προστασίας, όμοιας με εκείνη που οδήγησε στην εθνική τραγωδία στο Μάτι το 2018, και δεδομένου ότι και κατά την νέα αντιπυρική περίοδο θα εφαρμοστεί το ίδιο νομικό πλαίσιο εκείνης της περιόδου, προτίμησε, αντί να προβεί σε έναν αποτελεσματικό αντιπυρικό σχεδιασμό, να επιβαρύνει υπερβολικά τον φορολογούμενο πολίτη. Όμως πολιτική δεν γίνεται στην πλάτη των πολιτών, μάλιστα σε μια δεινή για την οικονομία της χώρας περίοδο, λόγω των συνεπειών της πανδημίας.

Translated by Google:

Forest firefighting is very expensive this year

By dasarxeio on 01/05/2020

Written by **Andrianos Gourbatsis**,
Lieutenant General - Deputy Chief of Police, e.a., Legal

The **firefighting** season begins today **with an increase in the number of agroforestry fires for the period from January 1 to April 30, 2020, by 52.9%**, compared to the average number of fires during the same period last decade (2010 - 2019). Two of the most important features of the new firefighting season are:

1. Excessive cost of renting a large number of firefighting helicopters and
2. The implementation of the existing Civil Protection system.

More specifically, for the first time since 1998, when forest firefighting was assigned by Law 2612/1998 to the PS, **most aircraft firefighting helicopters are rented this year**, even since 2007. More specifically, a total of 20 E / P were rented (8 heavy-duty and 12 medium-sized) estimated cost of approximately € 39,000,000. In order to increase the number of air / fire extinguishers, I invoked a hypothetical reason, namely the possibility of worsening climatic conditions. Also, the forest firefighting mechanism will be staffed for the first time with the largest number of staff (permanent, PPY and seasonal) that exceeds 16,500. This year, an additional 1,300 seasonal forest firefighters were hired compared to 2019.

The other characteristic of this period is the implementation of the enhanced civil protection system, ie the one that was in force in 2018 in the national tragedy in Mati and not of Law 4662/2020. And this is because it was revived by the strengthened legal framework,

under its PNP of March 14, 2020, article four, par., which established the newly established National Crisis Management and Risk Management Mechanism.

In conclusion, the political leadership of the PS in the face of a new possible failure of the forest firefighting mechanism and the Civil Protection mechanism in general, similar to the one that led to the national tragedy in Mati in 2018, and given that during the new firefighting period the same will be applied Instead of pursuing an effective firefighting scheme, he preferred to overburden the taxpayer. However, politics does not take place on the backs of the citizens, in fact in a period of suffering for the country's economy, due to the consequences of the pandemic.

Observations on the draft law on the restructuring of Civil Protection

By [dasarxeio](#) on [29/01/2020](#) • ([0](#))

By Andrianos Gourbatsis,
Lieutenant General - Deputy Chief of Police, e.a., Nomikos

OBSERVATIONS

On the bill: "National Crisis Management Mechanism and Risk Response, Restructuring NGPP, Volunteer Upgrade Policy PROTECTION reorganization of the Fire Brigade and other provisions"

" Pathogenesis and malfunctions of the past cannot be corrected by the draft law under vote on the restructuring of Civil Protection"

ΕΙΣΑΓΩΓΗ

This bill has the following (substantive and technical drafting) Profile: It is indirectly to patchwork stitching certain provisions where scraping responsible, for hand protection policy A, the basic provisions of the current date relevant legal framework (Law. 3013/2002 and Law. 4249/2014), which added and the major dysfunctions, which led to the national tragedy in Mati, while for the fire service, the provisions again the current basic legal framework (N. 3511/2006, N. 4249/2014, N. 2800/2000, N. 3938/2011 and DPR 350/1992, DPR 210/1992) n c in all this Law construct - they call it in the Explanatory Report '**modern**' - unreasonably excessive added responsibilities and powers of the General Secretary of Civil Protection (becomes Yperypourgos) and opaque procedures, for instance secret expenses, enriched with many other provisions that serve plethora appropriate legality and rousfetologikes favors, so **to make do with an unfair criteria the crony and rather liked the excellent** . T Helicopter result, the formation of a highly tortuous, too unwieldy and bureaucratic and very costly Civil Protection Mechanism, which in practice can not operate inefficiently while the dissolution of the date of the Fire autonomy.

OBSERVATIONS

In particular, this draft law does not address the major pathogenesis and dysfunctions of the past, which recently led to the national tragedy in Mati on July 23, 2018, although this was the aim and goal of the restructuring of the civil protection system . More specifically illustrative of these are as follows:

1) What is required so far and a common finding of all that the most important problem in a natural or man-made disaster is the lack of coordination of the forces involved. And in the above draft law, no (one-person - not collective - body has been established, which is present in the area where the disaster or threat is unfolding and will be responsible for operational planning and coordination (ie it will decide and give orders) all the co-responsible operational forces involved in civil protection and all those who assist in their work in dealing with it at the stage of full development and evolution of this phenomenon.

2) The non-existence of an autonomous and independent National Operational Center for Civil Protection staffed with personnel from all civil protection forces (ED, PS, ELAS, LS-ELAKT, FOREST COMPANY, EKEPY, EKAB, OASP, etc.) structure of the Fire Brigade, as it was before Law 4249/2014, to which will operate only operationally the Operational - Coordination Centers of all civil protection forces. With this specific draft law and more specifically article 36, the National Coordination Center for Business and Risk Management (ESCEDIK) is established .as a Special Service of the PS, and not of the GGPP, as it should be, since the PS is one of the many forces of civil protection, but it is supervised by the Secretary General of Civil Protection (article 36, par. 1). ESCEDIK may refer to the law as the operational structure of the National Mechanism, but it does not have the competence of the body described in the previous remark. This is because, according to par. 2 (c) of the same article above, the operational coordination and the cooperation of the Services belong to its competence, as mentioned in the Explanatory Memorandum."Through the established units per sector of business action, it achieves the fastest and most efficient flow and management of business information." But this, as already mentioned, is not the case with the new institutional and legislative framework for civil protection that is being attempted under the aforementioned draft law. However, apart from the above, as the structure of ESCEDIK is structured, as a Special Service of the Armed Forces and not of the GSPP and with its specific staffing and management staff, it will not be able to manage all kinds of natural and man-made disasters or threats, such as a fatal for the human epidemic (eg coronavirus type), a biological attack or terrorist threat, extensive air or sea pollution, etc.

3) The failed institution of the precautionary Organized Removal of Citizens, as in force in the current legal framework, according to article 108, par. 5 (f) of Law 4249/2014, due to the fact that it is cumbersome and due to this malfunction led, Among other reasons, in the death of the 102 innocent victims in Mati, unfortunately, it was repeated, as it is in the specific draft law. Should, however, in my view, the decision of the organized removal take only the head of the forces have the operational responsibility of coordination to a specific disaster, such as e.g. the Chief of Staff of the Armed Forces in a forest fire and to be implemented on the basis of the relevant operational plans by the competent local authorities (Mayor or Regional Governor, depending on the case) and not to be decided by local authorities (a´ and b´ degree), which they do not have the knowledge and experience to assess the threat and danger and the situation in general and this leads to management errors in an emergency, such as in the Eye.

4) Lack of a provision that will explicitly provide for and automatically regulate sanctions, e.g. of these responsibilities. To date, there has been no such regulation in the relevant legal framework and it is one of the requirements to make a state mechanism effective.

Apart from the above, there are many values other settings of that draft law that make the National Machinery cumbersome and inefficient, although it is very costly . More specifically:

- The creation of many (one-person and of large), so cumbersome coordination bodies and structures, while a same powers thus overlap and conflict of competence. Example operation of the new KEMEDIK (Article 40 of the draft law) to the current date Oueme within the same ministry with the same or similar parallel responsibilities and mission. The specific bodies (multi-member or single-person) that coordinate civil protection actions are:

Coordinating Bodies

1) **The General Secretary of Civil Protection** (article 30, par. 2 (a), 2) **The General Secretariat for Civil Protection** (articles 28 and 29, par. 2 and 4), 3) **The ESCEDIK** (article 36, par. 2 (c), 4) **The Heads of PDEA** (article 10, par. 2 (a), 5) **The SOPP** (article 12, par. 1 (a), 6) **The PESOPP** (articles 13 and 14 (a), 7) **the TESOPP** (Articles 15 and 16 (a), 8) **the Governor SOPP** (Article 92 of Law. 4623/2019), 9) **Regional Coordinators** (Article 93 of Law. 4623/2019), 9) **Antiperifereiarchis thematic and spatial and Ordered Civil Protection Consultants**, 10) **The Independent Directorates of Political Protection** of the Regions (article 20, par. 1 (a), 11) **The Independent Departments or Offices, respectively, of Civil Protection of the Municipalities** (article 21, par. 1a).

Furthermore, **Supportive Structures of the National Mechanism** with multi-member administration are: a) Staff Structure of NSRF Civil Protection (article 37), b) Operational Fund for Prevention and Treatment of Risks (ETPAK) with 9-member Board of Directors (Article 38), c) National Risk Management, with 9 members of the Board of Directors supported by 7 members of the Scientific Council (Article 39), d) KEMEDIK with 5 members of the Board of Directors (Article 40), e) Permanent Scientific Council of Civil Protection, with 5 members of the Board of Directors in support of SOPP (Article 41) Risk Assessment Committee (Article 42), g) European Center for Forest Fires, with a 9-member Steering Committee, assisted by a 9-member Scientific Committee (Article 43).

However, the issue is not the establishment of so many organs and structures with coordinating action, because this will cause a malfunction of the National Mechanism and will add problems to the existing ones and will not solve them. Many such institutions are being established and of course they are not needed. The question, as mentioned above, is the existence of a body that will have the operational responsibility for coordinating the operational forces involved in dealing with the disaster, and such a body does not exist to date nor is it provided for by the provisions of the draft law. Characteristically, it is mentioned in the Explanatory Memorandum "Structures and coordination bodies are being created at central and regional level", without mentioning the justification for their establishment.

- The autonomy and autonomy of the Fire Brigade that it had until today ceases, as one of the two independently operating Security Forces in the Ministry of Civil Protection. Exemplifies degradation and autonomy of Fire s Academy and integration as one of the three faculties of the National s Crisis Management School and Risk Response (Article 39, Fri the 1st bill). The above abolition of the autonomy and autonomy of the PS with the structural structure that the National Mechanism receives in the near or distant future it will inevitably lead its Services and staff from the Central Administration currently under local government to strengthen civil protection forces . Of course this dangerous development of CP are senior and senior officers today do not see to speak publicly since hypnotized by the many positions recommended in senior grades of the hierarchy and other rousfetologikes arrangements contained in the draft law do not see the above risk is or they see him better but are silent .
- What is happening with the legislative powers is unprecedented in the Public Administration. Specifically, the legislator is abused by this draft law of the constitutionally guaranteed and provided by article 43, par. 2 of the Constitution, the right of the Parliament to transfer to other bodies of the Administration, eg Minister, Secretary General of the PP, to legislate. More specifically, Regulation (128) provides for the issuance of regulatory acts, such as Presidential Decrees, JMC, Decisions of the Minister or Secretary General of Civil Protection to specialize, implement and enforce the provisions of the draft law, some of which are of dubious constitutionality. par. 2 ed.The very large this number regulatory acts should be adopted to implement the arrangements for the National Mechanism do not foresee that it would have issued et until next fire season and therefore will find unprepared and disorganized that mechanism and all civil protection forces .

Further outside the above, there and other provisions of that draft law, except plethora considerations, for instance founding party army, cronyism, etc., introduce arrangements unduly provide opaque (suspicious) procedures and those which introduce unjustified derogations from the text public law on issues that have no legal reason. In particular and in court :

- Article 53 provides for secret spending (special credit for urgent confidential national needs), for which there is no reason and no public interest or national need for the transparency of these relevant special credits.
- The Coordination General Manager of NGPP, under Article 33, Fri the 1st (c), the General Directorate Head (Article 50) and the Head Department of NGPP (Article 51), appointed by decision of the Secretary General for Civil Protection, apparently notwithstanding of the relevant provisions that apply to the State for these positions, since no invocations are made to them .
- Also, according to article 42, par. 3, work or works, characterized as urgent and immediate implementation, are made in derogation of any other provision.

In YMPERASMATIKA

In view of the above pathogens, malfunctions and problems arising from the application of the provisions of the draft law, I believe that the ineffectiveness of the National Crisis Management and Emergency Management Mechanism is predetermined and the failure of the given.

With this bill, I am surprised by the fact that the Minister, Mr. Michalis Chrysochoidis, whom I happen to know well, as a political supporter of legality and meritocracy, etc., will support in Parliament what only serves expediencies and unworthiness and is therefore against in his beliefs.

Andrianos Gourbatsis
Lieutenant General - Deputy Chief of Police, e.a., Legal