

FOOTBALL HOOLIGANISM WITH AN EU DIMENSION:
TOWARDS AN INTERNATIONAL LEGAL FRAMEWORK

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CHAPTER 1: INTRODUCTION

Under the terms of Article 29 of the Treaty, the European Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation. Due to the various international and European competitions involving both national and club teams and the resultant travelling of large numbers of supporters together with the associated social and often violent disorder, football has a highly visible profile. This international dimension has made it necessary to approach security in connection with football matches in a way that extends beyond national borders. Within the EU framework, the focus is mainly on the coordination of police measures (cf., Council recommendation on guidelines for preventing and restraining disorder connected with football matches, 22 April 1996; Council Resolution on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy, 9 June 1997; Council Resolution concerning a handbook with international recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, 6 December 2001 (previously, 21 June 1999); Council Decision concerning security in connection with football matches with an international dimension, 25 April 2002).

Apart from the existence of the Council of Europe's Convention on spectator violence and misbehaviour at sports events and in particular at football matches, of 19 August 1985, an international legal framework is still lacking and fundamental legal differences between Member States make it difficult to envisage the generalized application of restrictions on attendance at matches in other Member States by persons convicted of football-related offences.

Because of the lack of an international legal framework and the fundamental legal differences between Member States, tackling transnational football hooliganism in the EU is mainly based on "ad hoc" cooperation agreements and policy arrangements between individual Member States in connection with individual international competitions and matches. This results in the conflation of an 'instant coordinated approach' with a 'permanently coordinated basis'.

The purpose of the study is to determine what the fundamental legal differences between Member States (and candidate countries/Member States since 1 May 2004) exactly are and to evaluate what the precise consequences are of the absence of an international legal framework. On the basis of the results of this research, recommendations will be made for the development of a common and consistent international legal framework. (Grant Application Form, paragraph 2.2.2.)

1. METHODOLOGY

According to its approach and methodology the study will collect and analyse (Grant Application Form, paragraph 2.2.9.):

- international legislation (treaties, decisions of intergovernmental organizations, etc.);
- all the laws, regulations and administrative provisions constituting the legal framework of the EU Member States and candidate countries and all the corresponding implementing measures applicable in the event of football hooliganism;
- decisions of national and international courts and tribunals;
- the academic literature in respect of the relevant legislation and court decisions;
- rules and regulations of national football associations and UEFA/FIFA.

In order to collect and analyse legislation, court decisions and literature, relevant sources available in on-line information systems and sources on the Internet will be consulted. In addition to *desk research* relevant bodies of public administration, in particular the national ministries of Justice and of Home Affairs, and relevant academic and other institutions will be requested to reply to a pertinent *questionnaire*. Replies to the questionnaire may be followed up by semi-structured interviews held by individual team members to provide additional information and clarification.

In addition a separate questionnaire will be distributed to facilitate the collection of the rules and regulations of the national football associations.

2. QUESTIONNAIRE

In January/February 2004 the questionnaires were drafted, submitted to the members of the Advisory Committee for comment and distributed amongst the Ministries of Justice, Home Affairs and Sport as well as the national

football associations in the EU Member States and acceding countries respectively. In the questionnaires it was stated that the background of this study is that under the terms of Article 9 of the Treaty, the European Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States. It was stated that the main objective of the project is to collect and analyse relevant public legislation and pertinent rules and regulations of international and national football associations in the EU Member States and acceding Member States in order to determine the legal differences and make recommendations for the possible development of a common and consistent international legal framework. It was stated that apart from researching into the applicable general international legal instruments, for each country a national report will be composed which describes the law and policy situation in each Member State and acceding country regarding "football hooliganism", i.e., vandalism, violence and disorder in connection with football matches. So, in this context, the Ministries of Justice, Home Affairs and Sport were requested to support the project by providing the information needed, i.e., in particular, the current *national public legislation and implementing measures* that specifically apply to football hooliganism in the country and the *official documents* (Memoranda, Notes to Parliament etc.) that currently form the basis for the Government's general policy in this field within the framework of general criminal and administrative law. An additional aspect is the *transnational* law and policy situation of the country (cf., possible bilateral treaties, agreements, or ad hoc arrangements etc. with neighbouring countries to control the cross-border movement of groups and persons concerned). The national football associations in the EU and acceding Member States were requested to provide the non-governmental information needed, i.e., the texts of the Association's relevant *rules and regulations* as well as *official policy documents* regarding "football hooliganism".

By way of recommendatory letter the Commission's cover letter regarding the contract with the Asser Institute concerning the project was annexed to the letters regarding the questionnaire.

In March/April and May/June 2004, follow-up rounds of collecting national material was executed by contacting by phone and e-mail ministries and football associations who had not yet replied to the questionnaire.

Replies were received as follows:

	Home Affairs	Justice	Sport	FA
Austria	x		x	
Belgium	x	X	x	x
Denmark		X		
Finland	x	X	x	x
France			x	
Germany	x	X	x	x
Greece	x			
Ireland		X	x	
Italy	x			
Luxembourg	x	X	x	
Netherlands	x	X	x	x
Portugal				x

Spain	x			x
Sweden		X		
United Kingdom	x			x
Czech Republic	x	X		x
Cyprus	x	X		
Estonia	x	X		
Hungary		X	x	
Latvia	x		x	x
Lithuania	x			x
Malta				x
Poland			x	x
Slovakia		X	x	
Slovenia	x		x	

The main body of the Report consists of an international as well as a national part. The international part contains chapters on the Council of Europe, including a paragraph on the UEFA Safety and Security Instructions (Chapter 2), The European Union and Football Hooliganism (Chapter 3), and the Schengen Acquis, concerning internal border checks, cross-border police cooperation and judicial cooperation in criminal matters, and which is integrated into the EU framework (Chapter 4). Chapter 5 concerns National Laws and Regulations, i.e., the results of a comparative thematic analysis of the national reports of the 25 EU Member States which are mainly based on the replies to the questionnaires which were sent to the relevant national ministries and the national football associations (additionally, information was received from non-EU Council of Europe Member States). Finally, Chapter 6 contains a case study of the EURO 2000 Football Championship and Football Hooliganism.

N.B. The status juris of this report (public national legislation, rules and regulations of the national football associations) is 1 July 2004.

CHAPTER 2: THE COUNCIL OF EUROPE

1. STRUCTURE

The Council of Europe is an intergovernmental political organisation. The Council was founded 5 May 1949 by the Treaty of London, and is based in Strasbourg, France. Membership is open to States within the European region which accepts the principle of the rule of law and guarantee fundamental human rights and freedoms to their citizens. The members of the Council of Europe are Parties to the Statute.¹ The Council is composed of 46 countries in the European Region; including 21 countries from Central and Eastern Europe (see annexes). More than 180 international treaties and agreements have been created within the Council of Europe framework and are adopted by the *Committee of Ministers*. The Council's main aim is to achieve greater unity between its members (art. 1 Statute) More specific aims of the Council are for example to defend and protect human rights, the protection of democracy and the rule of law, social cohesion, security of citizens, promotion of cultural identity and diversity, education, environment, etc., throughout Europe.

Statutory organs:

■ Committee of Ministers (chapter IV Statute)

The Committee of Ministers is a political, decision making body. Each Member of the Council of Europe is entitled to one representative on the Committee of Ministers. It is composed of the 45 Ministers of Foreign Affairs or their deputies. The Committee meets at ministerial level twice a year. The day-to-day business is left to the deputies who act on behalves of their ministers.

Tasks of the Committee of Ministers involve Political Dialogue, interacting with the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe, admitting new Member States, etc. For the purpose of the underlying subject, its most relevant tasks are according article 15 of the Statute:

- monitoring respects of commitments by member states;
- concluding conventions and agreements;
- adopting recommendations to Member States.

Its vital task is the concluding of conventions or agreements. In the case of conventions, after the decision of the Committee of Ministers, it is agreed to open the Treaty for signature by Member States. Although conventions and agreements have the same legal effect, agreements are not statutory acts.

■ Parliamentary Assembly

The Parliamentary Assembly is the parliamentary organ of the Council of Europe and consists of a number of individuals from the 45 national parliaments, democratically elected within their national or federal Parliament. Three countries from outside Europe (Canada, Israel, and Mexico) have observer status in the Parliamentary Assembly. The representatives of a Member State represent the political forces in the respective State. The number of representatives is determined by the size of the country. Every representative has one vote. It is composed of 626 members divided in 313 representatives and 313 substitutes. The number of votes is determined by the size of the country, and varies from eighteen to two. A president is elected among the representatives each year. The Parliamentary Assembly holds four part-sessions, each one week in length, per year. The President and 19 Vice-Presidents of the Assembly are chosen at the beginning of the January session, in addition to which the ten statutory committees are appointed. The President, the Vice-Presidents and the chairs of the political groups comprise the Parliamentary Assembly's presidium, which is called the Bureau. The Parliamentary Assembly of the Council has ten permanent Committees, like culture.

Tasks of the Assembly. The Assembly discusses topical themes, presents initiatives and makes recommendations, on the basis of which the Committee of Ministers arrives at its decisions, which are binding on the Member States. The Assembly expresses its *opinions* on questions put to it by the Committee of Ministers, like for example on draft conventions. Besides opinions, the Assembly can adopt: recommendations and resolutions. This results in the following main tasks:

- recommendations: proposals addressed to the Committee of Ministers;
- resolutions: embody decisions by the Assembly on questions which it alone is responsible;
- opinions.

1 Statute of the Council of Europe, London, 5.V.1949.

For the purpose of the underlying subject, the most relevant is the drafting of recommendations. Article 12 of the Rules of Procedure of the Assembly states in short that a motion for a recommendation (or resolution) generates a report. The motion has to be tabled by at least ten Members of the Assembly belonging to at least five national delegations. It is then referred to a committee for report and maybe referred to other committees for opinion. The operational draft resolution is voted on in the committee.

Other relevant organs

- **Congress of Local and Regional Authorities**

Congress of Local and Regional Authorities is composed of a Chamber of Local Authorities and a Chamber of regions, and has 286 representatives and 286 substitutes. It is a consultative body as it comes to regional and local policies. Its function is to strengthen democratic institutions at the local level, and in particular to assist the new democracies.

In the field of the prevention of violence at sports events, particularly football matches, the Congress of Local and Regional Authorities organized a conference in Lisbon in June 2003, in co-operation with the National Association of Portuguese Municipalities, the city of Lisbon, the Ministry of Internal Administration and the Portuguese State Secretariat for Youth and Sport.

- **Secretariat**

Headed by the Secretary General. The Secretary General of the Council of Europe communicates to the Members of the Council and to the government of any State, for example the Secretary General informs the standing Committee of resolutions and transmits recommendations to the Member States and to the non-Member States Parties to the European Cultural Convention.

2. THE COUNCIL OF EUROPE AND ITS INVOLVEMENT IN SPORT

The 1954 European Cultural Convention governs the Council of Europe's activities in sport. The European Cultural Convention is the foundation for intergovernmental co-operation in the spheres of education, culture, heritage, youth and *sport*. The sports policy of the Council of Europe is "to promote sport and the social and health benefits it brings to individuals and society, through policies based on the same principles throughout Europe."

- **Ministers of Sport**

In 1975 the European Ministers responsible for Sport defined the "*European Sport for all Charter*" which has provided an essential basis for governmental policies in the field of sport.²

The European Ministers of Sport adopt Resolutions, like in the field of Spectator Violence, the *resolution on safety (89/4)* and the *resolution on spectator violence (89/3)*. In general, the procedure is as follows: The Ministers of Sport inform the Secretary General to inform the Standing Committee of the resolution in question, and invite the Committee of Ministers of the Council of Europe to instruct CDDS to prepare, in conjunction with the Standing Committee the draft for a text.

- **Committee for the Development of Sport (CDDS)**

The Committee for the Development of Sport (CDDS) supervises the work of the Council of Europe in the field of sport. This Committee was founded in 1977. It is composed as a partnership between governmental bodies and non-governmental bodies. The CDDS sets up and manages a European work programme and prepares the European Sports Ministers' Conferences. In addition, the CDDS runs specific sports related programmes for periods of 3 to 5 years. Many different sports subjects have been treated over the years. After the finalisation of the programmes the committee passes the responsibility to the member states to follow up the work at national level.

3. EUROPEAN CONVENTION ON SPECTATOR VIOLENCE AND MISBEHAVIOUR AT SPORTS EVENTS AND IN PARTICULAR AT FOOTBALL MATCHES

Within Europe co-operation between States to combat violence and misbehaviour by spectators started after the

2 Resolution (76)41 on the Principles for a Policy for Sport for All, 1975.

Heizel tragedy in 1985 when 38 people died following spectator violence. The Council feared that this problem put the principles laid down in the *European Sport for all Charter* at risk. The Council of Europe thus adopted the *European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches* (19 August 1985; entry into force: 1 November 1985; for full text see Annex 1). The Convention considers that both public authorities as well as independent sports organisations bear (complementary) responsibilities as it comes to combat violence and misbehaviour by spectators. The Convention further considers that violence is a current social phenomenon, whose origins lay mainly outside sport. Currently 33 countries have ratified this Convention.

3.1. SUMMARY OF THE CONVENTION

The aim of the Convention is laid down in article 1 of the Convention which states in short that the Parties undertake the necessary steps to give effect to prevent and control violence and misbehaviour by spectators at football matches and give effect to the provisions of the Convention as it comes to other sports and sports events where the same violence or misbehaviour is to be feared. To this end, article 2 of the Convention states that the Parties shall co-ordinate the policies and actions where appropriate through setting up co-ordinating bodies. The Convention further describes a number of practical measures to be taken;

In particular the Convention recommends;

- (3.1.a) employment of adequate public order resources;
- (3.1.b) close co-operation and exchange of appropriate information between police forces;
- (3.1.c) application and adoption of legislation to prosecute and punish offenders;
- (2) Encourage the responsible organisation and good conduct of supporters clubs and the appointment of stewards from within their membership to help manage and inform spectators and to accompany supporters travelling to away fixtures;
- (3) Encourage the co-ordination of the organisation of travel arrangements.

Other more practical measures;

- Appropriate design and physical fabric of stadia to prevent violence and allow safety for spectators and crowd control;
- Segregation of groups of rival supporters;
- Control of ticket sales;
- Exclusion of known or potential trouble makers;
- An effective public address system;
- Restrictions on the sale of alcoholic drinks;
- Provision of controls to prevent spectators from bringing dangerous objects into stadia;
- Availability of liaison officers to co-operate with the authorities on crowd control.

The Convention states that the parties co-operate closely (art. 4) and the parties shall seek to ensure that offenders are identified and prosecuted.

3.2. APPLICATION OF THE CONVENTION AND MONITORING COMPLIANCE WITH ITS RECOMMENDATIONS

■ Standing Committee

Article 8 of the Convention establishes a Standing Committee. One or more delegates may represent any Party on the Standing Committee. Each Party has one vote. This Standing Committee is responsible for the application of the Convention and monitors compliance with its recommendations and issues practical guidelines on European stadium policy. The Standing Committee holds consultations with relevant sports organisations and makes recommendations to the Parties concerning measures to be taken for the purpose of the Convention etc (art. 9.1). The Standing Committee meets once or twice per year and is empowered to issue practical recommendations to the Parties. The Standing Committee recommended for example a list of up to 70 items to be checked before any major sport event, including high risk indoor events.³ After each meeting, the Standing Committee forwards to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Convention (art. 10). At EU level, a EU standing Committee monitors

3 Recommendation on measures to be taken by organisers and public authorities concerning high-risk indoor sports events (94/1).

compliance with the Council of Europe Recommendations and issues. The standing Committee studies certain subjects

4. OVERVIEW OF (A SELECTION OF) RESOLUTIONS, RECOMMENDATIONS, STATEMENTS ETC. PER SUBJECT MATTER

Resolutions:

Co-ordination with the organising bodies: Resolution 89/3. This resolution points out that certain aspects need further study, like close co-ordination with the bodies of the World Cup 1990 and the European Football Championships in 1992; the evaluation of the behaviour of spectators during international matches, the former season; the evaluation of certain projects etc.

Greater emphasis to the safety of spectators: Resolution 89/4 follows the tragedy of 15 April 1989 when 95 people were crushed to death at a cup semi-final match between Liverpool and Nottingham Forest at Hillsborough Stadium. The Ministers of Sport found it necessary to complement the European Convention on Spectator Violence with a text incorporating the principle and appropriate measures to guarantee spectator safety at sports ground and events.

Preventing racism, xenophobia and intolerance: Resolution on preventing racism, xenophobia and intolerance in sport (No 4/2000). The European Ministers of Sport (Bratislava 2000) reaffirm their commitment to the defence of ethical values in sport and invite the Committee of Ministers to ask the Committee for the Development of Sport (CDDS) and the Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches to prepare a draft text to eliminate racist and xenophobic propaganda and behaviour of all kinds at sports events.

Recommendations:

- **Police co-operation** (article 3b. jo 4 of the Convention)
- *Offender's identification and treatment* (Convention, art. 3.1.c) Recommendation on the identification and treatment of offenders and the exchange of intelligence at the European Football Championships (EURO 2000) (T-RV/99/3). The Standing Committee recommends impeding known violent fans from leaving the country, allowing if possible, temporary arrest etc.; re-instating temporary border control; providing appropriate sentences; and recognising national exclusion orders. Further more the recommendation concerns the exchange of intelligence and information.
- *(91/2) Explanatory memorandum on Recommendation on Article 4 of the Convention*, guidelines for police co-operation.
- Recommendation on *police co-operation* (87/3). In order to ensure the effective bilateral and multilateral co-operation under article 3.1.b and article 4 of the Convention, and in particular regarding the group of permanent correspondents it is recommended that all the Contracting Parties inform the Secretary General of the name, address communication numbers of the correspondent, so that a list may be prepared for circulation to every government.
- *Police Spotters:* Recommendation on police co-operation (88/1). On the occasion of major international sports events where spectator violence is to be feared that the police authorities from countries of the participating teams discuss possibilities of arranging for policemen ("spotters") from the visiting countries to assist the police force responsible for the matches on potential problems from the visiting supporters. Further the recommendation states that the police authorities have to consider before major international sports events training seminars for senior police officers on the organisation of crowd control.
- *The use of police spotters*
Standing Committee has made recommendations on police co-operation; it advised in 1988 the use of police spotters to identify troublemakers. In an explanatory memorandum on Recommendation T-RV/97/1 the standing Committee suggests the use of plain-clothes policemen from the visiting country as advisory police spotters to assist the responsible police force. Further more the Committee recommends training seminars for police officers on the organisation of crowd control and states that information is required on numbers spectators, identifying known troublemakers etc. The standing Committee recommends on traffic management.
- **Safety**
- *Stewarding* (Convention article 3.2) The Recommendation on Stewarding (99/1) lies down principles to

develop a system of stewarding. This recommendation follows a study on stewarding in sport (RV (97) Inf 1) (Convention article 3.2) and states that stewards should be provided by whoever is responsible for the safety of spectators. The nature role and functions of the stewards must be clear etc. Further more it describes the tasks of the stewards like the caring for supporters, enforcing regulations, assisting police, etc.

- *Removal of fences*. Policing grounds/stadia (Convention article 4a); Recommendation on the removal of fences in stadiums (99/2). The removal of fences should be one of the measures to improve safety arrangements.
- *On the promotion of safety in stadia (91/1)*. The standing Committee recommends the Parties to promote safety and take all the necessary steps. The recommendation sets out general principles and preventative measures etc.
- *Resolution on safety (89/4)*, see above.
Recommendation on *crowd searches* (87/2). The recommendation refers to article 3.4.g that recognises the importance of crowd searches and recommends that Contracting Parties ensure that their public authorities, football authorities, clubs and police work together to identify the most appropriate and effective mechanism for spectator searches.

- **Controlling ticket sales**
 - Recommendation (2002) 1 on *guidelines for ticket sales at international football matches*. Sets out the principles of ticketing policy like the requirements of an effective and efficient separation of rival fans, preventing black market sales and ticket fraud, giving support to stadium bans, identification and so on. It gives several recommendations to this end.
 - Recommendation on guidelines for ticket sales (89/1). The background of this recommendation is the experience in the standing committee, which shows that some outbreaks of hooligans are caused by tickets falling into the hands of “undesirable” spectators. Although the Committee acknowledges that this problem is not likely to be solved by (new) legislation, but progress in this area is likely to be made due to improved operational supervision and practical management.
The recommendation suggests controlling ticket sales with a view to reducing the possibility of spectator violence by means of:
 1. ensuring that the production of tickets helps supervision, control and investigation;
which can be done by:
 - a. numbering tickets and strictly controlling production;
 - b. colouring tickets in correspondence to particular sectors/entries;
 - c. printing a plan of the stadium;
 - d. recording the allocation of tickets;
 - e. envisaging machine readable tickets;
 - f. strictly controlling ticket holders.
 2. obligations or conditions for the purchase of tickets;
 3. licensing system to authorize some persons or agencies to sell tickets with conditions;
 4. National football associations as distributors of tickets should add their distinguishing mark on the tickets;
 5. reducing number of tickets which any individual can purchase;
 6. reducing the number of tickets available to away supporters;
 7. deciding the number of tickets to be sold;
 8. Restricting the number of tickets available for the purchase in bulk by tour operators or supporter clubs, to correspond with their travel capacity.

- **Curbing alcohol sales**; Recommendation on alcohol sales and consumption (87/1). The provision of article 3.4 is extended to include travel arrangements of groups of supporters visiting matches. This recommendation further encourages the use of powers that may be vested in local authorities to restrict or to ban the sale of alcohol in the neighbourhood of stadia, for a predetermined period before, during and after the matches.

5. UEFA BINDING SAFETY AND SECURITY INSTRUCTIONS

The Binding Safety and Security Instructions of the UEFA, the European Football Association (full title: Binding

instructions to the organisers of, and the associations and clubs participating in matches played in any of the UEFA competitions regarding precautionary measures to be taken to ensure safety and security in the stadium, and to prevent crowd disturbances; latest edition 2004; *for full text see Annex 2*), is a non-governmental document pertaining to European Cup matches (clubs) and international matches in a European context (national representative teams), such as recently EURO 2004 in Portugal. The instructions complement national and local legislation, as well as instructions issued by competent national administrative bodies.

The UEFA instructions in particular concern so-called high-risk matches. A special type of match in this context is of course the European Cup Final (now relating to the Champions League and the UEFA Cup) which is played on neutral territory and hereby the contingents of supporters of both teams are usually foreigners. The same applies to competitions such as the European Football Championship Final Rounds (national representative teams). High-risk matches are also considered those matches whereby the supporters of the away team are mostly immigrant workers from that team's country. The instructions deal with: Tickets, Measures at the stadium, Supporter-related measures, and Co-operation with public authorities. Firstly, all stadiums these days have to be "all-seaters", i.e., there are no more standing terraces. It is in particular stipulated that ticket sales should be controlled and that there should be close co-operation with the visiting club or association. If possible, the visiting team should be allotted the number of tickets requested. Clubs or association may then distribute the tickets as they think fit, but they also undertake full responsibility for the distribution. It must be prevented that tickets end up on the black market. Before the match, no bulk sales of tickets should take place, but only sales of a limited number at a time. Further, the supporters of the visiting team must be seated in one specific, properly protected part of the stadium. No contact must be possible between supporters of both teams. Inside the stadium the sale of canned or bottled beverages is prohibited, as is the sale of alcoholic drinks.

6. SOME CONCLUDING REMARKS

The European "Anti-Football Hooliganism" Convention, of 19 August 1985, is of an inter-state character. The Ministers of Sport of the Member States of the Council of Europe decided to draft this treaty immediately after the Heysel tragedy. A foundation for this was already available, viz. a commendation of the Committee of Ministers of March 1984. Although the Convention is in the first instance directed at preventing hooliganism at international (European) matches, the States Parties undertake to take the measures described in the Agreement at certain national high-risk matches as well. As preventing and combating hooliganism at such matches strictly speaking do not require international arrangements, the Agreement is mainly relevant for international matches. Characterwise, this Convention in fact constituted the tailpiece of the UEFA Binding Safety and Security Instructions. These feature a number of provisions in which the cooperation of national judicial and police authorities is requested. The Council of Europe Member States in the treaty oblige themselves to play that role, also through the necessary legislation. On the one hand, this, among other things, calls for appropriate criminal law provisions for perpetrators of football hooliganism and on the other hand for legislation obliging clubs and associations to take the necessary safety measures in and around stadiums (segregation of supporters of rival clubs, exclusion of repeat offenders, a ban on alcohol, body searches, etc.). The "Anti-Football Hooliganism" Convention expressly points to the importance of international co-operation and judicial assistance in this area, such as the extradition and transfer of the criminal prosecution of suspects to the country of origin (Articles 4 and 5).

CHAPTER 3: THE EUROPEAN UNION AND FOOTBALL HOOLIGANISM

1. Introduction

On 29 May 1985, a disaster took place at the Heysel stadium in Brussels. Before the start of the UEFA Cup Final, British hooligans charged the section of the stand where there were mostly Italian supporters. A total of 39 people died and 670 people were injured. Liverpool and Juventus went on to play the Cup Final regardless. Afterwards, UEFA decided to ban British football clubs from European Cup tournaments for a period of five years and the Secretary-General of the Belgian football league was given a suspended prison sentence. Some 14 British hooligans were sentenced to three years' effective imprisonment.⁴

The Heysel tragedy led to the European Community's first involvement in the fight against hooliganism. Before, hooliganism had been a relatively unknown phenomenon on the European continent. This chapter gives an overview of the involvement of the EU in the fight against vandalism and violence in sport, which has led to numerous European Parliament resolutions and some European Parliament reports and to several Council resolutions and decisions. The hard and soft law resulting from the decisions of the EU institutions will be briefly described, although the amount of hard EU law in this field is rather limited. The non-binding 2001 Police Handbook will be discussed in more detail, as it gives a good impression of how international police cooperation in the fight against football hooliganism could be organised within the EU in future.

2. After the Heysel tragedy

Two weeks after the Heysel stadium disaster, the European Parliament adopted two resolutions condemning the violence preceding the European Cup Final.⁵ It condemned 'these violent crimes of a minority and their exploitation by fascist and extremist groups which promote chauvinist, racist, intolerant and aggressive feelings'.⁶ In later reports, resolutions and decisions, a similar connection was made between fascism, chauvinism and football hooliganism.

In the first of the resolutions, the Parliament furthermore called on the Commission to urgently propose a directive in this field for adoption by the Council. Such a directive had to guarantee that sporting events could take place in conditions which ensured the personal safety of both players and spectators. The resolution further proposed a ban on the sale of alcohol inside and near stadiums and called on the governments of Member States and sporting associations to launch a major information campaign to raise public awareness concerning the importance of fair play in sport and to support sporting associations in their struggle against violence at sporting events.

Finally, the resolution contained an instruction to the Youth, Culture, Education, Information and Sports Committee of the European Parliament. This Committee as soon as possible had to present an intermediate report on violence in sport, which in particular had to deal with the measures to be taken in the short term to avoid any repetition of violence in sport. In addition, the resolution proposed a public hearing, following which a final report would be prepared containing an inventory of the policy and legislation in the different Member States to combat violence in sport and including an investigation into the causes of the increase of violence in sport. Measures taken to combat this violence, however, should not prevent the organisation of European sporting events, especially among youth organisations.

The second resolution adopted after the Heysel tragedy among other things requested the Commission and the Council to submit practical proposals for a genuine European sports policy within the Community.⁷

3. The Larive Report on vandalism and violence in sport

The intermediate report requested in the aforementioned resolutions was drafted by the Dutch liberal MEP Mrs Larive-Groenendaal. It referred to earlier proposals by several MEPs for resolutions on violence in sport.⁸ In it, the urgent call for practical measures to combat vandalism and violence at football matches was repeated. These measures were to be taken at Community level, in close cooperation with governments and sports authorities. Furthermore, a balance had to be struck between strict measures to repress violence in sport and the maintenance

4 'Herinneringen aan het Heizeldrama', Robert Misset, *NRC Handelsblad*, 15 May 2001; 'Vak Z of de schande van de Heizel', *Gazet van Antwerpen*, 27 December 1999; 'Tientallen doden in Heizel-stadion', *De Standaard*, 30 May 1985.

5 Resolution of the European Parliament on the violence at the football-match in Brussels on 29 May 1985, 13 June 1985; Resolution of the European Parliament on the tragedy at the Heysel stadium in Brussels, 13 June 1985.

6 Resolution of the European Parliament on the violence at the football-match in Brussels on 29 May 1985, 13 June 1985, para. 1.

7 Resolution of the European Parliament on the tragedy at the Heysel stadium in Brussels, 13 June 1985.

8 Motion for a resolution tabled by Mr McMahon on hooliganism and violence by football supporters at European football matches (Doc. 2-734/84), motion for a resolution tabled by Mrs De Backer-van Ocken and others on violence in sport (Doc. 2-1661/84); motion for a resolution tabled by Mr De la Malene on the increase in acts of violence (Doc. 2-1692/84).

of the fundamental values of our society (as the final part of the preamble stressed). The causes of this violence should also be dealt with.

The report suggested preventive measures in seven fields: international coordination, the sale of alcohol, body searches, the construction of football grounds, ticket controls, arrangements for supporters and the provision of entertainment. First of all, international coordination before, during and after matches between government, local authorities, police forces, sports organisations and other bodies concerned had to be strengthened. It was considered particularly important that a prudent timetable should be drafted for sporting events for the transport and accompaniment of supporters. In addition, exchange of information had to take place in order to initiate an effective campaign to prevent violence. Secondly, a ban was proposed on the sale and consumption of alcoholic drinks and of drinks in cans or bottles inside and around stadiums. Thirdly, the report made clear that body searches of all supporters should be performed, and any weapons or objects which might be used as such should be confiscated, as should banners and flags bearing slogans inciting to violence.

Fourthly, the design and construction of football grounds had to be adapted in order to meet European standards. Holding international matches at grounds which do not meet these standards had to be prohibited. The standards in question would concern: 1) the removal of all inflammable material; 2) barriers between groups of supporters which are strong enough to withstand crowd surges; 3) more and segregated entrances/exits both to the stadium and between blocks of seating, enabling their opening and closing to be controlled in accordance with requirements; 4) improvements in audiovisual control systems using closed-circuit television, loudspeakers and corridors for movement between blocks.

A fifth field in which action was considered necessary concerned ticket sales. These sales had to be brought under strict legal control, with sanctions applying against 'ticket touts' selling tickets on the black market and against their customers. Another field of action was to include arrangements for supporters. These had to consist of the organisation and monitoring of travel arrangements for visiting supporters, the combined sale of tickets (travel and match), accompaniment of the supporters from the train or coach to the stadium and back and the imposition of a ban on alcohol during the journey. A final field of action concerned the provision of entertainment before, between and after sporting events, to prevent misbehaviour arising from boredom.

After listing these preventive measures against violence during football matches, the report called on the police to take further specific action. First of all, it suggested that a sufficient number of police forces have to be mobilised to combat violence around matches. Laws to combat drunkenness on the public highway and the carrying of weapons would need to be applied very strictly. Troublemakers (including foreigners) would have to be arrested at an early stage and be tried immediately. Stiffer penalties, alternative sentences and the payment or repair by the delinquents of the damage they caused were also considered necessary. In addition, the report urged for a legal stadium ban based on a European blacklist for persons convicted of criminal acts at previous matches. Finally, the clubs whose supporters committed the acts of violence would have to be punished as well. The report proposed that all these measures should be laid down in a Community Directive, as the Parliamentary Committee which drafted the report considered this the only way in which the uniform application of the measures could be ensured. In addition, the report called for another Directive to take account of the work of the Council of Europe, which adopted a convention against spectator violence after the Heysel stadium disaster.⁹

The report also stated that a broader approach to the problem of football hooliganism was needed. Such an approach could be instigated if the European Ministers responsible for sport were to 'study longer-term measures which [would] ensure the harmonious development of sport in the Community by drawing up a genuine action programme'.¹⁰ This programme had to comprise education programmes at schools and public information campaigns against extremism and campaigns to promote fair play in sport. Sporting facilities at schools and for the general public also needed to be improved. Another suggestion in the report was to promote contact between supporters of opposing teams preceding matches, in order to improve mutual understanding. Finally, the programme had to aim to establish appropriate training for police forces and the appointment of police liaison officers.

Another proposal was to draw up a code of conduct for the media in order to avoid any stirring up of aggression and chauvinist sentiments by them.¹¹ Freedom of movement for sportsmen and women was also expected to lead to a less nationalistic attitude during European sporting events. Finally, it was suggested that the Committee on Youth of the European Parliament draft a final report on the basis of a public hearing. This report would have to

⁹ The European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches; the Convention was adopted on 19 August 1985 and entered into force 1 November 1985.

¹⁰ Interim Report drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport on Vandalism and Violence in Sport, 2 July 1985, Motion for a resolution on vandalism and violence in sport, para. 6.

¹¹ Ibidem, para. 8.

include a study into the causes of the increase of violence in sport, research into the exploitation of sport for commercial, political and criminal purposes and a comparative overview of relevant legislation in the Member States. However, it had to be prevented that measures to combat football hooliganism would impede the organisation of European amateur sporting events.

4. An amended resolution

On 11 July, the European Parliament adopted the resolution proposed by the Education and Sports Committee after amendments.¹² One amendment was that the resolution now proposed disciplinary measures against players who in the course of matches gave way to excesses of enthusiasm and behaviour, which could unduly arouse and provoke emotional reactions from the spectators. The amended resolution also urged UEFA and FIFA to be responsible in determining the stadiums where major matches would take place and to ensure adequate standards and safety measures. Apart from these amendments, the essential elements of the proposed resolution of the Education and Sports Committee were left intact.

Despite the fact that two Community Directives concerning the fight against vandalism and violence in sport had been called for, the Commission did not submit any proposals to this end. In a new Resolution in January 1988, the European Parliament expressed its regret and repeated its call for measures against football hooliganism. It added that a possible Framework Directive would have to include rules concerning the international coordination of measures (among which exchange of information) and the harmonisation of national measures, and would need to provide standards for stadiums. Some new measures were also proposed, such as the establishment of central national information points in all Member States. These information points would consult prior to all international sporting events so as to be able to adopt common measures. Exchange of information should facilitate the extradition and bringing to trial of hooligans. Finally, it was suggested that Member States should introduce a licensing system for sports stadiums (based on health and safety grounds). The Parliament further called on the Commission to collect information on the role of racist and extreme right-wing political organisations in the provocation of violent incidents during sporting events.

Preventive action, especially in the social sphere, also had to be pursued. Its objective would have to be to educate young people towards a new way of thinking, which rejects violence and regards sport as a means of meeting other people. Member States had to make greater use of information campaigns. Sport education at school and sporting facilities in general needed to be improved. Attention also had to be paid to the link between drug use in sport and violence. The resolution concluded with a call for a European action programme for the harmonious development of sport. Six years later, the European Parliament would repeat its call for European standards concerning security in football stadiums. In addition, it called for comparative research into the Member States' policies for preventing and combating football hooliganism.¹³

5. The 1996 Council Recommendation

During the 1990s, the Council of Ministers finally began to pay attention to the phenomenon of football hooliganism, which would ultimately even result in a (limited) number of binding decisions in this field. However, the first action by the Council was to adopt a number of non-binding recommendations.¹⁴ In April 1996 the Council of Ministers adopted a recommendation in which it advised the EU Member States to draw on the recommendations of the Standing Committee of the Convention concerning spectator violence of the Council of Europe.¹⁵ Member States were further urged to use a common format for police intelligence reports on known or suspected groups of troublemakers. This format would facilitate the exchange of information between Member States. The annex to the Council recommendation contained a specimen of the suggested format. Reports would have to be exchanged quickly and effectively between the Member States, possibly by means of the network of correspondents concerning football hooliganism. In addition, Member States were advised to cooperate in the training of police: where appropriate, police officers should be encouraged to attend relevant training courses in other Member States. Police cooperation also had to be made possible before, during and after football matches. Requests for such cooperation would have to be submitted as soon as possible and no later than four weeks prior to the match.

¹² Resolution of the European Parliament on the measures needed to combat vandalism and violence in sport, 11 July 1985.

¹³ Resolution of the European Parliament on the Community and Sport, 6 May 1994.

¹⁴ Earlier recommendations of the Council (indirectly) relating to football hooliganism were the following: Council recommendation of 30 November 1993 concerning the responsibility of organisers of sporting events; Council recommendation of 1 December 1994 concerning direct, informal exchanges of information with the CCEEs in the area of international sporting events (network of contact persons); Council recommendation of 1 December 1994 concerning exchange of information on the occasion of major events and meetings (network of contact persons).

¹⁵ Council Recommendation on Guidelines for Preventing and Restraining Disorder connected with Football Matches, 22 April 1996.

Finally, the Council of Ministers recognised the importance of stewards in this field, and recommended that the police should contribute to training programmes promoting close cooperation between stewards and police officers.

6. The Roth Report and the resulting Resolution

In April 1996, German MEP Claudia Roth (Green Party) submitted her report on hooliganism and the free movement of football supporters.¹⁶ The report concerned a thorough examination of the problems caused by football hooligans and possible measures to counter these problems. The report resulted in a resolution, which was adopted by the European Parliament on 21 May 1996.¹⁷ The resolution started with some general points, among which a call on the EU Member States to respect the Convention of the Council of Europe concerning spectator violence. Concerning stadiums, the European Parliament '[took] the view that the absolute requirement to provide all-seater stadiums is excessive and that the installation of "cages" is dangerous and degrading and may give rise to violence; [took] the view, on the other hand, that women and children should be encouraged to attend sports events, with family enclosures.'¹⁸ Furthermore, the Parliament noted 'that the current file system and the exchange of data has resulted in the detention or expulsion of innocent persons.'¹⁹

After these general points, the Resolution formulated several recommendations concerning social and preventive policy, free movement of persons and police and legal measures. Concerning the first policy field, fan projects were regarded by the Parliament as an excellent means to prevent violence at sports events. Clubs, national associations, UEFA and FIFA should therefore provide financial support for these projects. Clubs should also try to involve supporters in the life of the club, in particular in important decisions. The European Parliament further called on the Commission to take action against football clubs which linked ticket sales to travel packages. It furthermore proposed that all supporters' clubs should appoint stewards to look after and accompany groups of supporters of their club to away matches.

It was further noted that measures to restrict the free movement of persons could only be directed at individuals whose past conduct indicated that they posed a genuine and serious threat to public safety. The nationality of any given supporter can never be a criterion based on which access to sports events is denied. However, under certain conditions, the organisation of a match may justify internal border controls, 'provided they would not exceed what is strictly necessary to respond to a serious threat to public safety and to protect the rights and freedoms of others.'²⁰ In this, the European Parliament aimed to strike a balance between different sets of rights: 'the rights of all people, including football supporters, to free movement within the European Union; the rights of those who want to attend football matches in a safe and secure environment; and the rights of those who live near to stadiums.'²¹ Restricting access to stadiums can only take place in accordance with fundamental standards. Unfortunately, legal differences between Member States made it difficult to apply restrictions on attendance at matches in other Member States for persons convicted of football-related offences. Only supporters who had been convicted for such offences could legitimately be prevented from attending football matches.

Concerning police and legal measures, the European Parliament called on the Member States to adopt legislation providing appropriate penalties for individuals found guilty of football-related offences. These penalties had to include stadium bans for a specific period of time. Spectators committing offences must be tried in accordance with the law of the country where the offence was committed. In case of international matches, police assistance also had to be provided by police officers from the country of the team playing away. In general, it was considered that international police information had to be improved, as well as the exchange of information. Football clubs themselves also had to take appropriate measures to prevent fans from intimidating players and supporters. Clubs which openly tolerated violence and race hatred had to be penalised. A final recommendation concerned rigorous security checks, which must be carried out at the entrance to and in the streets near stadiums.

The resolution concluded by calling for the inclusion of a provision on countering racism, anti-semitism and xenophobia in the Treaty on the European Union. The European Parliament also called for extensive research to be undertaken into the causes of hooliganism, the role played by extremist organisations among groups of supporters and the ways in which the media could help prevent hooliganism. It also called on the Council to consider a Convention on measures to combat football violence. This Convention could define the concept of 'high-risk fan'

¹⁶ Ausschuß für Grundfreiheiten und innere Angelegenheiten, Bericht über das Problem des Hooliganismus und die Freizügigkeit der Fußballfans, Berichterstatterin: Frau Claudia Roth, 25 April 1996.

¹⁷ Resolution of the European Parliament on Hooliganism and the Free Movement of Football Supporters, 21 May 1996.

¹⁸ Ibidem, para. 9.

¹⁹ Ibidem, para. 10.

²⁰ Ibidem, para. 28.

²¹ Ibidem, para. 29.

and lay down clear rules for the exchange of information between Member States (with the necessary legal protection).

7. Binding measures

The first binding Council decision to impact the fight against football hooliganism was made in May 1997,²² when the Council adopted a Joint Action with regard to cooperation in law and order and security. The decision was taken within the framework of the third Community pillar, which (at that time) comprised cooperation in the field of justice and home affairs. The Joint Action was one of the (binding) instruments available within this framework. It was intended to supplement existing bilateral and multilateral arrangements and was without prejudice to closer cooperation between Member States.

The first obligation following from the Joint Action concerned the mutual provision (by Member States) of information. This information was to be requested via central bodies, whether upon request or not. Information would be provided if 'sizable groups which may pose a threat to law and order and security are travelling to another Member State in order to participate in events. This information shall be supplied at as early a stage as possible to all Member States concerned, regardless of whether they are neighbours, including Member States of transit.'²³ This information was to include the fullest possible details concerning the group in question (overall composition and nature of the group: is it aggressive and is there any chance of disturbances?), routes to be taken and stopping-off points, means of transport and any other relevant information. For each of these categories of information it had to be indicated how reliable the provided information was. Finally, the provision of information was to be in compliance with national law.

Article 2 had a less binding character than the first Article of the Joint Action. It created the possibility to post liaison officers to other Member States upon their request. These officers would have an advisory and supportive function, without any special powers, and they would be unarmed. They were to provide information and carry out their duties in accordance with instructions from their home Member State and guidelines from the Member State to which they were seconded. The host Member State would ensure the protection of the liaison officers (para. 1). The competent authorities of the host Member State had to determine the activities in which the liaison officers would be involved. Liaison officers must follow the guidelines of the aforementioned competent authorities (para. 2). Article 3 concerned a basis for further cooperation in the field of law and order and security. Each spring, the EU Presidency had to organise a meeting of heads of central bodies for law and order and security in the Member States. During these meetings matters of common interest would be discussed. Furthermore the heads of the aforementioned central bodies were to encourage the holding of exercises and exchanges and training secondments for their staff.

8. The possibility of stadium bans

In its recommendation of 9 June 1997, the Council considered the possibility of stadium exclusions/bans for football hooligans.²⁴ In March 1997, an EU seminar on football hooliganism took place in Amsterdam. This seminar led to the conclusion that greater cooperation between police forces on specific issues to combat disorder connected with football matches was needed. In certain Member States, stadium exclusions were found to be an effective means. In some of those Member States the exclusion followed from civil law (i.e. bans imposed by football clubs), while in other Member States the ban was regulated under public law. Stadium exclusions in one Member State must also be effective in another Member State during European football matches. For this reason, the recommendation suggested that the responsible Ministers in the Member States should invite their national sports associations to examine how stadium exclusions imposed under national civil law could be applied to football matches in a European context. An annual report on the situation in the Member States concerning football hooliganism and an annual meeting of experts would also be useful. Special attention had to be paid to international networks of supporters' groups. A checklist of media policy for use by police authorities in the Member States was also considered desirable. This checklist would contain recommendations for a media strategy relating to international football matches and championships. Comparative research into the situation in the Member States could lead to a future Joint Action to be adopted by the Council.

²² Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to Cooperation on Law and Order and Security, 26 May 1997.

²³ Ibidem, Art. 1(1).

²⁴ Resolution of the Council on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy, 9 June 1997.

9. The first Police Handbook

In June 1999, the Council adopted a resolution concerning a Handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches (the Handbook was included in the annex to the resolution).²⁵ A revised version of the Handbook was adopted in 2001 and therefore the description of the 1999 Handbook given here will be brief. The full title of the Handbook was as follows: Handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches, in which *at least one Member State is involved* either by participation in the match and/or by hosting the match. The *non-binding* Handbook concerned a large number of recommendations in this field. The Handbook concerned the following topics:

- Preparations by police forces: organising authorities and police forces had to involve police forces from participating countries in preparations, at an early stage.
- Organising cooperation between police forces: organising authorities and police forces had to take into account requirements for the organisation of international police cooperation.
- Information management by police forces: organising authorities and police forces had to take into account the requirements of police information management.
- Cooperation between police forces and stewards: organising authorities and police forces had to call on the persons responsible for supervising fans from participating football associations for assistance in maximum cooperation.
- Checklist for media policy and communication strategy (police/authorities) relating to major (international) championships and matches: police forces must make use of the media policy checklist provided by the Handbook.
- Requirements for admission policy and ticketing policy: organising authorities must take into account the requirements for organisers in the area of admission policy, in particular by establishing a ticketing policy and ticket control and by separating rival groups of fans.

The Handbook further contained a list of documents previously adopted by the Council of the European Union.

10. The 2001 Handbook

The new Handbook from 2001 was adopted in a Council resolution to which it was annexed and replaced the 1999 Handbook.²⁶ The Handbook remained a non-binding document containing a large number of recommendation concerning information management by police forces, preparations by police forces, organising cooperation between police forces, cooperation between police forces and stewards, the role of the organiser and a list of documents previously adopted by the Council. Below, we will focus more closely on the recommendations provided.

10.1. Information management by police forces

The exchange of information is 'of the utmost importance' to combat and prevent football-related violence. In order to achieve this, Member States were strongly recommended to establish a permanent national (police) football information point. This information point ideally had to be the 'central and sole' contact point for the exchange of information relating to football matches with an international dimension. Member State were free to decide to organise certain contacts in this field through the competent authorities, but the national football information point should at least be provided with a minimum of information. Moreover, it had to be avoided that the quality and efficiency of the activities of the national information point would be jeopardised by any separate exchange of information. Member States had to equip the information points with the necessary technical facilities to fulfil their tasks effectively.²⁷

The football information point also needed to aim to facilitate international police cooperation. The information point could support the competent national authorities by addressing the necessary proposals or recommendations to these authorities regarding the policy to be followed by them on football-related issues. With a view to football matches with an international dimension, it was considered desirable if the information point had at its disposal an updated risk-analysis related to its own clubs and its national team. In addition, the information point was to be responsible for administering personal data regarding high-risk supporters in accordance with the applicable

²⁵ Resolution of the Council concerning a Handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches, 21 June 1999.

²⁶ Resolution of the Council concerning a Handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, 6 December 2001.

²⁷ Ibidem, Chapter 1, Section 1, I. Introduction.

legislation. Finally, the information point would be responsible for the coordination of police information in connection with football matches, whereby it could extend this exchange of information to other law enforcement services responsible for safety or public order.²⁸

The Handbook devoted much attention to the actual exchange of information between the national football information points. A distinction was made between general information and personal information. What was termed general information was made up of information defining the event in all its dimensions with particular attention to the security risks at the event (strategic information), information that could help make a correct analysis of the issues surrounding the event (operational information) and information allowing the persons in charge at the operational level to respond appropriately in connection with order and security surrounding the event (tactical information). Personal information referred to information concerning individuals who represented or might represent a danger to public order or to security in connection with the event or who might have been involved in incidents, with a view to preparing or taking the appropriate measures (mentioned as examples of these measures are stadium bans and photos of the persons in question). Personal information could only be exchanged if it served a well-defined goal, i.e. it had to contribute to the success of a specific mission. Use of such information was furthermore limited in time and scope.²⁹

Concerning the chronological sequence of the exchange of information the Handbook distinguished between three stages: *before* the event (i.e. the football match or tournament in all its aspects), *during* the event and *after* the event. The national football information points of both the organising country and the supporting country would each have different tasks during these stages. The three stages did not always need to be strictly separated.³⁰ The tasks assigned to the national football information point of the *organising* country before, during and after the event were the following (with the aforementioned distinction concerning general information (strategic, operational and tactical information) also applying here). *Before* the event the information point of the organising country could formulate the information requirements and send a request for information to national football information points in one or more other countries (strategic level). This had to concern matters such as the risk analysis concerning the fans of the team concerned, information on the team itself and its accompanying party (when there was a threat) and information concerning spotters. Information if possible also had to concern the applicable legislation and policy of the authorities of the organising country, information on the organisation of the event and identification of officials and police chiefs in charge. This information could also be made available to the other national football information points concerned by the event. At operational level, the national football information point of the supporting country could be asked to supply information regarding the movements of normal and risk supporters, the participating team and its accompanying party, ticket sales and possible requests for the participation of police officers and of fan coaches, and information regarding general crime, including terrorism. Information concerning the organisation of security during the event (e.g. the integration of the spotters within the local security system, guidelines for fans) could also be provided to the information point of the supporting country.³¹

During the event the national football information point of the organising country could request confirmation of the information supplied by the information point of the supporting country, including an update of the risk analysis (operational level). According to the Handbook, this request had to be forwarded and answered via a system of liaison officers if such a system had been set up. At tactical level, the information point of the organising country could provide confirmation of the information supplied by having all the parties involved carry out checks on the spot. Proposals might then be made for adjusting the measures. General information regarding the possible return of fans that were expelled and/or refused entry must also be supplied to the national football information points of the country of origin and of the transit countries. If necessary, information regarding this return could also be provided by the information point of the organising country.³²

After the event, the information point of the organising country could assess fan behaviour so that a risk analysis of visitors could be updated by the information point of the supporting country. The process of information exchange could also be evaluated (strategic level). At operational level the information point of the organising country could assess the operational usefulness of the information provided by the supporting countries and of the support supplied by the visiting country. In addition, it could supply factual information concerning the reported

²⁸ Ibidem, Chapter 1, Section 1, III. Tasks with an international dimension.

²⁹ Chapter 1, Section 1, IV. Exchange of police information, 1. (Kinds of information).

³⁰ Chapter 1, Section 1, IV Exchange of police information, 2. (Chronological sequence of information exchange).

³¹ Chapter 1, Section 1, IV Exchange of police information, 2.a. (Task of the national football information point of the organising country), para. 1.

³² Chapter 1, Section 1, IV Exchange of police information, 2.a. (Task of the national football information point of the organising country), para. 2.

visitors and a description of the incidents. Information regarding possible arrests could also be exchanged, with the legal possibilities being taken into account.³³

For the national football information point of the *supporting* country, the Handbook recommended the following tasks. *Before* the event it could on its own initiative supply all relevant information to the other national football information points concerned. In addition, it could supply the information point of the organising country with answers to the questions formulated and make use of the list of stadium bans, in conformity with the law (strategic level). At operational level, it could answer the questions asked, especially the questions concerning the movements of fans, the participation of police officers such as spotters and the sending of fan coaches. At tactical level, preparations to integrate the police delegation could be initiated. *During* the event and at operational level, the information supplied could be updated and the movements and stays of the fans could be monitored by the information point of the supporting country.³⁴

After the event the information point of the supporting country could adapt the risk analysis (strategic level). At operational level it could carry out an assessment with regard to the following issues: the exchange of information based on the factual information supplied by the national football information point of the organising country; the operational usefulness of the exchange of information; the strategic and operational information given in advance by the national football information point of the organising country and the spotters' work.³⁵

Concerning the communication procedure between the national football information points of the differing countries, the Handbook contained the following recommendations. First of all, the contacts between the police services of the countries involved in an event had to be coordinated and, if necessary, organised by the national information points. In addition, the lines of communication and information facilities had to be clear to the supporting foreign police forces. If a system of liaisons officers was set up, the different police forces deployed throughout the championships or match had to communicate via the liaison officer appointed and seconded by the country in question. This officer could have responsibility for tasks relating to public order, violent football hooliganism and general crime, including terrorism, where this was connected with a particular football match or tournament. If in place, local football information points had to cooperate with the national football information point. The use of the native language was recommended. The communication between the national information points had to guarantee the confidential character of the exchanged information. The exchanged information could also be stored and consulted at a later date by other national football information points.³⁶

Finally, four general rules concerning the exchange of information were recommended. First of all, the police force of the organising country had to shield the liaison officer of the supporting foreign police force from any contact with the media, if the liaison officer so desired. Secondly, the officer had to be stationed at the national football information point for championships spread over a number of days and in case of one-off matches in the host country concerned. Thirdly, the national information point of the organising country had to make arrangements to promptly channel information received from the foreign police team to the proper authorities within its own police organisation. It also had to appoint an information officer who would be attached to the support team responsible for reconnaissance or spotting. The officer would be a contact for the team leader and would be responsible for the proper channelling of information. Finally, the police forces of the organising country had to ensure that there were no differences in the quality of information available at local and national level.³⁷ The national football information point could also support the competent national authorities and local police services with regard to national or international football matches. Concerning national football matches the information point could coordinate the exchange of information and organise the spotters' work. In addition, it could ensure the exchange of information with third countries. The first appendix to the Handbook contained a format for this exchange of information.

10.2. Preparations by police forces

In case of football championships or matches with an international dimension, police forces of the countries involved in the event could support each other. The Minister responsible in the organising country had to send a formal request for support. Before sending this request the Minister would receive advice from the national police

³³ Chapter 1, Section 1, IV Exchange of police information, 2.a. (Task of the national football information point of the organising country), para. 3.

³⁴ Chapter 1, Section 1, IV Exchange of police information, 2.a. (Mission of the national football information point of the supporting country), paras. 1 and 2.

³⁵ Chapter 1, Section 1, IV Exchange of police information, 2.a. (Mission of the national football information point of the supporting country), para. 3.

³⁶ Chapter 1, Section 1, IV Exchange of police information, 3. (Communication procedure).

³⁷ Chapter 1, Section 1, IV Exchange of police information, 4. (General Rules).

services. The request had to indicate the degree of support and its constituent elements and had to be made well in advance of an event. For international tournaments, the supporting foreign police team required at least 16 weeks' preparation time. A request for police assistance could only be sent to countries whose assistance contributed added value. This added value had to be considered in the light of a number of factors (such as professional experience of football-related violence, knowledge about risk fans and being able to provide information so as to avert disturbances of public order and security). International police cooperation had to ensure the safety of the event with the following aims: intelligence gathering, reconnaissance, spotting and bringing the crowd under police supervision. The police forces from the supporting countries would be responsible for providing an advance risk analysis, which had to be handed over to the organising country at least two weeks before the beginning of the game (or, in case of a tournament, at least eight weeks before the tournament would start). This analysis had to determine in which of the four fields mentioned police cooperation had to be requested. Furthermore, spotters who were acquainted with them had to accompany risk fans where possible. After receiving a request the foreign police force would have to indicate as soon as possible the extent to which it could meet the request. Supporting police forces have to be given the opportunity to acquaint themselves with the organisation of police operations in the host country and to get to know the operation commanders who are responsible for the match days. 38

10.3. Organising cooperation between police forces

The Handbook recommended making maximum use of the support that foreign police forces could provide. This support had to be part of the host police organisation's tactical plan. Therefore, foreign police forces had to be informed thoroughly (in a language they understood) about this tactical plan and had to be given the opportunity to attend briefing and debriefing procedures. The foreign police forces also had to be given the opportunity to become an explicit partner in the information structure (so that they could supply information as well as be informed). Finally, they had to be actively involved in the police deployment in the field. The host police organisation had to guarantee the safety of the supporting foreign police officers. In addition, the police forces of the country from which the fans would come had to supervise risk fans from the start of their journey until they reached the country where the match was to be played. The supporting country had to forward the necessary information on these risk fans to the organising country, so that these risk fans could be prevented from entering the country (insofar as the local law allowed this). Countries, which have the legal possibility to prevent risk fans from travelling abroad had to take all the necessary measures to achieve this objective effectively and had to inform the organising country accordingly. Each country had to take all possible measures to prevent its own citizens from participating in and/or organising public order disturbances in another country. Furthermore, the host police organisation had to assign the police team from the supporting country at least one accompanying police officer (preferably familiar with football hooliganism and with the spotters' task and with sufficient language knowledge) to maintain operational contact with the team and make reports.³⁹

10.4. Cooperation between police forces and stewards

Police forces and stewards' organisations had to work together on a complementary basis. Placing a senior official from the stewards' organisation in the command centre of the police forces had to be considered by the latter. Mutual provision of information by both organisations had to be organised effectively.⁴⁰

10.5. Checklist for media police and communication strategy

The Handbook concluded by providing a detailed checklist for media policy and communication strategy (of the police forces and responsible authorities) relating to major (international) championships and matches. The central strategic aim of the media policy had to be 'ensuring police authorities' cooperation with the media in informing the public at national and international level of forthcoming championships and preparations and providing those attending matches with appropriate police advice concerning their security.'⁴¹ This media policy would be part of a communication strategy and had to demonstrate the supportive role of the police and the authorities in ensuring the festive nature of sporting events. An active media policy had to have the following aims, according to the Handbook:

- Creating a positive public image for the policy pursued by police and authorities;
- Promoting amenities for those attending matches and encouraging a sporting attitude on their part;

38 Chapter 2, Preparations by police forces.

39 Chapter 3, Organising cooperation between police forces.

40 Chapter 4.

41 Chapter 5, Checklist for media policy and communication strategy, 1. Media Policy, para. 1.

- Discouraging misbehaviour by those attending: misbehaviour does not pay;
- Informing the public of police measures and the steps, which would be taken in the case of disturbances.

Finally, the media policy had to convey the idea of overall control, suggest security and trust, make it clear that football hooliganism would be severely dealt with and had to ensure openness and transparency.⁴²

Concerning the communication strategy, the Handbook recommended establishing relations with the media focusing on championships and matches. These relations had to be established well in advance of the events. The press services of police, local and national authorities and national and international football organisations had to cooperate in order to communicate an unambiguous policy to the media. Finally, arrangements had to be made for providing police information to all those concerned. This could be done through information folders and daily press offices and by setting up a special press office for the duration of championships. The recommendations on the communication strategy were followed by a long list of 'important topics for consideration', among which timely preparation and planning. ⁴³

10.6. Role of the organiser

The Handbook contained a number of requirements which the organisers of football events had to fulfil. Organisers had to take 'all the sufficient and necessary measures' to avoid disturbances of the peace. An overall approach between all the parties concerned was expected to lead to an efficient policy and for this reason cooperation between the organiser, the private parties involved, the authorities and police services was strongly recommended. Member States had to identify who was responsible as the organiser of the match and of a possible division of responsibilities if two or more bodies were. In order to maintain public order and safety, the authorities and police services concerned had to impose on the organiser prior minimal requirements, which they had to meet in order to organise national or international games. These requirements had to lead to a situation in which the organiser and other services concerned fully assumed their own responsibilities so that the police forces could concentrate on their principal task of maintaining law and order.⁴⁴

The second appendix to the Handbook contained a checklist for the authorities and police services. The checklist consisted of a number of requirements, which could be imposed upon the organiser of the match. The requirements had to be in conformity with national law. Requirements concerned the appointment by the organiser of a safety officer (for the coordination of safety policy), safety standards with regard to infrastructure, the use of stewards and ticketing policy and control. Other requirements concerned stadium regulations (among which the civil law exclusions/bans), agreements to be concluded (with the authorities, police services and emergency services concerned) and a local charter to be concluded in order to guarantee the safety of all the supporters, local residents and other parties concerned.⁴⁵

11. The Council Decision of 25 April 2002

In April 2002 the Council adopted a decision concerning security in connection with football matches with an international dimension.⁴⁶ It based this decision on Article 30(1)(a) and (b) and Article 34(2)(c) of the Treaty on European Union. Both these provisions are part of Title VI of the Treaty concerning police and judicial cooperation in criminal matters and aim to achieve the Union's objective of providing EU citizens with a high level of safety within an area of freedom, security and justice. Article 30 concerns common actions in the field of police cooperation among which operational cooperation (para. 1(a)) and the exchange of information (para. 1(b)). Article 34 concerns the process of decision-making in the third-pillar (which entails police and judicial cooperation in criminal matters). According to Article 34(2)(c), the Council can adopt binding decisions in this field. These decisions shall, however, not entail direct effect. The Council, acting by a qualified majority, shall adopt measures necessary to implement those decisions at the level of the Union. This means that the decision of 25 April 2002 is binding upon the Member States, but lacks direct effect.

The decision gave binding effect to a number of recommendations from the 2001 Handbook on police cooperation, especially concerning the exchange of information. First of all, it made binding the recommendation that each Member State set up or designate a national football information point. The information point has to act as the direct, central point for exchanging relevant information and for facilitating international police cooperation in connection with football matches with an international dimension. Each Member State can also decide to carry out certain contacts on football-related aspects through the services competent for those specific aspects, but it

⁴² Chapter 5, Checklist for media policy and communication strategy, I. Media Policy, paras. 2 and 3.

⁴³ Chapter 5, Checklist for media policy and communication strategy, II. Communication strategy.

⁴⁴ Chapter 6, Role of the organiser, Section 1, Criteria with which the organiser should comply.

⁴⁵ Handbook, Appendix 2, Checklist concerning possible requirements to be met by the organiser.

⁴⁶ Decision of the Council concerning security in connection with football matches with an international dimension, 25 April 2002.

should always supply the national football information point with a minimum of information. Member States have to ensure that their national information points are capable of fulfilling their tasks efficiently and promptly. The Council decision applies without prejudice to existing national provisions, in particular the allocation of powers among the different services and authorities in the Member States concerned.

Article 2 of the Council decision concerns the tasks of the national football information point. The information point is responsible for coordinating and facilitating the police information exchange in connection with football matches with an international dimension. This exchange may also involve other law enforcement authorities contributing to security or law and order in accordance with the distribution of powers in the Member States. Therefore, the information point is to have access to information involving personal data on high-risk supporters. This access should be in accordance with the domestic and international rules applicable. In addition, the information points must facilitate, coordinate or organise the implementation of international police cooperation in connection with football matches with an international dimension. Furthermore, for these matches national football information points will provide, at least at the request of another football information point in a Member State concerned, a risk assessment of their own country's clubs and national team. Finally, they can be responsible for providing assistance to the competent national authorities.

Before, during and after a football event with an international dimension, national football information points, at the request of a national football information point concerned or on its own initiative, will engage in mutual exchange of general information and personal data.⁴⁷ The general information exchanged shall comprise strategic, operational and tactical information. These concepts are defined as follows:

- strategic information: information specifying all aspects of the event, with particular reference to the security risks involved;
- operational information: information providing an accurate picture of proceedings in the course of the event;
- tactical information: information enabling those in charge of operations to take appropriate action for the purposes of maintaining order and security in connection with the event.

The exchange of personal data has to take place in accordance with the domestic and international rules applicable. In this context, reference is made to the principles of Convention no. 108 of the Council of Europe and to a Recommendation of the Committee of the Council of Europe.⁴⁸ The exchange of personal data has to take place with a view to preparing and taking the appropriate measures to maintain law and order when a football event takes place. Such exchange may in particular involve details of individuals actually or potentially posing a threat to law and order and security.

National football information points must coordinate the handling of information on football matches with an international dimension.⁴⁹ They are to ensure that all the police services concerned receive the necessary information in time. After processing, information can either be used by a national football information point itself or be passed to the relevant authorities and police forces. The information point in the Member State hosting a football event must communicate, before, during and after the competition or match, with the national police force(s) of the Member States concerned. Where appropriate, this communication shall take place via the liaison officer(s) appointed and supplied by the Member States concerned. Liaison officers may be contacted in the subject areas of law and order and security, football-related violence and ordinary crime, where this is connected with a particular football match or tournament. Communication will take place in such a way as to preserve the confidentiality of data. National football information points are to communicate with each other in their own language with a translation in a working language common to both sides (unless they make other arrangements).⁵⁰

12. The Council and stadium bans

In November 2003, the Council adopted a resolution containing a number of recommendations concerning stadium bans.⁵¹ The Council invited Member States to examine the possibility of introducing provisions establishing a means of banning individuals previously guilty of violent conduct at football matches from stadiums at which

⁴⁷ Ibidem, Art. 3.

⁴⁸ Convention no. 108 of the Council of Europe of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data and Recommendation no. R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1981 regulating the use of personal data in the police sector.

⁴⁹ Decision of the Council concerning security in connection with football matches with an international dimension, 25 April 2002. Art. 4.

⁵⁰ Ibidem, Art. 5.

⁵¹ Resolution of the Council on the use by Member States of bans on access to venues of football matches with an international dimension.

football matches are to be held. In order to ensure compliance with orders imposing stadium bans, Member States must provide penalties in the event of non-compliance. Member States in which stadium bans are in force are also invited to consider the possibility of extending these bans to other Member States, so that banned supporters in one Member State are prevented from attending matches held in other Member States, taking into account any orders issued by these Member States. The resolution contains a similar request for sports organisations in case they are the parties to impose stadium bans. Exchange of information is to take place via the national football information points. Exchange of personal data must be in accordance with the relevant national and international legislation.

There are limits to the possibility to extend stadium bans, however. Member States in which football matches with an international dimension are held can only use the personal details of persons who have been banned in other countries in order to deny them access to stadiums (if national law permits this) or in order to take other appropriate measures to maintain law and order. The use and storage of personal data must be restricted to the football matches in relation to which the details were transmitted. Finally, Member States staging international matches are invited to ensure that their police forces establish the necessary contacts with the event's organisers and with the competent authorities or sports bodies having an interest in it, for the purposes of coordinated cooperation under the resolution, within their respective spheres of responsibility.

13. Some concluding remarks

The above overview of EU involvement in the fight against football hooliganism shows that only a limited amount of binding measures have been taken at EU level in this field. Only two Council decisions have been consequential for Member States' policy in the field of football hooliganism. The first decision, a Joint Action in the framework of the third pillar, aimed to establish and reinforce the exchange of information between Member States in order to counter violence and vandalism committed by football supporters. The second decision led to the establishment of national football information points responsible for the exchange of information in this field. This decision gave binding effect to a number of recommendations from the two Handbooks adopted in earlier Council resolutions. In other fields of action concerning football hooliganism only soft law exists in the form of resolutions and recommendations of the European Parliament and the Council. Several times already, it has been proposed to introduce stadium bans with international effect (for the first time just after the Heysel tragedy), but no binding provisions have resulted from this yet. The EU did not get involved in establishing safety standards for stadiums or ticketing arrangements either. The directives which were called for during the eighties have failed to come into existence. Policy concerning the fight against football hooliganism is, however, in full development. The 2001 Police Handbook has proved to be an important document (from which important recommendations now have binding effect). All in all, it can be concluded that the European Union has been quite active in this area over the past few years and it is expected that this will result in more hard law and cooperation against violence and vandalism in sport.

Chapter 4: The Schengen Acquis

1. Introduction

International football events in Europe lead to cross-border movements within Europe. Essential for the legal framework concerning border checks within the European Union is what is known as the Schengen *acquis*. This *acquis*, consisting of a considerable amount of legislation, has been developed since the conclusion of the Schengen Agreement in 1985. In this section, some general remarks will be made concerning the development of the Schengen *acquis*, followed by some remarks on the legal *régime* concerning border checks follow. Subsequently, international police cooperation following from the Schengen Agreement will be discussed. Finally, international criminal cooperation as a result of the Schengen *acquis* will be examined together with recent developments in this field within the third EU pillar.

2. General overview

On 14 June 1985, the Schengen Agreement was concluded between Germany, France and the three Benelux countries (the Netherlands, Belgium and Luxembourg). The Agreement's objective was the gradual abolition of

common border checks between these countries. Five years later, the Convention Implementing the Schengen Agreement was signed. After the abolition of common border checks, this Convention was to create a common area of security and justice. Formally, the Convention entered into force on 1 September 1993, but due to the necessary technical and legal prerequisites, it did not take practical effect until 26 March 1995. Apart from for the initial five Parties to the Schengen Agreement, the Convention Implementing the Schengen Agreement also took effect for Spain and Portugal. After 1995, several other countries also acceded to the Convention, namely Italy, Greece, Austria, Denmark, Finland and Sweden. With two non-EU Member States, namely Norway and Iceland, a Schengen cooperation agreement was concluded. After the conclusion of the Convention Implementing the Schengen Agreement, an Executive Committee was set up for the purpose of implementing the Convention. This Committee would take a considerable amount of decisions in order to implement the Convention. Following the Treaty of Amsterdam, the Schengen *acquis* was integrated into the framework of the European Union. A special Schengen protocol authorised the signatories to the Schengen agreements 'to establish closer cooperation among themselves within the scope of those agreements and related provisions, as they are listed in the Annex to this Protocol', whereby the Annex contained the *acquis*. Article 1 of the Protocol integrating the Schengen *acquis* into the framework of the European Union provided that 'this cooperation shall be conducted within the institutional and legal framework of the European Union and with respect for the relevant provisions of the Treaty on European Union and of the Treaty establishing the European Community'. From the date of entry into force of the Treaty of Amsterdam (1 May 1999), the Schengen *acquis*, including all decisions adopted by the Executive Committee, immediately began to apply in all EU Member States with the exception of the United Kingdom and Ireland. Denmark also had a special position which will be briefly discussed below. Although not bound by the Schengen *acquis*, the United Kingdom and Ireland could at any time request to take part in some or all of the provisions of the *acquis*.

In order to clarify the scope of the Schengen *acquis* the Council of the European Union took two decisions shortly after the Treaty of Amsterdam entered into force.⁵² At that time the Schengen *acquis* comprised:

- the Schengen Agreement of 14 June 1985;
- the Convention Implementing the Schengen Agreement of 19 June 1990;
- the Agreements and Protocols concluded with the countries which acceded to the Schengen agreement: Italy, Spain, Portugal, Greece, Austria, Finland and Sweden);
- the decisions and declarations of the Executive Committee under the Convention Implementing the Schengen Agreement;
- the decisions of the Central Group, for which the Executive Committee had given authorisation.

Apart from clarifying the scope of the Schengen *acquis*, the second of the two Decisions also established the legal basis for all of the provisions and decisions constituting the Schengen *acquis*, in accordance with the relevant provisions in the EC and EU Treaties. Two articles of the EC Treaty were central to the integration of the Schengen *acquis* into the EU framework: Article 62 on border controls and Article 63 on asylum and migration policy. The focus here will be on Article 62, which will be examined in the paragraph on border checks below. Finally, the Council took the place of the Executive Committee created under the Schengen Agreement and the Schengen secretariat was incorporated into the general secretariat of the Council.

As was mentioned above, Denmark has a special position within the Schengen *acquis*. Before the integration of the *acquis* into the EU legal framework Denmark was already a Contracting Party to the Convention Implementing the Schengen Agreement. However, Denmark had been granted an opt-out from the Title on the Movement of Persons (except for visas) in order to facilitate the ratification of the Treaty of Amsterdam. The opt-out for Denmark followed from the exemption that applied to it after the failure of the first Danish referendum on the Maastricht Treaty in 1992.⁵³ According to the Protocol on the position of Denmark this Member State shall not take part in the adoption by the Council of proposed measures pursuant to Title IV of the Treaty establishing the European Community. Title IV concerns visas, asylum, immigration and other policies related to free movement of persons. Therefore, 'none of the provisions of Title IV of the Treaty establishing the European Community, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Community pursuant to that Title, and no decision of the Court of Justice interpreting any such provision or measure shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the

⁵² Decision 1999/435/EG and Decision 1999/436/EG; OJ no. L 176, 10 July 1999, 1-30.

⁵³ G. Wirtz, 'Amsterdam and the institutions', in: P.J. van Krieken (Ed.), *The Asylum Acquis Handbook*, 2000, T.M.C. Asser Press, The Hague, the Röling Foundation and other authors, 47-56, p. 50.

competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the *acquis communautaire* nor form part of Community law as they apply to Denmark'.⁵⁴ Denmark shall not bear any costs resulting from these measures either.

The exemption for Denmark does not apply to measures determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States, or measures relating to a uniform format for visas. Within a period of six months after the Council has taken a decision concerning the Schengen *acquis* based on Title IV, Denmark will decide whether it will transpose the decision in its national legislation. If it decides to do so, the Council decision will create an obligation under international law between Denmark and the Member States in which the Schengen *acquis* did become fully effective. If, however, Denmark decides not to transpose the decision, the Member States will consider appropriate measures to be taken.⁵⁵ At any time Denmark may, in accordance with its constitutional requirements, inform the other Member States that it no longer wishes to avail itself of all or part of this Protocol. In that event, Denmark will apply in full all relevant measures then in force taken within the framework of the European Union.⁵⁶

Besides Denmark, the United Kingdom and Ireland also have a special position concerning the Schengen *acquis*. They are not bound by the *acquis* after its integration into the EU framework, but can at any time request to take part in some or all of the provisions of the Schengen *acquis*. The Protocol on the position of the United Kingdom and Ireland further clarified their position. As was the case for Denmark, the United Kingdom and Ireland would not take part in the adoption by the Council of measures based on Title IV of the EC Treaty. These measures were therefore not binding upon the two countries. The United Kingdom or Ireland may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title IV of the Treaty establishing the European Community, that it wishes to take part in the adoption and application of any such proposed measure, whereupon it shall be entitled to do so.⁵⁷ After adoption of a measure by the Council on the basis of Title IV of the EC Treaty, the United Kingdom and Ireland may notify the Council and the Commission at any time that they wish to accept the measure concerned.⁵⁸ Of the two, only Ireland can (according to the Protocol on the position of the United Kingdom and Ireland) notify the President of the Council in writing that it no longer wishes to be covered by the terms of the Protocol. In that case, the normal Treaty provisions will apply to Ireland.⁵⁹

On the basis of the Schengen Protocol, the United Kingdom and Ireland could at any time request to take part in some or all of the provisions of the Schengen *acquis*. In 1999, the United Kingdom asked to take part in some aspects of Schengen, namely police and judicial cooperation in criminal matters, the fight against drugs and the Schengen Information System (SIS).⁶⁰ According to Kuijper the request was in accordance with the UK policy to maintain its border controls: 'As could have been expected, the request is impregnated with the logic resulting from the Protocol on Article 14 (ex 7a) EC), namely that the UK does not wish to adhere to those aspects of the Schengen *acquis* which are linked to the disappearance of internal border controls in the Union, but only to those which have to do with the so-called flanking measures of the area without frontiers, namely police and judicial cooperation in criminal matters, including participation in the SIS.'⁶¹ The aspects in which the United Kingdom was to take part effectively were laid down in a Council Decision of 29 May 2000.⁶² A similar request was made by Ireland one year after the British request. The scope of the aspects of the Schengen *acquis* in which Ireland would participate was determined in a Council Decision of 28 February 2002.⁶³

From 1 May 2004, the European Union has 25 Member States. The first Annex to the Accession Treaty contains a list of the provisions of the Schengen *acquis* as integrated into the framework of the European Union and the acts building upon it or otherwise related to it.⁶⁴ Furthermore, the Schengen Member States maintain

54 Article 2 of the Protocol on the position of Denmark.

55 Article 5 of the Protocol on the position of Denmark.

56 Article 7 of the Protocol on the position of Denmark.

57 Article 3 of the Protocol on the position of the United Kingdom and Ireland.

58 Article 4 of the Protocol on the position of the United Kingdom and Ireland.

59 Article 7 of the Protocol on the position of the United Kingdom and Ireland.

60 The Schengen Information System is an automated network, set up within the Schengen legal framework, to allow all police stations and consular agents from Schengen Member States to exchange data on specific individuals, or vehicles and objects which are lost or stolen.

61 P.J. Kuijper, 'Some legal problems associated with the communitarization of policy on visas, asylum and immigration under the Amsterdam Treaty and incorporation of the Schengen *acquis*', *Common Market Law Review*, 73, 345-366, 2000.

62 Decision 2000/365/EC, OJ L131, 1 June 2000, 43-47.

63 Decision 2002/192/EC, OJ L64, 7 July 2002, 20-23

64 OJ L236, 23 September 2003, 50-52.

specified relations with Norway and Iceland. Before the integration of the Schengen *acquis* into the EU framework, two agreements were concluded with Iceland and Norway associating them with the implementation and further development of the Schengen *acquis*. The association agreements were concluded on the basis of an earlier agreement between Iceland and Norway and the Schengen countries (signed in Luxembourg in 1996). The institutional aspects and provisions of the association agreements concerning decision-making are quite specific. The participation of Iceland and Norway is restricted to what is termed decision-*shaping*, but it does not extend to decision-*making*. The process of decision-shaping takes place in a Mixed Committee, which can meet at all possible levels of the Council. This Committee does not take any decisions, as decision-making itself will take place in the Council without Iceland and Norway being present. Both countries are 'bound to carry out the Council's decisions and measures in the areas covered by the agreement and, if they do not do so, the agreement will be automatically terminated, unless the Mixed Committee at the highest level decides unanimously that the agreement may continue.'⁶⁵

3. Internal border checks

In this paragraph the obligation for EU Member States concerning border controls following from the EC Treaty and from the Schengen *acquis* will be briefly described.

The legal basis for the internal market within the European Union is laid down in Article 14 EC. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the EC Treaty. The creation of the internal market and the Schengen *acquis* have led to the abolition of internal border checks between most Member States, thereby ensuring the freedom of movement. This freedom is once more repeated in the provisions concerning European citizenship. Article 18 EC states that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the EC Treaty and in the measures adopted to give effect to the Treaty.

Among the Treaty provisions concerning limitations on border controls and among the measures giving effect to the EC Treaty are Article 62 EC and the Schengen *acquis* respectively. Article 62 provides that the Council, 'in accordance with the procedure referred to in Article 67, shall within a period of five years after the entry into force of the Treaty of Amsterdam, adopt: (...) measures with a view to ensuring, in compliance with Article 14, the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders (...)' These measures had to be taken before 1 May 2004. The procedure referred to (in Article 67) meant that during a period of five years after the entry into force of the Treaty of Amsterdam, the Council would decide by unanimity. After this period, the Council could decide, again by unanimity, to decide by qualified majority on all or parts of areas covered by Title IV of the EC Treaty (visa, asylum, immigration and other policies related to the free movement of persons).

The 'core provision' concerning border controls of the Schengen Agreement is Article 2 which states that: 'with regard to the movement of persons, from 15 June 1985, the police and customs authorities shall as a general rule carry out simple visual surveillance of private vehicles crossing the common border at reduced speed, without requiring such vehicles to stop. However, they may carry out more thorough controls by means of spot checks. These shall be performed where possible off the main road, so as not to interrupt the flow of other vehicles crossing the border.' Article 17 of the Agreement anticipated the long-term abolition of border checks on persons at the common borders. In addition, a common policy was to be developed for external border checks.

Article 2(1) of the Convention Implementing the Schengen Agreement provides an even wider obligation for the Member States participating in the Schengen *acquis*: 'Internal borders may be crossed at any point without any checks on persons being carried out.' There is, however, one exception: where public policy or national security so require, a Member State may, after consulting the other Member States, decide that for a limited period national border checks 'appropriate to the situation' shall be carried out at internal borders (Article 2(2)). If public policy or national security require immediate action, the Member State concerned shall take the necessary measures and at the earliest opportunity shall inform the other Member States thereof. The abolition of border checks shall not affect the obligation for aliens to report to the authorities of the Member States they have entered. A Council Decision has established that Article 62 EC functions as the legal basis of Article 2 of the Convention Implementing the Schengen Agreement.⁶⁶ The Netherlands and Belgium have both made use of the procedure provided in Article 2(1) of the Convention during the European football championship in 2000, while Portugal has used it during the

⁶⁵ P.J. Kuijper, 'Some legal problems associated with the communitarization of policy on visas, asylum and immigration under the Amsterdam Treaty and incorporation of the Schengen *acquis*', *Common Market Law Review*, 73, 345-366, 2000, p. 351.

⁶⁶ Decision 1999/436/EG; OJ no. L 176, 10 July 1999, 1-30.

European football championship in 2004.

Three procedures for the application of Article 2(2) concerning the exception to the abolition of border checks have been laid down in a Decision of the Executive Committee from December 1995 (at present the Council fulfils the tasks of the Executive Committee).⁶⁷ States planning to reinstate checks at its internal borders in the short term must notify the other States thereof. The notification shall constitute information concerning the grounds for the planned measure, concerning its extent and its duration and a request for consultation. The State concerned must specify which events it considers to constitute a threat to its public order or national security. It also has to specify whether the checks will be reinstated along all or only some of its borders. Concerning the duration of the application of border checks the State must specify the date from which the checks will be carried out as well the expected duration. In its request for consultation the State in question must specify what measures it expects other States, individually or collectively, to adopt so as to avoid reinstating checks or, once checks have been reinstated, to supplement the measures taken by the requesting State. The notification shall be sent to the members of the Council (the successor of the Executive Committee), the Central Group and to the Council Secretariat. Should the decision to reinstate border checks continue to apply after the consultation phase, the requesting State must inform the recipients of its notification of the date and conditions for further application of the border checks. The EU Presidency shall swiftly convene a Council meeting to conduct the consultations between the Member States. If such a meeting was already planned, no extraordinary meeting is necessary. The second procedure laid down in the Decision of the Executive Committee concerns the immediate application of border checks so as to maintain public order or national security. In that case the State reinstating the border checks shall send a notification to the other States concerning information on the grounds, the extent and duration of the border checks and a request for consultation. The State in question must specify whether it requests assistance and cooperation from other States. Taking circumstances into account, an Executive Committee meeting shall be convened as soon as possible after notification of the decision. The final procedure laid down in the Decision of the Executive Committee concerns the procedure for extension or return to normal. The State, which applied the procedure reinstating border checks, shall confirm the date on which the checks will be lifted. At that date or shortly thereafter, the State shall submit a report on the implementation of the decision. However, if the State concerned considers it necessary to extend the application of border checks, it shall notify its decision to the other Member States and to the Council Secretariat.

In the Protocol on the application of certain aspects of Article 14 EC to the United Kingdom (concerning the establishment of the internal market) a derogation was granted to the UK. According to Article 1 of the Protocol, the United Kingdom is entitled to 'exercise at its frontiers with other Member States such controls on persons seeking to enter the United Kingdom as it may consider necessary for the purpose:

- (a) of verifying the right to enter the United Kingdom of citizens of States which are Contracting Parties to the Agreement on the European Economic Area and of their dependants exercising rights conferred by Community law, as well as citizens of other States on whom such rights have been conferred by an agreement by which the United Kingdom is bound; and
- (b) of determining whether or not to grant other persons permissions to enter the United Kingdom.'

Furthermore, the Protocol does not affect the 'common travel area' between the United Kingdom and Ireland. According to Article 3 of the Protocol, the other EU Member States are allowed to maintain their internal border controls concerning persons travelling from the United Kingdom and Ireland to their territory.

In the new Constitution for Europe which was adopted in June 2004 the abolition of internal border controls is laid down in Article III-158(2): 'It [the European Union] shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals (...)'

4. Cross-border police cooperation

The abolition of internal border checks also opened the borders for criminals. In order to prevent an increase in cross-border crime, the Schengen Agreement also contained provisions concerning police cooperation. The Parties to the Agreement were to reinforce the cooperation between their police authorities. This cooperation would especially focus on combating crime, particularly illicit trafficking in narcotic drugs and arms, the unauthorised entry and residence of persons, customs and tax fraud and smuggling. 'To that end and in accordance with their national laws, the Parties shall endeavour to improve the exchange of information and to reinforce that exchange where information could be useful to the other Parties in combating crime is concerned' (Article 9 of the Schengen Agreement).

⁶⁷ Decision of the Executive Committee of 20 December 1995, OJ L239, 22 September 2000, 133-134 [SCH/Com-ex (95)20 rev. 2].

In Title III of the Convention Implementing the Schengen Agreement, more detailed obligations concerning police cooperation were laid down. Article 39(1) of the Convention concerns a general obligation for the Contracting Parties and their police authorities to give each other mutual assistance, in accordance with their national law and within the scope of their powers. This assistance shall focus on the prevention and detection of criminal offences, 'in so far as national law does not stipulate that the request has to be made and channelled via the judicial authorities and provided that the request or the implementation thereof does not involve the application of measures of constraint by the requested Contracting Party. Where the requested police authorities do not have the power to deal with a request, they shall forward it to the competent authorities.' In Articles 40 and 41 more detailed arrangements are laid down on the possibilities for cross-border surveillance and cross-border pursuit. Since the Treaty of Maastricht, international police cooperation has been part of what is called the third pillar of the EU (dealing with justice and home affairs). Following the Treaty of Maastricht, Europol was founded, which is a European police authority whose objective is to combat terrorism and unlawful drug trafficking and other serious forms of international crime. The fight against football hooliganism is not included in its objectives. Europol is to facilitate cross-border police cooperation between the EU Member States. The competences and tasks of Europol were laid down in the Europol Treaty of 1995. Article 3(1) of the Treaty provides that Europol has the following tasks:

- facilitating the exchange of information between the Member States;
- obtaining, collating, and analysing information and intelligence;
- notifying the competent authorities in the Member States without delay via the national units of information concerning them [i.e. the competent authorities] of any connections identified between criminal offences;
- aiding investigations in the Member States by forwarding all relevant information to the national units;
- maintaining a computerised system of collected information containing data.

In order to improve the cooperation between and the effectiveness of the competent authorities in the Member States through the national units, Europol shall furthermore have the following additional tasks (Article 3(2)):

- developing specialist knowledge of the investigative procedures of the competent authorities in the Member States and to provide advice on investigations;
- providing strategic intelligence to assist with and promote the efficient and effective use of the resources available at national level for operational activities;
- preparing general situation reports.

The Treaty of Amsterdam limited the third pillar to police and judicial cooperation in criminal matters. The police cooperation aims to provide EU citizens with a high level of safety within an area of freedom, security and justice. Article 30 EU concerns police cooperation and regulates action in four fields. First, common action shall be taken to ensure operational cooperation between the competent authorities (including police, customs and other specialised law enforcement services of the Member States) in relation to the prevention, detection and investigation of criminal offences. Secondly, in the field of the collection, storage, processing, analysis and exchange of relevant information common action is provided for, in particular through Europol. A third field for cooperation concerns training, the exchange of liaison officers, secondments, the use of equipment and forensic research. Finally, particular investigative techniques in relation to the detection of serious forms of organised crime will be submitted to a common evaluation. Further cooperation shall take place within Europol.

Within the Schengen framework concerning police cooperation, a number of EU Member States have further developed their bilateral cooperation. They have concluded treaties containing detailed procedures for police cooperation. An example of this (in this case, trilateral) cooperation between EU Member States is the treaty recently concluded by the three Benelux countries (the Netherlands, Belgium and Luxembourg). This Treaty lays down a number of general aspects of cross-border cooperation and a number of special forms of cooperation. The general aspects concern procedures for requesting cross-border police assistance and competences of police officers participating in cross-border interventions. Special forms of police cooperation comprise direct exchange of personal data and data on car registrations, liaison officers, cross-border pursuit and surveillance and the protection of persons. Another example of bilateral police cooperation was the Treaty of Bergen of Zoom used during Euro 2000. In this *ad hoc* Treaty concluded by the Netherlands and Belgium (which organised the European football championship in 2000) references to a number of provisions of the Convention Implementing the Schengen Agreement (in this case Articles 42 and 43) were included. These references concerned provisions on cross-border competences of police officers and provisions on the consequences of cross-border police interventions.

In the Constitution for Europe, three provisions deal with police cooperation. Article III-176 concerns the methods of police cooperation, Article III-177 lays down the mission of Europol and Article III-178 deals with operations by

the competent authorities in the territory of other Member States (the conditions and limitations for these interventions shall be laid down in a European law or framework law, comparable to the currently applicable Regulation and Directive). Article III-176 provides measures in three fields:

- the collection, storage, processing, analysis and exchange of relevant information;
- support for the training of staff and for cooperation on the exchange of staff, on equipment and on research into crime-detection;
- common investigative techniques in relation to the detection of serious forms of organised crime.

5. Judicial cooperation in criminal matters

The Schengen Agreement from 1985 obliged the Contracting Parties to enhance their cooperation in the field of criminal matters. They had to open discussions on the following matters:

- examining any difficulties that may arise in applying agreements on international judicial assistance and extradition, in order to determine the most appropriate solutions for improving cooperation between the Parties in those fields;
- seeking means to combat crime jointly, *inter alia*, by studying the possibility of introducing a right of hot pursuit for police officers, taking into account existing means of communication and international judicial assistance.⁶⁸

In addition, the Contracting Parties were to strive to harmonise their legislation concerning narcotic drugs, arms and explosives and the registration of travellers in hotels.⁶⁹

In the Convention Implementing the Schengen Agreement, more detailed obligations concerning judicial cooperation in criminal matters were included. The provisions on mutual judicial assistance in criminal matters were to supplement the European Convention on Mutual Assistance in Criminal Matters (dating from 1959) and (for the Benelux countries) the Benelux Treaty concerning Extradition and Mutual Assistance in Criminal Matters (from 1962).⁷⁰ Furthermore, the Convention contained provisions concerning the application of the *ne bis in idem* principle,⁷¹ concerning extradition,⁷² transfer of the enforcement of criminal judgments,⁷³ narcotic drugs⁷⁴ and firearms and ammunition.⁷⁵ The Treaty of Maastricht established the European Union and created three pillars under the EU umbrella. The first pillar concerned the European Communities, the second pillar the Common Foreign and Security Policy and the third pillar concerned Justice and Home Affairs. After Maastricht, action was taken in a number of fields. Extradition between Member States was considered a priority.⁷⁶ In 1995 the Convention on Simplified Extradition Procedure between Member States of the European Union was signed.⁷⁷ One year later, a much more far-reaching Convention was adopted: the Convention relating to Extradition between the Member States of the European Union.⁷⁸ This Convention was to supplement and to improve the functioning of the 1957 European Convention on Extradition and the Convention on the Suppression of Terrorism.

Denza indicates that Member States were reluctant to give up sovereignty in the field of substantive criminal law. However, after the Treaty of Maastricht even in this field some action was taken. Conventions were adopted on the protection of the European Communities' financial interests (later supplemented by two protocols) and on the fight against corruption among officials of the Communities or of EU Member States.⁷⁹ In 1997 the Member States adopted an Action Plan to combat organised crime.⁸⁰ Furthermore, what were termed Joint Actions were taken in several fields. The instrument of Joint Action was created by the Treaty of Maastricht, but did not concern the harmonisation of criminal law. Criminal law of the Member States could only be harmonised by Conventions. Joint Actions were, however, taken concerning, *inter alia*, action to combat racism and xenophobia and concerning

68 Article 18 of the Schengen Agreement.

69 Article 19 of the Schengen Agreement.

70 Article 48 of the Convention Implementing the Schengen Agreement.

71 Title III, Chapter 3, of the Convention Implementing the Schengen Agreement.

72 Title III, Chapter 4, of the Convention Implementing the Schengen Agreement.

73 Title III, Chapter 5, of the Convention Implementing the Schengen Agreement.

74 Title III, Chapter 6, of the Convention Implementing the Schengen Agreement.

75 Title III, Chapter 7, of the Convention Implementing the Schengen Agreement.

76 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 221.

77 Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on simplified extradition procedure between the Member States of the European Union, OJ C78, 30 June 1995, 2-10.

78 Convention relating to Extradition between the Member States of the European Union, OJ C313, 23 October 1996, 11.

79 Respectively: the Convention on the protection of the European Communities' financial interests, OJ C316, 27 November 1995, 48 (see for the First Protocol: OJ C313, 23 October 1996, 1; see for the Second Protocol: OJ C221, 19 July 1997, 12) and the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union.

80 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 224-225.

human trafficking and sexual exploitation of children.⁸¹ Finally, a certain amount of informal cooperation took place, by informal exchanges (of information and analysis) and by the adoption of Action Plans to combat organised crime.

A specific field in which criminal enforcement was important, concerned customs cooperation. Originally, the enforcement of customs regulations was regulated under the 1976 Mutual Assistance Convention (the Naples Convention). After the entry into force of the Treaty of Maastricht, a new Convention was negotiated: the Convention on Mutual Assistance and Cooperation between Customs Administrations (the Naples II Convention). This Convention complied with the 'need for more effective and sophisticated methods of policing'.⁸² The 1995 Convention on the Use of Information Technology for Customs Purposes was to lead to the Customs Information System (CIS). Action was also taken against drugs trafficking.

Following the Treaty of Amsterdam, certain fields of cooperation concerning justice and home affairs (e.g. asylum and immigration policy) were transferred to the EC Treaty. Furthermore, the European Union was to be developed into an Area of Freedom, Security and Justice. In addition, the (intergovernmental) Schengen *acquis* (of which the Schengen Agreement and the Convention form a part) was integrated into the European Union. The *acquis* of the third pillar was enlarged considerably by the integration of the Schengen *acquis*. This Schengen *acquis* dealt with mutual assistance in criminal matters, application of the *non bis in idem* principle, extradition, and transfer of the execution of criminal judgments. Some months before the entry into force of the Amsterdam Treaty, the Council adopted the Action Plan of the Council and the Commission on How Best to Implement the Provisions of the Treaty of Amsterdam on an Area of Freedom, Security and Justice, which became known as the Vienna Action Plan. In 1999, a special Council was held in Tampere (Finland) for discussions on justice and home affairs in order to create a Union of Freedom, Security and Justice. The following paragraphs of the Tampere conclusions are relevant for the field of judicial cooperation in criminal matters:

'5. The enjoyment of freedom requires a genuine area of justice, where people can approach courts and authorities in any Member State as easily as in their own. Criminals must find no ways of exploiting differences in the judicial systems of Member States. Judgments and decisions should be respected and enforced throughout the Union, while safeguarding the basic legal certainty of people and economic operators. Better compatibility and more convergence between the legal systems of Member States must be achieved.

*6. People have the right to respect the Union to address the threat to their freedom and legal rights posed by serious crime. To counter these threats a common effort is needed to prevent and fight crime and criminal organisations throughout the Union. The joint mobilisation of police and judicial resources is needed to guarantee that there is no hiding place for criminals or the proceeds of crime within the Union.'*⁸³

The present third pillar of the European Union concerns police and judicial cooperation in criminal matters. Article 31 of the EU Treaty deals with judicial cooperation in criminal matters. After the Treaty of Nice the provisions in the field of police and judicial cooperation in criminal matters were redrafted. The conclusions of the European Council of Tampere (1999) were inserted into the relevant articles, especially the establishment of Eurojust. This new unit would be composed of national prosecutors, magistrates or police officers of equivalent competence, seconded by each Member State according to its legal system. 'The task of Eurojust would be to coordinate national prosecuting authorities, support investigations into organised crime (assisted by Europol's analysis) and cooperate with the European Judicial Network to simplify execution of letters rogatory.'⁸⁴ Eurojust would start its activities on a provisional basis in The Hague (the Netherlands).

According to the present Article 31(1) EU, police and judicial cooperation in criminal matters shall include:

- facilitating and accelerating cooperation between competent ministries and judicial or equivalent authorities of the Member States, including, where appropriate, cooperation through Eurojust, in relation to proceedings and the enforcement of decisions;
- facilitating extradition between Member States;
- ensuring compatibility in rules applicable in the Member States, as may be necessary to improve such cooperation;
- preventing conflicts of jurisdiction between Member States;

81 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 225; 96/700/JHA OJ L322/7, 12 December 1996; 97/154/JHA OJ L63/2, 4 March 1997; OJ L358/2, 31 December 1998.

82 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 227; Convention on Mutual Assistance and Cooperation in Criminal Matters, OJ C197, 12 July 2000, 1-23.

83 http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm.

84 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 252.

- progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking.

In the first two fields described in Article 31 (cooperation between judicial authorities and extradition) considerable progress has been made since the Treaty of Amsterdam. First, in 2000 the Convention on Mutual Legal Assistance in Criminal Matters was adopted. Second, in 2002 a Framework Decision on the European Arrest Warrant was adopted, which replaced the two earlier Conventions concerning extradition. The European Arrest Warrant introduces a system of mutual recognition of court judgments. Denza indicates that the European Council of Tampere considered mutual recognition of orders in the criminal justice field as an important instrument for a more effective enforcement of national criminal laws. Orders in the criminal justice field concern, for example, arrest warrants, warrants for search and seizure and witness summonses.⁸⁵ The European Arrest Warrant is another step towards a more effective enforcement of national criminal laws.⁸⁶ The Convention and the European Arrest Warrant will be described below in more detail. Other measures taken under the Treaties of Amsterdam and Nice concerned the establishment of Eurobail, enforcement of judgments in criminal matters, better coordination of criminal investigations, agreement on interception of telecommunications and approximation of rules on compensations for victims in crime.⁸⁷ Within a period of five years after the entry into force of the Treaty of Amsterdam measures in the aforementioned fields had to be in place. The terrorist attacks on 11 September 2001 gave an impetus to the cooperation in this field.

The Convention on Mutual Legal Assistance in Criminal Matters of 2000 and the Protocol of 2001 (supplementing the Convention with new provisions on tracing and monitoring bank accounts in another Member State), 'greatly extend, simplify and modernise' European law on mutual assistance.⁸⁸ The Convention supplements earlier agreements in the field of mutual assistance, namely the 1959 Convention on Mutual Assistance in Criminal Matters (within the framework of the Council of Europe) and the relevant provisions of the Convention Implementing the Schengen Agreement. The aim of the Convention was to develop the provisions of earlier agreements in order to take into account particular developments in technology. Contrary to earlier agreements, the Convention also applies to political, military and fiscal offences. The Convention stipulates that no other reservations are permitted than those expressly allowed by it. These obligations were the result of the mutual faith of the Contracting Parties in the structure and functioning of their legal systems and in the ability of all Member States to guarantee a fair trial. This faith is expressed in the Preamble to the Convention.⁸⁹ The main innovations are the direct transmission of requests between courts in different Member States, interception of communications both terrestrial and satellite, hearings by videoconference or telephone of witnesses in another Member State, temporary transfer of prisoners between Member States for the purposes of investigation, controlled deliveries within the framework of investigations into extraditable offences and joint investigation teams.⁹⁰ In 2002, a Framework Decision was taken concerning joint investigation teams. These teams could be established by at least two Member States for a specific target and for a specific period.⁹¹

In 2002, the Member States adopted the Framework Decision concerning the European Arrest Warrant.⁹² This Framework Decision replaces earlier Conventions concerning extradition as well the relevant provisions in the Schengen Agreement and the Convention implementing this agreement. Article 1(1) of the Framework Decision defines the European arrest warrant as follows: the European arrest warrant is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order. Member States shall execute any European arrest warrant on the basis of the principle of mutual recognition and in accordance with the provisions of the Framework Decision (Article 1(2)). The European arrest warrant implies for a certain number of offences the abolition of the double criminality principle (which means that extradition is only allowed

85 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 241.

86 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 241.

87 E. Denza, 'The Intergovernmental Pillars of the European Union' Oxford University Press 2002 (Oxford, New York), p. 252.

88 E. Denza, 'The 2000 Convention on Mutual Assistance in Criminal Matters', *Common Market Law Review* 40: 1047-1074 (2003), p. 1048; *Convention on Mutual Assistance and Cooperation in Criminal Matters*, OJ C197, 12 July 2000, 1-23.

89 E. Denza, 'The 2000 Convention on Mutual Assistance in Criminal Matters', *Common Market Law Review* 40: 1047-1074 (2003), p. 1056-1057.

90 E. Denza, 'The 2000 Convention on Mutual Assistance in Criminal Matters', *Common Market Law Review* 40: 1047-1074 (2003), p. 1057-1058.

91 Framework Decision 2002/465/JBZ, 13 June 2002, LJ L162, 20 June 2002.

92 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision, OJ L190, 18 July 2002, 1-18.

in case certain facts constitute a criminal offence in both states concerned). The scope of the European arrest warrant is therefore defined as follows in Article 2(1) of the Framework Decision: a European arrest warrant may be issued for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months. For crimes not covered by the Framework Decision, the double criminality principle remains in existence.

Eurojust shall have an important role in the field of judicial cooperation in criminal matters, according to Article 31(2) EU:

'The Council shall encourage cooperation through Eurojust by

- (a) enabling Eurojust to facilitate proper coordination between Member States' national prosecuting authorities;
- (b) promoting support by Eurojust for criminal investigations in cases of serious cross-border crime, particularly in the case of organised crime, taking account, in particular, of analyses carried out by Europol;
- (c) facilitating close cooperation between Eurojust and the European Judicial Network, particularly, in order to facilitate the execution of letters rogatory and the implementation of extradition requests.

The European Judicial Network referred to in Article 31(2)(c) aims to improve mutual assistance in criminal matters between Member States. In 1998 the Joint Action establishing the Network was adopted. The Network was to be composed of central authorities of each Member State which are responsible for international criminal cooperation, contact points in Member States and a contact point appointed by the Commission and liaison magistrates. The Judicial Network is to facilitate contacts between the contact points of the Member States, must organise regular meetings with representatives from the Member States and has to provide continually recent basic data (via a telecommunications network). The contact points in the Member States take care of the provision of data.

The EU Constitution includes revised provisions concerning judicial cooperation in criminal matters. Article III-171 concerns judicial cooperation in criminal matters: 'Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States referred to in paragraph 2 and in Article III-172' (paragraph 1). The second paragraph of Article III-171 provides minimum rules in four fields: mutual admissibility of evidence between Member States; definition of the rights of individuals in criminal procedure; rights of victims of crime and any other specific aspects of criminal procedure which the Council of Ministers has identified in advance by a European decision. Furthermore Article III-171 aims at measures established by European laws or framework laws (legal instruments introduced by the Constitution, comparable to the present Regulations and Directives respectively) to:

- establish rules and procedures aimed at ensuring the recognition throughout the Union of all forms of judgments and judicial decisions;
- prevent and settle conflicts of jurisdiction between Member States;
- encourage the training of the judiciary and judicial staff.
- facilitate cooperation in criminal matters between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.

Article III-172 determines a certain amount of areas of crime where European minimum rules may be established concerning the definition of criminal offences and sanctions. These areas of 'particularly serious crime' should have cross-border dimensions 'resulting from the nature or impact of such offences and from a special need to combat them on a common basis' (paragraph 1). Crime prevention may also be dealt with at the European level (Article III-173) and the mission of Eurojust is laid down in Article III-174. Finally, a European Public Prosecutor's Office may be established (Article III-175).

CHAPTER 5: NATIONAL LAWS AND REGULATIONS: A COMPARATIVE STUDY

1. INTRODUCTION

"Football hooliganism" is a concept which is not easy to define. For instance, in the media, to a variety of incidents the label of "hooliganism" has been ascribed in a rather indeterminate way. The concept is broad as well as diffuse. In law the situation is about the same. According to McArdle - and that applies to almost all EU Member States - "the phrase 'football hooliganism' has not been defined by British Parliament and the courts have shied away from attempting to explain what it is and what it connotes."⁹³ As to the present survey one can say that football hooliganism has to do with crowd disorder involving football supporters. This involves usually some kind of criminal activity occurring at, just before or after a football match. Most football-crowd disorder occurs spontaneously, but it might as well be prearranged by gangs who attach themselves to football clubs and arrange to meet, and fight, gangs from other clubs in the vicinity of a stadium, but sometimes far away from any stadium. Disorderly behaviour connected with the game of football has occurred in some form in virtually every EU Member State. It seems to be a near-universal and unfortunately inevitable phenomenon connected with the game. In the present survey use has been made of the answers which were received from the national ministries and football associations of the EU Member States to the questionnaire which was drafted by the staff of the ASSER International Sports Law Centre and which had been sent to them. (*See Annex 4*) In addition use has been made of the scarcely available legal literature and of the information available on the internet.

On the juridical level the phenomenon of football hooliganism can be divided into a great number of individual aspects. The method is chosen - as far as possible - to allocate those aspects in their appropriate context and also causally connected, i.e., topographically (in the stadium, outside the stadium) as well as consecutively in time (before, during and after the match). The supporter is followed from the moment he buys his ticket to the moment he takes his seat in the stadium. That method offered the opportunity to present the information from the respective countries in the most comprehensible way. It must be noted that the information received only gives a fragmentary picture of the legal reality in the different EU Member States. Comparisons between the information per country are difficult to draw. The information, which looks similar from the outside, depends on the legal system in which it occurs. In this survey the choice has been made for a pragmatic approach. The description of the items is placed in an inventory fashion in separate paragraphs per country.

This survey is divided in nine main clusters. Seven of them concern the causal course of events in space and in time: the selling of tickets; the way to the stadium; violence at another location than the home town; violence in the home town and in the vicinity of the stadium; the entry of the stadium; the security of the stadium; and the measures to curb violence in the stadium. The eighth cluster concerns the intelligence service and collection of data (files) and the ninth and last cluster concerns the chain of responsibilities.

Even though the governing authorities have been trying for roughly ten years to fight against hooliganism, one has to be honest and impartial when what is at stake is to evaluate the impact of those measures. Until the 1990s, the stadium progressively became a kind of judicial "no man's land" that has hardly been improved notwithstanding the various laws and regulations that were passed ever since.

It has become obvious that hooliganism is an international issue and consequently it has to be dealt at an international scale. That is why the European Union has been trying since 1996 to act up against hooliganism and to foster a greater cooperation within the EU Member States.

In the legislation of some of the EU Member States one finds a definition of the term "football hooliganism". In The Netherlands it is defined as "behaviour of persons, alone or in groups, in relation to a football match in the Netherlands or abroad in which one professional football club or the national team is involved, which has to do with disturbing the public order/security and/or committing criminal facts concerning a match in the stadium or in the vicinity thereof, as well as criminal facts committed on the way or away from the stadium".⁹⁴ In England and Wales the phrase "football hooliganism" has not been defined by Parliament and the courts have shied away from attempting to explain what it is and what it connotes. On the other hand, football-related offences are those offences which are deemed by Parliament to be offences committed in relation to a regulated football match which subsequently may attract a football banning order preventing further attendance at matches as prescribed

93 David McArdle, *From boot money to Bosman: Football, society and the law*, London, Sydney, 2000.

94 Conduct of persons leading to disturbance of the public order/safety and/or which has to do with criminal facts on the way to a stadium or in or around a stadium, alone or in groups, and which is in relation to a football match played in the Netherlands or abroad at which one club from the national professional league or the national team is involved.

by the court.

In **France**, it is said that "Violence is a voluntary intentional act to cause either physical or verbal damage to a person or property". According to The Petit Robert⁹⁵, hooliganism is "vandalism of group". The same dictionary has a definition of hooligan: "Asocial young person who exerts violence in the public places or at the time of sporting meetings".

In **Lithuania** the term "hooliganism" is used in the Administrative Law Code, and Article 174 provides sanctions for minor hooliganism. Minor hooliganism, i.e. obscene words or gestures in public places, insulting badgering or other similar actions, violating public order and peace of society

In **Portugal** violence is characterised by the law as "unsporting behaviour" and therefore contrary to the principles of fair play, meaning that it is the duty of the State to adopt measures designed to prevent and punish it, which measures shall apply both to the sporting activity itself and to spectators and all those involved in sport and sporting activities through the exercise of management or technical responsibilities.

Almost all EU Member States have to deal with the problems of football hooliganism, but there are exceptions. In **Latvia** according with the statistics provided by the authority in charge and taking into account low-intensity of large scale events with an international dimension no serious offences against general safety and public order during large scale sports or entertainment events taken place in the territory of Latvia have been committed. **Austria, Sweden and Denmark** also experience some problems with football-related violence, although these appear to be on a smaller scale.

In **Lithuania** there is no strong football culture and all its problems including hooliganism. There are no special laws implemented regarding football crowd disturbance. Due to the reasons that Lithuanian football is suffering of low popularity and lack of funds, the topic of football hooliganism is not widely discussed in the public. In **Slovenia** there are no extremist groups that could represent a potential treat to public peace and order. In **Spain** one finds relatively little spectator violence. This may in part be due to the long distances that one would have to travel to visit the teams' away matches. However, in Spain too spectator violence is not non-existing; the increasing proliferation of ultra groups inside Spain's stadiums led to the increase of violence in sports. In **Austria** outbursts of violence and conflicts at sporting sites have not a long standing tradition. Therefore it is not felt as a threat.

Besides a few incidents on the national level the all looks peaceful and without disturbance. Austrian supporters abroad are seen as a friendly football public and are not brought in connection with violent confrontations.⁹⁶

Apart from Britain, the nations currently experiencing the most significant problems of football-related violence are: **Italy, Germany, The Netherlands and Belgium**. The available data indicate that levels of football-related violence in these countries are roughly similar, with incidents occurring at around 10% of matches (or around 10% of supporters classifiable as "violent").

France, Portugal and Switzerland⁹⁷ have also experienced episodes of violence - although football hooliganism cannot be said to be a major problem in these countries. In France and Switzerland, the theatrical, flamboyant Italian style of support (but largely without the passionate hostilities) has superseded the dour, and more violent, English style.

Sporadic violence has also been reported in **Greece, the Czech Republic, Albania and Turkey**. Some of these may be isolated incidents, but there is no room for complacency, as these countries may currently be in the early 'stages' of the development pattern outlined above.

2. THE SELLING OF TICKETS

2.1. FOR DOMESTIC FOOTBALL MATCHES

The **Binding instructions of the UEFA** provide in Rule 2.3. that each association or club is responsible for ensuring that its ticket allocation is distributed only among its own supporters, and that any tickets allocated to travel agents are only so allocated against production of documentary proof of identification of the supporters to whom the tickets have been sold. In other words, it must not be possible for such travel agents to pass on tickets in bulk to other sources over which the association or club has no control. Similarly, the host association or club is

⁹⁵ It is a famous French dictionary.

⁹⁶ Violent outbursts and conflicts in connection with sports events have so far no standing tradition in Austria. The don't constitute an exceptional threat. Except for a few occasions at the national level the scene normally goes by in peace and without disruptions. Abroad the Austrian supporters are considered to be a friendly football crowd and are not connected with violent confrontations.

⁹⁷ Violent hooliganism can only be fought adequately when timely recognised, and when the potential wrongdoers are taken out of anonymity or kept consequently at a distance.

responsible for ensuring that none of its ticket allocation is passed on to supporters of either of the competing teams. All parties distributing tickets must keep detailed records of sales, including the names and addresses of all persons to whom tickets are allocated or sold. In Rule 2.10 it is provided that, unless the two associations or clubs concerned have agreed otherwise, the price of tickets for supporters of the visiting team must not exceed the price paid for tickets of a comparable category that are sold to supporters of the home team". In principle tickets can be bought at certain selling points as well as at the box-offices at the stadium. Rule 1.09 provides that only with the approval of the police and/or the competent public authorities and in consultation with the visiting association or club may tickets be sold at the stadium or anywhere else in the city of the venue on the day of the match, and any limitation on the number of tickets to be sold per purchaser must be determined in consultation with the police and/or the competent public authorities.

In **Austria**, the opposing clubs must make a deal concerning the quantity of tickets each club will obtain. The home club, however, has in that deal exceptional rights when the security at a match is at stake. Certain clubs can be excluded from obtaining tickets when that decision is corroborated by the Österreichische Bundesliga. In **The Netherlands** too the football association reserves the right to exclude a football club from obtaining ticket for a certain period of time.

By way of issuing tickets the segregation of supporters in the stadium can be achieved. In **Italy** the prohibition of selling tickets at the stadium on the day of the match has also the specific purpose to avoid the entry of supporters in sections of the stadium not reserved for them. The number of tickets a person may buy on the day of a risk match is limited.

In **Belgium**, for instance, the box-offices at the stadium on the day of the match are open. There the principle applies that one can obtain just one ticket and only if he can legitimise himself properly. The box-office at the stadium gives only entry to the section of the stadium which corresponds with the ticket sold. In **Poland** too a supporter can buy his ticket at the stadium on the day of the match. There too he must identify himself, be it not at the box-offices, but when he will pass the turn-stile.

In **The Netherlands**, for most of the matches, the supporter of a club can only obtain a ticket when he is in the possession of a season- or club-card. In case the visiting club issues a so-called "uitkaart" (away-card⁹⁸), no supporters of that club are admitted to the stadium when they are not in the possession of such a card. In **Sweden** each club is responsible for ticket sales and/or ticket releases to their supporters' groups for all away matches.

In **The Netherlands** the football association together with the clubs introduced, by way of experiment, a personified club card (with a photo of the owner) to come to a better organisation of ticket sale and a better regulation of the access to the stadiums. The underlying idea was to gain an adequate system of supporter segregation and to dispose of an adequate way to maintain the banning orders. The experiments endeavoured have been frustrated from the beginning because the card did not diminish outbursts of violence and because it became for a good willing supporter almost impossible to obtain a ticket. The experiments have been abandoned.

In various countries by way of a banning order supporters are excluded from obtaining a ticket. A Dutch club, who has punished a supporter with a banning order, must withdraw his season card and/or block his club card.

In **The Netherlands** tickets are not sold at the box-offices at the stadium on the day of the match. A Dutch football club is obliged to inform the public adequately on the manner in which the tickets are sold and on the availability of tickets. In **Italy** it is also forbidden to sell tickets at the box-offices at the stadium on the day of the match. Tickets can be bought in presale until the day before the match. This, in order to avoid that a multitude of supporters without ticket could reach the stadium - already at its full capacity- and try to enter by pressing against the entrances, thus causing possible disturbance of the public order and security. In other countries such an obligation does not exist.

In **Portugal**, at venues at which competitions are held which are considered to present elevated risk, the organiser of the sports competition is responsible to develop and utilise a uniform system for the issue and sale of entry documents, controlled by computer system.

In **England and Wales** most clubs in the Premier League play to full houses and most of their supporters are season-ticket holders. Clubs will ban any person who is arrested or ejected from a stadium and supporters do not misbehave as they would risk losing their season ticket.

In **Spain**, to enable admission tickets to be checked effectively, tickets are processed using a computerised system containing complete information on entrances to the stadium.

2.2. FOR FOOTBALL MATCHES ABROAD

98 Certain Dutch clubs have turned to the introduction of the "uitkaart" in combination with an obliged train ticket. By doing so a better control on travelling supporters was made possible.

According to Article 3(4)(c) of the **European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches**, the Parties to the Convention are invited to seek to ensure, that, where outbreaks of violence and misbehaviour by spectators are to be feared, sports organisations and clubs, together with, where appropriate, stadium owners and public authorities, take practical measures at and within stadia to prevent or control such violence or misbehaviour, including to ensure this segregation by strictly controlling the sale of tickets and to take particular precautions in the period immediately preceding the match. The **Binding instructions of the UEFA** provide in Rule 4.3 for matches played abroad, that associations and clubs should provide match tickets only to those supporters who supply them with their names, addresses, passport numbers, travel details for the outward and return journeys, and details of their accommodation abroad. The UEFA administration is entitled to issue ticket allocations in a staggered manner, a portion at a time, with no subsequent portion being made available until the UEFA administration is satisfied that the previous portion has been distributed properly.

2.3. SEGREGATION OF SUPPORTERS' SECTIONS

The **Binding instructions of the UEFA** provide in Rule 2.4 that "in consultation with the police and/or the competent public authorities, the match organisers must ensure that, if considered necessary, tickets are distributed in a manner which provides the optimum segregation of the different groups of supporters, bearing in mind that, for matches played at neutral venues, there could be three groups of spectators, i.e. supporters of each of the two competing teams and local, neutral supporters. As part of the segregation arrangements, prospective spectators should be informed of the stadium sectors for which they must purchase tickets. It should also be publicised that spectators found in the wrong sector, among opposing supporters, will be removed from the stadium. At the discretion of the police and/or the competent public authorities, such spectators may, instead, be moved to a preferred sector. Wherever possible, these spectators should be kept separate from the segregated area reserved for the official group of travelling supporters".

Segregation of spectators in the stadium in **Austria**: By agreement with the public safety authorities, the match organisers are required to organise the distribution of tickets in such a way as to ensure the best possible segregation of the various groups of supporters. The spectators are to be informed of those arrangements. They are also to be advised that spectators found in the wrong section may be expelled from the stadium or moved to the proper section. Where 20% or more of the total tickets offered for sale are made available to the visiting club or another organisation, the name of the club or organisation must be marked on the front of the tickets (e.g. with a stamp) to allow the distributor to be identified easily and to simplify the segregation process.

2.4. BLACK MARKET

According to Rule 2.3 of the **Binding instructions of the UEFA** all competing associations and host associations, which receive bulk ticket allocations, will be held entirely responsible for any untoward consequences arising from their distribution. Should any tickets be found on the black market or in the hands of unauthorised individuals or agencies, the association or club responsible for distribution will be held accountable. Rule 2.5. adds that the match organisers must discuss with the police and/or the competent public authorities what action should be taken against black-market ticket sellers around the stadium, bearing in mind, in particular, that such activities could endanger the integrity of the segregation strategy.

In **England and Wales** the Government has introduced a series of legislative measures to combat hooliganism. Ticket touting have been made a criminal offence. It is an offence to tout tickets in public places even if this is done on a day other than that on which the match is being played. It is also an offence to resell tickets in any way if this is done in the course of a trade or business - this seeks to catch mail order resale of tickets. In **Belgium**, based on the law, the black-market ticket seller can be punished with a six months to three years imprisonment. In **The Netherlands** it is prohibited to sell or pass on tickets against a higher price than the price printed on the ticket. Persons who have bought a ticket and sell that ticket on to another person are responsible for the damage eventually caused by the last mentioned persons. According to Dutch law being active on the black market does not compose a criminal fact. The one being active on that market might be punished for not possessing a licence for street-trade. In **Portugal** any person selling entry documents for a sporting event in breach of the system of issue of entry documents, whether without receiving the express, prior authorisation of the organiser of the sports competition, or with the intention of causing disturbances or obtaining monies for him or herself or another party, shall be punished by a prison sentence of up to three years or a fine of up to 500 days. Attempted breach shall be subject to punishment. The English Criminal Justice and Public Order Act 1994. Section 166 makes it a criminal

offence for an unauthorised person to sell, or offer or expose for sale, a ticket for a regulated football match in a public place or a place to which the public has access or, in the course of a trade or business, in any other place. Section 10 of the Football (Offences and Disorder) Act 1999 amended the 1994 Act and applied the offence to the sale etc of tickets in England and Wales for regulated matches played either in England and Wales or outside England and Wales. Besides that The Football (Offences and Disorder) Act 1999 made it an offence to make unauthorised sales of tickets in England and Wales for designated matches played outside England and Wales.

2.5. COUNTERFEIT TICKETS

The **Binding instructions of the UEFA** provide in Rules 2.8 and 2.9 that the most sophisticated anti-counterfeit measures must be incorporated into match tickets, and all police, security forces and stewards on duty in and around the stadium must be familiarised with these measures, to facilitate the rapid identification of counterfeit tickets. Immediately the match organisers become aware that counterfeit tickets may be in circulation, they should contact the police and/or the competent public authorities, to agree on a strategy for dealing with the problem.

In **Austria** tickets for risk matches must be produced in such a way that counterfeit is almost impossible.

3. THE WAY TO THE STADIUM

"Like all moral panics, 'hooliganism' became a self-fulfilling prophecy [...], as the game's negative image aroused the interest of those with a propensity to violence and, in the 1980s, of those involved in far-Right politics. Violence changed the face of football and, even though the implied threat was more of a concern than were actual outbreaks of it, 'going to the match' was too often accompanied by an aurora of violence, underpinned by a casual racism and sexism that few had the courage to challenge."⁹⁹

3.1. DOMESTIC TRANSFERS

According to Article 3(2) of the **European Convention on Spectator Violence** "the Parties undertake to encourage the responsible organisation and good conduct of supporters' clubs and the appointment of stewards from within their membership to help manage and inform spectators at matches and to accompany parties of supporters travelling to away fixtures". Art. 3(3) provides that "the Parties shall encourage the co-ordination, insofar as legally possible, of the organisation of travel arrangements from the place of departure, with the co-operation of clubs, organised supporters, and travel agencies, so as to inhibit potential trouble-makers from leaving to attend matches".

The **Binding instructions of the UEFA** provide in Rule 4.5 "When circumstances render it advisable, for security reasons, for supporters not to travel to away matches, associations and clubs should do everything possible to achieve this end. If more than 500 spectators are expected to travel to an away match, visiting associations or clubs are required to appoint an adequate number of supervisory representatives to accompany and assist supporters during the journeys to and from the venue and at the match, and to liaise between the local security authorities and the supporters."

In **Belgium** stewards of the visiting clubs accompany their supporters on their way to the away match. Already at a distance of 2,5 kilometre from the stadium the supporters are divided in several groups. For every stand of the stadium there is one group. The colour of the ticket corresponds with that of the zone in which the stand is situated.

In **England and Wales** a number of football clubs have also introduced travel clubs for their away matches - clubs will only issue tickets for an away match to supporters who are members of the travel club. Anyone who misbehaves risks losing their travel club membership and therefore the right to a ticket for an away match. Football intelligence officers are assigned to follow each football team at home and away matches, to gather intelligence and to "spot" any potential trouble-makers or ringleaders or banned offenders who may turn up at matches. Football intelligence officers produce a report on each fixture which is logged by the NCIS Football Unit. In **Finland** there have been no incidents of disorder with travelling Finnish supporters either. Finnish fans behave peacefully supporting the national team or clubs by singing, carrying team colours, flags and banners. In **Italy** as to the transfer of away team supporters the most complex aspect is certainly the transfer of supporters

99 David McArdle, *From boot money to Bosman: Football, society and the law*, London, Sydney, 2000.

by trains. The approach of the Department of Public Security is to "normalise" the use of trains by supporters seen as normal train users who have the same rights and obligations of a normal passenger. Therefore the right to use common carriages upon payment of the ticket (there are not special trains) is fully recognised. In order to attain these ends a particularly rigorous choice was made, i.e. the preventive control of supporters, especially if during the information activity new evaluation elements have been acquired according to which a specific away match is considered as particularly at risk. Accurate screening services are organised at the departure station where the local *Questore*¹⁰⁰ orders controls in order to verify the following aspects: train ticket possession, without ticket is not possible to board the train. The supporter is informed that at his arrival to the destination place he will be prohibited to enter the stadium sector marked by crush barriers. The access to this area will be allowed only to supporters holding the ticket for the match. Also in case of supporters' transfers by coaches rented from private companies the local *Questore* orders to carry out control services in all places where supporters are present. The Lithuanian reporter noted: "at this moment to best of my knowledge there are no restrictions for any Lithuanian football fan to watch football at home or abroad". In other countries the authorities are prepared to take a less peaceful stand.

In **The Netherlands** according to the disciplinary rules of the Dutch Football Association¹⁰¹ the clubs are responsible for the disorderly behaviour of their supporters at away games and outside the stadium. They will not be held responsible in case they can demonstrate that such far-reaching and stringent measures had been taken that the chance of violent outburst could be neglected. This implicates more specifically that the club is not responsible for supporters who travel on their own, but only if the club had tried to avoid that. The visiting club is formally responsible for the transportation of its supporters to away matches. De club consults the supporters club and the authorities of its own city as well of the authorities of the city where the match will be played about the proper way of organised transport. For certain risk matches special arrangements for the transfer of supporters can be made. Those arrangements contain the obligation for a supporter, who wishes to visit a risk away match of his club, to buy a "combi card". This card obliges the supporter to travel in a organised and controlled way to and from the stadium. Together with the ticket for the match he must buy a train ticket. Without the combi card the supporter is not allowed to enter the stadium. The NS (the Dutch railway organisation) and the Dutch Football Association have made an agreement concerning the contained transfer of supporters by rail using the combi card. When a serious incident has occurred, the NS refuses thereafter to carry supporters of the club in question for the next four away matches. The Dutch Football Association will adopt that measure.

In **Poland** the Police play a considerable part in organising I and II league matches, assisting with the transport of spectators to and from matches. In order to improve standards of organisation, each year the Polish Football Association holds a contest to find the I and II league clubs with the best organisation, safety and spectator behaviour. The Minister of Sport and the Polish Olympic Committee then reward these clubs.

In **Portugal** any person, travelling in a group to or from a sporting event, who partially or totally destroys, damages, disfigures or makes unusable any public transport or an installation or equipment used by the public or in the collective interest or other related property shall be punished by a prison sentence of between one and five years or a fine of up to 600 days.

In **Spain** the Constitution prohibits the prevention from travelling of potential troublemakers. Without a judicial ruling Spanish regulations are unable to prevent supporters judged likely to cause trouble at sporting events from travelling since, under the constitution, all citizens enjoy the basic right of freedom of movement. The steering committees or governing boards of sports clubs and limited companies must appoint a representative from among their members who will be responsible to the security co-ordinator, on behalf of the club or company concerned, for the organisation of the event. This representative will be required to supply the fullest possible information about groups of supporters travelling, their number, the route they will be following and their means of transport.

In **Sweden** the visiting club has strict responsibility for its supporters in connection with away matches, even if no supporter travel is being arranged. This strict responsibility always applies to the supporters of the visiting club within their separate section. A club with a significant group of supporters must arrange travel to and from away matches. The club must abide by the arrival time agreed in the "Match Agreement" for arranged supporter travel. For matches classified in accordance with planning programme 2 or 3, the required number of representatives (no less than four) for visiting teams must accompany their supporters.

The provisions governing seizures of dangerous articles kept in vehicles deserve special mention. Under the Act Prohibiting Knives and Other Dangerous Articles (1988:254), such articles may not be carried in a public place. Trains and other public means of transport are regarded as public places but not a car, no matter where it is parked. Thus, it is not illegal to be in possession of a knife in a car and consequently coercive measures under

100 The chief constable of the province.

101 Art. 20 Reglement Tuchtrechtspraak Betaald Voetbal.

criminal law, such as a search of premises or seizure, cannot be taken in such a case. Nor can a search for a knife etc. in a car be based on the provisions regarding searches in section 19, second paragraph, of the Police Act, since what is being kept in the boot or the engine or passenger compartment of a car cannot be said to be something that one carries. In a serious disturbance of public order or safety, or when there is a risk of such a disturbance, the police may prohibit access to an area or premises, if this is necessary to maintain public order. In the same circumstances, the police may also order members of a crowd to follow a directed route. Decisions regarding such measures are made by the police authority or, in urgent cases, by a police officer.

3.2. CONSUMPTION OF ALCOHOL DURING THE TRANSFER

The **Binding instructions of the UEFA** provide in Rule 4.4 that associations and clubs must insist that their supporters' clubs ensure that alcohol is not available on their organised trips.

In **England and Wales** the possession of alcohol is prohibited on the way to matches on football special coaches and trains and makes it an offence to be drunk on them. The Sporting Events (Control of Alcohol etc) Act 1985 provides the police with the power to search someone reasonably suspected of committing an offence under the Act, and to arrest such a person. This may include searching coaches or trains carrying passengers to or from matches. Other offences of being drunk in a private vehicle adapted to carry more than eight passengers to or from such an event, or causing or permitting intoxicating liquor to be carried on such a vehicle, were added by a new section 1A of the 1985 Act.

3.3. TRANSPORT ABROAD

The **Binding instructions of the UEFA** provide in Rule 4.6 that supporters intending to travel abroad should be provided by associations and clubs with as much useful information as possible about the country to be visited, including its local customs and peculiarities, e.g.: visa requirements, if any; customs import restrictions and limitations; currency units and equivalent values; distances from various arrival points (airport, station, port) to the city centre and stadium; address of the association or club emergency contact point abroad and the name of a contact person; address and telephone number of the local embassy or consulate; a map of the stadium with the various sectors defined, showing access routes from the city and the location of designated parking areas; details of public transport services from the city centre to the stadium; an indication of average food prices, taxi and public transport charges; local health warnings regarding drinking water, etc.

According to **Swedish law** a transport company which carries goods, passengers or vehicles to or from Sweden shall, at the request of a police authority, promptly supply such current information about arriving or departing transports as the company has access to. A transport company is under no obligation to provide any information about a passenger other than the person's name and details about his route, luggage, travelling companions and how his ticket was booked and paid for. Information of any other kind may only be requested by a police authority if it is believed to be of importance in the fight against crime (Act 1998:27).

3.4. SPOTTERS

Spotters, special trained policemen/women, follow the transfer and movements of "their" supporters abroad. Their task is to monitor the supporters closely and to be the "ears and eyes" of the police force in the guest country. So, in the "spotter" system a police liaison officer is attached to a particular club and has the responsibility of identifying and monitoring hooligans, usually travelling to away games and assisting the local force with the detection of hooligans. One of the advantages of spotters is, the potential hooligans know that they are being watched.

In **Austria** every federal police authority and each state police force in whose local area an Austrian national league football team is based must provide a corresponding number of trained football liaison officers (officers familiar with the fan scene) to guarantee a constant exchange of information between the clubs, the fans, the public safety authorities and their operational units. Police officers and other security personnel supervising fans wear uniforms at all times.

In addition to national training measures for police personnel concerned with fans, a new cooperation agreement has also been concluded with the state of Baden-Württemberg (BW) in Germany. Seminars providing further training for officers familiar with the fan scene are run at the BW Police Academy's site in Wertheim, normally three times a year, and may be attended by one representative from Switzerland and one from Austria.

In **Belgium**, in case the federal police (Rijkswacht) takes charge of the football files, it deploys a minimum

quantity of spotters. The functionaries must be capable to deliver essential information (intentions and possibilities, differentiated by their experience) to detect, to observe and to identify. Their main task consists of piercing the anonymity of the potential hooligan and to avoid unnecessary excesses and to take charge of the football files. The burgomaster appoints special police officers, "cicerones", for clubs of the first and second class. Their task consists of welcoming and escorting visiting spotters

In **Denmark**, in connection with some high risk matches, the police of the visiting team may send spotters to accompany the travelling supporters.

In **England and Wales** the "Spotter" system was also in operation at each venue. This is a system which is used throughout the season in the English Premier and Football Leagues, where a police liaison officer is attached to a particular club and has the responsibility of identifying and monitoring hooligans, usually travelling to away games and assisting the local force with the detection of hooligans. During Euro '96, this system was a primary example of co-operation between police from different European countries, with officers from each of the visiting countries providing spotters to work alongside the home country officers at the relevant stadia. (At a previous European championship in Germany in 1988, the British police sent spotters to aid their German counterparts in the detection of English hooligans).

In **The Netherlands** the Central Information point Football vandalism (Centraal informatiepunt voetbalvandalisme (CIV)) co-ordinates the deployment of spotters - when that is required - at football matches of the Dutch national team.

In **Spain**, if necessary, policemen from the "away" country may visit the host country in order to assist the latter's security and law-enforcement bodies and identify supporters likely to cause trouble.

3.5. CONTROL OF KNOWN HOOLIGANS

According to Article 3(4)(d) of the **European Convention on Spectator Violence** everything must be done to exclude from or forbid access to matches and stadia, insofar as it is legally possible, known or potential trouble-makers.

The **Binding instructions of the UEFA** provide in Rule 4.2 that "the most strenuous efforts must be applied in co-operation with the public and travel authorities and organised supporters' clubs to prevent known and potential troublemakers from attending matches, whether at home or away".

In **Germany** to address or tackle a supporter on his undesirable behaviour is according to German law the first move and an intervention of low significance. Measures like these are taken against known hooligans who's names have been stored in the database "Gewalttätiger Sport" (violent sport) since they have committed in the past criminal acts or against hooligans who are known by spotters in Germany. Police officers call on violent fans at home and - too - at their workplace, because it is assumed, that such measures have a more severe impact on them, when they are taken out of the anonymity. The persons in question will be communicated that they are known by the police and that they will be identified when again committing a criminal act. According to the specific situation the known hooligans might on basis of German police law taken to a police station for further questioning.

In **Spain** troublemakers which have already been made subject to a legal order must be excluded from stadiums (arts. 67 and 69 of Law 10/90). The correspondent remarked that "although the different clubs have made considerable efforts to organise and register supporters, it has been noted, as in many other countries, that it is difficult to supervise "hard-core" supporters travelling to away games individually or in small independent groups.

3.6. WITHDRAWAL OF TRAVEL DOCUMENTS

The most far-reaching measure to prevent supporters from travelling abroad is the withdrawal of their passports.

In **England and Wales** the Football (Offences and Disorder) Act 1999 gave the court the power to require submission of the person's passport as a condition of the order up to five days in advance of the reporting requirement. According to the Football (Disorder) Act 2000 a court, when making a banning order, must impose a requirement that the recipient's passport shall be surrendered during periods when the international ban is activated, unless the court believes that there are exceptional circumstances. The imposition of such a requirement was previously at the court's discretion. The court will normally impose a condition of the banning order requiring surrender of the passport when required to do so by the enforcing authority.

In **Italy** for one or more crimes as under Article 3 of Law No. 654 of 13 October 1975 or for one of the crimes envisaged by Law No. 962 of 9 October 1967, the Court can order the confiscation of the passport and of any other identification document valid for expatriation for a period not exceeding one year as well as prohibition to carry any kind of weapons.

3.7. PROHIBITION OF ENTRY

In Estonia prohibitions on entry can be imposed on the basis the Obligation to Leave and Prohibition on Entry Act. Prohibition on entry is a preventive measure, the aim of which is to prevent undesirable aliens from entering Estonia and staying in Estonia. Clause 29 (1) 1) of this Act providing that a permanent prohibition on entry may be applied on an alien if there is good reason to believe that his or her stay in Estonia may endanger the security of the Republic, or public order, public safety, moral standards or the health of other persons can be applied with respect to the so-called football hooligans. The application of a prohibition on entry shall be ordered by the Minister of the Interior after considering the position of the advisory committee formed by him or her, The National Register of Prohibitions on Entry shall be maintained pursuant to the procedure established by the Government of the Republic concerning aliens with regard to whom prohibitions on entry apply . At present, prohibition on entry in Estonia is in force concerning 22 persons due to their history of football hooliganism. Lithuania closely cooperates with all FIFA Members in regard of all international matches. The correspondent stated: "We always listen to advice of particular country we are playing at home with and if asked, we do not let known hooligans through our borders".

In The Netherlands the authorities have the power to prohibit the entry on Dutch soil of foreign hooligans when that will form a imminent threat to the public order (Vreemdelingencirculaire).

3.8. EXIT PROHIBITION

Cyprus has ratified the European Convention for the Protection of Human Rights (4th Protocol) with ratification Law 52/1989, which amongst others, provides that the right of a person to leave any country, including his own, can be restricted, in the interests of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others (Article 2) and in the context of harmonization with the European Union legislative framework in this area, a draft legislation amending the 1994 Act, is pending before the House of Representatives. This legislation, provides for the integration of the Council Resolution of 17/11/2003 (OJ C281, 22/11/2003, p. 1) on the use by Member States of bans on access to venues of football matches with an international dimension, as well as for other measures, as prescribed by relevant Recommendations of the Council of Europe (No. 1/93 and 1/94.).

In the Czech Republic, the national law provide for the possibility to impose an exit ban on criminal offenders or possible potential troublemakers only based on decision of some court decision according to the Czech penal code Nr. 140/1961 Sb. (stadium bans, exit bans, act ...). The Czech Republic has a legal instruments under our law to prevent and/or restrict the entry and transit of potential foreign trouble-makers according to act Nr. 326/99 "About stay of foreigners in the Czech Republic", § 9/1 -"exclusion" (s. Summit of NATO 2002 in Prague)

In England and Wales the new Football (Disorder) Act 2000 is introduced. The police can detain suspected hooligans, stop them leaving the country and ask a court to ban them from football for up to 10 years.

In Estonia prohibition to travel cannot be imposed due to constitutional reasons as, pursuant to § 35 of the Constitution, every person has the right to leave Estonia at any time.

In Germany the authorities have the power to attach limitations on a supporter's possession of a passport when the interests of Germany might be endangered. The person in question must be known as a violent hooligan. The limitation will be yielded in the passport. The laws concerning passports (Passgesetz and the Personalausweisgesetz) have been changed for this purpose. The aim of the change was to have an instrument at hands with which the avoidance of hooligans travelling abroad could be improved. Going abroad with a limited passport is now a criminal act. The limitations are stored in the database of the border police.

3.9. REMAND IN CUSTODY

In Germany when it is known to the police that violent supporters will travel abroad to commit criminal acts and when they can not be stopped in any other way, then the German Police Act empowers the police to remand the persons in question in custody. The duration of the custody may not be longer then to the end of the next day. Is according to the circumstances a longer period of custody necessary, then the involvement of a judge is needed.

3.10. TO THE VICINITY OF THE STADIUM

In Italy the transfer to the stadium of controlled supporters follows predefined routes which are previously cleared

and controlled. When guest supporters reach the stadium they are brought to the sector reserved to them where they are not further controlled. In this way it is possible to carry out a very accurate control on them in a place that is far from the sport ground, without any hindrances by the stadium environmental conditions. If **The Netherlands** authorities think it necessary the (risk-)supporters are escorted by the police.

4. VIOLENCE AT ANOTHER LOCATION THAN THE HOME TOWN

In **France** stadiums are not the only scenes where hooliganism prevails in all impunity. Actually, under the definition of Hooliganism we can place several actions and activities. Indeed, when the administrative authorities regard a football match as a highly risked one, measures are implemented to prevent any trouble or fights between rival supporters. This is not enough since hooligans still find a way to meet and to fight, for instance on the rest areas near motorways.

In **The Netherlands** the burgomaster of the home town must inform his colleagues in case he induces from the available information that matches can lead to a breach of the peace in adjacent towns. Under the direction of the burgomaster he and his colleagues with assistance of the National Coordination Centre (NCC) must take steps to curb the outbreaks of violence.

In **Spain** any trouble that does arise is likely to be away from the stadium. In many cases it is difficult to determine whether it is truly football related.

5. VIOLENCE IN THE HOME TOWN AND IN THE VICINITY OF THE STADIUM

5.1. TYPES OF CONTRAVENTIONS/CRIMINAL OFFENCES OR ATTEMPT THERETO

In **Cyprus** punishable by law is any offence involving participation to an affray or committing assault against, any person outside the sports area, which is relevant to the sporting event; any offence involving participation to a riot in any area adjacent to the sporting area; any offence involving participation to a riot and without lawful authority demolition or destruction or commencement of demolition or destruction of any building or premises or equipment of the sporting area or any property located at or nearby the sporting area; any offence involving participation to a riot and cause of damage or harm to the property mentioned above without lawful authority. Also punishable is any offence involving participation to an assembly composed of five or more persons at any area adjacent to the sporting area with the intention of committing a criminal offence, or involving five or more persons having assembled at any area adjacent to the sporting area with the intention to watch or to participate to a match or other sporting event and behave in a manner which causes nearby persons reasonable fear that they intent to cause disturbance of the piece or the ordinary engagement of the match or the sporting event.

In **Lithuania** a person, who has organized or has provoked a group of persons to commit acts of violence in public, to devastate property or in any other way to gravely violate the public order, as well as the persons who have committed acts of violence during the riot, devastated property or in any other way gravely disturbed the public order are punished with imprisonment of up to 5 years.

A person, who while committing the described acts, has also used firearm or explosives or has resisted the actions of a policeman or of any other person, performing public administration functions, is punished by imprisonment of up to 6 years.

5.2. LOCAL CONVENANTS

In **Belgium** for each stadium in which matches are played in the highest divisions each playing season two protocol accords must be drawn up. One between the two police corpora in Belgium (the municipal police, *gemeentepolitie*, and the federal police, *rijkswacht*), which aim is to come to a coherent allocation of tasks. The second accord is between the burgomaster, the districts commander of the federal police, the head of the municipal police and the management of the club. In this accord an arrangement must be put down concerning the bringing into action of the police and the settlement of the costs of that action.

In **The Netherlands** the burgomaster takes the initiative before the beginning of the new season to come to an allocation of responsibilities between the club, the police, the public prosecutor, municipality and the supporters. The agreement between the parties will be laid down in a local covenant. Generally speaking the professional football organisation is responsible for the cause of events within the premises and the government for that cause outside the premises.

5.3. TIME AND SPACE FOR SPECIAL VIGILANCE

In **Belgium** the law made it possible to take administrative action against hooligans from 5 hours before the beginning of a match to 5 hours after the match within a parameter of 5 kilometres around the stadium.

In **Italy** in the city area far from the stadium but affected by the presence of supporters patrolling services are carried out - if necessary also in the days before the match - by means of smaller operational units having the only task of observing and reporting situations that are relevant from the point of view of public order.

In **Portugal** a "Security ring or perimeter" is an area defined by the security authorities, adjacent or exterior to the sports venue but within the external limits of the venue or construction, with either permanent or temporary fencing or passageways with control of entry and exit, intended to guarantee the security of the sporting event.

5.4. DRUNKENNESS AND DRUG ADDICTION

In **Cyprus** being found drunk and conducting disorderly while the accused is at any area adjacent to the sports area constitutes an offence. A constable, which reasonably suspects that a person has committed such an offence, may arrest him/her without a warrant.

In **France**, a person who is drunk on roads, paths, squares, pubs, cabarets or other public places is taken by the police at their expense to the nearest police station or to a prison, where they shall be retained until they have sobered up.

In **Portugal**, in addition to testing for alcohol, officers can run checks on individuals who show signs of being under the influence of drugs, with powers to deny access to the stadium any person who tests positive or refuses to be tested.

In **Slovenia** small scale breaches are mainly focused on improper behavior of drunken people in public.

The **Spanish** legislation does not ban the sale of alcohol in the vicinity of stadiums.

5.5. PREVENTIVE MEASURES AGAINST PERSONS

In **Finland** the police may prohibit the arrangement of a public event, if other measures are not enough and if it is evident that: [...] (2) order and security cannot be maintained in the event, (3) the arrangement of the event will endanger health or cause damage to property [...] (Assembly Act, Section 15).

In **Portugal** the police can search spectators, whenever necessary, to prevent them from bringing into the stadium banned objects or any other objects which might be used in acts of violence, a procedures which had already been implemented by security forces at major football fixtures.

In **Sweden** the police may search bags and similar hand-luggage to look for weapons or other dangerous articles that may be used in the commission of an offence against life or health, if the circumstances are such that the articles may be declared forfeited under Ch 36 s 3 of the Penal Code. The right to perform a search under the second paragraph presupposes a situation where there appears to be a great risk that weapons will be used in the commission of a violent crime, e.g. in a confrontation between two rival youth gangs. This provision is also applicable to other situations, such as certain football matches. In certain cases a police authority has the right to take a person into temporary custody in accordance with special provisions. Such provisions can be found e.g. in s 13 of the Care of Substance Abusers Act (1988:870), s. 47 of the Compulsory Psychiatric Care Act (1991:1128), Ch 2 ss 2 and 3 of the Aliens Act (1989:529; reprinted 1994:515), s 20 of the Extradition Act (1957:668), s 16 of the Nordic Extradition Act (1959:254) and s 9 of the Act on Extradition to Denmark, Finland, Iceland or Norway for the Implementation of a Decision on Care or Treatment (1970:375). It is, however, doubtful whether the provision in s 11 is intended to give the police the power to take a child into custody under Ch 21 s 10 of the Parental Code or s 20 of the Act concerning Recognition and Enforcement of Foreign Decisions relating to Custody etc. and concerning the Return of Children (1989:14).

5.5.1. Identification

In **Germany** the police has the power to take somebody in custody when his identity can not be established. This measure can be executed against every person found on a location in connection with which criminal acts are planned, organised or committed. The police can derive points of contact for the supposition of the planning, organising or commitment from past occurrences at sports events. As a rule the police, which is present at places where hooligans gather, has the power to establish the identity.

In **The Netherlands** every supporter is obliged to possess a certificate of identity. Application of the duty of spectators at football matches to identify offers the police the opportunity to take action against those supporters of which reasonably may be assumed that they were involved in acts of hooliganism in the past.

5.5.2. Removal

In **Finland** police officers have the right to remove a person if, on the basis of the person's threats or general behaviour, it can be concluded that he or she would be likely to commit an offence against life, health, liberty, domestic premises or property. Any person whose behaviour is causing considerable disturbance or immediate danger to public order and security may also be removed. If it is apparent that the person's removal from a place is an inadequate measure and the disturbance or danger cannot otherwise be eliminated, the person may be apprehended. The apprehended person may be kept in custody for as long as it is likely that he or she would commit an offence referred to in subsection 1 or cause a disturbance or danger, but the period may not exceed 24 hours from the time of apprehension (The Police Act Section 20).

In **Sweden** "turning someone away" means preventing a person from entering an area or a building. "Removal" means taking a person who is disturbing the peace away from the place where the disturbance occurred and is clearly a more lenient measure than taking a person into custody. The latter measure always implies taking a person to a place, e.g. a police station, while the purpose of a removal is to take a person away from a place. Common instances of removal arise when a person is removed from premises where he has caused a disturbance or from a certain area, e.g. a fun fair or a sports ground.

5.5.3. Clearing areas

In **Finland**, on the order of a commanding police officer, and in urgent cases even without such an order, police officers have the right to cordon off or clear domestic or public premises if this is necessary for preventing an immediate danger to life or health and the persons in the area cannot be protected in any other way. (21/2001) (The Police Act). Police officers have the right to order a crowd to disperse or move if the gathering threatens public order and security or obstructs traffic. If an order to disperse or move is not obeyed, police officers have the right to use forcible means to disperse the crowd and to apprehend noncompliant person. (The Police Act, Section 19 Dispersing a crowd).

In **Sweden**, in a serious disturbance of public order or safety, or when there is a risk of such a disturbance, the police may prohibit access to an area or premises, if this is necessary to maintain public order. In the same circumstances, the police may also order members of a crowd to follow a directed route. Decisions regarding such measures are made by the police authority or, in urgent cases, by a police officer. Provisions empowering the police to close off or otherwise prohibit access to premises are also to be found in e.g. s 23 of the Police Act and Ch 27 s 15 of the Code of Procedure. Section 23 also empowers the police to take other measures such as a search of a person, a search of premises or an evacuation. If a decision to prohibit access to an area or premises or to order a crowd to follow a directed route has been made under one of the provisions mentioned in d. and e. above, or under some other statutory provision, a police officer may turn away or remove a person who attempts to enter, or refuses to leave, the area or premises under s 13a of the Police Act, provided that this is necessary to maintain public order or safety.

5.6. SOCIAL PREVENTIVE PROJECTS

According to Article 3(5) of the **European Convention on Spectator Violence** the Parties shall take appropriate social and educational measures, bearing in mind the potential importance of the mass media, to prevent violence in and associated with sport, in particular by promoting the sporting ideal through educational and other campaigns, by giving support to the notion of fair play, especially among young people, so as to enhance mutual respect both amongst spectators and between sports players and also by encouraging increased active participation in sport.

In **Belgium** the fan projects officially began only three years ago in 1993, although some fan coaches have been sporadically working with football supporters since 1989. As with the German and Dutch examples, the Belgian project workers are qualified social and youth workers. François Goffe, one of the coordinators of the Belgian fan coaches commented: "Our fan coaches are certainly not to be compared with the stewards prevalent in the English game. We work purely as social workers and we work with the fans every day of the week, not just on the day of a particular football match" (fieldwork interview). In contrast to the German and Dutch models, however, the

Belgian projects receive no financial help from *Union Royale Belge des Sociétés de FA* (the Belgian Football Association) or any of the football clubs. Neither do they receive monetary assistance from local authorities. Instead, financial assistance is obtained from central government funds only. Eight fan coaching projects are currently in existence in Belgium and they liaise closely with the football clubs, police and the *Union Royale Belge des Sociétés de FA* on various matters, including security arrangements and ticket allocation. Because they do not receive any financial backing from these organisations, they remain independent and are often openly critical of individual clubs, the police and the football authorities.

In Germany an initial sub-programme (B) involves the setting-up of fan projects at local level, together with a coordination centre for fan projects, as a social approach to preventing violence at football matches. Guidelines for subsidies to fan projects: in implementation of the National Sport and Safety Plan, the licensed clubs in the League Federation and the regional league associations are prepared to contribute one-third of the total costs of the existing or potential fan projects in their cities provided that they satisfy the relevant preconditions.¹⁰²

In The Netherlands the national project Social-Preventive Supporters Policy (*Sociaal-Preventief Supportersbeleid*) started in 1998 as a pilot project. Purpose of this project was to develop - in the towns of the professional football organisations - social preventive activities in which the football organisations, the juvenile work and the police cooperate¹⁰³. The professional football sets up a social preventive supporters policy in concert with the youth welfare organisation and the supporters' association. To bring this policy to life a supporters' coordinator appointed by the club. When the clubs do not meet with this appointment they can lose their licence. The policy forms a part of the fight against football vandalism and it must be a part of the spectators' and safety policy of the clubs.

Spain has adopted appropriate social and educational measures: Fair Play campaign, Code of Sporting Ethics.

Sweden, like a number of other countries are following the lead from Belgium, Germany and The Netherlands by

102 Germany were the first to introduce the fan projects, which began in Bremen in 1981, though detached youth workers in Munich had previously worked with football fans back in 1970. The projects were an attempt to take preventative measures against football hooliganism by detailing youth or social workers to work among football supporters. The project workers established a link between football supporters and the football and police authorities, creating lines of communication that had previously not existed. Critics suggested that the project workers were simply informers working at the behest of the authorities, discovering information about hooligans and what plans they might have for particular matches.

The primary function of the fan projects is to turn supporters away from hooliganism "by means of concrete street-work activities - to help the adolescent fan find his personal identity and to show various possibilities of coping with life". Löffelholz, Homann and Schwart detail a complex network of activities undertaken by the fan workers (alternatively known as "fan coaches"), including individual guidance to fans, intervention in critical situations (e.g. when arrested), educational and careers advice and recreational activities, such as organising travel to matches and producing fan magazines.

There are currently over twenty five fan projects in Germany. Each individual fan project is based around a particular club, from the highest echelons of the *Bundesliga*, through to the German Second Division and even the amateur football leagues, which attract an extremely high following in Germany.

Funding is mainly drawn from the individual clubs, who themselves obtain funds from a pool organised and funded by *Deutscher Fussball Bund* (the German equivalent of the Football Association). Finance is also available to projects from the local authorities and from 'social sponsorship' (as opposed to commercial sponsorship).

Bundesarbeitsgemeinschaft der Fan-Projekte and Koordinationstelle Fanprojekte:

The *Bundesarbeitsgemeinschaft der Fan-Projekte* (Federal Study Group of Fan Projects) was formed in May 1989 and represents the fan projects on a national and international level. The group were responsible for fan project activities at the World Cup in Italy in 1990 and in the European championship finals in Sweden. The organisation of the projects was further cemented by the formation of the *Koordinationsstelle Fanprojekte* (Federal Department Coordinating Fan-Projects) in August 1993, who coordinate the expanding network of projects and their various initiatives throughout Germany.

103 Similar (if not identical) fan projects are also functioning in The Netherlands. Learning from the German model, the Dutch fan projects began in 1986 following government-sponsored research on football hooliganism that indicated a need for a preventative approach to the problem.

Initially, the projects were financed by a three-year government grant, which was extended for a further five years to 1994. Since then, the financing for the projects has come under the auspices of individual clubs and city councils, who are responsible for the payment of the youth workers. Funding is also available from *Koninklijke Nederlandsche Voetbalbond* (the national football association), particularly for the projects organised around international matches and tournaments. (e.g. KNVB funded project workers at Euro '96, who spent two weeks in England prior to the tournament on a reconnaissance mission on behalf of the KNAVE).

The emphasis within the Dutch fan projects is very much on a multi-agency approach, with project coordinators constantly liaising with the police, Football Clubs, local authorities and the various supporters' organisations. At present there are eight major projects in existence and, like the German model, they are based around particular football clubs such as Ajax, Feyenoord, PSV Eindhoven and Utrecht.

As in Germany, the project workers (commonly known as fan coaches) attempt a similar sociopedagogical guidance to fans, helping them to obtain employment or places on educational courses. They also provide purely pragmatic advice, such as details of travel and ticket arrangements for games. However, the project workers also admit to relaying information to the police on the strategy of hooligans for particular matches.

introducing similar fan projects or fan coaching. In Sweden the *Project Bättre Lakter Kulture* ("Project for a better culture") works alongside the Swedish Football Association in running a variety of anti-hooligan initiatives. As with German and Dutch models, the Swedish fan projects are based at football league clubs such as AIK Stockholm and Hammerbee FC.

5.7. REPRESSIVE MEASURES AGAINST GROUPS OF PERSONS

According to Arts. 3(1)(b) and 5(1) of the **European Convention on Spectator Violence** "the Parties undertake to ensure the formulation and implementation of measures designed to prevent and control violence and misbehaviour by spectators, including in particular: to apply or, if need be, to adopt legislation which provides for those found guilty of offences related to violence or misbehaviour by spectators to receive appropriate penalties or, as the case may be, appropriate administrative measures". "The Parties, respecting existing legal procedures and the principle of the independence of the judiciary, shall seek to ensure that spectators committing acts of violence or other criminal behaviour are identified and prosecuted in accordance with the due process of the law."

5.7.1. Emergency regulations/measures

Maintaining the public order can lead to the situation in which a **Dutch** burgomaster issues emergency regulations or emergency measures. Seldom he will proclaim the state of emergency. The proclamation of emergency regulations might take place in case of football matches at which the visiting crowds can become outraged. When a emergency regulation is infringed, the suspected supporter can not be longer detained than 6 hours. Because such a detainment was useless in a championship as Euro 2000 the Municipal Act was altered in such a way that the burgomaster was bestowed with the power to issue administrative containments. In addition, a modification of the Criminal Code made it possible for the examining magistrate in case of grave security reasons to extend the mentioned 6 hours.

5.7.2. Prohibition of gathering

In **The Netherlands**, The gathering of supporters within city limits can be prevented by virtue of the General Municipality By-laws (Algemene Plaatselijke Verordening (APV)). According to those by-laws the police can order supporters to disperse or to leave the scene in a specified direction.

The legislation of **Slovenia** sets out the conditions for organizing public meetings, as well as the procedure for prevention of such gatherings. The responsibility of the organizers for order on such gatherings and competences of the police is subject of the law.

5.7.3. Arrest/detention

In a few EU Member States the local cq. police authorities have the power to take measures of a liberty depriving nature against people who have the potency to break the peace. In **France** such competence with a view to maintaining the public order is considered to be in variance with the right of everyone on French soil to circulate freely.

In **Belgium**, the law provides for two types of arrest: the administrative and the judicial arrest (*de bestuurlijke en de gerechtelijke aanhouding*). The administrative arrest is a coercive measure, executed by a constable, which deprives temporarily someone's freedom. This measure can only be taken in case of absolute necessity or to maintain public order. As soon as possible the constable must inform a police officer of his action. The officer decides to maintain or to lift the arrest. The administrative arrest may not overstretch the period of time justified by the circumstances and may not be longer than 12 hours. The administrative arrest may be transposed into a judicial one. The judicial arrest is also a coercive measure, but with the intention to hand over the person in question to the competent magistrates. The contained person must be under the suspicion to have committed criminal acts. This arrest may not last longer than 24 hours. At the end of that period the magistrate decides whether the arrest must be transposed in a detention.

According to the Belgian "Football Act" groups of persons can be rounded up preventively and confined during a period of 12 hours.

In **England and Wales** a police constable in uniform is empowered, during any control period, to detain any person where there are reasonable grounds for suspecting that he may have caused or contributed to violence and disorder at any time in the past and reasonable grounds to believe making a banning order in his case would help

prevent violence or disorder in connection with regulated football matches. The period of detention shall last only until a decision has been made as to whether a notice should be issued, and may not be longer than 4 hours, or 6 hours with the authority of an inspector. A constable in uniform is empowered, during a control period, to issue a notice to any person on the grounds set out by law. The effect of the notice is to require that person to appear at a magistrates' court at a time specified in the notice, not to leave England and Wales before that time, and to surrender his passport (unless the control period in force relates to a game in Scotland or Northern Ireland). The notice must state the officer's grounds for giving it. The time specified for the appearance before the magistrates' court must be within 24 hours of the issue of the notice, or, if the person has previously been detained, within 24 hours of the start of his period of detention. The notice will be treated by the magistrates' court as an application for a banning order in respect of the person concerned. A person issued with such a notice may be arrested if a constable reasonably believes this to be necessary to secure his compliance with the order. The mentioned powers may only be exercised in relation to British citizens, sets out the maximum penalty for failure to comply with a notice preventing departure from England and Wales (six months imprisonment), and empowers the court to remand the person concerned and, if he is remanded on bail, to impose bail conditions which include a prohibition on leaving England and Wales.

The Police Acts of some *Länder* in Germany too give the police-officers such a competence.

In **Lithuania** there is no special criminal or administrative law to detain groups of persons for short period of time without proof of wrong doing.

In **The Netherlands**, according to the Municipal Act the burgomaster has the power to have groups of individuals, indicated by him, detained temporarily at a certain place. He has that power in case of emergency situations, in case the concerned groups do not comply with orders of the competent authorities and in case the detention is the only way to avoid the continuation or repetition of behaviour - of the group as such - which is a threat to public order. The period of time of the detention must be as short as possible and may not be longer than 12 hours. The law does not give the burgomaster the power to detain persons preventively.

In the **Polish** Police Act of 1990, the issue is referred to in Article 15. In accordance with paragraph 1 (2) of the provision, the Police are empowered to stop perpetrators in cases and conditions envisaged by the Code of Criminal Procedure. Moreover, the Police may stop persons who are considered the imminent threat to life or health of the people or the property. (art. 15 para. 1(3)). The ones stopped by the Police are obliged to take part in the identification parades, they can also be photographed or their fingerprints taken (art. 15 para. 4). The stoppage is permitted for no more than 48 hours.

In **Sweden**, the Police Act offers the police the power to stop or to remove persons who are inclined to break the peace on an individual basis. A public assembly may be dispersed if a serious disturbance of public order occurs at the place of assembly, or, as a direct consequence of the assembly, in its immediate vicinity, or if it entails a serious risk to those present.

5.8. REPRESSIVE MEASURES AGAINST INDIVIDUALS

In **Lithuania** a person who in a public place by his impudent actions, threats, jeer or vandal acts has demonstrated his disrespect towards the surrounding persons or surrounding environment, and by this has disturbed society's peace or order is punished by public works or a fine, or restriction on his freedom, or arrest, or imprisonment for up to 2 years. (Criminal Code, Art. 284).

5.8.1. Preventing the visit of a match

In case the nature of the obtained information give the **Dutch** municipal authorities an immediate cause, they can request the police to use all legal possibilities to prevent that certain risk supporters will visit a football match.

5.8.2. Stadium surroundings ban

In **the Netherlands** under the surrounding of the stadium it is normally understood the area within the fences of the accommodation which is private property of the professional football organisation. On the municipal level supplementary agreements can be made in the covenants. The Stadium surroundings prohibition is a suitable instrument for individuals who have committed a major crime or for individuals who have committed acts of football vandalism.

5.8.3. Court injunction

In the **Netherlands** the courts can issue an order for maintaining public order ("Rechterlijk bevel tot handhaving van de openbare orde") in case of large scale disturbances of the peace. Rioters can be detained for a period of 12 days.

In **Portugal**, if there are strong indications of the practice of an offence as described by current law, a judge may order an injunction against the accused person to prohibit access to sporting event venues of the type at which such offences may occur. The maximum terms scheduled for preventative imprisonment shall apply in respect of the injunction referred to in the paragraph above. The injunction described may be cumulative with the obligation of the accused person to appear before a judicial authority or criminal police unit at pre-established days and times, taking into account the person's professional obligations and place of residence.

5.8.4. Stadium ban based on criminal law

In **Belgium**, a judicial banning order is a judicial provision. It concerns a measure agreed or imposed in the different stages of the criminal procedure (counsel for the prosecution, examining magistrate, judge). This measure can coincide with the obligation of the supporter to report at the police station on the days and hours of a match. Besides the judicial banning order the Belgian law also refers to a stadium prohibition as meant by art. 41 of the law of 21 December 1998 (supplementary sanction). That prohibition can be imposed by a judge in case of a conviction for an intrusion perpetrated in the stadium. This prohibition can also coincide with a duty to report at a police station.

In **Cyprus**, in addition to any sanction imposed by the Court by virtue of the 1994 Act, it may also impose a banning or exclusion order as regards the entrance of the convicted person to matches, sporting events and sporting areas. In the **Czech Republic** stadium bans are always part of a court judgment and it is up to the court for which kind of "limitation" somebody will be sentenced. Usual judgment is to prohibit somebody to visit any sport events, or sport matches of some club. In case of unspecified judgment (in other words: no ban for special club or city entrance) the judgment is valid even abroad. The stadium bans are imposed by the Court. The Czech Police Prezidium, Unit of Fight Against Hooliganism (Czech National football Information Point) estimates about 80 stadium bans till 9/2003 and list of ca. 700 risk supporters. The Czech Criminal Code contains provisions enabling the court to impose to the offender and relevant duties to perform good behaviour (including order to offender to refrain from visiting football matches).

In **England and Wales** the Football Spectators Act allows courts to impose what were then called restriction orders on those convicted of football-related offences to prevent them from attending matches abroad involving teams from England or Wales. The Act has been extensively amended, but in its amended form still provides the legislative authority for football banning orders. The Football (Offences and Disorder) Act 1999: breach of a domestic football banning order became an arrestable offence. The Football (Disorder) Act 2000: The first key change is that the distinction between domestic and international football banning orders is abolished. When a court imposes a football banning order, it will have the effect of the previous domestic and international banning orders. Under the legislation, any person convicted of a football related offence must receive from the Courts a football banning order. This order prevents the offender from attending any football match at home or abroad for a period of three years. Failure to observe this ban is itself a criminal offence. The Government has established the Football Banning Orders Authority to maintain a register of all banned persons (at the end of January 2004 there were 2,000 persons on the register) and to liaise with police forces to ensure that banned persons are required to report to a police station whenever the England team plays matches abroad. The Government has also established a Football Unit within the National Criminal Intelligence Service to specialise in the monitoring of football related disorder and the collation of intelligence to help prevent it.

In **France**, Art. 42-11 (Amended by the Law 2003-239 2003-03-18 Art. 79 JORF 19 March 2003). Individuals guilty of one of the offences defined in Articles 42-4, 42-5, 42-7, 42-7-1, 42-8, 42-9 and 42-10 also incur a supplementary penalty of a ban, for a maximum of five years, for entering or being in the area around an establishment where a sports event is being held. This additional penalty is also applicable to individuals who are guilty of one of the offences set out in Articles 222-11 to 222-13, 322-1 to 322-4, 322-6, 322-11 and 433-6 of the penal code if this offence was committed within an establishment where a sports event is taking place or in an area outside it, but directly connected to the sports event. When the person is sentenced for re-offending with one of the offences set out in the previous paragraphs, this additional penalty shall be imposed. A fine of 30,000 Euros, plus two years imprisonment, shall be applied to any individual who has entered or been present in the area around the establishment where a sports event is taking place and has infringed the ban described in the previous paragraphs. In **Hungary**, besides prohibition issued by the organisers of the sport event, law enforcement authorities can also

take action because based on Article 95 of the Stv., Act LXIX of 1999 on contravention was supplemented by a new measure to be applied for contravention: exclusion. The Act on contravention was supplemented simultaneously by the legal fact of misconduct. In case misconduct is established, the law enforcement authorities can apply prohibition and exclusion. The Act on contravention was supplemented simultaneously by the legal fact of misconduct. In case misconduct is established, the law enforcement authorities can apply prohibition and exclusion. Act CXXV of 2000 on the amendment of the Penal Code introduced misconduct as a new legal fact. The perpetrator of this criminal act is the person who is present at a public event and resists, by violence or threats, the measures taken by the organisers of the event to maintain order.

In Italy people who - over the last five years - are reported or convicted - even if by a non-final judgement - of one of the offences mentioned under section 4, first and second paragraph, of Act no. 110 of April 18, 1975, section 5 of Act no. 152 of May 22, 1975, section 2, paragraph 2 of Law-Decree no. 122 of April 26, 1993 - as amended by Act no. 205 of June 25, 1993 - and section 6-bis, paragraphs 1 and 2 of this Act or people who are reported or convicted of participate in incidents of violence against people or property on the occasion - or because of sports events or who - under the a.m. circumstances - shall be incited, induced to or praised violent actions may be debarred by the *Questore* from having access to the venues where specific sports events take place, as well as to the specific venues through which those who participate in or attend said events transit or are transported or where they stop. The provision under paragraph 2 shall take effect starting from the first sports event following notification of the measure to the person concerned and shall be immediately communicated to the Public Prosecutor at the Court or to the Public Prosecutor at the juvenile Court - if the person concerned is a minor -, both competent for the place where the Police Headquarters is located. If the Public Prosecutor holds that the requirements under paragraph 1 exist, within 48 hours from the notification of the measure he shall ask the judge carrying out the preliminary investigations to confirm said measure. The measures ordered shall be no longer in force if - with a motivated order - the prosecutor does not request confirmation of the measure within the a.m. period and if the judge does not order confirmation in the following 48 hours. In the sentence the judge may prohibit the access to the venues under par. 1 and oblige the person to report to a police office or headquarters during specific sports events for a period from two months to two years. The above mentioned ban and obligation shall not be excluded in cases of suspended sentence and of plea bargaining.

In Poland does the Polish penal legislation contain the possibility to apply stadium prohibition (if so, does this flow from civil law or from criminal law)? According to art. 72 § 1 (7) of the Code of Criminal Procedure, in case of passing a suspended sentence, the court may impose a prohibition to enter any place (including stadiums) on the defendant. Moreover, according to art. 72 § 1 (8) - the court may oblige the defendant to any kind of behaviour (including more detailed prohibitions concerning also football hooligans). The prohibition is permissible for up to 5 years. So, basically the possibility flows from criminal law. The law introduces a very important provision to Poland whereby the courts may ban a person from attending a sports event from 1 to 3 years. In suspending the execution of a penalty, the court may obligate the sentenced person: to refrain from frequenting specified community circles or places (Penal Code art. 72, § 1, 7), to engage in other appropriate conduct in the probation period, if it may prevent the commission of a further offence (Penal Code art. 72, § 1, 8). Police commanders are allowed to order a person who has been banned from a sports event to remain in custody at a police station while the event is in progress.

In Portugal those persons convicted of the practice of the offences described by Articles 21 and 26 shall be subject to a prohibition to prevent their access to sports venues of the type at which the offences occurred, for a period of one to five years, if a more serious penalty is not in force by means of another legal provision. The application of the additional penalty described in the paragraph above may include the obligation for the convicted person to appear before a judicial authority or criminal police unit at pre-established days and times, taking into account the person's professional obligations and place of residence. Any time during which a person was deprived of his/her liberty by means of a procedural injunction, penalty or detention order shall not be included in the term of the prohibition. (Article 28).

In Spain art. 69 of the Law on Sport states that admission to sporting events can be prohibited to any person who has been the subject of a legal penalty for an offence committed during a sporting event.

In Sweden the Ministry of Justice is considering legislation aimed directly at preventing violence, damages and other criminality during sporting events, including football games. A specific question in this context concerns the possibilities to ban persons from sporting events and make it a criminal offence to infringe such bans.

5.8.4.1. International stadium ban based on criminal law

In the Czech Republic the stadium bans are always part of court judgment and is up to the court for which kind of 'limitation' somebody will be sentenced. Usual judgment is to prohibit somebody to visit any sport events, or sport

matches of some club. In case of unspecified judgment (in other words: no ban for special club or city entrance) the judgment is valid even abroad.

In **England and Wales** the Football Spectators Act 1989 allowed courts to impose what were then called restriction orders on those convicted of football-related offences to prevent them from attending matches abroad involving teams from England or Wales. The Act has been extensively amended, but in its amended form still provides the legislative authority for football banning orders. The Football (Disorder) Act 2000: the distinction between domestic and international football banning orders is abolished. When a court imposes a football banning order, it will have the effect of the previous domestic and international banning orders. Part II of the Football Spectators Act came into force on 24 April 1990 and introduced the restriction order process. This provided the courts with the power to impose a restriction order on certain convicted football hooligans to prevent them from travelling to key football matches outside England and Wales. Far-reaching changes to the law regarding Football Banning Orders (as they are now called) were made by the Football (Disorder) Act 2000. These are summarised in Chapter 1 above. The 2000 Act introduced, in addition to the existing procedures for imposing banning orders on conviction for a football-related offence, a new procedure allowing for their imposition following a civil complaint. This chapter deals with banning orders imposed following conviction, and the next with the new civil procedure. A Banning Order may be made where a person is convicted of a football-related offence specified in Schedule 1 of the 1989 Act, as amended (see pages 13 to 15 of this Circular) or a corresponding offence in a country outside England and Wales specified in an Order in Council in relation to that country. Before making a Banning Order under this procedure, the court must be satisfied that the person has been convicted of a football-related offence; that the conviction is in connection with a regulated football match; that for offences committed away from the ground itself, a declaration of relevance was issued; and that the making of such an order would help prevent violence or disorder at or in connection with regulated football matches (see paragraph 4.6 below) An order may only be made in addition to: (i) a sentence imposed in respect of the offence of which the accused is or was convicted; or (ii) an order discharging the accused conditionally. The Football Spectators Act 1989, section 14A as inserted by the Football (Disorder) Act 2000. The court may make a banning order in relation to a person convicted of an offence outside England and Wales corresponding to a football-related offence as specified in Schedule 1 to the Football Spectators Act 1989. Such corresponding offences will be specified by Orders in Council. When notification has been received that such an offence has been committed abroad by a person residing in England and Wales, the Football Banning Orders Authority will place the information before the chief officer of police in whose force area the person resides. It will then be a matter for the chief officer to consider laying that information before local magistrates. The magistrates should then consider the issue of a summons to bring the person before the court so that the court may consider the issue of a football banning order.

5.8.4.2. Term of reporting of stadium ban based on criminal law

In **England and Wales** the Football (Offences and Disorder) Act 1999: To widen the period within which offences had to be committed if they were to trigger banning orders: for domestic games, the relevant period became 24 hours either side of a domestic match; and for corresponding offences committed overseas, the Act provided that the relevant period could be longer.

5.8.4.3. Scope of stadium ban based on criminal law

In **England and Wales** the courts have the ability to make a banning order in respect of offences committed overseas. The purpose of this section is to provide greater detail on bilateral agreements with other countries and set out the process by which convictions for those offences may come to be considered by a court in England and Wales with a view to the making of a football banning order. The Football Spectators Act enables magistrates in England and Wales to make orders against those convicted of corresponding offences in other countries which have been designated for this purpose by an Order in Council. Such Orders have now been made in respect of Scotland, Republic of Ireland, Italy, Norway, Sweden, France, Belgium and the Netherlands.

5.8.4.4. Duration of stadium ban based on criminal law

In **Belgium** the criminal banning order can be imposed for a period of three months to five years. In case of a conviction for a crime, committed in a stadium, the juge can impose a banning order for a period of three months to ten years. The criminal banning order can implicate a duty to report, the manner of which will be dictated by the judge.

In **England and Wales** the Football (Offences and Disorder) Act 1999: the periods for which banning orders could be made were extended. According to the Football Spectators Act 1989, section 14(F) a banning order must meet the following conditions as to duration: in the case where a custodial sentence taking immediate effect was imposed for the original offence: a minimum period of six years and no more than ten years; in all other cases following conviction: a minimum period of three years and no more than five years

In **Italy** the prohibition shall not last more than three years and they shall be revoked or amended if also by means of the measures applied by the judicial authorities - the conditions justifying their issuing have ceased or changed.

5.8.4.5. Interim lifting of stadium ban based on criminal law

In **England and Wales**, after the football banning order has been in force for a period of at least two-thirds of the period given by the court, you may apply to your local magistrates' court to terminate the order. If the application fails you may ask to pay all or any part of the costs of the application. The court will take into account your conduct during the year and any other relevant factors before making a decision on your case.

5.8.4.6. Appeal against stadium ban based on criminal law

In **Italy** the notification under paragraph 2 shall state that the person concerned can submit - personally or through his /her counsel - briefs or deductions to the judge who is competent to confirm the measure. Appeal to the Court of Cassation shall be admitted against the confirmation order. The appeal shall not interrupt enforcement of the order.

5.8.4.7. Defying a ban

In the **Czech Republic**, if the individual concerned fails to respect a stadium ban or exit ban that has been imposed to him/her, he/she will be punished for committing crime offence according to § 17 1/1 (max is 6 months imprisonment) of the Czech penal Code.

In **France** the law of 24 January 2003 M. Sarkozy relates to interior safety. The aim of this law is to dissuade hooligans from committing reprehensible acts inside and outside the stadiums. This law details the new criminal penalties for hooligans: a 30000 Euros fine or two years jail in case the hooligans infringed a stadium ban after having already been convicted once for hooliganism acts. Those penalties may seem quite severe but here the purpose is to struggle against relapse (repetition of an offence). The purpose of these severe penalties is to dissuade hooligans.

In **Hungary** disrupting the order at sport events and breaching rules of exclusion from sport events have been introduced as new legal fact of contravention was introduced by the Government Decree 117/2003 (VII.30.) amending the Government Decree 218/1999 (XII.28.) on contraventions.

5.8.4.8. Duty to report

In **Belgium** in relation to the judicial stadium prohibition there might be imposed a duty to report in a manner the judge will dictate.

In **France**, the person who is sentenced to this ban may be forced by the court during the sports events to answer to a summons from any nominated authority or qualified individual. A fine of 30,000 Euros plus two years imprisonment shall be applied to any individual who, without legitimate reason, evades the obligations that have been imposed on him.

In **England and Wales** the Crime and Disorder Act 1991. Section 84 amended section 16(5) of the Football Spectators Act 1989 and Section 24(2) of the Police and Criminal Evidence Act 1984. The amendment provides that: maximum penalty for failure to comply with a reporting requirement is increased to six months imprisonment and/or a level 5 fine; failure to comply with a reporting requirement becomes an arrestable offence. When reporting or submitting a passport, the person was required to attend a named police station at a specific time and date. The Football (Offences and Disorder) Act 1999. The Football (Disorder) Act 2000: during a control period when international bans are activated, a police officer has reasonable grounds for suspecting that a person before him or her has caused or contributed to any violence or disorder in the United Kingdom or elsewhere, and for believing that imposing a banning order on that person would help to prevent violence or disorder at or in connection with any regulated football matches. In these circumstances, the officer may, with the authorisation of an inspector, give the person a notice in writing requiring him or her to appear before a magistrates' court within

24 hours and in the meantime not to leave England and Wales. The magistrates' court will then treat the notice as an application for a banning order under the new civil procedure. The Act also gives the police the power to detain a person for up to four hours (or six if authorised by an inspector) while deciding whether to issue a notice. On making a football banning order, the court will specify in the order the police station to which the recipient must report initially. In most cases, this will be the police station to which the person must report on subsequent occasions to comply with conditions attached to and/or reporting requirements of the order. It is important that chief officers notify the enforcing authority of the police stations in their area able to carry out the functions of: (i) initial reporting; (ii) passport submission and retention; (iii) reporting requirements.

In **Italy** people to whom the stadium prohibition is notified shall be ordered by the *Questore* - who takes account of their job - to appear personally, once or more times a day according to a time schedule, before the police authority in the police station or headquarters of his/her place of residence or of a specific place, on the day in which the sports events to which access is prohibited take place. In the sentence the judge may prohibit the access to the venues and oblige the person to report to a police office or headquarters during specific sports events for a period from two months to two years. The above mentioned ban and obligation shall not be excluded in cases of suspended sentence and of plea bargaining. In certain cases the *Questore* may authorize the person concerned - because of serious and proven needs - to notify in writing the police office or headquarters of his/her private residence or of any other place where he/she is available during specific sports events.

In **The Netherlands**, when a duty to report is imposed, the person in question must report himself personally at a police station at certain times. The possibilities of a system of voice recognition are being explored so that in the future a person can report himself by telephone.

5.8.5. Stadium ban based on administrative law

In **Belgium** an administrative fine and/or a administrative stadium prohibition for a period of three months to five years can be imposed on a person in case of spectator violence. (Wet betreffende de veiligheid bij voetbalwedstrijden art. 24.). This type of stadium prohibition can be imposed by the competent functionary of the federal police (Algemene Rijkspolitie) on basis of the original official report of a constable. The prohibition will be in force for all stadiums in Belgium for national as well as international matches.

In **Cyprus** the District Officers, or in their absence, police officers with the rank of inspector and above, are empowered to use bans on access to matches or sporting events with respect to spectators under certain circumstances. Section 19 of the Act, provides that the District Officer, or in his/her absence, a police officer with the rank of inspector and above, may make a proclamation or ensure that such a proclamation is made, in the name of the Republic and in the manner he deems necessary, under which the access to a match is banned as regards known or potential trouble-makers or persons under the influence of alcohol or narcotic substances or persons which have been previously convicted for similar offences.

In the **Czech Republic** the decision to impose to prohibition of visiting to the specific match, specific sporting facility or visiting sport events in general can be made by local or municipal authorities in accordance with the Act No. 200/1990 Coll., Misdemeanour Act.

In **Estonia**, in order to prevent and combat spectator violence, special provisions have been added to the new Sports Act which enable implementation of preventive measures to avoid such violence. As an example, § 31 of the draft Act provides that in order to ensure public order and safety of sports events, police authorities have the right to impose, at the request of a sports federation, a sports club or on the initiative of the police, a temporary restriction may be imposed on a person entered in the punishment register for an offence against the public order or a criminal offence against a person which took place at a competition field or in the immediate vicinity thereof prohibiting the person from staying at a competition field related to a specific sport or being present at specific sports events. Violation such prohibition is punishable by a fine or detention.

In **Italy**, in respect of people reported to the police for or convicted of the offences envisaged by S. 4, Subsections 1 and 2, of Act no. 110 of 18 April 1975, or for having actively participated in violent behaviours during or because of sporting competitions, or who, under the same circumstances, stirred up, extolled or induced to violence, the *Questore* may prohibit them from entering premises where specifically indicated sporting competitions are due to take place, as well as specifically indicated premises or places relating to stops, transit or transport of people participating in or attending the same sporting competitions. (Act no. 401 of 13 December 1989, Section 6 (as amended by Act no. 45 of 24 February 1995)).

In **Latvia**, however, there has been elaborated draft law on security in public entertainment and sports events which will introduce liability for organizers of such events to arrange control in order to ensure that no persons prohibited (prohibition based on national and/ or international legislative acts) from attending sports events

(including football matches) would attend sports events. Additionally, there are planned amendments to the Code on Administrative Offences introducing new administrative sanction - prohibition from attending sports events.

5.8.5.1. Duty to report

In **Italy** the *Questore* may require the persons subject to the prohibition to report at the police office or command for the area in which the person resides or at another specifically indicated, at a time within the period when the sporting competitions are taking place. (Act no. 401 of 13 December 1989, Section 6 (as amended by Act no. 45 of 24 February 1995)). The additional requirement shall not have effect for a period longer than one year and they shall be terminated or varied when the conditions that justified them change, or when a closing order is issued or rehabilitation is granted.

5.8.6. Conviction to work for the benefit of the community

In **France**, if a hooligan gets arrested for the first time and if his behaviour was not too serious, the penalty can be adapted and he may be convicted to hard labour (Travaux d'intérêt généraux).

In **Italy** for one or more crimes as under article 3 of Law No. 654 of 13 October 1975 or for one of the crimes envisaged by Law No. 962 of 9 October 1967, the Court can issue the following additional punishment: obligation to work for free in favour of society for social purposes or public welfare. A non-paid activity in favour of the community, to be carried out after the sentence has been served, for a maximum period of 12 weeks, shall be decided by the judge according to conditions which shall not prejudice the convict's need to have a job, to study and be socially rehabilitated. The non-paid activity to be performed in favour of the community may include the following: clearing and restoring damaged buildings, spoiled with writings, emblems or symbols typical of the organisations, associations, movements or groups as under paragraph 3 of Law No. 654 of 13 October 1975; the convict can work also for social welfare and voluntary service organisations as well as for those organisations which operate for the handicapped, drug-addicts, old people or nationals from Third countries; the service can be performed also for the civil defence, for the protection of cultural heritage and the environment and for other public purposes. The activity can be carried out within the framework and in favour of public institutions or private bodies or organisations.

In **The Netherlands**, besides a stadium prohibition, a judge can pronounce as a judgment the imposition of a service for the benefit of the community ("taakstraf"). That sanction is an autonomous one and can be imposed for every criminal offence which is threatened with imprisonment. The judge determines the duration of the sanction. He is not obliged to determine the kind of activities; he might give indications concerning the contents of the task. In **Portugal**, if a person is subject to a sentence of imprisonment not exceeding one year, the court shall substitute this by the provision of work to benefit the community, unless there is opposition to this or if it is concluded that this would not adequately and sufficiently serve the purposes of the punishment under the terms of the Criminal Code and Code of Criminal Procedure.

5.8.7. Other repressive criminal and administrative law measures

In the **Czech Republic** the Criminal Code contains provisions enabling the court to impose to the offender and relevant duties to perform good behaviour (including order to offender to refrain from visiting football matches). Under the section 26 of Czech Criminal Code, the court may impose on an offender, whose punishment (sentencing) is conditionally waived, appropriate restrictions and appropriate duties aimed at introducing order into his life. The court may in particular order to offender to desist from visiting unsuitable milieus and from contacts with particular persons (individuals). The decision in individual case is up to court, it is possible to impose to offender prohibition of visiting to the specific match, specific sporting facility or visiting sport events in general. A very similar restrictions can a court use in case of imposing the penalty of community work (publicly beneficial work) or prohibition of stay and in case of sentence suspension (with or without supervision), probation or parole. In **Cyprus** a police officer may proceed to an arrest without a judicial warrant of any person whom he/she has reasonable grounds for suspecting to be committing a criminal offence sanctioned with imprisonment in the Police Officer's presence. Criteria under which any person may proceed to an arrest without a judicial warrant of any person whom he/she has reasonable grounds for suspecting to be in the act of committing a criminal offence sanctioned with imprisonment for a period exceeding two years, in his/her presence (Section 15 of the Criminal Procedure Law (Cap. 155)). Being found drunk or under the influence of narcotic substances and conducting disorderly, explicitly empowers the police to arrest the offender without a judicial warrant (Section 5) In the **Czech Republic** the provisions on criminal offence of hooliganism stipulates: "A person who, in a public or

publicly-accessible place, behaves improperly or makes a disturbance, particularly by attacking another person, dishonouring a historical or cultural monument, grave or another place of reverence or disrupting an assembly of citizens or ceremony in a gross manner, shall be punished by a term of imprisonment of up to two years or by a fine. An offender shall be sentenced to a term of imprisonment of up to three years if he commits an act defined above as a member of an organized group." Concerning minor offences relating to the subject discussed the Czech legal order regulates transgressions (administrative offences) by an Act on Transgressions. It contains provisions such as transgressions (trespass) to public order or trespass to civil coexistence or trespass to property. The offenders of such transgressions shall be fined.

In **Finland**, when it comes to sentencing, committing crimes in connection to football hooliganism could in certain cases be seen as an aggravating factor. There is, however, no case-law of such questions as football hooliganism is currently not a major problem. The general principle (chapter 6 section 4) is that the sentence shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act and the other culpability of the offender manifest in the offence. The grounds for increasing the punishment can be found in chapter 6 section 5.

In **Italy** for one or more crimes as under article 3 of Law No. 654 of 13 October 1875 or for one of the crimes envisaged by Law No. 962 of 9 October 1967, the Court can issue the following additional punishments: obligation to return home or to any other private dwelling by a given time and not to leave before another pre-fixed time, for a period not exceeding one year; or prohibition to take part to any kind of electioneering for the political or administrative elections held after the conviction and, however, for a period not below three years.

In **Latvia** sanctions for persons committing administrative offences that endanger public order and security range from a fine to administrative detention up to 15 days. Whereas persons committing criminal offences against general safety and public order (including civil disorder, violation of organizational and procedural requirements for public events, hooliganism) can be held criminal liable in accordance with the Criminal Law provisions of Chapter 20. Sanctions for committing crimes above can range from a fine (maximum not exceeding 50 times the minimum monthly wage) to imprisonment (maximum for a term not exceeding 15 years).

Poland respects the legal procedures and principles of impartial refereeing. Spectators who commit violent or criminal acts are brought to face harsh responsibility. An example of this is the case of a spectator at the 'Wisla Krakow' stadium, who injured the Italian footballer Dino Baggio from Parma during a match. He was sentenced to six and one half years imprisonment. Summing up the trial, the presiding judge said: 'Sports contests and other sports events are a place of recreation, not violence. Let this sentence be a warning to anyone who fails to understand this. There will be no mercy for them.'

In **Portugal** any person, travelling in a group to or from a sporting event, who partially or totally destroys, damages, disfigures or makes unusable any public transport or an installation or equipment used by the public or in the collective interest or other related property, shall be punished by imprisonment of between one and five years or a fine of up to 600 days. Any person, travelling to or from a sporting event, intervening or taking part in a brawl between two or more persons which results in: a) The death or physical assault of persons involved; b) The risk of physical assault or danger to third parties; or c) The alarm or disturbance of the public; shall be punished by imprisonment of between six months and three years or a fine.

Chapter 16 of the **Swedish** Penal Code, Section 3: A member of a crowd that disturbs the public order who neglects to obey a command aimed at maintaining order, or intrudes into an area that, for such purpose, is enclosed or has been fenced off, shall, if no riot occurs, be sentenced for disobeying police orders to a fine or imprisonment for at most six months. Chapter 16 of the Swedish Penal Code, Section 5: A person who orally, before a crowd or congregation of people, or in a publication distributed or issued for distribution, or in other message to the public, urges or otherwise attempts to entice people to commit a criminal act, evade a civic duty or disobey public authority, shall be sentenced for inciting rebellion to a fine or imprisonment for at most six months. A sentence for inciting rebellion shall also be imposed upon any person who orally before a gathering of members of the armed forces or by other communication with members of the armed forces urges or otherwise attempts to entice them to an act or omission in dereliction of their service duty. Punishment shall not be imposed in petty cases. In assessing whether the crime is petty, special consideration shall be given to whether there was only an insignificant risk that the enticement or attempted enticement would in fact have effect. If the crime, in view of the fact that the offender attempted to instigate the commission of a serious crime or in view of other circumstances, must be regarded as gross, imprisonment for at most four years shall be imposed. Chapter 16 of the Swedish Penal Code, Section 8: A person who, in a disseminated statement or communication, threatens or expresses contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin or religious belief shall, be sentenced for agitation against a national or ethnic group to imprisonment for at most two years or, if the crime is petty, to a fine. If the crime is gross imprisonment for at least six months

and at most four years shall be imposed.

5.9. POLICING

5.9.1. Deployment of police during football matches

In **Poland**, in areas where there are sports clubs, police officers are appointed to co-operate with the clubs. They usually comprise a team of crime investigation and crime prevention officers. Such a team deals with the problem of identifying a group of supporters and preparing safety measures, and also deals with court cases.

In **the Netherlands** the actual employment of the police force takes place on the basis of a estimation by the burgomaster of the real security risks at the scene. A constant estimation will be made whether the planned employment of (extra) constables, for instance in the form of troops of the mobile brigades, is not a too severe means compared with the estimated risks.

In **Slovenia** restoring public order is fundamental task of the police force. In Slovenian police force there is no specialized unit that executes police tasks necessary in cases of breaches of public order. For more serious breaches of public order, special units (specially trained and equipped) are then used, consisting of members of regular police force.

In **Belgium** concerning the maintenance of the public peace the employment of the police force must be quantitatively and qualitatively take place in an efficient manner under the supervision of the burgomaster. Quantitatively the employment of the police force must be - according to plan - modulated and graduated. Qualitatively the employment must be directly connected with the security risks at hand.

In **Luxembourg**, the Police are responsible for using force in order to deal with any armed mob. In the event of riots, hostile crowds, serious breaches or threats to public peace or other unforeseen events, where the slightest delay may lead to danger or damages for the inhabitants, the Police may automatically intervene and take all necessary measures in order to preserve the peace and restore order. They must notify the relevant civil authorities in advance or, where this is not possible, as quickly as possible and maintain permanent contact with them during these interventions.

5.9.2. The tasks and powers of the police

Act. No. 283/1991 Coll., on the Police of the **Czech Republic** (hereinafter Act on Police) lay down responsibilities of the Police: protection of security of people and property; co-action by arranging public order and if this has been disturbed adoption measures for its renewal; revealing of crimes and identifying the offenders; revealing misbehaviour acts (and in specific cases entertains administrative proceedings). Municipal police forces are entitled to keep public order and security at sport events. Under the Act. No. 128/2000 Col., (Local Administration Act) municipal and local authorities are entitled to ask for police co-operation in cases of public security concern. Police of the Czech Republic authorities are obliged to provide appropriate co-operation and help to secure public order and security. In accordance with the Act on Police local and municipal authorities and police share mutually relevant information related to public order and security matters. Municipal authorities can constitute municipal police forces (under the Act. No. 553/1991 Col., on Municipal Police). Municipal police forces are entitled to keep public order and security at sport events.

In **Estonia** the police has participated in securing the public order at every league A and home games of master league clubs participating in the UEFA Cup Series, and in addition, at some of the U-21 and U-19 tournaments. For guaranteeing safety at international football matches, the police have co-operated with the Security Police Board, the Border Guard Administration, the Rescue Board, foreign representations of Estonia and national football information points.

In **Finland** police authorities are responsible for general safety issues in Finland. The Police authorities are coordinating public order and safety issues in sports events and advise the stewards chosen for the task. The police authorities are responsible for the fact that the organiser of the sports event obeys the law and they take measures to maintain public order and safety in the sports event if necessary. When carrying out official duties, police officers have the right to use necessary forms of force that can be considered justifiable to overcome opposition, remove a person from the scene, carry out an apprehension, prevent the escape of a person who has lost his or her liberty, eliminate an obstacle or avert immediate threat of a crime or other dangerous act or event. When judging the justifiability of forcible means, the importance and urgency of the duty, the danger posed by the opposition, the available resources and other factors affecting the overall assessment of the situation shall be taken into consideration. Persons temporarily assisting police officers at their request or with their consent in a situation in which it is vital to enlist the forcible aid of bystanders in carrying out an extremely important and

urgent official police duty have the right, under a police officer's guidance, to exercise any essential forcible means authorized by a police officer acting within his or her powers. (The Police Act, Section 27).

The chairperson or the arranger of a public meeting shall interrupt the meeting or order it to disperse, if continuing the meeting would cause immediate danger to the safety of the people, property or the environment. If other measures have not proven adequate, a senior police officer has the right to interrupt a public meeting or order it to disperse in situations referred to in paragraph (1) and in situations where the public meeting otherwise is being essentially unlawfully arranged. (Assembly Act, Section 21).

In **Germany** the permissibility of police intervention is ultimately determined by the *intervention threshold*, which is to be determined in each individual case on the basis of proportionality and the risks to be expected (as a result of disturbances or rioting). The intervention threshold marks the limit of tolerable behaviour in relation to the seriousness of the expected breach of the peace, and so the police set this threshold particularly low where they expect to encounter fans who are prepared to use violence.

In **Italy** the *Prefect*, when exercising his/her co-ordination duties with political guidance functions, chairs the Public Order and Security Provincial Committee. The latter is an advisory body consisting of the police force senior officers at provincial level (first of all the *Questore* - Head of the State Police provincial body - and the provincial Commanders of the Carabinieri Corps - a military police body - as well as of the Guardia di Finanza - a military police body with special functions for the prevention and suppression of tax offences) - and representatives of administrations, bodies and structures, also private ones (such as, for example, football clubs), that may be involved in the event management. The *Questore*, responsible for co-ordination at operational level, performs his/her duties by issuing an ad hoc "order" as to public order and security which contains specific instructions for police forces and identifies their duties and responsibilities. As already said, the *Questore*, head of the State Police territorial structure, is hierarchically in charge of the State Police officers and functionally of the other police force members, mainly the Carabinieri Corps and the Guardia di Finanza, that contribute to the carrying out of public order services (the Guardia di Finanza only in a marginal way). Moreover, as regards the specific problems concerning sport, within the Public Security Department the *National Monitoring Centre on Sporting Events* was set up. It is headed by the Director of the Public Order Office, with the participation of the football Leagues of the various national divisions (1st, 2nd, 3rd 1, 3rd 2), of the football League supervisory bodies (Investigative Office), of the representatives of the Railway and Motorway Administrations as well as of the heads of the offices of the Public Security Department.

In **Luxembourg** the Police are present at major public gatherings and, where necessary, will take any measures they deem appropriate to maintain the peace.

In **The Netherlands** the task of the police is twofold: the public order task, and the task to maintain the legal order from a criminal law perspective. The actions of the police are aimed at the aversion and curbing of disorders. The necessary actions of the police are characterised by a careful weighing of the amount of infringement of the public and legal order and the consequences of the way of acting of the police against the infringement. During infringements as many apprehensions as possible must be carried out. When carrying out apprehensions the seriousness of the intrusion must be weighed against its consequences for the on-going maintenance of the public order. The starting point of the police's policy must be the avoidance of confrontations of groups of supporters, the avoidance of infringements and the avoidance of criminal acts (in particular committed by notorious hooligans). Besides that, the activities of the police must also be aimed at gathering information about perpetrators.

In **Poland**, within sports organisations and clubs, Poland has set up services to counteract violence in stadiums and sports halls. This work is performed by the Police outside the sports premises and along access routes. Regulations have been introduced to sports premises, establishing fines and administrative measures against perpetrators. Practice shows that the administrative authorities frequently grant permission merely on the basis of the organiser's opinion, without consulting the Police. This practice by organisers strengthens the organisers in their conviction that Police opinions are an obstacle to the organisation of an event, and that it does not matter if no Police opinion is obtained. In the Police Act of 1990, the issue is referred to in art. art. 15. In accordance with paragraph 1 (2) of the provision, the Police are empowered to stop perpetrators in cases and conditions envisaged by the Code of Criminal Procedure. Moreover, the Police may stop persons who are considered the imminent threat to life or health of the people or the property. (art. 15 para. 1(3)). The ones stopped by the Police are obliged to take part in the identification parades, they can also be photographed or their fingerprints taken (art. 15 para. 4). The stoppage is permitted for no more than 48 hours.

In **Portugal** the police authorities are also granted new powers under the law. In addition to testing for alcohol, officers can run checks on individuals who show signs of being under the influence of drugs, with powers to deny access to or remove from the stadium any person who tests positive or refuses to be tested. The police can now

search spectators, whenever necessary, to prevent them from bringing into the stadium banned objects or any other objects which might be used in acts of violence, a procedures which had already been implemented by security forces at major football fixtures.

In **Slovenia** restoring public order is fundamental task of the police force. In the Slovenian police force there is no specialized unit that executes police tasks necessary in cases of breaches of public order. For more serious breaches of public order, special units (specially trained and equipped) are then used, consisting of members of regular police force. Activities of the police are also based on decisions and resolutions of the Council of Europe, where certain recommendations are mentioned. The most important ones are from 1999: Textbook on international police cooperation and measures for preventing and combating violence and disorder in correlation with international football matches (1999/C 196/01). In cases of serious breaches of public order special units comprised of policemen from regional and local police units can be used. These units are equipped with protected uniforms, sticks, tear gas, etc. The approach relating to this is similar to the Dutch approach. Before the event, police consults with local administrative organs (administrative unit competent to issue approval for organizing of sporting event) and organizers. On those consultations conditions for event are set. On the basis of consultations police prepares a plan of distributing its workers and equipment. Consultations are made with the organizers, heads of the clubs, representatives of the fan groups and others responsible for certain event. These kind of consultations are regular form before each football match. In concrete safeguarding, police horse units can be used, special vehicles, helicopters and trained dogs. In Slovenia all conditions are fulfilled for professional interference of police forces in cases of great breaches of public order. In connection to that regular trainings of police forces are being carried out. Establishing and maintaining of public order in cases of great breaches is a special part of police training in Slovenia. This aspect of police work is separately discussed in training sessions. The use of force in cases of great breaches of public order has to be limited. The use of force corresponds to the level of intensity of the breach and should be in accordance with principle of legality and proportionality. To achieve a higher level of informing the public about duties of organizer, the rights of participants and measures taken by the police on the football match, a guidelines on which actions to take before, in between and after the match, have been posted on the webpage www.policija.si.

In **Spain** the various police forces are also required to exchange information about visiting supporters (number of persons travelling, persons considered violent and dangerous, means of transport used, timetables, places of residence etc). a) They will perform the general co-ordination functions envisaged in these Regulations and will be able to appoint General Security Coordinators for certain territories or for specific types of sports, and, depending on the functional nature thereof, coordinators for the venues or specific sporting events, with powers restricted to the scope of the entity or event concerned; b) For the purposes of maintaining bans on holding sporting events and banning orders preventing individuals from entering sporting venues, they will have access to these details in a Central Register kept in the Department of the Interior; c) They will communicate banning orders to the owner of the venue as soon as they are executive, for the purposes envisaged in Article 25 of these Regulations.

In **Sweden**, according to the principle of necessity, a police officer may only use force when necessary. This means that he must believe that other means of carrying out the duty are inadequate and that the use of force will lead to the intended result. In this section, the principle of proportionality is referred to where it is stated that force must only be used where it is justifiable in view of the circumstances. This means that force must not be used at all if the duty in question is not so important as to justify physical constraint or damage to property. In addition, when force is used, it must remain within reasonable limits in view of what can be achieved thereby. Furthermore, in a situation where force may be used, the principles of necessity and proportionality are important in deciding the level and kind of force that is permissible. The following points can be made. Forced administration of e.g. psycho drugs or other drugs to subdue a person is not permitted under the Police Act. Generally speaking, any unnecessary use of force is to be avoided. For example, painful holds or blows must not be resorted to where it would suffice to remove or push aside a person refusing the police entry to premises where a search is to be conducted. Blows aimed at delicate parts of the body should as rule be regarded as forbidden as of course are kicks, seizing someone by the hair or the throat etc. However, the form of force that is justifiable can only be determined on the basis of the particular circumstances of each case.

5.9.2.1. Tracing

In **Italy** in the cases when it is not possible to arrest a person immediately, for reasons of security or public safety, the *flagrante delicto*¹⁰⁴ according to section 382 of the code of criminal procedure shall nevertheless apply to the

104 *Flagrante Delicto* - The act of committing a crime. When a person is arrested *flagrante delicto* - while committing a crime - the only evidence required to convict him is to prove that fact.

person who - on the basis of video or photographic material or other objective elements demonstrating clearly the perpetration of the fact - emerges as its perpetrator, provided that the arrest is made without exceeding the time necessary for his/her identification and - in any case - not later than 36 hours after the fact. When the arrest is made because of one of the offences mentioned under par. 1-bis, the enforcement of coercive measures shall be ordered also beyond the limits to penalty envisaged in sections 274, par. 1 C) and 280 of the code of criminal procedure. Police will now have an extended period of time to analyse pictures from security cameras in and around stadiums before bringing troublemakers into custody. The decree became a force of law back on 20 August 2001, but was amended after just six games as it was considered unconstitutional (Legge 24 aprile 2003, n.88). In the cases of arrest flagrante delicto or of arrest because of a crime committed during or on the occasion of sports events, the measures envisaging the release from prison after confirming the arrest or detention or envisaging a suspended sentence following summary trial may contain provisions on the prohibition to have access to the venues where sports competitions are taking place. In addition to the cases of offences committed with violence against persons or objects on the occasion of or because of sports events - for which the arrest is mandatory or discretionary. According to sections 380 and 381 of the code of criminal procedure, the arrest shall be also permitted in relation to certain crimes.

In other cases when it is not possible to arrest a person immediately, for reasons of security or public safety, the flagrante delicto according to section 382 of the code of criminal procedure shall nevertheless apply to the person who - on the basis of video or photographic material or other objective elements demonstrating clearly the perpetration of the fact - emerges as its perpetrator, provided that the arrest is made without exceeding the time necessary for his/her identification and - in any case - not later than 36 hours after the fact. When the arrest is made because of an offence, the enforcement of coercive measures shall be ordered also beyond the limits to penalty envisaged in sections 274, par. 1 C) and 280 of the code of criminal procedure.¹⁰⁵

In **The Netherlands** the production of evidence with regard to group violence is difficult, because an act of violence or the promotion of such an act always must be proven. Many arrests therefore do not result in summons. In **Portugal** the recording of image and sound shall be obligatory when a sporting event takes place, from the opening of the sports venue until it is closed; the respective recordings shall be kept for 90 days at the end of which time they shall be destroyed if not used under the terms of applicable criminal legislation or proceedings. The organiser of the sports competition may access the images recorded by the video surveillance system exclusively for disciplinary purposes, respecting the law on personal data protection, and, without prejudice to paragraph no. 2, ensuring that the recordings obtained are kept strictly confidentiality.

5.9.2.2. Undercover operations

In **England and Wales** one of the key approaches has been the use of undercover operations. The use of plain clothes officers to infiltrate groups of hooligans has been used in the UK since the 1960s. The English Football Association recommended that plain clothes officers be used in the domestic game as far back as the mid-sixties and requests for the police to infiltrate travelling supporters with plain clothes officers were also made by the Football Association in 1981. The belief of the police (torridly supported by the media) by the 1980s was that football hooligans had transformed themselves from an ill-organised mob into highly-organised forces with a complex network of hierarchies. Officers were given new identities and instructed to live the life of a hooligan and mingle with other hooligans. These tactics resulted in the launch of numerous early morning raids on the homes of suspected football hooligans from around March 1986. There was a familiar pattern in the arrest and charging of suspects in these raids.

5.9.2.3. Paramilitary organisation

105 The reactive approach is the line taken to some extent by the Italian authorities, and the police presence at certain games in their country can be intimidating in the extreme, with water cannon, tear gas and automatic weapons often in evidence. The *Decreto Maroni*, 1994, which followed the fatal stabbing of a Genoa fan, also introduced further restrictions on the movement of football fans and controls on their behaviour in the stadiums: "The chief constable (*questore*) of the province in which the sporting events take place, can forbid people, who have been reported to the police for or convicted of taking part in violent incidents during or because of sporting events, or to people who in the same event have encouraged violence in such with symbols or posters/banners, access to places where sporting events are taking places, and can oblige the same people to report to the police during the days and hours in which the sporting events are taking place. The person who infringes the above regulations will be punished with a minimum jail sentence of three months and a maximum of eighteen months. People who have ignored a caution can be arrested in flagrante."

In Austria "Wachkörper" are formations which are armed or in uniform. They have a political task (Art 78d BVG). They operate as auxiliary forces to the security authorities.

5.9.2.4. Security police

In Austria within the range of the public security services exist the "Bundesgendarmerie", the "Bundessicherheitswachen", the "Kriminalbeamtenkorps", as well as the "Gemeindewachkörper". The maintenance of the security is also in the hands of the "Sicherheitspolizei" (security police), the "Pass und Meldewesen" (the constabulary), the "Fremdenpolizei" (the border police), the "Waffen-, Munitions-, Schieß- und Sprengmittelwesen" (the demolition squads), etc. (§ 2 Abs. 2 Sicherheitspolizeigesetz). The task of the "Sicherheitspolizei" is to maintain the public order and security and in general it has the duty to assist especially in dangerous situations.

5.9.2.5. Mobile brigades

In Austria, from the tactical point of view special units will be kept in reserve, which can be called to arms in case of breakouts of serious riots. The deployment of the reserves serve the safety of the security forces.

In Italy any intervention is always conducted by employing suitably trained Mobile Units teams.

In The Netherlands the minister of the interior can order the police corps managers - according to art. 54 lid 3 van de Police Act 1993 - to render assistance of the mobile units in case the head of a regional government (*Commissaris der Koningin*) indicates that there is too little police capacity in his province. On request of the public prosecutor, the minister can order the police corps managers to render assistance at the preservation of the criminal law.

In Slovenia, in cases of serious breaches of public order special units comprised of policemen from regional and local police units can be used. These units are equipped with protected uniforms, sticks, tear gas, etc. The approach relating to this is similar to the Dutch approach.

5.9.3. On-charging the costs of police deployment

In Belgium the discussion on charging the football organisations for costs for police deployment is ongoing.

In France the "loi Pasqua" rules that all league clubs share the costs of security with the police.

In Luxembourg, the public powers, the sports movement and the owners of sports establishments collaborate in order to maintain order in sporting establishments and to prevent acts of violence, racism and xenophobia aimed at the players or groups of spectators. The organiser of a commercial sporting event may be liable to reimburse fees for security and maintaining order which exceed the usual obligations of the State for such events. The details for the calculation of the fees shall be set according to the regulations of the Grand Duchy. Syvicol is aware of the council's responsibility with regards to the safety of their citizens and individuals on their territory. Sports violence which has consequences that threaten the safety of the spectators and excessive violence outside the sports establishments after the events is of great concern to the council authorities. A guarantee of security meanwhile has a cost, which must be paid for by the community. As regards the contribution of the organiser of the sporting events, Syvicol believes that one must distinguish between competitions and sports shows. With regards to national and international competitions, Syvicol is of the opinion that the security fees incurred must be charged to the community. On the other hand, they encourage the participation of the organisers of the sports shows in any security expenses incurred during the event.

In England and Wales it is Government policy that the costs of special services should be paid in full by those using the service and that no part of these costs should be allowed to add to the general level of police expenditure. Charges should be reviewed and adjusted as necessary on annual basis (Safety of Sports Grounds Act 1975). The aim in principle should be to recover the full costs of: those police officers who are deployed at football matches on the private property of the football club; and where officers are posted outside the ground for part of their tour of duty and inside it for the remainder, the full costs of their time spent inside should also be recovered.

In The Netherlands there is no on-charging of the costs of police deployment. In the last coalition agreement the intention to recover a part of the costs of the police deployment at large scale commercial events has been set down. A bill to that end will be submitted to Parliament.

In Portugal a club subject to a closure order is also required to bear the full cost of policing the match at which the disturbances occurred (Decree-law no. 270/89, of 18 August). The law on the cost of policing spectator sports was amended on several occasions through to 1992. The original rule that liability for these costs lay fully with the organisers of sporting events was eventually replaced by another that the State would be liable for expenses up to

a given threshold, any further spending required being the responsibility of the organisers. With the enactment in 1992 of Decree-law no. 238/92, of 29 October, new regulations on this matter came into force, and the rules and spirit of the law on payment of policing costs were definitively established. The State accepts responsibility for policing the area outside sports venues, and liability for the cost of policing inside the stadia depends on the category of the match.

5.10. SAFETY MANAGERS

In **Spain** the safety coordinator in each club exercises the following duties outside the sport premises: to arrange the service outside the premises and in the surroundings counting with the police forces determined by those in charge of the police organisation; to give instructions to the chief of safety services and all the personnel of the sports club or corporation in the sense of controlling those attendants using the most conflictive accesses; to control at all times the selling-tickets system so that the tickets sold do not exceed the premises' capacity; to supervise the strict fulfilment of the obligations corresponding to the organisers pursuant to arts. 24 and 25 of the Royal Decree 769/1993; to arrange together with those in charge of the police services the most adequate support for the effectiveness of the measures adopted by the organisers; and to suggest measures for the ordered entry of the supporters inside the premises.

5.11. STEWARDS

In **Belgium** new measures give police and stewards permission to intervene to prevent trouble within a five-kilometre radius of the stadium. The stewards have the power to invite supporters to submit themselves to a superficial frisk in order to detect not allowed objects. If the person, who refuses on request of the steward to hand down the object, the steward has the power to deny the supporter in question to enter the stadium. In **Poland** the stewards take particular care to remove known or potential perpetrators of violence who are under the influence of alcohol from sports premises or refuse them entry.

6. ENTRY OF THE STADIUM

6.1. ADMISSION TO THE STADIUM

According to Rule 3.9 of the **Binding instructions of the UEFA** turnstiles and entry or exit doors or gates must be operational and manned by properly trained personnel. Adequate security forces and stewards must be available at all approaches to the stadium, at the turnstiles, and throughout the interior of the stadium, at the discretion of the police commander and/or the stadium security officer. All safety, security and stewarding personnel should be familiar with the layout of the stadium and with its safety, crisis and evacuation procedures.

In **The Netherlands** the professional sports organisation is obliged to take care of an effective entry policy and entry control. This means, that persons which are not wanted by the organisation will be refused admission to the stadium. Bringing banners with, in the eyes of the controlling personnel, discriminating or provocative texts, into the stadium is prohibited.

In **Portugal** the conditions of access of spectators to the sports venue are the following: a) The possession of a valid entry document; b) observance of the provisions of the "regulations concerning security and use of public access areas"; c) not being under the influence of alcohol, narcotics, psychotropic substances or products with a similar effect, accepting the administration of control and screening tests, to be conducted under the supervision of the competent police authorities; d) not transporting or carrying prohibited objects or substances or those liable to cause, or make possible, acts of violence; e) Allowing a personal search for the purposes of prevention and security, with the objective of detecting and preventing the entry of prohibited objects or substances or those liable to cause, or make possible, acts of violence; f) Allowing the recording of image and sound, strictly in accordance with the terms of the law.

In **Spain** reasons for which admission to the stadium will be refused must also be given on the back of the tickets. These reasons must include: bringing in alcohol, bringing in weapons or instruments capable of being used as such, bringing in Bengal lights or fireworks, bringing in or brandishing placards, symbols or emblems conducive to violence, being under the influence of alcohol, drugs, stimulants etc.

6.2. TICKET CHECK

In **Portugal** the control of the sale of entry documents takes place, with recourse to mechanical, electronic or electromechanical resources, in order to ensure the proper flow of entering spectators, preventing the re-use of entry documents and allowing the detection of false entry documents.

6.3. WAYS OF ENTRY, E.G. VIA THE TURNSTILES

The **Binding instructions of the UEFA** provide in Rule 3.8 that a sufficient number of entry gates and turnstiles should be provided in order to avoid congestion and ensure a proper flow of the crowd. Rule 3.7. provides that approaches to the stadium must be adequately signposted, to guide spectators to their appropriate sectors, and all turnstiles, entry and exit gates and doors must be similarly clearly indicated by signs which are universally understood. Where the ticketing system is colour coded, the appropriate colours should be displayed on all signs. In **Austria** the control of the spectators, in principle, must be twofold. In case of a risk match this is an unconditional condition. At the outer ring around the stadium the spectators are to be controlled by the private security personnel. Only supporters with a ticket are allowed to pass this control. At the second control point (Eintrittskartenkontrolle) they are looked after. In case the ticket is found to be in order the supporter may pass the turnstiles.

In **Italy**, in order to optimise public order and security services on the occasion of public demonstrations, including therefore also football matches, the place designated for the event is subdivided into three areas. This allows the carrying out of frequent and increasingly intensive controls until the real screening operations in the area directly interested by the taking place of the sports event. These areas are: the pre-screening area, Restricted area attached to the sports premise (screening) and the High security area (sports premise). The first two areas have the functions which can be described as follows: 1) pre-screening area: the first security controls are carried out along the limits of this area by means of surveillance services and targeted monitoring of the vehicles in order to identify possible troublemakers. In this phase more careful controls can be implemented in case participants have to be escorted directly within the high security area. It is the case when supporters travelling on roads or railways are controlled at the arrival places and directly led to the sector assigned to them in order to carry out a screening without any hindrance by the stadium environmental conditions. 2) Restricted area attached to the sports premise (screening): only the persons participating in the event - in this case tickets' holders - as well as any person entitled, such as residents, traders, etc., can access this area. It is limited by a special crush barrier system having entry points where a pre-screening is carried out.

In **Portugal** the surveillance and checks take place in order to prevent excessive crowding in any zone of the venue and to ensure that access ways are not blocked.

6.4. ENTRY CHECKS

The **Binding instructions of the UEFA** provide in Rule 3.8 that the final screening and search procedures must be carried out by the security services, consisting of both sexes, outside the turnstile entrances.

In the **Czech Republic**, after an incident in 1985, where a train has been wrecked, followed the arrest of some 30 supporters. The authorities issued warning that they would not tolerate in Czech football "the manners of English fans". National division clubs were then obliged to provide separate sections for away fans, and given the right to search spectators at entrances to the grounds. Further measures have included the banning of club flags and scarves and serving a weaker variety of beer at football grounds.¹⁰⁶

In **Finland**, on the basis of the legislation powers of stewards in sport events have been expanded in a way that in addition to the police, stewards have the right to conduct a personal search on a person entering to a sport event also with a help of a metal detector. (The Maintenance of Order Act).

In **Hungary** the security check as defined in the Government Decree makes it the obligation of the designated authorities to comply with regulations related to the establishment of separate cashiers for the visiting fans, to the functioning of the entry control system and to the existence of signs posted at entrances and around the sport facility informing fans of the rules of conduct, which also serves purposes of security (in law.)

In **Italy** by "High security area (sports premise)" is meant the area directly interested by the taking place of the event and where entry is allowed only after showing the ticket and undergoing careful security controls (also by means of a metal detector when some VIPs at risk are present). It should also be said that, for public order purposes, by sports premise all places of the stadium or adjacent to the same attended by the supporters on the day of the match are meant. The envisaged services are therefore both "wide range services" for the monitoring of

the routes leading to the stadium and those conducted at the entrance and inside the stadium. As to the services in the area attached to the sports premise that, as already said, is limited by a crush barrier system and can be accessed only by tickets' holders, the operational module of the employment of big units trained for public order interventions is applied. At the entrance of the stadium, at the borders of the high security area, screening and controlling services are conducted in order to identify persons who are subject to a *Questore's* order prohibiting them from entering the stadium as well as to detect and seize articles intended to be used for causing personal injury or banners inciting racial hatred or anti-semitism.

In **Portugal** the adoption of access control systems is obligatory in order to prevent the introduction of prohibited objects or substances or those liable to cause, or make possible, acts of violence under the terms of this Law.

6.4.1. Entry checks - well closed entry system

6.4.1.1. *Supervision cameras*

The **Hungarian** Sport Act provides for the application of two extra possible instruments for the safe organisation of sport events, which have shown significant results in international experience: surveillance by cameras and personal entry systems. Here it must be mentioned that the new Sport Act (Act I of 2004) will not make the entry control system nor camera surveillance obligatory.

6.4.1.2. *Body-search*

The **Binding instructions of the UEFA** provide in Rule 3.8. that "Spectators will be screened initially by the security forces at the outer perimeter fence if there is one, or at the outer cordon created by the security forces in the case of venues which do not have an outer perimeter fence, to ensure that only ticket-holders approach the turnstiles, and to make the first checks to prevent the introduction of prohibited objects/substances into the stadium. Final screening and search procedures must be carried out by the security services, consisting of both sexes, outside the turnstile entrances to ensure that: 1) spectators enter the correct part of the stadium; 2) spectators do not bring any objects/substances into the stadium that are likely to be used in acts of violence, nor alcohol or fireworks of any kind; 3) access is forbidden to known or potential troublemakers, or persons who are under the influence of alcohol or drugs. Screening and search procedures must be carried out sensibly and effectively to ensure that spectators are not searched more than once and that the searches themselves do not become the cause of undue delay or create unnecessary tension."

In **Belgium**, the legislation determines that stewards can deny a person access to the stadium when that person puts up resistance against a superficial check of clothes and luggage.

In **Italy** access to establishments will take place through barriers equipped with metal detectors, capable of identifying offensive devices and manned by dedicated personnel. Also, access is to be subject to electronic monitoring of personal passes by means of appropriate apparatus.

In **Portugal** the organisers of sports events are required to publicise the law against bringing firearms and explosive or pyrotechnic substances or devices into sports stadia, making express provision for searches in order to detect any such weapons or substances in stadia or being brought into the stadia. (1) Under the terms of the law, the sports venue stewards may, in an area designated for entry checks, conduct personal searches of spectators for prevention and security purposes, including by means of touch, with the objective of preventing the introduction of prohibited objects or substances into the sports venue which are liable to cause, or make possible, acts of violence. (2) The security authorities on duty for the sporting event may, if it is considered necessary, conduct searches of spectators with the objective of preventing the introduction of prohibited objects or substances into the sports venue which are liable to cause, or make possible, acts of violence.

In **Spain** the professional football organisations must arrange for checks to be carried out by security staff (club employees or private security firms) at the entrances in order to prevent breaches of the law. The organisers of sporting events are held liable if the prohibited objects mentioned above are brought into the stadium. They must therefore arrange for checks to be carried out by security staff (club employees or private security firms) at the entrances in order to prevent breaches of the law. Under Article 67 of Law 10/1990, organisers can be penalised if these measures are not complied with.

In **Sweden** there are no special procedural provisions in the Police Act regarding the search of a woman. However, under Ch 28, s 13 of the Code of Procedure, which can probably be applied to searches under the Police Act, a woman may only be searched by an officer of the same sex, a doctor or a qualified nurse. If the search only involves an examination of articles carried by a woman, however, it may be performed and witnessed by a man. For matches classified in accordance with planning programme 2 or 3, provided that clubs, with undiminished

responsibility for their respective supporters, do not decide otherwise, searches will be carried out of the supporters of both the home team and the away team. Each club is responsible for searching their own supporters. In **England and Wales** the Sporting Events (Control of Alcohol etc) Act 1985 provides the police with the power to search someone reasonably suspected of committing an offence under the Act, and to arrest such a person. This may include searching fans waiting to enter a ground.

In **The Netherlands** persons who are in charge of controlling the tickets, or who are in charge of maintaining the public order, as well as the police officers and stewards, are entitled to search persons for the possession of illicit objects, and to confiscate those objects when detected.

In **France**, security officials may proceed with a visual inspection of hand bags and carry out a body search with the owner's consent. These officials have special skills in this area and are authorised by the chief of police of the "département" or, in Paris, by the chief of police, in accordance with the conditions set out in the Council of State's decree, who may in special circumstances, such as a serious threat to public security, proceed, with the express consent of the individuals, with carrying out security body searches. In this instance, a security body search should be carried out by an individual of the same sex as the person being searched. These special circumstances are backed by an order of the chief of police which sets the duration and determines the places or categories of places where these checks may be carried out. This order is sent to the public prosecutor. For access to places where a sports, recreational or cultural event is being organised that brings together more than 1,500 spectators, groups appointed by the organiser to be in charge of the security at the sporting, recreational or cultural event may proceed, under the supervision of a police officer and with the express consent of the individuals, with carrying out a body search. In this case, the body search should be carried out by an individual of the same sex as the person being searched. They may, in addition to the municipal police officers appointed by the town hall to deal with the security at the event, proceed with a visual inspection of hand bags and, with the consent of their owner, with a body search.

In **Austria** the entry control is at the gate. In principle the security functionaries take charge of that control. In case of a high risk match there is a twofold entry control. Other security functionaries take charge of supporting tasks in case the situation makes that necessary. When on the basis of certain facts it can be assumed that not only scattered acts of violence are to be expected but that there will be a number of outbreaks of violence directed against life and health of people, then the security personnel is legitimised to search the clothes and hand luggage of the spectators, before they are allowed to enter the stadium. The decision to search the spectators must be made public in a such a way that it is comprehensible for all parties involved. The security functionaries are entitled to seize all illicit objects.

In **Sweden** the sign "Visitation m.m." (Search, etc.) must be placed at all entrances and gates.

6.4.1.3. Metal detectors

In **Italy** the provisions about the entry in sport premises must happen by passages through metal detectors, finalized to the individualization of tools of offence and garrisoned from specialized operators, and it is subordinate to the electronic check of the regularity of the tickets by the use of special equipments.

6.5. REFUSAL OF ENTRY

6.5.1. Illegitimate trespassing into the stadium

The **Binding instructions of the UEFA** provide in Rule 5.3. that "The match organisers must co-operate with the police authorities to ensure that any person refused entry to the stadium for any reason, or who has been expelled from the stadium for any reason, is not admitted or readmitted thereafter, and that the person in question is kept well away from the stadium during the match, at least until all spectators have dispersed".

In **Belgium** a person who unlawfully enters a stadium can be penalized with one or more sanctions. (Law decree of 21-12-1988, arts. 13(3), 22 and 24).

In **Cyprus** it is an offence to enter the playing area of a designated match without lawful authority of lawful excuse (the burden of proof is vested on the accused).

In **Italy** whoever enters inside the sport premises without authorization or ticket is punished with the administrative fine by Euro 103,00 to Euro 516,00

In **Spain** art. 69 of the Law on Sport states that admission to sporting events can be prohibited to any person who has been the subject of a legal penalty for an offence committed during a sporting event.

6.5.2. Under influence of alcohol or drugs

According to Article 3(4)(d) of the **European Convention on Spectator Violence** people who are under the influence of alcohol or drugs are excluded from or forbidden access to matches and stadia, insofar as it is legally possible. Art. 3(4)(f) prohibits the introduction of alcoholic drinks by spectators into stadia; and restricts, and preferably bans, the sale and any distribution of alcoholic drinks at stadia, and ensures that all beverages available are in safe containers.

The **Binding instructions of the UEFA** provide in Rule 3.8 the access is forbidden to persons who are under the influence of alcohol or drugs.

In **England and Wales** the Government has introduced a series of legislative measures to combat hooliganism. The Sporting Events (Control of Alcohol etc) Act 1985 makes it an offence to try to enter a ground when drunk or in possession of alcohol.

In **Finland** some of the fans might come to the matches under influence of alcohol but they are harmless and obey instructions given by stewards and specially uniformed police officers.

In **France**, during a sports event or the broadcasting of a sports event in a public place, access to the sports establishment is forbidden to any drunken individuals. Anyone who infringes this ban shall be fined 7,500 Euros. If the person who commits the infringement is also guilty of any violent action which results in an individual being incapacitated for work for a period of less than or equal to eight days, they shall be fined 15,000 Euros plus one year of imprisonment. The fines set out above shall be applicable to anyone who enters or attempts to enter a sports establishment by force or by fraudulent means in a drunken state during a sports event or its public broadcasting.

In **The Netherlands** it is forbidden to enter a stadium in a state of drunkenness or intoxication of a substance which possibly influences the behaviour. Bringing along alcoholic liquors into the stadium is also forbidden.

In **Poland** the stewards take particular care to remove known or potential perpetrators of violence who are under the influence of alcohol from sports premises or refuse them entry.

In **Portugal** one of the conditions of access of spectators to the sports venue is not being under the influence of alcohol, narcotics, psychotropic substances or products with a similar effect, accepting the administration of control and screening tests, to be conducted under the supervision of the competent police authorities. Decree-law no. 339/80, of 30 August prohibited the sale of alcohol. The police authorities are granted new powers under the law. In addition to testing for alcohol, officers can run checks on individuals who show signs of being under the influence of drugs, with powers to deny access to the stadium any person who tests positive or refuses to be tested.

6.6. MATCH WITHOUT SPECTATORS

In **The Netherlands** only as an *ultimum remedium* can be decided that a match will be played without spectators or with a limited number of spectators. The prohibition of a match by the burgomaster is for the account of the clubs involved, unless they can exonerate themselves. Possible other sanctions are a reprimand, exclusion, three points on account or one or more home games without spectators.

6.7. SPECIAL ENTRIES FOR THE DISABLED

In **Portugal** in avoidance of irritation and violence Law no. 38/98, of 4 August establishes that venues hosting professional fixtures must be equipped with specially adapted entrances for spectators with special needs.

6.8. PARKING PLACES

The **Binding instructions of the UEFA** provide in Rule 3.12 that separate car and bus parks, preferably on different sides of the stadium and as near as possible to their respective viewing sectors, should be provided for the groups of supporters. A parking strategy should be established in co-operation with the police commander.

In **Portugal** Law no. 38/98, of 4 August establishes sports venues at which professional or non-professional competitions are held, whether national or international, which are considered to present elevated risk, shall be provided with car parks of dimensions commensurate to the spectator capacity.

6.9. ACCESS ROADS FOR EMERGENCY SERVICES

In **Belgium** the approach roads to the stadium from the public roads and parking zones for vehicles of the police

and emergency services must be kept open to make a swift and direct entrance to the interior of the stadium possible. Those approaches must be provided with a plain and complete signalisation.

7. THE SECURITY OF THE STADIUM

7.1. SAFETY OF THE DESIGN AND PHYSICAL FABRIC OF THE STADIUM

According to Art. 3(4)(a) of the **European Convention on Spectator Violence** sports organisations and clubs, together with, where appropriate, stadium owners and public authorities, in accordance with responsibilities defined in domestic law, must take practical measures at and within stadia to prevent or control such violence or misbehaviour, including to secure that the design and physical fabric of stadia provide for the safety of spectators, do not readily facilitate violence between spectators, allow effective crowd control, contain appropriate barriers or fencing.

The **Binding instructions of the UEFA** provide in Rule 3.1 that the stadium in question must have been thoroughly inspected throughout by the competent safety authorities, and the local safety certificate testifying to its suitability issued by those authorities. Furthermore the UEFA safety certificate form must have been issued no earlier than one year prior to the date of the match.

In **Austria** when a stadium is built or rebuilt representatives of the security authorities must be consulted. The representatives have the task to design security concepts, which must be handed down in good time to the persons responsible for the building or rebuilding. The stadium must - with consent of the competent local authorities - be examined by experts. The former competent authorities must produce the necessary findings and official documents in respect of the security of the building for approval. The findings and official documents may not date back longer than two years. On request of the Österreichische Bundesliga the club must produce the findings and documents. Before the opening of the stadium for spectators a inspection must take place of which a protocol must be drafted.

In **Belgium**, in case the burgomaster is of the opinion that the infrastructure does not meet the conditions of security, he will not - before the start of the new season - hand over the necessary security certificate for the stadium as a whole or parts thereof. (KB van 8 september 1997, B.S. 15 oktober 1997).

In **The Netherlands** the KNVB (Dutch Football Association) introduced at the beginning of the season 2002-2003 a security certificate. That certificate is linked to the licensing system of the KNVB and the licensing policy of the (local) government. For each match the organiser must utilize only stadiums or parts thereof which meet to the security standards prescribed by the Government (Law Decree of 10 March 2003).

In **England and Wales**, under new safety legislation, each football club has a stadium safety certificate, issued by the local authority. If the local authority is not entirely satisfied with the efficiency, it may reduce the capacity of the whole stadium or specific areas of the stadium accordingly. As part of the safety certificate, each club is required to have: a designated Safety Officer, responsible for the safety management operation at the stadium on match days; stewards trained to a nationally-recognised standard; computerised turnstile counting system, recording each spectator admission through every turnstile and immediately registering same on a display monitor in the stadium control room. Through this method, the Safety Officer can see at any moment the exact number of spectators in each area of the ground. An alarm sounds on the monitor when an area reaches a specified percentage of its allowed capacity; closed circuit television (CCTV) cameras covering key areas of the ground; stadium control room with radio communications links to steward supervisors and police, CCTV display monitors, access to the public address system and a display monitor linked to the computerised turnstile counting system.

In **Finland** the Ministry of Education is responsible for financing national construction work related to sports, and supervising and controlling the structural safety of sports facilities. Fire safety of sports facilities is ensured by the authorities responsible for fire inspection. The constructor of the sports facility bears the general responsibility for following the rules on structural safety of the construction. The biggest football stadium in Finland (Helsinki Olympic Stadium) is administered by a foundation (Stadion-Säätiö), which is responsible for the structural safety of the Olympic Stadium.

In **France**, the authorisation to open temporary installations within a sports establishment to the public, subject to the provisions of Article 42-1, is granted by the mayor in accordance with the conditions in the provisions of the construction and housing code and by an authorisation order. The temporary installations must, after the work has been completed, have a notice issued by the competent security committee, at the end of a visit to the site. This notice is sent to the authority that retains the power to authorise its opening to the public. (Law 92-652 1992-07-13 Art. 22 JORF 16 July 1992). The commission issues an unfavourable notice if all or part of the conditions for setting out these installations that have been authorised are not respected. A Council of State decree sets the

conditions for the application of this article. This decree specifies in particular the deadlines that the safety commission must comply with in order to submit their notifications and the deadline the mayor must abide by for issuing his decision. (Amended by Order 2000-916 2000-09-19 Art. 3 JORF 22 September 2000 in force on 1 January 2002). Anyone who has organised a public sports event in an unauthorised establishment or one that violates the regulations imposed by the authorisation shall be sentenced to two years imprisonment and/or a 75,000 Euros fine. In the event of a recurrence, the sentence shall be five years imprisonment and/or a fine of 150,000 Euros. These penalties are also applicable to anyone who has issued or transferred, either free of charge or for a fee, entrance tickets to a sports event that exceed the number of spectators set by the authorisation order. They shall be doubled if the author of the offence is also found to be guilty of manslaughter or unintentional blows or injuries. If sentenced, the court may prohibit any public sports events from taking place at the establishment. A temporary ban may be issued.

In **Hungary** the security plan, the preparation of which is the obligation of the organisers, must include all the measures taken to provide the conditions for the safe organisation of the sport event.

In **Latvia** one of ground rules to be followed in field of sports is principle of safety which intends that sports activities process within safe environment and they are managed and run by qualified sports workers.

Poland has drafted and introduced a law on the safety of mass-participation events, as well as other legal instruments that set forth the principles and conditions for guaranteeing the safety of sports events. A structure of responsibility for safety in sports premises has been produced, and the prerogatives of the Safety Council have been expanded. The law sets forth the conditions governing the safety of sports events, the procedures for issuing permits to hold sports events, and the responsibility of sports organisers and participants for breaches to this law. In this way, the law fulfils the provisions of the European Convention. Some of the top teams have equipped their stadia with plastic seating in order to comply with UEFA safety guidelines; elsewhere wooden benches, or uncovered concrete terraces, remain the rule.

In **Portugal** the stadia modernisation plan was drawn up in response to the realisation that the security problem will not be solved simply through perfecting the legislation and regulations, or through social sensitisation initiatives designed to encourage awareness of fair play issues amongst sports fans. It is also of fundamental importance to implement measures, which prevent and deter violence, in the form of crowd control and security equipment at sports stadia; the cost of this equipment is to be shared by the clubs and the State. The aims of the plan are to establish programme contracts for installing turnstiles, closed circuit television systems and the introduction of individual numbered seats at the stadia of first and second division football clubs. (Law no. 38/98, of 4 August). The National Council for the Prevention of Violence in Sport (CNVD) may inspect the security equipment that is required to be installed under Law 38/98. However, while it may set the capacity of the stadium, it appears to have no power to inspect the fabric or the safety management. Nor do these matters appear to be covered by the match day inspections undertaken by the Portuguese Football League.

In **Spain** sports stadia, as any other place in which the public will be entertained, need to have prior authorisation from the relevant local council or autonomous community, in which it will be specifically mentioned that the facility fulfils safety requirements (evacuation plans, fire safety, emergency exits, etc.). It must be ensured that stadium's infrastructure safeguards safety (Art. 71 of Law 10/90, Arts. 5 to 8 RD769/93).

The process for the adaptation of the premises contemplated in the referred normative was established in accordance with the prescriptions of international sport organisations such as UEFA. The latter has admitted a temporary extension for their definitive application when certain circumstances concur. The truth is that, as shown in some reports sent by the Safety Coordinators to the National Commission against Violence in Sport Events, several peculiarities have taken place within the adaptation process among other reasons because the building of some new stadiums has not been finished. All these has motivated that some sport organisations (*Real Federación Española de Fútbol and Liga Nacional de Fútbol Profesional*) have requested the Government to keep the regulation tuning in order to adapt the final application dates to what, in general, is going to happen in the international and, in particular, European context. This modification intends to guarantee the effective fulfilment of the measures provided in Royal Decree 769/1993 of May 21st, considering a priority the spectators' safety and trying to conjugate this need with the present situation of the sport premises where professional encounters take place.

In **Sweden** the home club is responsible for all stand sections and other public areas being in such a condition that the safety of the public, players and officials is not put at risk. The home club is thus obliged to ensure that loose objects and snow are removed, and that other necessary measures are taken to ensure the safety of the ground. The home club is responsible for all stand sections and other public areas being in such a condition that the safety of the public, players and officials is not put at risk. The home club is thus obliged to ensure that loose objects and snow are removed, and that other necessary measures are taken to ensure the safety of the ground.

The Swedish Football Association's regulations, competition rules and the safety regulations issued by FIFA and UEFA always form the basis for measures taken in connection with a match.

7.2. ALL-SEATED STADIUMS

The **Binding instructions of the UEFA** provide in Rule 1.1 that in the UEFA European Football Championship, the UEFA Champions League, the UEFA Cup and the UEFA Super Cup all matches must be played exclusively before seated spectators. In Rule 1.4. of the Binding instructions an all-seated stadium is defined as one in which all viewing areas available to the public offer seated accommodation only, and/or from which spectators do not have access to any viewing area which is not seated. In other words, for UEFA's purposes, a stadium which consists of both seated areas and standing terraces will be considered an all-seated stadium, provided the standing terraces remain closed to spectators. In Rule 1.5 it is provided that seats must be fixed to the construction of the stadia (e.g. to the floor). They must be individually separated from one another, be shaped, be identified by a number, be made of unbreakable, non-flammable material and be equipped with a backrest, of a minimum height of 30 cm (measured from the back edge of the seat). When existing seat facilities are renovated or new facilities constructed, seats, which correspond to the standards quoted, herein must be provided. Bench seating of any description is not acceptable and will be regarded as standing accommodation.

In **The Netherlands** the stadiums of all professional football organisations are reshaped in all-seated stadiums. However, amongst a large number of supporters the wish was uttered to bring back standings in the stadiums. It was deliberated that those stands could only be brought back in the stadiums under the condition that this would not endanger the safety in the stadiums. In a few stadiums it already was tolerated that the spectators used some seating sectors as rooms to stand. Positive experiences in **Germany** served as an example.

In **Portugal** Law no. 38/98, of 4 August 1998 establishes that venues hosting professional fixtures must be equipped with seating. Sports venues at which professional or non-professional competitions are held, whether national or international, which are considered to present elevated risk, shall be provided with seated areas equipped with individual, numbered seats.

In **Spain** under Articles 9 to 14 of RD 769/1993, 1st and 2nd Division stadiums will be required to provide numbered seats before 20 June 1998, together with the necessary means of preventing encounters between rival supporters.

In **England and Wales** since 1994 each club in the top two divisions has been required, by national legislation, to restrict the admission of spectators to seated accommodation only. This has helped to improve spectator behaviour, but it also makes it easier to control and monitor spectators. Tony Blair - pre 1997 General Election - said: "I was never convinced, regarding the smaller clubs in particular, that the removal of all standing was necessary and I was pleased when this was relaxed following representations by MPs, fans and clubs. While safety must always be the ultimate criterion, there is no reason to ignore technological improvements made since Taylor reported, which might allow for Safe-Standing".¹⁰⁷

7.3. SEGREGATION/SEPARATION OF SUPPORTERS' SECTIONS

According to Art. 3(4)(b) of the **European Convention on Spectator Violence** the groups of rival supporters must be segregated effectively by allocating them to specific terraces when they are admitted.

The **Binding instructions of the UEFA** provide in Rule 3.11 that "For those matches, where a system of spectator segregation is to be operated, the segregation strategy should be drawn up jointly by the match organisers and the police commander in charge of the match". Rule 3.13 provides that "within the stadium, it should not be possible for spectators to move from one sector to another. If it is necessary to have more than one group of spectators in a particular sector, a division should be maintained between them by means of an insurmountable barrier or fence controlled by the security forces, or by the creation of a "no-go area" kept free of spectators and occupied only by security personnel".

In **Hungary** Government Decree 33/2001 on the safety of sport events provides for the implementation of the Sport Act. The Decree pays special attention to the technical conditions of separating fan groups.

107 The insistence of the report that football grounds become all-seater placed an unprecedented financial burden on even the richest football clubs in the football League. There were certainly severe critics of such a recommendation and censures were not only made on purely financial grounds. Simon Inglis argued that terraced grounds exist throughout the world and do not cause problems and that tragedies such as Hillsborough are more judiciously explained by an examination of the behaviour and control of spectators. In a survey of members of the Football Supporters' Association the majority of those surveyed were opposed to all-seater grounds. Lord Taylor admitted in the report that: 'There is no panacea which will achieve total safety and cure all problems of behaviour and crowd control. But I am satisfied that seating does more to achieve those objectives than any other measure.'

In **Belgium** the seats must be allocated in such a way that rival supporters are properly divided, coherent with the infrastructure of the stadium and the existing separations of the stands. For national as well as international matches the separations must be installed in a manner that the supporters can not get over them.

In **Italy** the sport premises must have fences to separate the spectators to prevent that supporters of the opposite teams could have fights or could invade the field.

In **Poland** particular attention has been paid to the safety of building materials used for the construction of spectator stands, so that these materials are not used for spectator violence. In each stadium, rival supporters are effectively separated from each other by being placed in separate sectors. According to the law on the safety of mass-participation events spectators must sit in numbered seats as indicated on their tickets. Spectators must not block exits or climb the barriers.

In **Portugal** physical separation of supporters, allocating distinct zones to them, is obliged.

In **Spain** "hard-core" supporters are able to buy tickets not specifically allocated to them and can thus sit among supporters of the opposing team, with all the risks that this entails. At all the grounds visited systems were in place for keeping supporters of rival teams apart. Visiting supporters are provided with their own entrances and exits and seated areas. These are separated from the remainder of the stadium by unobtrusive fences or barriers, supplemented as necessary by lines of police officers. The general principle appears to be to place visiting supporters in an upper tier towards the corner of the stadium. This ensures that they have no means of access to the pitch and can readily be observed. (Arts. 64 and 69 of Law 10/90 of Sport).

In **Sweden** there must be separate and clearly marked sections for home and away club supporters respectively at all grounds. Other members of the public must not be permitted to enter the section for the away team's supporters. The marked sections for the home and the away supporters must have separate gates/entrances, toilets and food service within or close to the sections. Furthermore, it must be possible to modify the marked sections according to the number of visitors.

In **England and Wales** segregated areas of the stadium for home and away supporters have become a feature at all football grounds since the 1970's. These features have been designed into the new stadia and stands that have been built.

7.4. NUMBER OF SPECTATORS

In **The Netherlands** the KNVB introduced as a security measure that only two third of the tickets for of the available standing places may be sold.

In **Spain** stadiums are obliged to have a computerised system for monitoring, by sector, the number of spectators and their rate of admission to the stadium. (Article 8 of RD 769/93).

In **Belgium** the maximum number of spectators per compartment of a stand is 3,000.

8. MEASURES TO CURB VIOLENCE IN THE STADIUM

8.1. THE RIGHT OF ASSOCIATION

In **Finland** the general basis is *the freedom of assembly* in chapter 2 section 13 of the Constitution of Finland (731/1999). Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. The provision in the Constitution is complimented with the *Assembly Act* (kokoonmislaki, lag om sammankomster; 530/1999, government bill 145/1998) which objectives are to guarantee the exercise of the freedom of assembly, as well as to lay down the necessary regulatory provisions on the arrangement of public meetings and public events. The Assembly act includes the general principles governing the arrangement of an public event, the duties of the arranger and the maintenance of order.

In **Slovenia** the right of association is one of the fundamental human rights and freedoms safeguarded by all democratic societies. Article 42 of The Constitution of Republic of Slovenia defined this right, where it detailed that obstructions of this right is permissible only when decided so by the law, if it is necessary for the state security or public security or prevention from spreading contagious disease. Implementation of this right is also established by international legal provisions. In Republic of Slovenia the legislation also sets out the conditions for organizing public meetings, as well as the procedure for prevention of such gatherings. The responsibility of the organizers for order on such gatherings and competences of the police is subject of the law.

8.2. SECURITY PERMIT ISSUED BY THE MAYOR

In **France**, the organisers of sports, recreational or cultural events for profit-making purposes where the public and staff taking part in running the event may reach more than 1,500 people, either in terms of the numbers seated, or in terms of the surface area they cover, are obliged to declare this to the town hall and, in Paris, to the chief of police. The declaration may apply to one or several sports events where the programme is set in advance. The declaration must be made for a maximum of one year and, unless there is a justified emergency, at least one month prior to the date of the event.

In **The Netherlands** the burgomaster must in good time include instructions in the permit for the organisation of professional football matches when that serves the interest of the public order. In case the organiser does not meet with those instructions, he will be denied the permit to have matches been played. When the inclusion of instructions does not take away the fear for the coming about of disturbances of the public order, the burgomaster will refuse the permit.

8.3. RISK MATCHES

According to Art. 4(2) of the **European Convention on Spectator Violence** in advance of international club and representative matches or tournaments, the Parties concerned shall invite their competent authorities, especially the sports organisations, to identify those matches at which violence or misbehaviour by spectators is to be feared. Where such a match is identified, the competent authorities of the host country shall arrange consultations between those concerned. Such consultations shall take place as soon as possible and should not be later than two weeks before the match is due to take place, and shall encompass arrangements, measures and precautions to be taken before, during and after the match, including, where necessary, measures additional to those included in this Convention.

In **Austria** the Österreichische Bundesliga, die professional football clubs and/or the security services have three criteria to categorise a match as a risk match: when supporters of both sides have a violent history; when the visiting supporters will occupy 20% of the available seats in the stadium or will consist of more than 5,000 persons; or when all tickets for the match have been sold. Tickets for risk matches must be produced in such a way that counterfeit is almost impossible. The security personnel must be on high alert for counterfeited tickets.

In **Belgium**, when the burgomaster decides to qualify a match as a risk match, the stadium personnel must make an appeal to the police for assistance at the entrance control.

In **France**, matches requiring special security measures are "Championship meetings or the Coupe de France for which one or more of the following conditions apply: if the match is likely to attract many spectators; if it is a local derby, if there is a dispute between the clubs present; if the match is taking place on neutral territory; if the fixture is declared to be such by the FFF". For this meeting, the Federation sets out the rules that must be applied by the organisers and administrative authorities etc.

In **Hungary** the recent serious disturbances of order related to sport events made a review of the related regulations and the addition of a new element necessary: in case of sport events classified as of high security risks, the police are to provide security as a core activity. This rule by itself does not prejudice the regulation in force which provides that the organisers of the sport event bear responsibility for the safety at the sport event. The law makes up for a missing, but significant guarantee measure, namely: in case the disrupted order at the sport event cannot be restored otherwise, at police initiative the organisers must terminate or suspend the event.

In **The Netherlands** the determination of the degree of risk is based on: the threat that the supporters of both sides are eager for a confrontation; former experiences with the visiting supporters; the avoidance of combined transport; the geographical distance and the existing rivalry between the clubs in question (derbies); specific intelligence information about hooligans (threat analysis); the club's respective ranking on the table; the point of time of the match, crossing movements of supporters to matches on the same day; unwanted conjunction of local events; shortage of stewards; insufficient separation of the opposing supporters etc. In case the KNVB qualifies a match as a risk match, the club is obliged inter alia to recruit more security personnel, fit extra fences, provide the stadium of an improved segregation of the supporters etc.

In **Poland** the concept of an event with heightened risk is introduced. This means an event at which there is a likelihood of violence or aggression.

In **Portugal** by Decree-law no. 270/89, of 18 August, clubs were given a set of duties requiring them to take special security measures when in the event of matches expected to attract unruly behaviour the respective federation classifies them as "risk" or "high risk" matches. This means that federations are made responsible for a judgement (classifying matches) which will result in clubs being required to take security measures appropriate to the specific circumstances, namely increased policing, segregating fans, controls on ticket sales in order to ensure segregation, crowd supervision and control to ensure that capacity is not exceeded and that entrances/exits are not blocked,

controls at the gates to prevent fans from bringing in prohibited objects or offensive weapons, and supervising and overseeing travel arrangements for fans. In addition to this, clubs were also assigned a number of responsibilities relating to their members. The number of stewards to exercise functions in the matches considered of high risk will be of one assistant per each 300 spectators and, in the rest of the matches, one assistant per each 400 spectators, without prejudice to the provisions of paragraphs 2, 5 and 6.

8.4. RESPONSIBILITY FOR THE ORDER WITHIN THE STADIUM

In Chapter 6, Section 1 under 4 and 5 of the **Handbook** with recommendations for international police co-operation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one member state is involved¹⁰⁸, it is determined that, for the sake of public order and safety, the authorities and the police services concerned should impose on the organiser prior minimal requirements which they have to meet in order to organise national or international games. Such requirements mean that the organiser and other services concerned should assume the responsibility which is incumbent upon them and their aim should be to enable the police forces to concentrate on their principal duties of upholding law and order. The organiser of a national or international football game should take all the necessary precautionary measures in order to prevent damage to persons and goods, including all practical measures for the prevention of spectator misconduct.

In **Hungary** the regulation is in force which provides that the organisers of the sport event bear responsibility for the safety at the sport event.

In **Poland** the constitution places the state administration under an obligation ensure the safety of all citizens, in all circumstances, in other words also during sports contests and accompanying circumstances.

In **Portugal** the law makes the organisers of sports events responsible for security inside stadia, insofar as it is up to them to request policing for each event.

In **Sweden** the visiting club has strict responsibility for its supporters in connection with away matches, even if no supporter travel is being arranged. This strict responsibility always applies to the supporters of the visiting club within their separate section. The home club has strict responsibility for the supporters within their own section and for the behaviour of other members of the public (although not for the visiting club's supporters within their section).

8.5. STADIUM REGULATIONS

According to Rule 2.11 of the **Binding instructions of the UEFA** a match factsheet containing the stadium regulations must be produced and distributed with the ticket

In **Portugal** the organiser of the sports competition is obliged to adopt sports regulations for the prevention and control of violence. Those regulations must shall cover the following subjects, among others: a) Preventative procedures to be observed in the organisation of sports competitions; b) Situations of violence and the corresponding penalties to be applied to sports agents; c) The legal processing of the procedure for the application of the penalties. The penalties referred to shall comprise pecuniary penalties and, when concerning the promoters of sporting events, the prohibition of sports venues or the obligation to conduct sports competitions behind closed doors. The regulations described are subject to registration with CNVD. The failure to adopt the regulations described or the adoption of regulations for which registration has been refused by the National Council for the Prevention of Violence in Sport (CNVD) shall imply, if the situation persists, the exclusion of the organiser of the sports competition from benefiting from any type of public support, and, in the case of an entity designated as one of public sporting interest, the suspension of the latter.

In **Belgium** the organisers of a national or international football match must take action - amongst others - concerning the drawing up of rules of internal order, which must be communicated to the spectators in a comprehensive en lasting manner.

In **The Netherlands** the professional football organisation or the stadium manager must draft a set of household rules and regulations by which the supporter will be made known what his rights and obligations are. Supporters who infringe the rules of the Dutch Football Association or the household rules will be immediately removed from the premises.

108 EU Council Resolution of 6 December 2001, OJ C 22, 24-1-2002, p. 1-25.

8.6. FAN CHOREOGRAPHY

In Austria fan choreographies are organised activities of the supporters. Under certain conditions supporters are allowed to experience their own "fan culture". Two hours before the beginning of the match the supporters must apply for the required fan choreography at the security service of the organising club.

8.7. TRAINERS AND PLAYERS AS ROLE MODELS

In The Netherlands the KNVB stimulates that officials, trainers and players give an example of good behaviour. A code of conduct - especially concentrated on the use of alcohol and drugs - is drafted that applies for officials in professional football.

8.8. COMMUNICATION

8.8.1. Video security system

According to Rule 3.21 of the **Binding instructions of the UEFA** a permanent television surveillance system must be available, inside and outside in all stadia used for matches in the final round of the European Championship; matches from the group stage of the UEFA Champions League; matches from the 3rd round of the UEFA Cup and UEFA Super Cup. Such systems must be used by the police and/or the stadium security officer for the purpose of spectator control and the surveillance of all the stadium's approaches and entrances, as well as of all viewing areas within the stadium. The system must have the in-built facility to take still pictures and have colour monitors in the stadium control room. The system should be managed and controlled by the security authorities from their control room.

In Austria inside and outside in all stadiums a permanent television surveillance system must be available. Such systems must make it the stadium security functionaries possible to control and survey the spectators at the entries and exits and at all other spectator sections of the stadium.

In France "La loi Pasqua" rules that video surveillance cameras be installed at every ground.

In Hungary the provisions of the Sport Act currently in force oblige the organisers of the sport event to use camera surveillance at certain sport events for the sake of personal and property safety of the participants, and the spectators are to be informed of the camera surveillance and records on signs posted around the facility in visible places and on the entry ticket or season ticket. Here it must be mentioned that the new Sport Act (Act I of 2004) will not make the entry control system nor camera surveillance obligatory.

In Italy, from the security point of view the rules envisage, inter alia, that during football matches a closed-circuit TV system shall be operative at the sports premises, thus allowing to monitor -from an ad hoc room manned with security staff - the spectators' area and the service area adjacent to the stadium and the relevant entrances as well to record the relevant images. The video equipment must enable the identification of each spectator also during night matches.

The match is filmed in all its phases also for the purpose of identifying the authors of any violent action. When evaluating the sports premises it is therefore important to take into account the distance from the train station, the modalities of transfer of supporters from the train station to the stadium, the availability of parking places for busses and cars, the pedestrian paths and the specific characteristics of the sports premises. The sport premises must have tools that allow the television recording of the areas reserved to the spectators both inside the premise and nearly outside.

In The Netherlands as from 1st August 1997 all professional football organisations are on duty bound to the rules of the KNVB to have television surveillance systems available in the stadiums.

In Portugal Law no. 38/98, of 4 August establishes that venues hosting professional fixtures must be equipped with a closed circuit television monitoring system. The promoter of the sporting event at which professional or non-professional competitions are held, whether national or international, which are considered to present elevated risk, shall install a video surveillance system allowing the entire venue to be checked visually, comprising fixed and movable cameras recording image and sound, which shall, while respecting rights and constitutionally-protected interests, facilitate the protection of persons and property.

In Belgium, by Royal Decree of 21st December 1998, the promoters of certain national and international football matches are obliged to have surveillance cameras installed in their stadiums. The video recordings must make it feasible to identify and localise possible rowdies. While employing their surveillance activities the promoters must remain within the realm of the law of 8 December 1992 (altered by law of 11 December 1998) which protects the personal integrity against the misuse of personal data.

In England and Wales Closed-circuit Television (CCTV) was introduced into football grounds around the middle of

the 1980s and is now present in almost every Premier and football league ground. The effectiveness of such camera surveillance has also been improved by the introduction of all-seater stadia across the country. Another technological feature of police tactics at football grounds is the use of hand-held video cameras, with police filming supporters, primarily in a bid to deter violence, gather intelligence and monitor the efficacy of crowd control.

In **Spain** 1st and 2nd Division A stadiums must have an organisational control unit comprising at least a closed-circuit television system for monitoring the inside and outside of the stadium and the technical audio-visual facilities needed to record the behaviour of the crowd and, if necessary, of violent groups.

In **Sweden** the sign "Kameraövervakning" (CCTV monitoring) must be placed at all entrances and gates (applies to premier league grounds)

8.8.2. The stadium speaker

According to Rule 3.23 of the **Binding instructions of the UEFA** announcers who are trained and capable of addressing visiting foreign spectators in their own language should be available when required. It is recommended that the actual announcer whose voice is familiar to visiting supporters, from their own stadium at home, should be used.

In **Germany**, to guarantee the security in the stadiums, the stadium speaker is seen as a means of great importance. In the first line he is a communicative link between the supporters and the club. He is in the position to make "right" announcements in crisis situations.

In **Poland** the contest speaker is a very important person who influences the course of the sports event and its safety. Good information, the interpretation of rules, the clarification of sports issues and spectator impact depend on him. With his voice he should calm the emotions of the spectators.

8.8.3. Electronic video screen

According to Rule 3.25 of the **Binding instructions of the UEFA**, if the stadium has an electronic video screen system, it may be used before, during and after the match, provided that UEFA's regulations and instructions are observed. In this respect, a code of conduct has been produced, which is available from the UEFA Administration.

In **Austria**, if the stadium has an electronic video screen system, it may not be used during, after or in the pause of the match to show disputed situations of the match.

8.8.5. Public address system

According to Art. 3(4)(e) of the **European Convention on Spectator Violence** the stadium must be provided with an effective public address system. Full use must be made of this installation, e.g. to announce the match programme and other publicity outlets to encourage spectators to behave correctly.

According to Rule 3.22 of the **Binding instructions of the UEFA** every stadium must have a public address system which is capable of being heard clearly both inside and outside the stadium, above the crowd noise, even in the case of a sudden upsurge in spectator noise levels. The system should also be capable of being directed to the various sectors of the stadium individually. The police authorities and/or the stadium security officer should be able to override the public address system to make emergency announcements from their own microphone within the stadium control room. The public address control point should be within, or immediately adjacent to the stadium control room. According to Rule 3.24 announcements over the public address system must be of a strictly neutral character. The public address system must not be used for the dissemination of political messages, nor to support the home team, nor should it be used for any form of discrimination against the visiting team.

In **Spain** the stadiums must have an effective public-address system of sufficient range to be effective both inside and outside the stadium, as well as a system of radio communication with the local police, security services, toilet facilities etc and an independent telephone switchboard with direct lines to police stations so that contact may be made where necessary with persons and institutions responsible for the collective safety of bystanders and the public at large.

In **Austria** every stadium must have a loud speaker system of sufficient range to be effective both inside and outside the stadium. The security functionaries must have the possibility to make use of the system at all times. The public address control point should be within, or immediately adjacent to the stadium control room. The public address system must not be used for the dissemination of political messages, nor should it be used for any form of discrimination against the visiting team.

In **Belgium** in all stadiums a loud speaker system must be installed. The system must be capable of being heard clearly both inside and outside the stadium, above the crowd noise, even in the case of a sudden upsurge in spectator noise levels. The range of the system must reach the immediate vicinity of the entrances and exits. The system must also have the possibility to make announcements per zone. (KB van 26 november 2002, art. 7).

8.9. KEEPERS OF LAW AND ORDER

8.9.1. The police

In Chapter 6, Section 2 under 1 of the **EU Handbook** it is determined, that the organisers of a national or international football game should do everything in their powers to ensure public order and safety in and around the stadium, before, during and after the game, so that the police can be deployed as economically as possible.

In **Finland** it is the duty of the police to safeguard the exercise of the freedom of assembly. In addition, the police shall see to it that the arranger and the chairperson fulfil their duties under this Act and, where necessary, undertake measures for the maintenance of order and security in a public meeting or a public event. When in the performance of their duties, a police officer and a civil protection officer shall have free access to a public meeting and a public event. (Assembly Act, Section 19).

In **Belgium**, as a result of the Football Act, the deployment of the police force in the stadium can be reduced to an absolute minimum. Constables will only be deployed in case the organisator - despites all efforts to which he legally is obliged - is not able to maintain the peace.

In **Poland** the police have the competence - within the framework of criminal proceedings - to take some forms or actions against football hooligans (i.e. stopping them). They also have some other ways to cope with the hooligans in the football stadiums. The powers of the police in this respect are envisaged by the Police Act and they include among some others the power to conduct search and seizure (art. 15 para. 1(4) and (5)); observing and recording the ongoing action and activities (art. 15 para. 1(5a)); the power to use means or coercion (physical, technical and chemical for the purpose of incapacitating offenders i.e. batons, water cannons, dogs and horses, firearm shooting with rubber and plastic bullets) (art. 16) and the power to use weapons (firearms), considered as the last resort and to be used only in cases where the above mentioned means have been proven ineffective (art. 17). Moreover, on the basis of Art. 18 of the Police Act in mass scale riots the Prime Minister (or exceptionally the Minister of the Interior) may authorise the usage of armed police squads.

In **England and Wales** the Sporting Events (Control of Alcohol etc) Act 1985 provides the police with the power to search someone reasonably suspected of committing an offence under the Act, and to arrest such a person. This may include searching fans inside a ground. Safety in the stadium is the responsibility of the club management. Police will attend games as required by the safety certificate (the safety certificate authorises the local police to determine the number of police officers required for each match), but the police only take over responsibility within the stadium in the event of a public order situation arising. There is a clear distinction between safety and security, although these do overlap.

The policy in **The Netherlands** is only under exceptional circumstances to employ the police force in the stadiums. Practice has shown that the presence of the police as well as the early deployment of the police diminishes the chances that violent activities occur, i.e. from the side of the supporters as well as of the side of the police.

8.9.1.1. On-charging of the costs of police deployment

In **France** the Loi Pasqua of January 1995 obliges to financially contribute to special police services (for highly-risked games such as OM-PSG for instance).

In **Poland** the law allows, not obligates, the paid participation of the Police in guaranteeing safety inside a stadium.

In **England and Wales** the football clubs pay for the costs of police officers deployed inside the stadium or on club property under a special services agreement.

8.9.2. Security personnel

According to Rule 4.1 of the **Binding instructions of the UEFA** each association and/or club must appoint a security officer who will keep in close touch with supporters and familiarise himself with their customs and preferences. Additionally, in co-operation with the police authorities, he or she should compile a record of all known troublemakers. All this information should be used when liaising with fellow security officers of other associations or clubs, travel companies, supporters' clubs, police authorities, etc. in connection with matches

played at home and away. Great care should be exercised when appointing a security officer. The appointed person must have a sound background of experience in matters related to crowd control, safety and security at football venues, public order, ticketing, match organisation, etc. To appoint someone who has no such background is pointless and puts the association or club concerned at risk.

In **Austria** every professional football organisation is obliged to appoint an official as functionary who is responsible for the security. The name of that person must be passed on to the football association (Bundesliga-Geschäftsstelle). The Österreichische Bundesliga has, by consent of the competent authorities, created a security commission. Representatives of the Österreichische Bundesliga and of the security authorities serve on that commission as well as experts from private security services.

Crisis contact group (*Krisenkontaktgruppe*): the crisis contact group consists of the officer in charge of the security force, the club's safety officer, the officers of the stewards organisation or private security service and of the ambulance and fire services, the representative of the public events authority and the stadium manager. For a high-risk game, a referee from the Austrian Federal League is also invited as an observer. If a serious incident occurs, the members of this group must assemble in an agreed place or area immediately after a short coded signal has been given over the loudspeaker system.

In **Finland** the arranger of a public meeting or a public event may appoint persons to maintain order; the provisions in the Maintenance of Order Act (533/1999) apply to the competence criteria, authority and duties of the persons maintaining order. However, the right to interrupt a public meeting or public event and the right to order the same to disperse are governed by the provisions in this Act. (Assembly Act, Section 18). For the maintenance of order and security, the arranger and the police may also authorise the persons maintaining order to inspect the participants in the event and their personal belongings, if this is necessary owing to the special nature of the event or if there is reason to believe that the participants are in possession of prohibited objects or substances. The provisions in the Maintenance of Order Act apply to the inspection carried out by the person maintaining order. (Assembly Act, Section 23).

In **France**, the security personnel employed by the clubs is generally paid by the clubs. They have complete powers of delegation in matters of security and prevention. They also control the entry and exit of spectators, manage relations with the police forces, the fire services, ambulances etc. The matches require specific security measures: the FFF has included in its regulations instructions regarding these types of matches. They quote the principle according to which: "the match organiser and the owner (or tenant) of the stadium must understand that they are fully or partially liable, in the event of serious incidents or accidents as the result of their lack of foresight and they must take out all insurance cover, thus complying with the legislation as well as the regulations decreed by the public powers and sports authorities". Law No. 95-73 of 21 January 1995 On the organisation and planning of security, Article 23: The organisers of profit-making sports, entertainment or cultural events may provide a security service when required. Individuals or legal entities which have security services put in place by the police or the gendarmerie which are eligible for the usual obligations by the public authority to provide security, must reimburse the State for additional expenses that have been paid on their behalf. A Council of State decree sets the conditions for the application of this article.

In **Belgium**, according to the Football Act of 21 December 1998 the organiser of a football match for the safety in the stadium. One of the tasks of the club's safety personnel is - when needed - to make the deployment of the police force within the stadium as effective as can be. Another task of the security personnel is, by fostering and maintaining an agreeable atmosphere in the stadium, to make the presence of the police in the stadium less perceptible. An effective employment of the security personnel on the other hand anticipates a quantitatively lower need to employ the police force.

In **Hungary** duly qualified organisers play an important role suppressing misconduct at sport events. A guarantee provision of the Sport Act is that only security organisations which are private or corporate businesses falling under Act IV of 1998 on the rules of personal and property security and private detective activities as well as on the Chamber of Personal and Property Security and Private Detectives can be commissioned and only persons with no criminal record can be organisers. The organisers must present a certificate of no criminal record. Since security guards carrying out organisation duties at sport events have to act (against groups of perpetrators of misconduct) in special situations as compared to other security guards working in different areas, it is justified to set certain extra criteria for them and to request certain special qualifications. Therefore, the Government Decree 1071/2003 on measures necessary to prevent and to suppress spectator violence, with special regard to football hooliganism gave the Minister of the Interior the task to study the feasibility of introducing legal measures related to the accreditation of organising bodies (security services) and of the personal and property security guards employed by them providing security at sports events; the Minister is to submit a proposal as the result of the study, on the standard application of the requirements for accreditation, on how these are to be complied with and on an

ongoing supervision.

In Lithuania the Football Federation pays a lot of attention to the security during the football competitions organized in Lithuania. The rules for that are provided by the LFF competition regulations, which are adopted annually. According to the 2003 Competition Regulations Point 62(f), the home team and the owner of a stadium is obliged to ensure the order and safety there during the competitions. In addition, there must be a security firm present as well as police officials.

In **The Netherlands** the professional football organisation is obliged to appoint a professional safety manager and a safety coordinator who are responsible for the order and safety around football matches.

In **Poland** safety managers are introduced, responsible for organisation, safety, the behaviour of the public, and the work of the stewards. The safety manager is the chief person responsible for sports events. He plans the work of the relevant services and appoints the relevant persons. The safety manager's tasks are: to prepare applications for permission to hold a match; to cooperate with the Police, To inspect the sports premises and sports ground regularly; to maintain a register of the ringleaders of hooliganism; to organise, instruct and place demands upon the order-keeping service and speaker, monitor the audio-visual recording of the sports event at his command post, and direct the work of the order-keeping service from this post; to reach decisions on summoning the police if there is a danger to life or if the situation cannot be controlled; to convey information on foreseeable threats to the Crisis Management Centre; and to exert an educational influence on club fans.

In **Portugal** the preventive measures for professional fixtures also include the appointment of a safety co-ordinator for each match to liaise with the police authorities and to be responsible for the smooth running of the event, making it possible to identify exactly who is in charge of organising it. The safety co-ordinator is therefore the person responsible for safety on the part of the organisers and who co-ordinates any action needed with the security forces depending on developments. The appointment of the safety co-ordinator makes it possible to hold the organisers liable and facilitates concerted action in the event of trouble. "Security Coordinator" - an appropriately-trained person appointed by the promoter of the sporting event as the operational security manager for a sports venue and the area within the security rings, acting in cooperation with the security authorities, health authorities, Serviço Nacional de Bombeiros e Protecção Civil [*National Firefighting and Civil Protection Service*] (SNBPC) and organiser of sports competitions, to coordinate the activities of the sports venue stewards and oversee security during sporting events;

In **Spain** under Articles 30 to 68 of Royal Decree 796/93 of May 21st, a police co-ordinator will be assigned to each 1st and 2nd Division A club (and also to every 2nd Division B club from September 1997) and will be responsible for providing information on each match to the General Security Co-ordinator, who reports direct to the General Office for Citizens' Safety. Article 56 of the Royal Decree refers to the functions of the safety coordinator in each club, corporation or sport event providing that he shall organise the specific safety measures; keep the necessary relationships and communications with the Managing Director or club's representative and with the respective chief of safety services; coordinate the actions of all the services intervening in the sport event and, in particular, Local Police, Firemen, Civil Protection, Red Cross, groups of voluntaries and Health Services for which he will hold the necessary meetings.

In **Sweden** clubs in the Allsvenskan and Superettan leagues are obliged to create and develop an individual, strong safety organisation with the aim of minimising the efforts of the police in connection with an event. Clubs must work towards and be responsible for maintaining as high a level of safety as possible in the ground and its immediate surroundings. Information must be submitted to the Swedish Football Association (SvFF) regarding a club's safety and supporter supervisor. A member of the club's board must be appointed to be responsible for safety and supporter issues and such issues must be included on the club's agenda for each meeting.

8.9.3. Stewards

According to Rule 3.10 of the **Binding instructions of the UEFA** sufficient and properly trained stewards must be on duty within the stadium to ensure that spectators are directed to their seats efficiently and smoothly without delay and confusion.

In **Austria**, in view of the European Football Championship 2008, the Austrian Bundesliga has planned to train stewards for the Bundesliga clubs. It concerns well trained security personnel which must maintain a intensive contact with the fan clubs.

In **Belgium**, according to the law of 21-12-1988, the organisers have to meet a number of obligations, inter alia the employment of properly trained stewards in sufficient numbers.

In **England and Wales** there is no national standard for the training of Stewards in crowd control and spectator safety or, indeed, any legislative requirement that clubs should provide such training for Stewards. The Taylor

Report highlighted the lack of training for Stewards and Garland and Rowe further suggest that Stewards do not have the traditional authority that the police possess. As crowd safety is increasingly handed over to football club Safety Officers, these police skills will need to be passed on to avert future tragedies where the responsibility for public safety is handed over to stewards, the police should ensure that adequate training and briefing has taken place.

In **Germany** the stewards must render assistance to representatives of the supporter organisations of the clubs concerning their work with the fans. One of the stewards' tasks is to sharpen the representatives' consciousness of the weight of their responsibilities.

In **Finland**, under the law, the stewards must be legally competent, be properly trained and hold a steward licence. Furthermore, qualification criteria for a person accepted as a steward have been made stricter and along with this, training for stewards has been developed to be more diverse. (The Maintenance of Order Act).

In **France**, the Pasqua Law of January 1995 obliges clubs to hire stewards. The Pasqua law was clarified by a decree of 31 May 1997. This text obliges the organisers to report to the mayor any profit-making sports events at which the public and staff taking part exceed 1,500 people. The declaration must describe the measures planned by the organisers in order to provide security to the public and the participants. If these measures are deemed to be insufficient by the mayor, he may, taking into account the anticipated number of spectators, the configuration of the locations and the circumstances that are particular to the event (the existence of particular risks), provide the organiser with a security team or reinforce the security described in the declaration. The security staff (private) that are put in place by the organiser have a duty to prevent any disorder that is likely to jeopardise the safety of the spectators and participants.

In **The Netherlands** the professional football organisation must provide for sufficient, well trained stewards and an adequate steward organisation in conformity with the quality standards of the KNVB.

The Minister of Justice considers whether an allowance can be issued to a professional football organisation, which is willing to maintain a security firm to employ stewards (arts. 2 et seq. Wet particuliere beveiligingsorganisatie en recherchebureaus). In case such an allowance is issued stewards will be authorized to secure the stadium during football matches and to escort groups of supporters to and from the stadium.

In **Poland** professional order-keeping services (stewards), suitably trained and equipped, are introduced. The law sets forth a minimum number of stewards who must be present during sports events, including events with heightened risk. It is very important for a club to have its own well-selected and properly trained stewards.

In **Portugal** the Decree-Law 94/2002, of 12 April, amended Article 5 in Decree-Law 231/98, of 22 July, namely introducing a new paragraph 3, which consecrates the possibility of, through a joint Administrative Rule from Ministers for the Interior and Youth and Sport, the staging of shows on sports precincts may be dependent on a private security system which includes, security guard, to be designated stewards. Therefore, this administrative rule introduces the steward, in the scope of the private security activity, whose function complements the activity of public security forces and services, without prejudice to the specific competences of these forces and services, in accordance with the provisions of Decree-Law 231/98, of 22 July. Finally, it establishes the duration, content of the training course and evaluation system of the candidates, as well as the specific training modules oriented to the domain of appropriate knowledge, adequate to the characteristics and demands of the job to perform. A steward is a private security vigilante, specifically trained to with the purpose of ensuring the safety and comfort of spectators in sports precincts and security perimeters. The number of stewards to exercise functions in the matches considered of high risk will be of one assistant per each 300 spectators and, in the rest of the matches, one assistant per each 400 spectators. 1. The non-fulfilment is considered to be an administrative offence, punished with a fine of Euro 500 to Euro 1000 by each steward missing in the precinct. 2. In matter of competence for the issue of minutes for administrative offences, instruction of the process and destination of the results of fines are applicable, with the necessary adaptations, the provisions established in Decree-Law 231/98, of 22 July. "Sports venue steward" - a specialist private security employee, directly or indirectly contracted by the promoter of the sporting event, with the functions, obligations and training defined by Orders approved by the Minister of the Interior and the member of the Government responsible for sporting affairs.

In **Spain** there is a two tier system of stewarding. Security stewards from private security companies search spectators arriving at the stadium and in some cases appear to have a minor public order role. These are supplemented by "volunteers" (who at many stadia appear to be unpaid) who check tickets, direct spectators to their seats and staff entry and exit gates.

In **Sweden** trained and SvFF-certified crowd stewards must be included in the security organisation. For matches classified in accordance with planning programme 3, stewards must be included in the club's security organisation to support crowd stewards and the work of other club personnel. Stewards are always subordinate to the police and have the authority to apprehend and hold people for handing over to the police. The police authority can

decide if stewards are to be present at other matches as well. The club must work to ensure that its own personnel and stewards are familiar with the ground, the objectives and rules of the Swedish Football Association regarding safety work and the club's own procedures.

8.9.3.1. Tasks of the stewards

In **Austria** the stewards will be also deployed for the benefit of the supporters at away matches.

In **Belgium**, when needed, stewards escort the referee, the linemen and the players from the dressing room to the pitch. Stewards take part in the control the house rules are complied with. They inspect the installations before and after the match and report immediately every shortcoming in the security measures to the security personnel. The stewards take care that via the entrance and evacuation routes the way is free to the exits and parking places. They survey and accompany the spectators in the different sectors of the stadium. They watch that the spectators do not enter zones which are not open for the public. They provide the public with useful information about the organisation, the infrastructure and the emergency services. They convey all information to the emergency and police services about persons who could break the peace. De stewards take all appropriate measures awaiting the activities of the emergency and security services. They take action in every situation which might put the public order at risk.

In **Finland** responsibility for maintaining order inside and nearby the stadiums will mainly rest with the steward organisation set up by the organisers.

In **France**, the security staff (private) that are hired by the organiser have a duty to prevent any disorder that is likely to jeopardise the safety of the spectators and participants. To this end, they must, in particular: proceed with a visual inspection of the establishment prior to the start of the event; keep the routes and emergency exits free; set up an appropriate device for separating the public from the participants and prevent confrontation between antagonistic groups; intervene in order to prevent any dispute from degenerating into a brawl; alert the police or emergency services; provide assistance and aid to individuals in danger. The security service may be made up of individuals provided by the organiser or staff from a private surveillance and security company. Since the law of 18 March 2003 regarding internal security, these staff may control access to the establishments in which a sports, entertainment or cultural event involving more than 1,500 individuals is being held, by proceeding under the supervision of a police officer from the Criminal Investigation Department and with the express consent of the individuals, with security body checks (these body checks must be carried out by a person of the same sex as the individual being checked). They may also proceed with a visual inspection of any hand bags and carry out a body search with the owner's consent. These prerogatives are always reserved to officers from surveillance companies authorised by the chief of police, as well as to members of the organiser's security service who hold a State diploma and are authorised by the chief of police.

In **Poland** the stewards take particular care to remove known or potential perpetrators of violence who are under the influence of alcohol from sports premises or refuse them entry.

In **Portugal** stewards perform the following functions: a) surveillance of security perimeters of sports precincts, fulfilling and inspecting the due fulfilment of the regulations for use of the precinct by the spectators; b) control of access routes, in order to detect and obstruct the introduction of forbidden objects or substances, or objects likely to origin acts of violence; c) control of tickets and the good functioning of machines for that purpose; d) survey and accompany the spectators in the different sectors of the precinct, as well as provide information in what concerns the organisation, infra-structures and emergency exits; e) to prevent, accompany and control incidents, proceeding to their immediate communication; f) to guide spectators in every emergency situation, specially those implicating the precinct's evacuation; g) to accompany, for co-operation in the security of the match, fans who are travelling to another sports precinct; h) to inspect the facilities, previously and after the sports event, in accordance with the safety and security regulations; i) to prevent spectators from circulating inside the precinct from one sector to another; i) to prevent spectators from leaving their places during the match, therefore preventing the obstruction of emergency access routes.

8.9.3.2. Competences of the stewards

In **Belgium** the stewards are allowed request spectators of their own sex to submit to a superficial search of their clothes and luggage. The search is for illicit objects with which the course of the match can be disturbed, which can harm the health of the spectators or with which the public peace can be disturbed. The stewards can ask for the handing over of those objects. Everyone who resists this search or by whom a weapon or dangerous object is found, is denied entrance to the stadium by the stewards. The stewards practice their tasks and competences within the premises of the stadium. It is a steward not allowed to use force against a person who tries to enter the

stadium illegally. In such a case the steward must ask the security services for assistance.

In **England and Wales** the 1990's have also seen a shift away from using police to control fans inside the ground, with clubs relying more and more on Stewards, employed by the clubs themselves. This is certainly the principal reason why the ratio of police to fans has declined from 1:74 in 1985 to 1:132 in 1992. Indeed, Scarborough Football Club played most of their home games without a single police officer inside the ground. Other, more high-profile clubs, such as Aston Villa, Chelsea and Leicester City are increasingly relying on Stewards to police the stadium. Police officers can only eject individuals from grounds if they are breaking the law, whereas Stewards can follow a particular club's agenda and eject people for breaking club and ground rules. The Home Office report on policing football (1993) recommends that the police leave the task of ejecting supporters to the Stewards. But the ability of Stewards to deal with disorder inside grounds has been severely questioned, not least by the Channel Four programme *Dispatches* in October 1994. There is also evidence suggesting the disposition of Stewards towards the home fans and on rare occasions stewards have provocatively celebrated home goals in front of the away fans and even attacked them.

In **Poland** the law lays down the powers of the stewards during sports event. These powers range from establishing a person's entitlement to watch the sports event, all the way to removing him. The law on the safety of mass-participation events raises the status of stewards and grants them considerable powers. The stewards take particular care to remove known or potential perpetrators of violence who are under the influence of alcohol from sports premises or refuse them entry.

8.9.3.3. Bearing the costs of the stewards

In **Austria** the defrayment of the costs of the activities of the stewards come from the fines imposed by the football organisations.

8.9.3.4. Anonymity of the stewards

In **Belgium** it appears from practice that certain stewards for fear of reprisals of the supporters do not dare to testify against those supporters. In those cases it will be suggested to the police to take the testimony anonymously. That testimony will be taken into account when it is corroborated by other objective elements which make it possible to demonstrate the existence of infringement.

8.9.4. Referees

Guidelines for referees in **Belgium**: in case of verbal violence and offending gestures around the playing fields.

First step: the referee summons the two captains and informs them of his intention to use the loudspeaker installation for a call for calmness and he asks the cooperation of the captains to urge the public to remain calm. After the call through the loudspeakers the referee resumes the match. In case the public continues to shout offending phrases, the referee takes the second step. He decides to interrupt the match temporarily; he asks the teams to return to their dressing rooms and asks the speaker to make a last call for calmness. After the supporters have seized their verbal aggression, the referee resumes the match. In case the two steps did not make any impression on the group of supporters in question, the referee will make an end to the match.

In **France**, the referee uses his skills and alertness to ensure an honest and fair environment for the sport on the field and that the teams and player conduct themselves in an appropriate manner during matches. He keeps an eye out for: cheating and acts of verbal or physical violence. His impartiality translates into penalising any offences thus granting him authority above all suspicion. To this end, referees' decisions should never be contested, nor should those of the line judges who have the same level of authority.

In **The Netherlands** in respect to verbal violence of supporters, the referees have the power to stop a match.

In **Poland** a positive role in safety is also played by referee-observers belonging to the Referee Section of the Polish Football Association, present at all I and II league, Cup and Polish Cup matches.

8.9.5. Fan coaches

In **The Netherlands** positive experiences have been obtained with the concept of "fan coaching" in the framework of EURO 2000. Point of departure is that the idea of being a host ("gastheerschap") must have a structural place while escorting supporters. In view of the future football championships the concept is placed on the agenda of the Council of Europe (the Standing Committee on public violence). In several countries "fan projects" have been

initiated in the past (e.g. Belgium, the Netherlands, Germany). Fan coaches make contact with fans, communicate with them, and try to give positive influences by organising events, giving support and advice, enhancing responsibility, etc. In addition, fan coaches provide a link between fans and clubs, media, schools, local authorities, etc. Fan coaches and fan societies provide one of the few ways which do not restrict themselves to manifestations of hooliganism on match days.

8.10. SAFETY OF THE PLAYERS

The **Binding instructions of the UEFA** provide in Rule 3.15 that it is essential to protect players and match officials against intrusion of the playing area by spectators. This may be accomplished in any number of ways depending on the individual circumstances:

The instructions of the UEFA provide in Rule 5.5 that the match organisers must seek the co-operation of the local police authorities to ensure the safety of the visiting team and officials at their hotel, and when travelling to and from training and to and from the match.

In **Austria** players and match officials must be protected before and after the match on their way from the coach to the changing-rooms and back. They must also be protected against intrusion of the playing area by spectators.

In **England and Wales** the Football Association Handbook Season 2002-2003, E22 provide that each Club is expected to provide a private way from the playing area to dressing room wherever this is practicable.

In **Portugal** Decree-law no. 339/80, of 30 August makes it obligatory, in the event of disturbances during sports events, to fence off the playing field and to build tunnels leading to the changing rooms.

8.11. REPRESSIVE MEASURES AGAINST THE ORGANISERS

In **Malta** a match, which falls short of its stipulated duration because of incidents and (a) the cause is attributed to only one of the participating clubs because of actions of supporters thereof, such club shall: (i) be considered to have lost the match and the match shall be awarded to the other club; and (ii) forfeit its share of the gate money, which shall accrue to the Association; and (iii) shall be further dealt with as the competent body of the Association shall deem fit.

(i) Throwing stones, bottles and similar objects onto the field of play and the use of explosive devices: (a) A minimum fine of twenty-five Maltese liri shall be imposed on a Club and as a consequence the game is interrupted by the Referee for a period exceeding one (1) minute. (b) Where a team is on the field of play and the supporters of the team of the Club concerned fire petards or other explosive devices, which explode and/or land on the field of play, such Clubs shall be fined a minimum of twenty liri. (c) A minimum of twenty liri shall be imposed on a Club, which is found guilty that its supporters have used explosive devices in any part of the stadium/football ground, or thrown stones, bottles and similar objects on other supporters and or neutral spectators. (d) Offences which do not strictly fall under sub-paragraphs (a), (b) and (c) above but are of a similar nature, shall be punished as the competent body of the Association shall deem fit. (e) If it cannot be ascertained which of the Clubs is guilty of an offence, both Clubs shall be fined the minimum and Clubs shall be responsible to make good any damages in equal portions. (f) If the incident/s above mentioned produce any of the injuries or effects as mentioned in Clause (iv) (a), (b) or (c), to any of the persons therein mentioned the penalties therein mentioned shall apply.

(ii) Damage caused to official flags on display: A Club which is found guilty that any of its supporters have in any way damaged any of the official flags on display in a stadium/football ground, shall be liable to make good the damage caused and shall be further dealt with as the competent body of the Association shall deem fit.

(iii) Use of vulgar, obscene, or blasphemous language: (a) When supporters in a stadium/football ground, before, during or after a match join together in a chorus and use vulgar, obscene, racist or blasphemous language, they shall be guilty of bringing the Game into disrepute. (b) A Club which is found guilty of the offence in sub-paragraph (4) above, shall in the first instance be warned and reprimanded. Thereafter, such Club shall be fined a minimum of ten liri for every similar offence during the same football season.

(iv) Invasion of the Field of Play: (a) A minimum fine of thirty liri shall be imposed on a Club which is found guilty of the invasion of the field of play by five (5) or more of its supporters whilst the Referee and/or any of the Assistant referees are still on the field of play, or in its precincts, but not in the dressing room. (b) If, during such an invasion, the referee or any of the assistant referees or any player of the opposing team is mishandled, a minimum fine of one hundred liri shall be imposed on the guilty Club. Furthermore, the team of the offending club shall be punished with the forfeiture of a maximum of three (3) points, not only in connection with the match in question, but also points which the team has already gained or may gain in the competition, (e) Offences, which do not strictly fall under sub-paragraphs (a) and (b) above, but nevertheless qualify as an invasion of the-field of

play, even if the number is less than five (5), shall be dealt with by the competent body of the association as it shall deem fit.

In **Portugal** punishment shall be applied to the club whose supporters invade the playing field with the intention of protesting, assaulting or threatening any of the people, or cause disturbances that give the referee grounds to not start or restart the match or to terminate it before full time. In the event of a repeat offence, the minimum limit of the fine is PTE 3,000,000 (three million escudos). (Article 139). The club whose supporter commits physically assaults of persons, before, during or after the match, so as to cause particularly serious injury, shall be punished with a 1 to 3 match ban on the sports facility or the holding of 1 to 2 matches behind closed doors and a fine of PTE 2,000,000 (two million escudos) to PTE 4,000,000 (four million escudos). The limits of the penalties shall be reduced by half if the assault, although it has not led to serious injury, has been carried out by particularly dangerous means, liable to lead to serious injury. In the event of a repeat offence, the minimum limit of the fine is PTE 3,000,000 (three million escudos). (Article 138).

The penalties to be imposed in the event of trouble are the responsibility of the respective federations and leagues, in accordance with their own regulations. These organisations are also responsible for imposing closure orders (for up to five matches) on sports venues, disciplinary fines and for ensuring compliance with the obligation to install new security equipment. Closure orders may only be issued as the result of disciplinary proceedings and preventive bans may not exceed thirty days.

In **Spain** the safety managers can propose the imposition of disciplinary measures to the owners of sport premises, clubs and corporations and to the organisers the same as to those attending to the sport show who had taken part in acts considered violations without the prejudice of the competences corresponding to the National Commission against Violence in Sport Events.

8.11.1. Prohibition of the use of the stadium

In **Belgium** the football authorities have the power to grant permission to ban offending clubs from using their home stadiums for up to six months. The new law applies to all clubs in the first, second and third divisions.

In **Portugal**, if the referee's report, the Liga delegate's report or the police report mention the occurrence of facts a ban shall be ordered as a preventive measure on the sports facility of the club for 1 to 2 matches, under the disciplinary proceedings instituted. If the commanding officer of the security authorities considers that the conditions are not such that the sporting event can be conducted in safety, he or she shall communicate this fact to the National Director of the PSP [Police] or the Commander-in-Chief of the GNR [National Guard], as appropriate. The National Director of the PSP or the Commander-in-Chief of the GNR, as appropriate, shall inform the organiser of the sports competition of the security arrangements to be corrected and implemented by the promoter of the sporting event. Non-observance will mean that the event will not take place, with liability attributed to the competition organiser. The commanding officer of the security authorities present at the scene may assume responsibility for security at the sports venue at any time during the sporting event if failure to do so would result in risk to persons or installations. The decision to partially or fully evacuate the sports venue shall be the exclusive decision of the commanding officer of the security forces present at the scene. In the case of the prohibition of sports venues, the competitions for which the prohibited promoter of sporting events is responsible for completing shall take place at the venue designated by the federation, for non-professional competitions, or professional league, for professional competitions, in accordance with the terms of the adopted regulations.

In **Portugal** the club whose supporter physically assaults match officials, police officers on duty, delegates and observers from the Liga, executives, players and trainers and other sports operators or any person authorised by law or regulations to remain on the playing field, so as to give the referee grounds not to start or restart the match or to terminate it before full time, shall be punished with loss of the match, a 2 to 4 match ban on the sports facility or the holding of 1 to 2 matches behind closed doors and a fine of PTE 2,500,000 (two million, five hundred thousand escudos) to PTE 5,000,000 (five million escudos). (art. 138). The club whose supporter assaults spectators or people present within the limits of the sports complex, before, during or after the match, so as to cause particularly serious injury, shall be punished under the terms of Article 143(1). If the assault is aimed at a person present within the limits of the sports complex carrying out duties related directly or indirectly to the match, the club shall be punished with a 1 to 2 match ban on the sports facility or one match behind closed doors and the fine provided for in the previous paragraph. (art. 146).

8.11.2. Closing the stadium

In **Italy** Mr Pisanu, Minister of the Interior, has therefore proposed the introduction of directives empowering

Government representatives at local level to cancel or postpone sporting events for reasons of public order and close down football grounds affected by intolerable acts of violence for a period of up to one month. The Minister stated that the first of these rules is meant to be of a "preventative" nature, empowering Government representatives at local level to implement changes to the championship calendar, obviously in agreement with the sports authorities, and the second is meant to "repress", i.e. to sanction offenders through the closure of football grounds involved in "intolerable acts of violence" for a period of up to one month.

In **Portugal** the most important rule established in Decree-law no. 270/89, of 18 August, was one already contained in previous legislation - the application of closure orders on sports grounds in the event of disturbances during sports events. These rules were however adjusted by the 1989 law. Closure orders are defined as the imposition of a temporary order prohibiting the sports club from holding sports events in the same sport, age range and category as those at which disturbances have occurred. The sports federations are made responsible for deciding on the duration of the ban, i.e. how many matches are affected, in the light of the seriousness of the incidents in question and the frequency with which they have occurred. The grounds for closure orders include crowd trouble leading to personal injury or damage to property, and also cases of attempted assault or organised acts of intimidation against spectators, managers, doctors, coaches, secretaries, technical staff, technical assistants and employees, referees and linesmen, players or officers of the law. A club subject to a closure order is also required to bear the full cost of policing the match at which the disturbances occurred.

8.11.3. Terminating a match or postponing a match to another date

In **Italy** because of urgent and serious public needs linked to the taking place of sports events - with a view to safeguarding public order and security after having heard the provincial committee for public order and security, completed in this circumstance by representatives from the Ministry of Cultural Goods and Activities and from CONI, the Prefect may order the postponement of sports events to any other date which might seem suitable or - in situations characterized by persisting serious disturbances - he may prohibit the taking place of sports events for periods not exceeding thirty days.

In **Hungary** the law makes up for a missing, but significant guarantee measure, namely: in case the disrupted order at the sport event cannot be restored otherwise, at police initiative the organisers must terminate or suspend the event.

In **The Netherlands** the Dutch Football Association (KNVB) can postpone a match to another date in case the burgomaster has prohibited the match to be played on the original day. The KNVB - for once - fixes a day at a maximum of 30 days after the original day.

In **Spain** the safety manager has the power to suspend, once consulted his superiors or authorities, either the event's celebration or continuation when he believes that the guarantees necessary for its normal course do not concur due to the lack of organisation, safety or public order.

8.11.4. Match behind closed doors

In **Portugal** the obligation for the promoter to have a football match played without public attendance and with prohibition of television coverage can be imposed. Acts of violence shall be punished in a manner commensurate with severity by means of the penalties of the prohibition of sports venues, conducting sporting events "behind closed doors" and fines. The prohibition of sports venues shall apply to clubs, associations and sports societies intervening in respect of sporting events whose members, supporters or sympathisers commit one of the following offences: a) Aggression towards sports agents, on-duty members of the security authorities, the security coordinator or sports venues stewards, as well as any persons authorised by law or regulations to be present at the sports pitch, which causes the referee to justifiably refuse to start or restart the sporting event or to terminate it before the end of regulation time; b) Invasion of the sports pitch which justifiably prevents the start or conclusion of the sporting event; c) The occurrence, before, during or after the sporting event, of aggression towards the persons described in line a) at the sports venue, causing serious injury, whether considered in respect of the injury itself or the period and degree of incapacity.

8.11.5. License conditions

In **England and Wales** the Football Licensing Authority (FLA) was also established under the Football Spectators Act and it is responsible for awarding licences to premises that admit spectators to watch football matches. Though receiving its funding from central government, it retains an independent function and has considerable powers.

Not least, it has the capacity to close a stadium.

In **The Netherlands** the KNVB can - as *ultimum remedium* - withdraw the licence of a profession football organisation. However, the position of authority of the clubs and the mutual interests limit the measure of enforcement of this remedium. A football organisation which does not meet - in time - the conditions for a licence in general and the security conditions in particular, will - in principle - not obtain a licence for the coming season. A arsenal of other disciplinary sanctions is at the disposal of the KNVB such as the imposition of fines and the prohibition for the clubs to take with them supporters to an away match.

8.12. PROHIBITION ORDERS WITHIN THE STADIUM

8.12.1. Prohibitions in case of disturbing the order

8.12.1.1. Individual offences

In **Cyprus** it is considered an offence when a person is involved 1) in an affray or committing assault against any person in the sports area which is relevant to the sporting event; 2) in a riot in a sporting area; 3) in a riot and without lawful authority demolition or destruction or commencement of demolition or destruction of any building or premises or equipment of the sporting area; and 4) in a riot and cause of damage or harm to property without lawful authority.

In the **Czech Republic** crime offences in connection with the sport events, especially hooligans ones, are usually administered by court as "disorderly conduct" or "bodily injury" or "attack against policeman".

In **Cyprus** it is considered an offence 1. involving the cause of noise or disturbance by any person without lawful excuse at the sporting area or any area adjacent to the sporting area, in a manner which could possibly obstruct the ordinary engagement of the match or the sporting event or cause disturbance of the peace; 2. involving intentional throwing of an object at or towards the playing area. The act of throwing an object constitutes an offence. There is no need to prove that the object was directed at a particular person or that anyone was likely to be alarmed or distressed; and 3. involving insulting of a person in a manner capable of causing assault by another person which may be present in the incident.

In **England and Wales** the Football Offences Act 1991 created as an offence of disorderly behaviour: going on to the pitch without lawful authority or lawful excuse. In addition the Public Order Act 1986 made it a new offence of disorderly conduct behaviour that stops short of actual violence but which is likely to distress, harass, or alarm.

In **Hungary** conducts serving basis for the prohibition of entry carry weight enough to endanger the safety of persons and property, as well as public order, or could be aimed at disrupting them (such as for example: evident intoxication, carrying signs, flags, illegal symbols of power suitable to incite hatred, carrying arms or being armed when visiting a sport event.)

In **Italy** unless the fact is a crime, whoever disturbs the regular taking place of a sports competition shall be punished by an administrative fine from 50,000 to 300,000 Liras. The competence to inflict the sanction is up to the Prefect and the proceeds shall be assigned to the State.

In **Malta** the following activities constitute an offence: 1) throwing of stones, bottles and similar objects into the field of play and the use of explosive devices; 2) use of vulgar, obscene, or blasphemous language; 3) invasion of the field of play; 4) Invasion of the reserved areas of the stadium/football ground; 5) disruption of presentation ceremonies; and 6) active participation in incidents, and/or aiding, and/or abetting incidents caused by supporters.

In **Portugal** any person, during a sporting event at a sports venue, at any time from the opening until the closing of such a venue, acting in a group and attacking the physical integrity of third parties, in this way provoking reaction from other spectators and endangering safety within the sports venue, shall be punished by imprisonment of between six months and three years or a fine of at least 500 days. New offences have been created in response to pressing needs: the offence of undue support from sports clubs or societies to supporter's groups not legally constituted as associations, in line with the general terms of the law. It must be observed by the spectators within the sports venue that it is not allowed to obstruct the access and evacuation ways, especially emergency access ways, without prejudice to their use by persons with disabilities.

In **Slovenia** breaches of public order are predominately focused on two football clubs that have homogeneous groups of fans. Participants of those two fan clubs involve themselves into provoking each other, physical abuse and cause material damage (vandalism). Other forms of breaches are on smaller scale and are mainly focused on improper behaviour of drunken people in public.

8.12.1.2. Collective offences

In **Cyprus** an offence is committed when (1) involving participation to an affray or committing assault against, any person in or outside the sports area, which is relevant to the sporting event; (2) involving participation to an assembly composed of five or more persons at the sporting area or any area adjacent to the sporting area with the intention of committing a criminal offence, or involving five or more persons having assembled at the sporting area or any area adjacent to the sporting area with the intention to watch or to participate to a match or other sporting event and behave in a manner which causes nearby persons reasonable fear that they intent to cause disturbance of the piece or the ordinary engagement of the match or the sporting event; (3) involving participation to a riot in a sporting area or any area adjacent to the sporting area; and involving participation to a riot and cause of damage or harm to the property, without lawful authority; and (4) involving participation to an assembly composed of five or more persons at the sporting area or any area adjacent to the sporting area with the intention of committing a criminal offence, or involving five or more persons having assembled at the sporting area or any area adjacent to the sporting area with the intention to watch or to participate to a match or other sporting event and behave in a manner which causes nearby persons reasonable fear that they intent to cause disturbance of the piece or the ordinary engagement of the match or the sporting event.

8.12.2. Prohibited area

In **Belgium**, without prejudice to any legal regulation, order by the authorities or other justified reason, a person, who is found in certain restricted areas, is punishable by law. Already the climbing of the fences, without the intention to insult or provoke other spectators, only to get to another place in the stadium can be verbalized. The entering of the pitch is - of course - allowed in case of riots, fire etc.

In **England and Wales** Section 4 of the Football (Offences) Act 1991 makes it an offence for a person at a designated football match to go to the playing area or any area adjacent to the playing area to which spectators are not generally admitted without lawful authority or lawful excuse.

In **France**, any person who has entered the competition area in a sports establishment will have caused a disruption to the competition or threatened the security of the people or property and shall be punished with a fine of 15,000 Euros and one year's imprisonment. (Article 42-10, amended by Order 2000-916 2000-09-19 Art. 3 JORF 22 September 2000 in force on 1 January 2002).

In **Italy** unless the fact represents a more serious crime, whoever - in the venues where sports events take place - unduly trespasses a fence or a dividing structure of the plant or - during sports events - invades the playing field shall be punished - if the fact causes effective danger to people - with the arrest up to six months or a fine from 300,000 to 2,000,000 Liras. Whoever occupies ways of clearing or other areas of the sporting premises provides in the paragraph 1 of the article I-quarter, not accessible to spectators, is punished with the administrative fine by Euro 103,00 to Euro 516,00.

In **Portugal** any person, during a sporting event at a sports venue, from the opening until the closing of such a venue, who invades the pitch or enters zones of the sports venue for which access is prohibited shall be punished by a prison sentence of up to one year or a fine. If that conduct results in the disturbance of the normal course of the sporting event, causing the suspension, interruption or cancellation of the event, the culpable person shall be punished by imprisonment of up to three years or a fine of up to 500 days.

In **Sweden** the home club is responsible for ensuring that unauthorised persons do not gain access to the ground and that banned objects are not brought into the ground. The home club is therefore obliged to ensure that the ground's fences are of a good enough quality to prevent this from happening. Signs warning to keep off the pitch must be placed in highly visible locations inside the ground.

8.12.3. Prohibition of alcohol

According to Art. 3(4)(d) of the **European Convention on Spectator Violence** prohibits the introduction of alcoholic drinks by spectators into stadia; restricts, and preferably bans, the sale and any distribution of alcoholic drinks at stadia, and to ensures that all beverages available are in safe containers

According to Rule 3.19 of the **Binding instructions of the UEFA** no public sale or distribution of alcohol is permitted within the stadium or its private environs. All alcohol-free drinks which are sold or distributed must be dispensed in paper or open plastic containers which could not be used in any dangerous manner.

In **Austria**, in case of a risk match, the sale of alcoholic drinks can be forbidden. At all other matches the consumption of alcoholic liquors (except liquors with a high percentage of alcohol) is permitted. The drinks, available in the stadium, must be served in cardboard beakers.

In **Belgium** the local authorities have the power to promulgate a prohibition of alcohol in case they are of the

opinion that the consumption of alcohol will put the public peace and the safety of the spectators in danger. In **Cyprus** it is an offence of being found drunk while the accused is at the sports area. A constable, which reasonably suspects that a person has committed the above offence, may arrest him/her without a warrant. In **England and Wales** the Sporting Events (Control of Alcohol etc) Act 1985 makes it an offence to possess or consume alcohol within view of the pitch during the period of the match; to be drunk during the period of the match. The provisions of the Sporting Events (Control of Alcohol, etc) Act 1985, then, were based on the dubious presumption that football related violence or "hooliganism" (the two phrases being used interchangeably) could be prevented, or at least reduced, if the availability of alcohol to spectators before, during and after a football match was limited. Accordingly, s 1 prohibits the carrying of alcohol on "football specials" and allows the police to stop the train and search the occupants if they believe that alcohol is on board. Section 2(2) makes it an offence to attempt to enter a football ground whilst "drunk", a phrase which the Act fails to define.

The **Latvian Sports Administration** shall initiate all sports federations to review By-laws of Sports competitions in accordance with provisions of European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (restrict the sale and any distribution of alcoholic drinks at stadia etc.).

In the **Netherlands** the sale and consumption of alcoholic beverages is permitted only in the canteens of the stadium, and then only if a permission is granted by the managers of the stadium.

According to the **Polish** law on the safety of mass-participation events the consumption of alcohol is forbidden.

In **Portugal** Decree-law no. 339/80, of 30 August prohibits the sale of alcohol. The police authorities are granted new powers under the law. In addition to testing for alcohol, officers can run checks on individuals who show signs of being under the influence of drugs, with powers to remove from the stadium any person who tests positive or refuses to be tested. For the effects of the provisions of this Law, the following shall constitute infringements of regulations, punishable by a fine: a) the introduction, sale or consumption of alcoholic drinks in sports venues; b) the introduction, transport or sale within sports venues of drinks or other products in containers not made from lightweight materials unlikely to cause injury. Non-fulfilment of the conditions described by law (prohibitions) shall incur immediate removal from the sports venue by the security authorities present, without prejudice to other penalties which may apply.

In **Slovakia**, unlike in many other European Member States, beer is sold during games at almost all clubs. By the way, the league is also sponsored by a beer company, Gambrinus. Czech FA chief Jan Obst draws a distinction between stronger 12 degree beer and weaker 10 degree beer, saying the latter is part of the "football experience". "I strongly believe that the current law - which was introduced in 1989, just before Communism ended - banning the sale of even 10 degree beer achieves nothing whatsoever. We have been working with MPs on the new law, which would allow 10 degree beer to be sold legally at football stadiums." That new law, due to include lifetime bans for convicted hooligans, should be introduced sometime later this year.

In **Slovenia** provisions are in force forbidding serving alcoholic beverages in a sports facility during competition, one hour before the start and during the competition, entrance to persons under the influence of alcohol.

Spain does not experience problems of drunken behaviour at stadia. This was borne out by close observation of the spectators at the match. Even the noisiest and most committed appeared to be completely sober. Spanish law prohibits the sale of alcohol at stadia. Non-alcoholic beer is sold, along with soft drinks, in suitable safe containers. This appeared to be well accepted by spectators. People who are under the influence of alcohol will be excluded (art.67 of Law 10/90). The introduction into stadiums and the sale of alcoholic drinks is prohibited (art.67 of Law 10/90 and Arts. 21 and 22 of RD769/93).

8.12.4. Prohibition of drugs

In **Cyprus** being found under the influence of narcotic substances, while the accused is at the sports area constitutes an offence. A constable, which reasonably suspects that a person has committed that offence, may arrest him/her without a warrant.

In **France**, any misdemeanour as set out in Article L. 3421-1 or one of the breaches set out in Articles 222-34 to 222-39 of the penal code, even if this incitement has not had any effect, or the fact that these breaches take place on a favourable day, shall be punished with five years imprisonment and a 500,000 F fine. The same penalties shall apply to incitement, even without effect, to the use of substances that have the effects of substances or plants classified as being narcotics. When the breach described in the previous article appears in the press or on TV, the specific provisions of the laws governing these matters shall be applicable as regards determining which individuals are responsible.

In **Spain** people who are under the influence of drugs will be banned from the stadium (art.67 of Law 10/90).

8.12.5. Prohibition of tobacco

In **France**, any direct or indirect propaganda or advertising of tobacco, tobacco products or ingredients, as defined in paragraph two of Article L.3511-1, is prohibited along with all free distribution. It is prohibited to smoke in public places, particularly in schools, in public means of transport, except in places expressly designated for smokers. A Council of State decree sets the conditions for the application of the previous article.

In **Slovenia** in the chapter on sports events are provisions forbidding smoking in closed spaces where a competition is being held.

8.12.6. Prohibition of firework

According to Art. 3(4)(g) of the **European Convention on Spectator Violence** controls must be provided so as to ensure that spectators do not bring into stadia fireworks or similar devices.

The **Binding instructions of the UEFA** provide in Rule 3.8 that the final screening and search procedures must be carried out by the security services outside the turnstile entrances to ensure that spectators do not bring fireworks of any kind into the stadium.

In **Austria** the introduction into the stadiums of pyrotechnical devices is in principle forbidden, however, the burgomaster can decide, in rare occasions, to make an exception. A representative of a fan club, which is known by name, can ask for permission. The devices may never be brought in the spectator stands.

In **Belgium**, according to arts. 23ter and 24 of the Sports Act, it is prohibited to be in the possession of pyrotechnical objects.

In **England and Wales** Section 2A of the Sporting Events (Control of Alcohol etc) Act 1985 makes it an offence to possess, during a designated sporting event or while entering or trying to enter it, "any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas including distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not matches, cigarette lighters or heaters.

In **Italy**, unless the fact represents a more serious crime whoever - in the venues where sports events take place - is found to have rockets, Bengal lights, fireworks and fire-crackers or any other instrument emitting smoke or visible gas shall be punished by a three to eighteen months' arrest and a fine from Euro 150 to Euro 500.

In the **Netherlands** the introduction into the stadium, the possession and ignition in the stadium of firework is prohibited.

According to the **Polish** law on the safety of mass-participation events pyrotechnical resources (fireworks) must not be brought into a stadium

In **Portugal** a new offence has been created in response to pressing needs: the offence of bringing fireworks or similar objects into sports venues or using them in such places. In response to the tragedy at the Portuguese Cup final in 1997, when misuse of a flare resulted in the death of a young man, and given the ineffectiveness in the circumstances of the existing legislation on the control of the sale and possession of pyrotechnic, luminous or smoke devices, the Government approved Law no. 8/97, of 12 April, criminalising conduct likely to constitute a hazard to life and physical wellbeing involving explosive substances or devices or pyrotechnic materials (amongst others) at sporting events.

In the **Slovenian** chapter on sports events are provisions provided for forbidding bringing pyrotechnic and other similar objects to a sports event.

In **Spain**, as in other countries, it is very difficult to confiscate all fireworks and rockets, despite the extensive searches carried out by private security firms and the police. The National Commission proposes sanctions against clubs in the event of repeated problems. Provisions on the control to prevent the introduction of bengal lights and fireworks can be found in arts. 66 and 67 of Law 10/90.

8.12.7. Prohibition of dangerous objects

According to Art. 3(4)(g) of the **European Convention on Spectator Violence** controls must be provided so as to ensure that spectators do not bring into stadia objects that are likely to be used in acts of violence.

The **Binding instructions of the UEFA** provide in Rule 3.8. the screening and search procedures must be carried out by the security services, consisting of both sexes, outside the turnstile entrances to ensure that spectators do not bring any objects/substances into the stadium that are likely to be used in acts of violence, nor alcohol or fireworks of any kind.

In **Austria** it is spectators forbidden to bring into the stadium objects which can be thrown or shot at the playing

field or in the stands. It concerns also objects which can be used as a weapon (umbrella's with points of wood or metal) and in particular knives, big key-chains, separate batteries, iron sticks, stones, thermos flasks, safety helmets, bicycles etc. The organiser, together with the security service, can fit a cloak-room. There the illicit objects can be preserved until the spectator in question leaves the stadium. Spectators which refuse to hand over illicit objects can be removed from the stadium without restitution of the entrance-fee.

In **Belgium** a steward has the power to deny a person the entrance to the stadium when that person refuses to hand over a weapon or an object which, according to the stadium's internal regulation is not allowed in the stadium. Anyone who, without a justifiable reason, throws an object into the playing area or into the stands, will be punished. (Sports Act, art. 13).

In **Cyprus** an offence is committed when involving the use or carriage of an offensive weapon or a firearm in public, committed during a period relevant to a match while the accused is at the sports area or any area adjacent to the sports area, or any other object likely to be used in an act of violence or in a manner which would bring about terror or cause harm to another person.

In **England and Wales** Section 2 of the Football Offences Act 1991 created the throwing any object at or towards the pitch or spectator areas without lawful authority or lawful excuse as an offence of disorderly behaviour. There is no need to prove that the object was directed at a particular person or that anyone was likely to be alarmed or distressed. It will be a defence that the person acted with lawful authority or lawful excuse. It will be for the defendant to prove such lawful authority or lawful excuse. On the basis of the Football Association Handbook Season 2002-2003, E21 each affiliated association, competition and club shall be responsible for ensuring that no spectators throw missiles, bottles or other potentially harmful or dangerous objects at or on to the pitch.

In **Finland** the Public Order Act (järjestyslaki, ordningslag; 612/2003, government bill 20/2002) strives to promote order and security in public places. The relevant provisions that apply in questions of football hooliganism are in chapter 3 and concern forbidden dangerous items and substances.

Police officers have the right to temporarily take possession of explosives and other dangerous objects or substances from any person whose age, state of intoxication, mental state or other circumstances can justifiably be thought to pose an immediate danger to public order and security. Instead of the whole object, part of it or a part connected to it may be taken into possession if its removal could prevent the danger. An official record shall be made or a note entered in some other document of the property taken into possession. Provisions on taking possession of weapons, components of weapons, cartridges and specially dangerous projectiles are laid down in the Firearms Act (1/1998). In a public meeting or a public event or in their immediate vicinity, no one shall keep a firearm, explosives, edged weapon or other comparable object or substance in his/her possession, where there is reason to believe that it could be used in the commission of a criminal offence against the life or health of another person. This does not apply to weapons required for the performance of an office or a duty or forming a part of a uniform, nor to objects and substances needed for the programme of the event or a sporting competition. The arranger and the police have the right to prohibit the possession of intoxicating substances in a public meeting or a public event. (Assembly Act, Section 23).

In **France**, the introduction of rockets or fireworks of any type as well as the introduction, without a legitimate reason, of all objects deemed to be a weapon under Article 132-75 of the penal code are banned in a sports establishment during a sports event or during its broadcasting. Any individual who breaches one or more of these bans shall receive a fine of 15,000 Euros and three years imprisonment. Any attempted offence as described in this article shall be punishable with the same penalties. The court may also order the confiscation of the object that has been used or intended to be used to commit the breach. A punishment shall be issued to any individual who throws a projectile that presents a danger to the security of the individuals in a sports establishment during a sports event or its broadcast. The same penalties shall apply to any individual who has used or attempted to use the furniture or property of the sports establishment as a projectile.

In **Germany** searching the clothes and luggage of persons in the framework of a big event for weapons and dangerous objects is legitimated according to art. 21 I Nr. 1, II PAG, § 17, 18 MEPoIG, even then when the identity of the person in question is verified. Since hooligans are in the possession of - in normal circumstances - allowed objects, the police must decide in an individual case, to order to hand over those objects when it is to be presumed that those objects can be used as a weapon in brawls and be dangerous objects in the sense of the police acts.

In **Italy**, unless the fact represents a more serious crime, whoever throws blunt instruments or other objects, including fireworks, - and in this way he/she causes a danger to people - in the venues where sports events take place or in the places where people participating in or attending such events stop, transit or are transported shall be punished by six months' to three years' imprisonment. It is prohibited to carry out of one's dwelling or of its surroundings arms, iron shod cudgels or sticks, truncheons or knuckle dusters. It is prohibited to carry out of one's

dwelling or of its surroundings sticks with a sharp point, pointed or cutting offence tools, cudgels, tubes, chains, slings, bolts, metal balls and any other tool which is not expressly considered as an edge or cutting weapon, but can be clearly used to injure a person under given circumstances of time and place. The offender is punished with imprisonment from one month to one year and with a fine from 100,000 to 400,000 lire. For less serious cases, for example for the possession of offence tools only, it is possible to give just a fine. It is prohibited to carry weapons at public events also for those who have the relevant authorisation. The offender is punished with imprisonment from 4 to 18 months and with a fine from 200,000 to 800,000 lire. In case the offender does not have the necessary firearms license, he is punished with arrest from 1 to 3 years and with a fine from 400,000 to 800,000 lire. The punishment is doubled if the aforesaid weapons and tools are used to commit a crime. However, this increase is not enforced when the use itself represents a specific aggravating circumstance for the crime committed. Judicial police officers and senior officers shall arrest anyone who is caught red-handed when violating the provisions under the above mentioned paragraphs four and five. (Paragraph deleted by article 8 of Decree Law No. 122 of 26 April 1993). When the offender is convicted, firearms and other offence tools are confiscated. According to the criminal provisions under this article, the following objects are not considered as weapons: flag staffs and shafts for placards or banners used at public exhibitions or demonstrations as well as symbolic objects used on the same occasions, unless they are implemented as blunt instruments.

In **The Netherlands** it is forbidden to bring into the stadium bottles, glasses, cans, sticks (longer than 1 metre and a diameter larger than 2 cm), chains, stab weapons and further any other object which can be used as a weapon or as a means to disturb the peace.

In **Poland** the law establishes a catalogue of objects and materials that must not be brought to sports events. According to the law on the safety of mass-participation events it is prohibited to bring knives, bottles and other dangerous objects into a stadium

In **Portugal** the police can search spectators, whenever necessary, to prevent them from bringing into the stadium banned objects or any other objects which might be used in acts of violence, a procedures which had already been implemented by security forces at major football fixtures. The use and carrying of explosive or similar substances is an offence under the terms of article 275 of the Criminal Code. Any person, during a sporting event at a sports venue, from the opening until the closing of such a venue, creating danger to the physical integrity of persons attending the event by throwing objects, or liquid products, which may cause injury shall be punished by a prison sentence of up to one year or a fine. For the effects of the provisions of this Law, the introduction, sale, hire or distribution in sports venues of cushions not made from a light material unlikely to cause injury, constitute an infringement of the regulations and is punishable by a fine. For the effects of the provisions of the Law no. 8/97, of 12 April, the following shall constitute infringements of regulations, punishable by a fine: g) The introduction or use of explosive or pyrotechnic substances or devices or objects which produce similar effects, without prejudice to other penalties which may apply.

In **Spain** the control to prevent the introduction of prohibited objects, bengal lights and fireworks takes place (arts. 66 and 67 of Law 10/90). The organisers of sporting events are held liable if the prohibited objects are brought into the stadium. A list of prohibited objects is displayed at stadium entrances, along with a warning on the back of the tickets. Clubs are responsible for organising searches. The list prohibits objects that might be used as weapons, such as flagpoles, smoke bombs, firecrackers and bottles.

8.12.8. Prohibition to wear masks

In **Italy** it is prohibited to use protective helmets or any other tool which makes it difficult to recognise a person in a public place or a place open to the public, without a justified reason. That use is prohibited in any case on the occasion of exhibitions held in public places or open to the public, apart from sports events for which the helmet is necessary. The offender is punished with arrest from six to twelve months and with a fine from 300,000 to 800,000 thousand lire. For the violation red-handed arrest is facultative.

In **Sweden** the Ministry of Justice considers legislation concerning prohibition of use mask in connection with demonstrations. This legislation can, maybe, also been used at football and other sporting events.

8.12.9. Prohibition to use instruments producing noise

In **Portugal** the use in sports venues of horns powered by battery, electrical current or other energy sources, as well as any instrument producing noise installed in a fixed manner, with the exception of the public address system of the promoter of the sporting event and the introduction and the use of air horns or other devices making loud noises in covered sports venues constitute infringements of regulations, punishable by a fine.

8.12.10. Prohibition of indecent or racist chanting

In **England and Wales** the Football Offences Act 1991 makes it an offence of disorderly behaviour to take part in indecent or racist chanting. Section 9 of the Football (Offences and Disorder) Act 1999 amended section 3, subsections (1) and (2)(a), of the 1991 Act and makes it an offence for an individual to engage or take part in racist or indecent chanting, whether alone or in concert with one or more others. Section 3 of the Football (Offences) Act 1991 requires that for an offence to be committed two or more people must be involved in indecent or racist chanting.

In **Malta** in the case that the offence consists of insulting, racist, obscene or blasphemous language in a chorus and such chorus is accompanied by musical instruments, the guilty club shall be fined and/or its supporters shall be prohibited to use any musical instruments during competitive matches at least for the rest of the season.

In **The Netherlands** according to a directive of the Public Prosecutor supporters who are guilty of racist and discriminating chanting must be assailed. In practice the isolation of an guilty individual in a mob is problematic. In a direction of the KNVB the professional clubs, the referees and the representatives of the KNVB must take action against (groups of) supporters who are found to be guilty of grievous chanting before, during or after the match.

In **Poland** the law on the safety of mass-participation events prohibits the singing and chanting of rude songs and slogans.

8.12.11. Prohibition of racism

The **Binding instructions of the UEFA** provide in Rule 3.31 that the match organisers, together with the security authorities, must prevent any provocative action being taken by spectators inside or in the immediate vicinity of the stadium (unacceptable levels of verbal provocation from spectators towards players or opposing fans, racist behaviour, provocative banners or flags, etc.). Should such action arise, the match organisers or security authorities must intervene over the public address system or remove any offensive material. Stewards must draw the attention of the police to serious acts of misbehaviour, including racist insults, so that offenders may be removed from the stadium should the police so decide. Associations, clubs and match organisers must implement and apply UEFA's 10-point plan on racism (Annexe).¹⁰⁹

In **Austria** the match organiser, together with the security service, must prevent that supporters make utterances of racism. In case those utterances do take place, the organiser and the security service must intervene using the public address system.

In the **Finnish Criminal Code** there is a general ban of discrimination but there is no special legislation which is aimed to prevent especially racist activities in sporting events. Ethnical minorities as well as racist activities in Finland are so few that there has been no need for such special legislation.

In **France**, the introduction, wearing or display within the sports establishment, during a sports event or its

109 The UEFA Ten Point Plan

The Ten Point Action Plan Against Racism in Football, commonly known as the UEFA Ten Point Plan, was developed by Football Against Racism in Europe (FARE) and adopted by the Union of European Football Associations (UEFA). It sets out ten measures that national associations and clubs should adopt as the framework for action to challenge racism:

- Issue a statement saying the club will not tolerate racism, spelling out action it will take against those engaged in racist chanting. The statement should be printed in all match programmes and displayed permanently and prominently around the ground;
- Make public address announcements condemning racist chanting at matches;
- Make it a condition for season ticket holders that they do not take part in racist abuse;
- Take action to prevent the sale of racist literature inside and around the ground;
- Take disciplinary action against players who engage in racist abuse;
- Contact other clubs to make sure they understand the club's policy on racism;
- Encourage a common strategy between stewards and police for dealing with racist abuse;
- Remove all racist graffiti from the ground as a matter of urgency;
- Adopt an equal opportunities policy in relation to employment and service provision;
- Work with all the other groups and agencies, such as the players' union, supporters, schools, voluntary organisations, youth clubs sponsors, local authorities, local businesses and police, to develop pro-active programmes and make progress to raise awareness of campaign to eliminate racial abuse and discrimination.

Clubs have the ultimate responsibility for ensuring the safety and security of spectators and players at their grounds. The 'Team Up Against Racism' e-postcard campaign calls on all 42 Scottish Premier League (SPL), First Division, Second Division and Third Division clubs that make up the Scottish Football League (SFL) to fully implement this UEFA Ten Point Plan.

broadcast, of badges, signs or symbols representing a racist or xenophobic ideology shall be punishable with a fine of 15,000 Euros and one year's imprisonment. An attempt at an offence described in the previous paragraph shall be punishable with the same penalties.

In **Italy** Decree Law No 122 of 26 April 1993 (law No 205 of 25 June 1993) envisages the possible participation of racist organised groups in sports events. It also introduces two new crime hypothesis: the first one, prosecutes the behaviour of any person who in public events, shows external manifestations or emblems or symbols of racist nature, or based on ethnic, national or religious hatred whereas the second one, of contravention nature, consists in the prohibition of access to sports premises for those persons who carry the aforesaid emblems or symbols, and its violation is punishable by imprisonment for a term of three months up to one year. The aforesaid prohibition can be applied for a term of five years and extended to gathering places concerning sporting events. 1. Whoever, on the occasion of public meetings, clearly shows or flaunts emblems or symbols actually referring to organisations, associations, movements or groups as under paragraph three of article 3 of Law No. 654 of 13 October 1975, is punished with imprisonment up to three years and with a fine from two hundred thousand to five hundred thousand lire. 2. It is prohibited to go to the premises where sports events take place and carry the emblems or symbols cited under paragraph 1. Offenders are punished with arrest from three months to one year. 3. In the event of persons reported or convicted for one of the crimes envisaged by article 3 of Law No. 654 of 13 October 1975 or for one of the crimes under Law No. 962 of 9 October 1967 as well as for a crime committed under aggravated circumstances, as envisaged by article 3 of this decree, or if a person is under surveillance because he is considered a potential offender who might endanger public safety, that is for the reasons under article 18, paragraph 1, no. 2 of Law No. 152 of 22 May 1975, the provision under article 6 of Law No. 401 of 13 December 1989 is enforced and the prohibition of access is valid for five years, unless a filing sentence is issued or if the preventive provision is dismissed, acquitted or revoked, in case the person is discharged or granted the rehabilitation under article 168 of the Criminal Code or in compliance with Law No. 327 of 3 August 327.

In **the Netherlands** in case of racist violence the referees have the power to break the match. The burgomasters have the power to go a step further by ordering to have the section of the stand in question cleared or to order the game to be stopped.

In **Portugal** supporter's groups are not permitted to adopt signs, symbols or slogans that incite their members or others to acts of violence, racism or xenophobia. Incitement to violence, racism or xenophobia or other forms of discrimination, without prejudice to other applicable penalties constitute infringements of regulations, punishable by a fine.

In **Switzerland** racial utterances and signs can be prosecuted on basis of the criminal code (Arts. 261bis, ter and quater E-StGB).

8.12.12. Prohibition of discrimination

In **Italy** unless the fact amounts to a more serious crime, also in order to enforce the provision under article 4 of the Convention, whoever commits the following crimes is punished: a) with imprisonment up to three years, if he spreads ideas based on superiority as well as on racial or ethnic hatred, or if he instigates to discrimination or he himself discriminates between people because of their race, religion, nationality or ethnic group; b) with imprisonment from six months to four years if he somehow instigates to violence or to provoke it or if he is the perpetrator of these crimes. Every organisation, association, movement or group whose objectives include, inter alia, the instigation to discrimination or violence for racial, ethnic, national or religious reasons, is forbidden. Those who participate in said organisations, associations, movements or groups, or however support their activity, are punished for the mere fact of participating or assisting, with imprisonment from six months to four years. Whoever promotes or is the leader of the organisations, associations, movements or groups in question, is punished, for this fact only, with imprisonment from one to six years.

In **the Netherlands** the prosecution of discrimination is complicated. The discriminatory utterances must be directed against descent or appearances. Utterances concerning nationality are not considered to be discriminating.

8.12.13. Prohibition of political action

The **Binding instructions of the UEFA** provide in Rule 3.30 that the promotion or announcement, by any means, of political messages or any other political actions inside or in the immediate vicinity of the stadium are strictly prohibited before, during and after UEFA competition matches.

In **Austria** the promotion or announcement, by any means, of political messages or any other political actions

inside or in the immediate vicinity of the stadium are strictly prohibited before, during and after Bundesliga competition matches.

8.12.14. Prohibition of verbal abuse

In **Austria** the representatives of the organiser and the security services are obliged to take immediate action against provocative actions (unacceptable verbal provocations of supporters directed against players or opposing supporters, racial behaviour, provocative banners etc.).

In **Belgium** in case a referee during a match hears utterances which he cannot pass he breaks the game and summons the two team captains and ask for their cooperation to calm down the supporters in question. He can also ask for an appeal through the public address system. After having done so the match will be resumed. In case the supporters remain to be aggressive the referee will put down the match and ask the players to go to their cloak-rooms. By way of the public address system a last call to stop the verbal aggression will be announced. When the peace has returned the referee will resume the match. In case the peace does not return the referee will make up a report to the competent match official. That authority must decide about any sanction.

In **England and Wales**, according to the Football Association Handbook Season 2002-2003, each club must have bills printed and posted in their grounds, threatening with expulsion anyone responsible for any insulting or improper conduct towards a Match Official. Any individual referred to in Rule E20 of the Football Association Handbook Season 2002-2003 may be removed from any ground, and such force may be used as may be necessary for the purpose of effecting such removal.

In **France**, the player must be the first vehicle for conveying the essential values of the sport, in particular fair-play, honesty or even discipline. Through his behaviour, the player therefore participates, at his level, in the prevention sports violence. As the main and occasionally media player at the event, he has a moral responsibility, particularly with regards to young sports players to whom he sets an example, or even a model, in sport and in life.

Every person who, during a sports event or public broadcast of such an event in a sports establishment, has by any particular means incited hatred or violence in the spectators towards a referee, a sports judge, a player or any other individual or group of people, shall be punishable with a fine of 15,244 Euros and one year's imprisonment. These few examples demonstrate the wish of the legislator to prevent and fight against all forms of violence taking place during sports events.

In **Malta** a club which is found guilty that any of its supporters had, on the occasion of a competitive match, in the stadium of football ground of the match, or in the immediate vicinity thereof: a) used insulting or racist behaviour or language or used vulgar or obscene or blasphemous behaviour or language, in every instance whether in a chorus or not; or b) used physical or moral violence against the referee and/or the other match officials, or against any of the players taking part in the match, or against any of the authorised persons sitting on the Reserves' Benches or against the ball boys of the match, or against the MFA Officials or MFA Council Members of FMA Board or Committee Members of the MFA Personnel, whether on duty or not, or against an active referee or an active coach or against the Committee Members of a Member Club, or against the supporters of the opposing team taking part in the match or against neutral supporters; shall be guilty of an offence and, subject to the penalties mentioned hereunder, shall be dealt with by the competent body of the Association as it may deem fit.

In **Lithuania** a person who in a public place by his obscene words or by his indecent behaviour has disturbed the public peace or order, has committed a criminal offence is punished by public works or a fine, or restrictions on his freedom, or arrest. (Criminal Code, Art. 284).

In **The Netherlands** in case of verbal abuse the referees have the power to break the match. The Burgomasters have the power to go a step further by ordering to have the section of the stand in question cleared or to order the game to be stopped.

In **Poland** the law on the safety of mass-participation events prohibits the singing and chanting of rude songs and slogans.

In **Portugal** it must be observed by the spectators within the sports venue that the singing of racist or xenophobic chants or songs is forbidden.

In **Sweden** the starting point is that all actions and means of expression that contravene Swedish law are obviously not permitted in connection with our events. In addition to this, it is also incumbent on each club to counteract other forms of action or expression that may infringe or harm a person or a club. It is therefore the responsibility of each individual club to regularly examine and determine which texts and symbols are to be allowed. There are some guidelines for this work below. The club is responsible for their supporters keeping the Swedish flag free of insulting or offensive texts or symbols. The club must take immediate action to indicate their disassociation from

symbols and attributes, names and texts and any other material connected with undesirable supporters' organisation, e.g. hooligan groups. The club must take immediate action to indicate their disassociation from symbols and attributes, as well as destructive texts and names, that may offend or harm persons or a club. Examples of this include four-letter words, certain forms of skull and xenophobic texts or messages or texts containing hate or loathing against persons, clubs or supporters' clubs. The club must take immediate action to indicate their disassociation from xenophobic or offensive chants and from other inappropriate behaviour.

8.13. REPRESSIVE MEASURES AGAINST INDIVIDUALS

8.13.1. Stadium prohibition based on civil law

8.13.1.1. Local stadium bans based on civil law

In **Austria** the local stadium prohibition is to be imposed by the organising club and is only applicable to the home stadium.

In **Germany** stadium prohibitions are imposed on basis of civil law by the owners of the stadium (professional football organisations, municipalities respectively user firms organised according to civil law) or users of the stadium (professional football organisations) and are - in principle - limited to the home stadium.

8.13.1.2. National stadium bans based on civil law

In **Austria** a national stadium prohibition will be imposed when the security commission of the Bundesliga (Bundesligasicherheitskommission) complies with the request for such an prohibition by a club.

In **Finland** the duties, qualifications and powers of the order supervision personnel is regulated in the *Act on Order Supervision Personnel* (laki järjestyksenvälvoijistä, lag om ordningsvakter 533/1999 with some later relevant changes, government bill 148/1998). Order supervision personnel can maintain order and security in such places as public events, restaurants, camping sites, shopping centres, public transport stations and public transport. The provisions include rules on preventing the entry of a person to a particular event if there is good reason to suspect that the person would endanger the order and security of the event due to his/her state of intoxication, behaviour or anything being carried or worn. There are also rules on carrying out inspections and on using justifiable forcible measures. An organiser of a public event can also give a civil law ban to a known troublemaker. (The Maintenance of Order Act).

In **Germany** stadium prohibitions are imposed on basis of civil law by the owners of the stadium (professional football organisations, municipalities respectively user firms organised according to civil law) or users of the stadium (professional football organisations) and are - in principle - limited to the home stadium. In Germany a banning order can be imposed which is applicable for all stadiums of the three highest divisions (bundesweites Stadionverbot). The verdict must be pronounced before the beginning of the season and must be registered by the DFB (Zentralverwaltung) and the DFL Deutsche Fußball Liga GmbH.

In **England and Wales**, apart from the stadium prohibition based on criminal law the English legislation lodges too a stadium prohibition based on civil law. On request of the police such a prohibition can be imposed by the civil judge. Previous to the request the police is empowered to take a person in custody. The period of prohibition can vary from two to three years. In case the prohibition is not yet imposed and the police is has the intention to request for it, she can give a person the order to appear before the civil judge within 24 hours and the order not to leave England and Wales in the meantime. The stadium prohibition based on civil law is applicable to national as well as international matches.

In **Hungary** the Act CXLV of 2000 on sports (Stv., or Sport Act hereafter) took international regulations into account when introducing the possibility of prohibition of entry to sport events into the Hungarian legal system. Based on Article 82, paragraphs (3)-(4) of the Stv., the organisers of the sport event can, in a written form, issue a prohibition of entry to the sport event organised by them against the person causing disorder for a maximum period of two years.

In **The Netherlands** the KNVB has the power to impose a national stadium prohibition order. Its scope and duration will be dependent of the severity of the misconduct. A supporter who has a banning order is not allowed to a stadium nor may be present in the vicinity of a stadium where the following matches are played: matches in the first and second division; matches of a national team home or abroad; matches played for the FA-Cup (Amstel Cup) home or abroad; matches in the Champions League, UEFA-Cup and the Intertoto Competition and all other matches, home or abroad, played by a Dutch club. It is the task of the KNVB to effectively enforce stadium bans (ticketing, entrance control). The KNVB has the duty to inform the club about the imposed banning order.

Recidivism in case of the civil law stadium prohibition may open the way to impose a stadium prohibition based on criminal law.

In **Portugal** on basis of Decree-law no. 270/89, of 18 August spectators are no longer viewed by the law as the sole protagonists of violence. Responsibility is laid at the feet of almost all those involved in spectator sports, including managers, players, coaches, doctors, owners or franchise holders, club employees. Any of these could now be subject to sanctions, such as banning from sports venues for a maximum period of two years. The President of the Institute of Sports has the power to impose a stadium prohibition as a complementary sanction.

In **Sweden** the club is entitled to suspend supporters from individual events for up to two years. Such decisions may be extended to apply to all events at all premier division grounds. Each club must appoint one person, preferably a member of the board, with responsibility for security issues, whose job is to ensure that suspension cases are dealt with correctly. A person who through word or deed has behaved in a manner that the authorities judge could constitute a safety risk may be denied access to the ground. The rules issued by the SvFF/SEF for dealing with suspensions must be followed in each individual case. Those persons who are subject to an investigation that may lead to a suspension must be guilty of: a disturbance at the ground, in its vicinity or elsewhere; having threatened or behaved in an offensive manner towards a club or individual; in any other way having damaged the reputation of the club or Swedish football. Any incident that may lead to a suspension must be dealt with extremely carefully.

8.13.1.3. Withdrawal of club and season card

In **England and Wales** most clubs in the Premier League play to full houses and most of their supporters are season-ticket holders. Clubs will ban any person who is arrested or ejected from a stadium and supporters do not misbehave as they would risk losing their season ticket.

In **The Netherlands**, in the cases a football club informs the KNVB of a stadium prohibition, the KNVB will collect and block the club card of the person in question, unless there is no sufficient evidence or the duration of the prohibition is short. When a supporter is apprehended by the police on suspicion of a criminal act, his data will be recorded and passed on by the Public Prosecutor's Office to the KNVB. The KNVB then considers to impose a stadium prohibition even before a judge esteems the criminal act proven. The KNVB informs the club of the prohibition and the club must collect and block the season card. The club gives the supporter the opportunity to "earn" back the card by way of a voluntary duty to report.

8.13.1.4. Appeal against the stadium ban based on civil law

In **Austria** the person whom it concerns can appeal against a stadium prohibition based on from civil law. In case of a local prohibition the Bundesliga-Senat 3 decides; in case of a national prohibition the Appeal committee (Protestkomitee) of the Bundesliga decides.

In **Belgium** the perpetrator who disputes a prohibition verdict can appeal, by way of petition, to the police court of justice. No appeal is possible of the judgment of that court.

In **The Netherlands** a supporter can dispute a stadium prohibition. As soon as a writ has been served by a bailiff, the person in question can appeal against the sentence. The appeal must be addressed to the appeal committee (Commissie van Toezicht) of the KNVB. The decision is binding for all parties.

8.13.1.5. Repeal of the stadium ban based on civil law

In **Austria** lifting a stadium prohibition is possible. In case of a local prohibition the club takes that decision; in case of a national prohibition the security commission of the Bundesliga (Bundesligasicherheitskommission). A prognoses of the future behaviour of the person in question at football matches forms the basis for the decision. The convicted supporter must request the repeal. The prohibition must be lifted when it can be proven that the person in question is innocent. The repeal must be served immediately.

In **Germany** the stadium prohibition can in exceptional cases be repealed or its duration can be shortened. When, on basis of a thorough investigation the supporter's well behaviour in the future can be expected then the prohibition can be lifted. The prohibition must be lifted when it can be proven that the person in question is innocent. A stadium prohibition will in no circumstances be lifted when the person in question obtains a ticket for a match.

In **The Netherlands** the club might give the excluded supporter - in time - the opportunity to "earn" back the possibility to be admitted to the stadium before the lapse of the term of the prohibition.

8.13.1.6. Duty to report

In **The Netherlands** a duty to report in connection with a stadium prohibition based on civil law is considered to be contrary to a person's fundamental rights and therefore not possible. The Public Prosecutor can not attach a duty to report to the stadium prohibition based on civil law because there is no question of a sanctioning an offence. Still, an agreement between the club, the local police and the supporter concerning a duty to report is possible. It can be agreed that the convicted supporter reports himself periodically at a police station which can lead to a shortening of the duration of the prohibition. The KNVB has introduced a national report agreement. On basis of a local ordinance to a civil law banning order a stadium surroundings prohibition can be added.

8.13.1.7. Defying a ban

In **The Netherlands**, when a stadium prohibition based on civil law is defied, the Public Prosecutor can have imposed through summary proceedings a prohibition based on criminal law. To such a prohibition a duty to report can be attached.

8.13.2. Punishment of foreign hooligans

According to Art. 5(2) of the **European Convention on Spectator Violence** where appropriate, particularly in the case of visiting spectators, and in accordance with the applicable international agreements, the Parties shall consider: (a) transferring proceedings against persons apprehended in connection with violence or other criminal behaviour committed at sports events to their country of residence; (b) seeking the extradition of persons suspected of violence or other criminal behaviour committed at sports events; (c) transferring persons convicted of offences of violence or other criminal behaviour committed at sports events to serve their sentences in the relevant country.

In **Belgium** functionaries of the General Direction of the General Federal Police (Algemene Directie van de Algemene Rijkspolitie) employed at the football unit with this administration (voetbalcel binnen deze administratie) can, if the person in question agrees with the transaction, collect from a foreign transgressor a certain sum of money. The immediate payment of the sum makes it impossible to impose an administrative fine for the incriminated fact. The payment does not hinder the prosecutor - by applying arts. 216bis of 216ter of the Code of Criminal Procedure - to commence a criminal procedure. In case of acquittal the paid sum will be refunded.

In **France**, when an individual who is sentenced is a foreign national living outside France, the court may, if the severity of the facts justifies it, instead of the additional penalty defined in the first paragraph, issue a ban against the individual from being on French territory for a period of at least two years. According to the conditions set out by the Council of State decree, the chief of police of the "département", or in Paris, the chief of police, may advise the authorised sports federations under Article 16 and the associations of supporters mentioned in Article 42-13, of the identity of the individuals who have been sentenced to the additional penalty described in the previous article. NOTE: Law 2003-239 of 18 March 2003 Art. 131: the provisions of this article are applicable to Mayotte. Immediate appearance in front of courts for arrested hooligans was decided during World cup 1998. Thus, hooligans are immediately judged and convicted and therefore they were expelled from France and some were even convicted by a ban to go to France for several years. This prevents those hooligans to reiterate vandalism and hooliganism acts. Double penalty: this applies to foreign hooligans. It has also been implemented during the World Cup 1998 in France. This means that hooligans can be convicted to 2 penalties. First, they may be convicted to jail or to pay a substantial fine. Then, they may also be banned from French territory for a certain period of time.

In **the Netherlands** apprehended foreign supporters - with the help of the embassy of their countries - will be send home as soon as possible.

In **Portugal** the Organic Law no. 2/2004 of 12 May establishes temporary provisions for the organisation of public order and justice in the extraordinary circumstances of the finals of the European Football Championship - Euro 2004. Chapter V provides for the expulsion of foreign nationals. The competent structure within the SEF shall immediately proceed to instigate expulsion proceedings when the notice concerns: a) a foreign citizen of a member state of the European Union or signatory state of the European Economic Area committing an offence against public security or public order under the terms and for the effects of Article 12 of Decree-Law no. 60/93, 3 March; b) a foreign citizen of a third party country who is a relative of a foreign citizen of a member state of the European Union or signatory state of the European Economic Area, under the terms defined in Article 3 of Decree-

Law no. 60/93, 3 March, committing an offence against public security or public order under the terms and for the effects of Article 12 of the said Law; c) a foreign citizen of a third party country to whom the reasons for expulsion described by line b) of paragraph no. 1 of Article 99 of Decree-Law no. 244/98, 8 August, apply; and d) a foreign citizen of a third party country who has illegally entered or stayed in Portugal. By means of the Agreement on the Free Movement of Persons concluded between the European Community and its respective member states as one party and Switzerland as the other party, lines a) and b) of the foregoing paragraph shall also apply to situations involving Swiss citizens or their family members. The order to instigate the process shall detail the following information: the foreign citizen's identification, his/her nationality, date, time and place of the event in question and the basis of the expulsion. The resolution to instigate the expulsion procedure and information regarding its nature shall be immediately communicated by SEF to the entity conducting the detention. Model procedures approved by the Director-General of the Department of Immigration and Border Control shall be used for resolutions to instigate the expulsion process and to provide information in respect of the nature of the case. In **Spain**, concerning the prosecution of visiting spectators, the presence and assistance of consular authorities of the visiting countries will be requested when the town concerned has no representation.

8.13.3. Street ban

In the **Netherlands** the KNVB and the professional football organisations can in court request a street ban against hooligans.

8.13.4. Discharge of club membership

In **Portugal** according to the Decree-law no. 270/89, of 18 August, with a view to preventing violence, clubs were required to encourage a spirit of fair play amongst members, and especially amongst organised cliques, and also to take measures against any members involved in unruly behaviour (expulsion from club) and to protect any individuals who received threats.

8.13.5. Other repressive measures

In **France**, the example of the French football federation regarding security matters at sports events. The disciplinary regulations of the sports federations convey the wish of the sports movement to fight against all forms of violence or rudeness by their members. Therefore, amongst the actions or behaviour that may lead to disciplinary sanctions against sports associations, managers, players, coaches, one finds in the majority of the disciplinary regulations: all acts of violence (verbal or physical violence) against an official; reprehensible conduct of the managers on the substitutes' bench; rough play amongst the players (rough play is considered to be any action that does not comply with the rules of fair play and characterises anti-sporting behaviour) or against a manager or officer; verbal violence (insults, racist terms etc.); problems during the event or a threat to the security of people and property due to the competition area being invaded by the supporters (in this instance a disciplinary punishment may be issued against the organisers of the sports event, if they have failed in their general security obligations). According to the circumstances, this behaviour may sometimes lead to these individuals being struck off.

In **Malta**, unless otherwise prescribed the disciplinary sanctions which may be imposed by the competent body of the Association are the following: in case of individuals: (a) to caution; (b) to censure; (c) to fine; (d) to suspend (for a specific number of competitive matches and/or for a specified period of time, or suspension from all official functions); (e) to suspend for life. The individual penalties may be combined.

8.14. SUMMARY PROCEEDINGS

In **Belgium** facts infringing the Football Act will not be put before the court in first instance. It is a civil servant of the Ministry of Home Affairs who decides over the punishment. The person in question can come in appeal of that decision at the court of first instance. These are summary proceedings. Within six months a sanction will be imposed.

In **England and Wales** the Football (Disorder) Act 2000 introduces the setting up of special courts sited near to ports and main railway stations to enable the speedy endorsement of travel bans.

In **France** tactics for a smooth World Cup include: a Public Prosecutor to be posted at each match, to press for fast track justice; troublemakers being brought before the courts within 48 hours; and fining or instant deportation for

hooligans and a minimum one-year imprisonment for those caught throwing missiles, inciting hatred or committing assault.

In **Italy** the offences mentioned in section 6, par. 6, section 6-bis, paragraphs 1 and 2 and section 8, par. 1 shall be always dealt with in a summary trial, unless special investigations are necessary.

In **The Netherlands** according to art. 67 Code of Criminal Procedure supporters who openly commit violence can be taken in temporarily custody. It is tried to apply summary proceedings. At risk matches a (football) Public Prosecutor is always present in the stadium or attainable at the police station. At other matches the Public Prosecutor is attainable

In **Poland** the Code on misdemeanours, art. 90 par. 3: accelerated proceedings. This is an important provision because it covers misdemeanours committed not just during an actual sports event, but also before or after such an event, including outside the premises, as long as there is a strict connection between the perpetrator's conduct and the sports event itself, such as the destruction of fixtures and fittings in stadiums or in trains carrying spectators to or from a sports event, and the destruction of public property and equipment.

In **Portugal** Organic Law no. 2/2004 of 12 May establishes temporary provisions for the organisation of public order and justice in the extraordinary circumstances of the finals of the European Football Championship - Euro 2004

8.15. LEAVING THE STADIUM

The **Binding instructions of the UEFA** provide in Rule 3.26 that the end-of-match crowd dispersal strategy should be discussed at the organisational meeting on the morning of the match. If the police commander decides that, for security reasons, a group of supporters should be retained within the stadium for a period of time while other supporters disperse, the following principles should be observed: as soon as it has been decided that supporters will be detained, an announcement to this effect should be made over the public address system in the language of the supporter group concerned. This announcement should be repeated shortly before the end of the match; and the match organisers must ensure that, during this period of retention, the visiting spectators have access to refreshments and sanitary facilities. If possible, they should be entertained (music, video scoreboard, etc.), in order to help the waiting time pass more quickly and to keep them calm. They should also be regularly informed of the remaining time they may have to wait before being allowed to leave the stadium.

8.16. REDUCED MEDIA ATTENTION FOR FOOTBALL HOOLIGANISM

Most researchers have identified problems relating to media coverage of football hooliganism. In all of the countries with significant levels of football-related disorder, researchers have found that hooligans relish the media coverage they receive, and often positively seek it - with rival groups actively competing for column inches and mentions in sensational headlines. The influence of the media was highlighted in a recent European Parliament report on football hooliganism, which recommended that the media avoid sensationalism and promote fair-play and sporting values.

In **England and Wales** the media have an undisputable effect on this subject and can change the face of nationalist moments in a flash. The task of the Press and Media Group was to avoid sensationalist reporting of any hooligan incidents by encouraging openness between the various police forces and the media. A more salient initiative of the group included issuing detailed advice packs to visiting supporters in four different languages.

In **Germany**, during Euro 2000, the editors in chief of the largest daily newspapers were informed in an early stage about the intentions of the security forces. The objective and neutral reporting has led to a situation in which the German violence potential became unsecure and in which the public was sensitized for the problematic nature of hooliganism.

In **Poland** the media have a very significant influence on safety and standards of behaviour among sports fans. They frequently show negative phenomena and situations occurring at stadiums. It is very important that the media create a friendly atmosphere for playing the matches. It is necessary to show positive examples of supporters' behaviour, which is also frequent at our football stadiums.

In **Spain** through words and looks which some of the media unfortunately pick up and relay, they try to influence the judges and often succeed in exerting very considerable pressure on them. In such cases, the media become loudspeakers which amplify these attitudes and simply increase tension and stoke up the atmosphere prevailing before and after the matches. Because of the importance of all the communications media, whether spoken or written, the national commission has appealed to the sense of responsibility of managers and the media in order to prevent the spread of this sort of verbal violence, which encourages aggressive attitudes and is absolutely contrary to the sporting spirit.

8.17. AUDIT

In **Denmark** after each match, reports on incidents are sent to a designated person who regularly updates a special and restricted website concerning hooliganism.

In **The Netherlands** the tasks of the Auditteam football vandalism are to make a short term inquiry when severe incidents have occurred in the Netherlands and to make an inquiry in the prevention of incidents.

After each match the professional football organisation together with the local authorities evaluate the security organisation around the match. The Auditteam is to be deployed on initiative of the Minister of the Interior or on request of the burgomaster in question. The team sets up recommendations to the minister or the burgomaster and draws up best practices with an eye on the improvement of the fight against football vandalism. The football organisation takes - if needed - supplementary measures with a view to the forthcoming matches. The football organisation has the obligation to pass on a report on incidents to the KNVB within 24 hours. Besides the regular visits of a auditor who is permanently allotted to a club, match audits on basis of previously set up criteria will take place periodically.

In **Spain** one of the duties of the safety managers is to send reports after each sport event, mentioning the incidences registered, to the superiors or authorities, analysing the safety services rendered and suggesting the pertinent modifications or the use of new acting methods, pursuant to arts. 32 and 33 of the Royal Decree 769/1993.

8.18. CIVIL DAMAGES

8.18.1. Individual liability

In **France**, according to the Civil Code in force, "any individual, whose actions cause harm to others, shall be obliged to repair any damages". The liability of the authors of the violence may therefore be established on this basis, obliging them immediately to effect repairs for losses suffered by their victims, in the form of damages and interest.

In **the Netherlands** according to art. 6:162 Civil Code, a person who commits an unlawful act towards another which can be imputed to him, must repair the damage which the other person suffers as a consequence thereof.

8.18.2. Collective liability

In **Germany**, injuries to spectators caused by acts of other spectators are generally caused deliberately and are often triggered by disturbances by individuals or groups of spectators. Since it is usually impossible to determine the individuals or groups giving rise to the injuries with sufficient certainty, the problem with these claims for damages lies predominantly in the issue of adequate proof. Accordingly, liability under sections 830 I and 840 of the German Civil Code, with the easing of the level of proof required for jointly committed illegal acts, is particularly important for the injured party. Under section 830 II of the Civil Code each of those involved is responsible for the whole loss or damage resulting from an illegal act committed jointly; the co-perpetrators are jointly and severally liable under section 840 and it is not necessary to prove the act of infringement by the individual spectator.

In **the Netherlands** art. 6:166 Civil Code provides, that if a member of a group of persons unlawfully causes damage and if the risk of causing this damage should have prevented these persons from their collective conduct, they are collectively liable if the conduct can be imputed to them. Among themselves, they must contribute to the reparation of the damage in equal parts, unless in the circumstances of the case equity requires a different apportionment.

8.18.3. Liability of the organisers

In **Malta** clubs are responsible for the behaviour of their supporters. Thus a club shall be called upon to account for all kinds of misconduct and incidents caused by such persons. A club, which is found guilty that its supporters have in any way caused damage to any part of the stadium/football ground, shall be liable to make good the damage caused, and shall be dealt with as the competent body of the Association shall deem fit.

In **Poland** the organiser is placed under an obligation to insure sports participants against civil liability for injuries caused.

8.18.4. Adequate insurance of the organisers

In **Finland** if the arrangement of the event may cause damage to persons or property, the police may order it to be a prerequisite of the arrangement of the event that the arranger has adequate insurance cover for possible damages liability (Assembly Act, Section 16).

In **France**, all sports groups, as well as all organisers of sports events that are open to authorised licensed sports federations have the obligation to take out insurance policies that cover them, their employees and players for civil liability (Law of 16 July 1984, amended by Article 37), failing which they shall be penalised. The Law of 7th January 1983 grants indemnification for every material victim who had suffered from breaches of public order, which could not be overpowered by the police.

9. INTELLIGENCE SERVICE AND COLLECTION OF DATA (FILES)

In **Austria**, with a view to the European Football Championship 2008 in Austria and Switzerland those countries made preparations to set up a central database on hooliganism (Gewaltdäterdatei).

In **Belgium** from the person who is sanctioned with a judicial stadium prohibition, a file is made in the database of the General Direction of the General Federal Police (Algemene Directie van de Algemene Rijkspolitie). The personal data of these persons may be passed on to the football association (K.B.V.B.) and the clubs, so that no tickets will be purchased to these persons. With the data the police services can execute specific controls and detect if a (suspicious) person has the right to enter a stadium. Within the Direction Administrative Operations and Information Household (Directie Bestuurlijke Operaties en Informatiehuishouding) of the General Direction General Administrative Police (Algemene Directie Bestuurlijke Politie) of the federal police, a unit is created which is specialised in football, the unit Integral Football Security ("cel Integrale Voetbalveiligheid"). This unit coordinates the activities of the various police services which play a part in curbing of football violence. The unit takes care of the exchange of information between those services, with the aim to map out the phenomenon of football hooliganism in Belgium, to control it and - in time - to break it.

The **Czech Republic** has not had central database of stadium bans yet - in progress should be done till 12/2005.

In **Cyprus**, in the context of cooperation with Divisions of the Police involved in crowd control, and by virtue of Standing Orders issued by the Chief of the Cyprus Police, Divisional Police Commanders make available to the National Bureau for the Exchange of Intelligence on Hooliganism information on: current police operations in this area; in particular, details of active hooligans; the most serious and persistent individual hooligans and gangs; methods adopted, e.g. travel arrangements, tactics employed, weapons used; and the outcome or-post-match investigations.

In **England and Wales** the security campaign for Euro '96 was organised by the National Crime Intelligence Service Football Unit. The NCIS Football Unit became fully operational in 1990 and consists of six full-time police officers led by a superintendent. By 1992, over six thousand names and photographs of individuals were held on computer files. Indeed, the information gathered by the Football Unit formed the basis of much of the evidence presented in the Home Affairs Committee reports (1990 and 1991). The head of the Football Unit was also in overall control of the police operation for Euro '96. The Football Unit worked in conjunction with an ACPO (Association of Chief police Officers) steering group and a multi-agency working party. Pre-tournament estimates suggested over 10,000 police Officers from nearly a dozen different police forces were involved in policing Euro '96, at a cost of approximately £25 million. The Football Trust provided 75% of the funding required to update police technology for the tournament.

In **France** the "Sarkozy law" reinforces the fight against hooliganism. Hence, hooligans will be registered on "most wanted persons" database.

In **Germany**, in the preliminary canter of huge manifestations information of supporters must be gathered (Art. 31 I Nr. 1 PAG, § 8 a MEPoIG). When groups of supporters travel abroad that information is gathered by the home contacts of the police services of the "Länder" and of the federation (Art. 40 1 S. 1 PAG, § 10 c MEPoIG). Groups of supporters which have committed violent activities in the past and of which the offenders have been convicted, are the data stored in the database of the Department of Home Affairs (Arbeitsdateien "Straftäter" oder "Gewaltdäter bei Sportveranstaltungen") (Art. 38 11, 37 1 PAG, § 10a MEPoIG).

In **Lithuania** currently the Department is working on the collection and systematization of information about the football fan clubs in Lithuania, with a special attention being paid to the so-called "Ultras" (the radical spectators' groups). In this process, it is in close cooperation with the Football Federation officials responsible for organization of spectators' trips outside Lithuania, tourism agencies and also the representative of football fans' organizations.

In **The Netherlands** the task of the Central Information point Football Vandalism (Centraal Informatiepunt Voetbalvandalisme) (CIV) is to storing, maintaining and keepin up to date a electronic system (landelijk Voetbal Volg Systeem (VVS)) in respect of arrested and/or verbalized persons, matches and phenomenon data. The CIV is responsible for the quality of the data and the development of the VVS).

In **Portugal** the Instituto do Desporto de Portugal [Portuguese Institute of Sport] (IDP) shall establish, and keep up-to-date, a national database of persons subject to injunctions prohibiting access to sports venues as scheduled by Articles 27 and 28 of this Law. In this respect the courts shall be obliged to communicate such injunctions to IDP. The definition of the purposes and conditions of access and use of the database described in the paragraph above is the subject of separate legislation.

In **Spain**, in order to pursue the policy provided for in the Regulation on the Prevention of Violence at Sporting Events (Article 49), a ministerial order drawn up jointly by the Ministry of the Interior and the Ministry of Education and Culture was adopted on 31 July 1997. This regulates the functioning of the central register for sanctions resulting from the offences listed in Title IX of Law 10/1990 on Sport. The ministerial order stipulates that "the body responsible for the register will take the necessary measures to ensure the confidentiality and security of the data recorded therein" in accordance with Organic Law 5/1992 of 29 October which governs the computer processing of personal data, in order to ensure that the right to privacy under Article 18 of the Spanish Constitution is not violated.

In **Switzerland** for the fight against Hooliganism there are not sufficient instrument at the disposal of the police. A legal basis for the storing of data of hooligans at football matches does not exist. The existing data collections of the local police of Zurich must be abolished because of the cantonal privicy regulations.

9.1. PASSING ON OF INFORMATION

According to Article 3(1)(b) of the **European Convention on Spectator Violence** close co-operation and exchange of appropriate information between the police forces of the different localities involved or likely to be involved must be facilitated.

In **England and Wales** the Football (Disorder) Act 2000, section 2 regulates the disclosure of information. This section enables the National Criminal Intelligence Service (NCIS) to disclose information for the purposes of the Football Spectators Act 1989 to third parties prescribed by regulations made by the Secretary of State. The NCIS will also be supplying "profiles" of individuals who, though not currently the subject of Banning Orders, are considered to be a potential threat to the game. These are people that meet the criteria within those countries' immigration laws and who NCIS considers - should they decide to travel - may pose a threat to maintaining public order.

In **The Netherlands** according to agreement between the KNVB, the Ministry of the Interior and the Public Prosecutor data of supporters who are apprehended under suspicion of having committed a criminal act will be passed on to the KNVB. On basis of the received information the KNVB can give its verdict over a stadium prohibition based on civil law. This agreement is not undisputed. Passing on personal data is possibly contrary to the legislation on privacy.

In **Spain** the co-operation and exchange of information between police forces is regulated in arts. 49 to 56 of Royal Decree 769/93.

9.2. EXCHANGE OF INFORMATION/JUDICIAL COOPERATION

According to Article 4(1) of the **European Convention on Spectator Violence** the Parties shall co-operate closely on the matters covered by this Convention and encourage similar co-operation as appropriate between national sports authorities involved.

According to Article 1(1) of the **Council Decision of 25 April 2002** concerning security in connection with football matches with an international dimension each Member State shall set up or designate a national football information point of a police nature. The national football information point will act as the direct, central contact point for exchanging relevant information and for facilitating international police cooperation in connection with football matches with an international dimension.

The **Binding instructions of the UEFA** provide in Rule 5.2. that all parties involved in a football match must do everything within their power to enable the public and police authorities, in whatever countries may be involved, to carry out an effective exchange of appropriate cross border information.

The **Austrian** central information point (Nationale Fußballinformationsstelle) keeps contact with its counterparts in the EU-countries. Because Austria will play qualification matches for the Football World Championship 2006 against England, Northern Ireland, Wales and Poland, in particular close cooperation with those countries will be

established. The legal basis for the international exchange of personal data can be found in the Act on police cooperation (Polizeikooperationsgesetz) and the law on privacy (Datenschutzgesetz 2000).

In **Cyprus** a National Football Information Point has been created: the "National Bureau for the Exchange of Intelligence on Hooliganism". This Bureau forms a part of the Directorate of European Union Affairs and International Police Cooperation of the Cyprus Police. The aims of the Bureau are to: provide a central point for the collection, analysis and dissemination of intelligence; provide for better cooperation of police operations in relation to serious and persistent football hooliganism; promote effective collation of intelligence by individual forces; provide a channel for communication with foreign police forces on intelligence and supporter traffic information i.e. information on numbers travelling, routes, dates of travel, etc. In particular, on major international matches and championships, it acts as a channel of communication with respective Offices of other EU Member States for: coordination and facilitation of police information exchange; provision, at the request of another football information point in a Member State concerned, of a risk assessment of Cyprus' fan clubs and national teams; provide technical and operational support where appropriate on the use of optical evidence gathering.

In the **Czech Republic** the police stands to Europe Council 2002/C-22101 and since July of year 2002 has established Czech Football Information Point (next CZ-F.I.P.) according to EC 2002/348/JHA. This CZ-F.I.P. is placed at The Czech Police Prezidium, The Crime and Investigation Department, Unit of Fight Against Hooliganism. From **England and Wales** came the suggestion that an e-mail system could be used to ensure the swift exchange of police intelligence between states.

In **Finland** the Supreme Police Command draws up guidelines for international police cooperation and prepares matters involving police cooperation between EU Member States at national level. The representatives of the Supreme Police Command take part in the working groups of the Council of Ministers, working groups and committees of the Commission, activities of Europol and Schengen cooperation. Police cooperation between the Nordic countries has long traditions. The national police commissioners of the Nordic countries meet regularly once a year. Also the national police commissioners of Finland and the Baltic countries and the highest law enforcement authorities of Finland and Russia cooperate on a regular basis. In addition to the meetings between the national police commissioners, regular meetings are arranged between the police, customs and frontier guard authorities of the neighbouring regions. Cooperation between the Finnish police authorities and those of the neighbouring regions is based on crime prevention agreements. The Finnish police also have their own contact persons in the neighbouring regions.

In **Germany** banning orders for Germans who were involved in hooliganism abroad is possible. The German central information point makes information available to foreign police services concerning travelling German supporters convicted with a banning order.

In **Italy**, on the occasion of football matches involving foreign teams the exchange of information is regarded as one of the most important elements. To this end, as pointed out before, at the Public Order Office - established within the Public Security Department - there is a Police Senior Officer who is the "*national contact point for public order matters*" and is responsible for maintaining the relations with the homologous reference points in the European countries. Within the above specific activity, also taking into account the positive experience gained during the last football European Championship it is necessary to further develop the concept of "National Contact Point" by envisaging, in line with the EU guidelines, the setting up of a *National Information Centre on Football*. The latter will have the task of handling -in a prompt and optimised way - the exchange of information based on standard patterns in order to facilitate a common language, concerning both scheduled international competitions and the trend of violent phenomena in the country of origin. The National Information Centre on Football is at present being set up within the Public Order Office (see page 22), the Director of which is also the Chairman of the National Monitoring Centre on Sporting Events.

In **Latvia**, as far as the competence of the Ministry of the Interior is concerned it should be noted that the authority responsible for international cooperation and information exchange on football hooliganism and other riots is Public Security and Order Guarding Department of the Central Public Order Police Department of the State Police, acting within the capacity as a national focal point regarding football matches related information.

In **Lithuania**, for the moment, there is no National Football Contact Point established in the Police Department, but a possibility to establish it will be discussed in the near future. Such Point would be responsible for the exchange of information among the police officials on the European level.

In **The Netherlands** the central information point for football hooliganism (CIV) has a very pragmatic relationship with the ministry of the Interior. As in many other EU Member States, the ministry of the Interior is directly responsible for the whole police service and the CIV is a police department. Strictly speaking, in formal terms, the ministry of the Interior has no authority on the CIV. But as the ministry and the CIV work very closely together, and

because of the frequent questions from the politicians, in practice the CIV sees the ministry as a "client". The CIV advises and informs the ministry of the Interior directly, without the mediation of the responsible chief of police. The ministry of the Interior has appointed the CIV as the Dutch contact point in the international context of public order around football hooliganism. This task has been expanded due to the increase in international competitions and the increasing demand for information, within this scene. All information which is sent abroad in regard to a given match comes from the CIV. It also ensures that other "stakeholders" like the border patrol, are kept up to date.

In **Poland**, prior to international matches, it undertakes close international cooperation to establish what to do if there is a risk of violence. Consultations are organised to establish the actions and precautions to be taken before, during and after a match, in order to ensure safety and calm. International cooperation can also be held on the basis of the provisions of Section XIII of the Criminal Code, "International Proceedings in Criminal Cases". These also permit cooperation with countries that have not concluded any cooperation agreements with Poland. On the basis of art. 590-592 of this Section, criminal proceedings may be transferred to or from a foreign country.

In **Spain**, within the European Union framework, bilateral co-operation agreements have been signed with countries whose supporters are in the habit of travelling to attend their teams' international fixtures. In the latter case, the police forces concerned regularly exchange information about visiting supporters, e.g. number of visitors, with an indication of those regarded as dangerous, means of travel, timetables etc. For international fixtures where misbehaviour may be expected, the host country gets in touch with the embassy and consular authorities of the visiting country so that representatives of those bodies can attend the sporting event concerned and lend their support to the legal measures taken in Spain against offenders where incidents occur. International cooperation: international agreements with EU Countries (only potentially dangerous fans. Previously TREV group, now SENDEL Agreement and police cooperation).

Switzerland is a member of a partnership between the Alp countries (Germany, Liechtenstein, Italy, Austria, France, Slovenia and Switzerland) security (Alpenländersicherheitspartnerschaft (ASP)). These countries have created a ad-hoc group of experts on right wing extremism/hooliganism in February 2001. The group manages a database on international hooliganism, e.g. for the international exchange of information of stadium prohibitions.

9.3. POLICE COOPERATION

According to Article 4(1) of the **European Convention on Spectator Violence**, the Council of Europe recommends two main forms of co-operation to deal with hooliganism. The first is the use of police co-operation along the lines of the European Commission Handbook for international police co-operation and measures to prevent and control violence and disorder around football matches. The Council of Europe sees the key to preventing hooliganism to be greater co-operation between the police of the countries involved.

Austria has concluded, in respect to activities of the Austrian police on foreign soil treaties with Germany, Liechtenstein and Switzerland. It concerns border exceeding cooperation of the respective police forces in the borderlands.

In the **Czech Republic** the Ministry of the Interior will continue to take an active part in structured dialogue within the framework of the Council for Justice and Home Affairs of EU Member States and the activities of its working groups, at the same time it will endeavour to broaden practical cooperation with police forces in EU countries and, in the first place, to exchange basic security information. In this context, it will make an effort to strengthen the as yet weak contacts with Europol and with the structures of the Schengen Agreement (Schengen Information System).

In **England and Wales** several institutions deal with hooliganism. *Police National Coordinating Centre*: A police coordination centre was based at Scotland Yard in London for the duration of the competition and included police representatives from each of the sixteen countries taking part. In addition to this, a police Liaison Officer travelled with each team and with each national football association throughout their stay in the competition. In addition, four principal sub-groups were in operation throughout the competition. *Match Commander Group*: The Match Commander Group comprised the head of policing at each of the eight Euro '96 venues. The purpose of this group was to engender "a common police philosophy" between the different police Commanders. *Senior Investigating Officers Group*: teams of police officers were also assigned to deal with other crimes as well as football hooliganism. The Senior Investigating Officers Group was instigated to enable information to be exchanged on outbreaks of crimes such as shop-theft and pick-pocketing. *IT Group*: the Information Technology Group was responsible for maintaining the various computer links between the National Coordinating Centre and the Match Commanders at the eight venues. Essentially, all the police forces in the United Kingdom were included in the computer link-up, enabling the movement of fans between venues to be monitored at all times through the

exchange of information between the forces.

In **France**, racist offences committed during international matches and other international sports events in Europe, must be dealt with within the framework of international police cooperation and must be included in the system for exchange of information. To this end, forms intended for the exchange of information, appear in the appendix of the Recommendation No. 1 (97), and the list of national corresponding members of the permanent Committee of the European Convention on violence (T-RV) may be used, for bilateral contacts on football hooliganism. The exchange of ideas on good practices for the fight against racism in the sport must be encouraged within the permanent Committee (T-RV). Measures taken in order to fight racism in the sport must be evaluated on a regular basis in each country. National reports on the implementation of this Recommendation must be submitted to the permanent Committee within the framework of monitoring the application of the Convention. Such reports may include information on the activities carried out by the national and international non-government organisations involved in this work.

Germany has as from 1995 concluded bilateral treaties with nine neighbouring countries (Denmark, Poland, the Czech Republic, Austria, Switzerland, France, Luxembourg, Belgium and the Netherlands) which not only regulate the police cooperation in each others borderlands.

In **Lithuania** in 2002 the Police Department's unit has been created responsible for the public order cooperates with the police in the European Union member states in the matters of securing public order and control of spectators during the organization of international sports events. In 2002-2003, there was an exchange of information going on between the police institutions of European countries (Germany, Scotland, Czech Republic, Poland) about the numbers of the football spectators (according to A, B and C categories) coming to watch the competitions, their temper (moods), possible threats, used attributes, travel routes and accommodation places. Timely receipt of such information has helped to efficiently allocate the police forces and to effectively control the arrivals and movement of football spectators inside Lithuania. In addition, the Department generalizes and provides data about the arrived spectators' actions, their committed offences and crimes. Such exchange of information is being carried out according to the EU Council decision 2002/348/JHA of 25 April 2002.¹¹⁰

In **Slovenia**, the police force has been increasing the cooperation with other countries, especially with European Union and neighbouring countries where usually violent fan groups come from (Croatia).

In **Spain** provision is also made where necessary for police officers to travel to the host country in order to cooperate with members of that country's security bodies and facilitate the identification of supporters who are potential trouble-makers.

Switzerland has made arrangements at the level of high ranking police officers with colleagues from Germany, Austria and Liechtenstein on 19 October 2000 in Ravensburg (Germany). On the basis of these "Ravensburger Absprachen" (Ravenburg arrangements) common investigation units (Ermittlungsgruppen) will be created and expert liaison officers will be recruited.

9.3.1. The Schengen Agreement

The Schengen agreement's main aim was the removal of internal borders between signatory states but in order to replace these controls it set up a number of procedures. These procedures included police co-operation and co-operation between legal authorities in matters covered by criminal law. The Schengen agreement could have caused particular problems relating to football hooliganism as hooligans may have been able to move freely between states without the problem of having their passports checked and their entry refused. This was considered a particular problem at the 2000 European Championships in Belgium and The Netherlands. English hooligans who were subject to banning orders and would have been stopped from leaving the UK to go directly to either of the host countries thought they would be able to take advantage of the Schengen agreement by travelling to Spain under the pretext of having a family holiday. They would then have entry into the Schengen zone and could conceivably travel to Belgium without being stopped. However, British police stopped this plan.

9.3.2. The Treaty of Maastricht and the Treaty of Amsterdam

The Treaty of Maastricht sets out a number of areas of common interest on which it sought to encourage co-operation, these were terrorism drugs and other forms of international organised crime. One of the main parts of this treaty that may have an effect on hooliganism was increased co-operation on police matters. The Treaty of Maastricht was also responsible for the establishment of Europol and although this body does not currently deal with football hooliganism it may be possible that it could play a role in the co-operation between police and the

110 E-mail message from Mr. Saulius Kazlauskas, Head of Public Order Division of Police Department of Lithuania, dated March 2, 2004.

exchange of information. Within the Treaty of Amsterdam there is no specific mention of football hooliganism, the measures for strengthening police co-operation could have an effect. European police co-operation today based on these treaties and agreements ranges from administrative and operational co-operation to co-ordinated campaigns to fight crime and keep law and order. Football hooliganism requires co-operation at all these levels from co-operation between ordinary policemen dealing directly with hooligans to exchange of information about potential troublemakers and known hooligans.

In the field of football hooliganism the EU sees it as an important part of keeping public order and security. Its objective is to "Further police co-operation in the EU to prevent and control violence and disorder associated with football hooliganism". (Council Resolution of 21st June 1999). To this extent the EU has a number of recommendations and Resolutions that deal with the problem.

9.4. COOPERATION WITHIN THE FRAMEWORK OF THE COUNCIL OF EUROPE

Cyprus has adopted the majority of the measures prescribed in the Recommendation No. 1/94 of the Standing Committee of the Council of Europe, on measures to be taken by organizers and public authorities concerning high-risk indoor sports events and Recommendation No. 1/93 on measures to be taken by the organizers of football matches and public authorities.

The **Czech Republic** is a party to the European Convention on Spectator Violence since 1995. Additional cooperation and participation of the Ministry of the Interior is expected on the work of specialist bodies of the Council of Europe, especially the CDMG, CAHAR, the Permanent Committee of the Convention on Spectator Violence and Indecent Behaviour at Sporting Events and at Football Matches In Particular. The Ministry of the Interior will prepare access to those Council of Europe conventions which fall within its competence and in the case of which it considers it possible or desirable.

In **Denmark**, on an intergovernmental level, DIF participates together with the Ministry of Culture in the sports co-operation under the Council of Europe on areas such as the combat of spectator violence, etc.

Finland has in 1987 ratified the European Convention. There are references to this convention in the government bills to the assembly act and the public order act. The Ministry of the Interior has issued detailed guidelines for the implementation of the relevant European Convention ratified by Finland. Within the framework of the Council of Europe, the Supreme Police Command takes part in the work of the Committee on Spectator Violence. On the initiative of Finland, the Council of Europe youth committee CDEJ has adopted the country review as a youth policy tool. Finnish youth policy was reviewed in 1997. One priority for the Council of Europe and Finland has been to combat racism in Europe. In the field of sport and physical education Finnish priorities are action against spectator violence.

In **Hungary** the Spectator Violence Convention through its Standing Committee works to ensure spectator safety at sports events. Fight against violence in everyday life, where after the 11th of September 2001 emphasis has been given to the intercultural and inter-religious dialogue and where sport plays an important role; sport also has to seriously face cases of misbehaviour at sports events and in particular at football matches.

In **Latvia**, in order to enable international cooperation in the area of protection of public order and public security and combating violence during sports events and other large scale non-sport events Latvia has ratified European Convention on spectator violence and misbehaviour at sports events and in particular at football matches, hence providing legal basis for cooperation with responsible national authorities and sports organizations from contracting states.

In **Lithuania**, at the national level, the legal basis of sport is regulated by the Constitution, the Law on Physical Education and Sport of the Republic of Lithuania, the Law on Education, and the Law on Social Integration of Disabled. As a member of the Council of Europe, Lithuanian activity in the field of sport takes account of the European Sports Charter, the European Charter on Sport for All: disabled persons, the Anti-doping Convention and the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches. In general, all the measures which are taken by the Police Department in respect of securing a public order during the sports events are taken in compliance with the European Convention on Football Hooliganism, which was ratified by Lithuania in 2000.

Slovenia became a full member of the Council of Europe on the 14th of May 1993. However, it started to participate in the work of the Committee for the Development of Sport (CDDS) already a year before that, i.e. in 1992.

9.4.1. The Convention of the Council of Europe

The European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches contains a number of measures to deal with the problem of hooliganism. They include: securing adequate public order resources to counter outbreaks of violence and misbehaviour, both within the immediate vicinity of and inside stadia and along the transit routes used by spectators; facilitating close co-operation between the police forces of the different localities involved; applying or adopting legislation which provides for those found guilty of offences related to violence or misbehaviour by spectators to receive appropriate penalties. The convention also makes recommendations regarding the organisation of supporters clubs, the organisation of travel arrangement and the design of stadia. It was one of the first ways in which there was police co-operation between different European states over football hooliganism. Although the TREVI organisation dealt with football hooliganism to a certain extent from its founding, this was the first time a convention had been written to deal with it. The Council of Europe continues to be interested in the question of football hooliganism. A report written in 1999 showed that there was still a major problem with hooliganism in Europe. Although the convention is still considered the appropriate framework for co-operation over hooliganism, it does identify a number of changes that have occurred since then.

9.4.2. Incorporation into national law

Austria ratified the European Convention on Spectator Violence. The steps required by the Convention to protect spectators at sport events against attacks are by now integrated into relevant security codes and their enforcement is overseen by the appropriate authorities.

In **Bulgaria** the European Convention on Spectator Violence, signed by the Government in 1995, was ratified by the 37th People's Assembly of the Republic of Bulgaria on the 16th of October 1996.

In **Cyprus** the Convention has been incorporated into national law by Ratification Law 22/87

Hungary transposed the mentioned Convention of outstanding importance of the Council of Europe into national legislation in Act LXIII of 2003 on the promulgation of the said Convention.

In **Latvia**, as far as legal framework regarding to football hooliganism is concerned, Latvia has signed the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches on 11th June, 2003. The Convention was ratified on 9th December, 2003 and entered into force is 1st of February, 2004.

Latvian Sports Administration shall initiate all sports federations to review By-laws of Sports competitions in accordance with provisions of European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (restrict the sale and any distribution of alcoholic drinks at stadia etc.).

In **Lithuania** the only legal document, which is detailed and directly aimed at avoiding any brutal acts of spectators, is the European Convention on Spectator Violence, which was signed by Lithuania on 1 April 1993, but ratified only in 2000. There must have been a serious reason behind a prolonged ratification process (seven years), probably it was a disagreement among the sport organizations and state bodies about the implementation of the Convention. At the end, State Physical Culture and Sport Department was nominated to be a body responsible for the implementation of the Convention according to Article 2. Decree of Government of Lithuania No. 519 of 7 May 2001 concerning the nomination of an institution, responsible for the implementation of the European Convention on Spectator Violence.

Poland ratified the Council of Europe European Convention on 9 March 1995 and it has been in force in Poland since 1 June 1995.

Slovakia by Decree 295/93 ratified the European Convention on Spectator Violence.

9.5. COOPERATION WITHIN THE FRAMEWORK OF THE EUROPEAN UNION

The EU has a number of policies regarding sport and in particular football. It has a strong policy on hooliganism. It sees hooliganism as having an anti-social and dangerous side with a small group of fans intent on violent behaviour and spoiling the enjoyment of the majority. The EU feels it should be playing a leading role in preventing hooliganism. One way of doing this was through the March 1996 joint strategy between member governments. This involved the exchange of information on known troublemakers, assessment of the global risks involved, details of travel arrangements to away fixtures and a network of liaison officers on football. The EU has also taken a number of steps to prevent hooliganism through its institutions. Examples of this include The Handbook for Police Co-operation Regarding Football Policing. Although the treaties of the European Union do not refer specifically to the problem of football hooliganism they do deal with police co-operation. The first efforts at police co-operation between Member states started on an informal working party basis under the TREVI group. At this time its main subjects were terrorism and the organisation and training of police departments. Later more areas of co-operation

were added including dealing with football hooliganism. From this point the EU moved to a number of agreements and treaties that have some relevance to police co-operation and football hooliganism

In **Cyprus** the draft legislation amending the 1994 Act, will provide for the authorization of the National Bureau to transmit to respective Information Points of other Member States, the information prescribed in Article 3 of the Council Decision (2002/348/JHA) in connection with a football match with an international dimension. The inclusion mentioned above, is expected to align Cyprus' legislative framework with the Decision of the Council of the EU, as well as with the Council Resolution of 6/12/2001 concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved (OJ C 22, 24/1/2002, p. 1). After 1st May 2004 the **Czech Republic** will be applying Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension and Council Resolution of 6 December 2001 concerning a handbook with recommendations for international police co-operation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved. The authorities in the Czech Republic act in accordance with the European instruments.

In **Hungary** the new legislation on the organisation of sport events maintains the above legal instruments, but is more circumspect in regulating the handling of personal data. The said Act pays special attention to the ruling of the Constitution Court related to the issue, especially the one going into details (Constitution Court Ruling 35/2002). Having recognised the prevalence of football hooliganism as a comprehensive social problem, and with a view to international legal regulations, legislators created the provisions of the law in compliance with EU rules (Council Resolution of 6 December 2001 concerning a handbook with recommendations for measures to prevent and control violence and disturbances in connection with football matches.).

9.5.1. EU Handbook with recommendations for international police cooperation

By Resolution of 6 December 2001 the Council adopted a handbook with recommendations for international police co-operation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one member state is involved¹¹¹. The handbook gathers information concerning different subjects in the field of police co-operation in connection with football matches: information exchange, international police co-operation by spotters, media policy and responsibilities of the organiser. The handbook is applicable to football matches with an international dimension, meaning a game opposing two teams of a different country or two teams of the same country with a great number of supporters of another country. Chapter 1 of the handbook handles about the information management by police forces. A clear distinction has been made between information exchange before, during and after the event on the one hand, and between strategic, operational and tactical information on the other hand. Each distinction is made in view of the tasks of the national football information point of the organising countries and the information point of the supporting countries. *Strategic information* includes, for instance, details of applicable legislation and of the authorities' policy, organisational information about the event, identification of authorities and police officers in charge and ongoing risk assessment for clubs or for the national team. *Operational information* includes, for instance, details of travel arrangements for ordinary and high-risk supporters and for the team playing and its entourage, or ticketing details. At operational level there may be a need for co-operation by police officers, such as spotters, and by stewards to accompany supporters, as well as possibly for information on crime generally or on arrangements for maintaining order and in particular on how spotters are to be included in such local arrangements. *Tactical information* includes, for instance, confirmation of existing information by means of observation on the ground, general information on the return of any supporters expelled and/or refused admission, to be supplied to the national football information centre(s) in their country of origin and in any countries of transit, and information on the return of supporters. Chapter 2 deals with the preparations by police forces in particular for sending spotters. It contains provisions concerning the request for international police co-operation, certain conditions to be met by the request itself, the answers to the request and the tasks and composition of the supporting police team, together with provisions on the risk analysis. Chapter 3 deals with organising co-operation between police forces. It is up to the organising country to determine from which countries they will ask support, but support of at least those countries with violent supporters seems necessary. A provision has been added concerning possible travel restrictions for hooligans. Countries which have the legal possibility to prevent risk fans from travelling abroad should take all the necessary measures to achieve this objective effectively and should

111 OJ C 22, 24-1-2002, p. 1-25.

inform the organising country accordingly. Each country should furthermore take all possible measures to prevent its own citizens from participating to and/or organising public order disturbances in another country. This provision is aimed at confirming the responsibility of a country over its own citizens. Chapter 4 deals with the co-operation between police forces and stewards. Chapter 5 concerns a checklist for media policy and communication strategy. Finally chapter 6, and the appendix 2 of the handbook deals with the role of the organiser, with exception of ticketing policy. The chapter is divided into two parts, the first part deals with the minimum criteria which the organiser has to comply with; the second part deals with the recommendations in the form of a checklist of possible demands to be imposed on the organiser.

9.6. MULTI- AND BILATERAL COOPERATION

Finland has bilateral agreements with nearly 40 countries. Bilateral cooperation is based on cultural agreements. The Agreements provide opportunities for dozens of experts each year to get to know sports systems in other countries. These exchanges also make Finnish sports policy known abroad and promote cooperation between different partners in the sports field. The key issues are [...] the prevention of spectator violence, [...] and issues relating to the European Union. Finland participates in multilateral cooperation with the Nordic countries, the Council of Europe and UNESCO. Finnish priorities are sport and social integration, the prevention of exclusion, the promotion of democracy and tolerance, environmental issues, and anti-doping work.

The area of multilateral activities of **Slovenia** covers cooperation with the following international governmental as well as non-governmental sports organisations: Working Community of the Alps and Adria, The Council of Europe (CoE), European Union (EU), UNECSO, International Olympic Committee (IOC), European Olympic Committees (EOC), European Sports Conference (ESC), European Non Governmental Sports Organisations (ENGSO), etc. Working community of the Alps and Adria - working group for sport Slovenia was had the honour to chair the Working group for sport (WGS) in the period from 1998 to 2001. The Working group for sport deals primarily with questions of sport in the 17 regions coming from 6 different countries - Austria, Croatia, Germany, Italy, Hungary Switzerland and Slovenia. One of the most important tasks of the Working group is to organise alternatively every 2 years the Summer Youth Games of Alps and Adria and Winter Youth Games of Alps and Adria. In the area of bilateral cooperation the principal objective of Slovenia is to have good relationships and cooperation with the neighbouring countries i.e. Austria, Croatia, Hungary and Italy. The cooperation is carried out through mutually signed protocols on cooperation in sport and it covers the following items: exchange of information, mutual support in the international organisations, assistance in the accession to the EU, joint participation in certain projects and research works, exchange of scientists and experts and exchange of specialisation in sport.

10. CHAIN OF RESPONSIBILITIES

10.1. GENERAL

According to Art. 2 of the **European Convention on Spectator Violence** the Parties shall co-ordinate the policies and actions of their government departments and other public agencies against violence and misbehaviour by spectators, where appropriate through setting up co-ordinating bodies.

The **Binding instructions of the UEFA** provide in Rule 4.7 that in the interests of safety and security, associations and clubs must cooperate in full with the match organisers, irrespective of whether the match is to be played at home or abroad, and with the public authorities concerned. Similarly, the match organisers must do everything possible in their dealings with visiting associations and clubs, and all other authorities involved, to ensure that the event passes off without disturbance. The match organisers should ensure that spectators are made aware, before a match, by mass-media announcements and all other appropriate means, of all prohibitive measures and controls regarding the match. Additionally, supporters should be reminded of the importance of not attempting to take prohibited items or substances into the stadium, of behaving in a sporting and reasonably restrained manner, and of how serious an effect breaches of this code of conduct could have upon the teams and players they support, including disqualification from competitions.

In **Austria** the cooperation of the clubs, the organisations, the security executives and the organisations of the communities (kommunale Einrichtungen) is intensified for the purpose of anticipation of possible sources of danger.

In **Finland** the authorities and the sports bodies share the responsibility for preventing hooliganism at sports events. The responsibility for overall public safety rests with the Ministry of the Interior (police and rescue services). Sport policy is a matter for the Ministry of Education. Safety issues come within the purview of the

Finnish Police, the ministry responsible for sports and the organising body of the sports event.

In France, in the fight against racism, cooperation and common strategies between the police, the law, the organisers, the managers of the stadiums/clubs, the stadium staff, supporters and non-government organisations are essential in order to identify the guilty parties and collect proof regarding the offences. Following a decree and circular of 17 July 2002 (see Appendix n° 3), the regional provisions regarding security and cooperation for the prevention and fight against delinquency were reorganised. A new institutional structure has been set up at district, inter-municipal and "département" level. Henceforth, there are three authorities: the Local (or inter-municipal) Council of Security and Prevention of Delinquency (CLSPD); the Departmental Council for Prevention; the Departmental Conference on Prevention.

The National Sport and Security Plan (*Nationales Konzept Sport und Sicherheit*) has been in existence in Germany since 1992 and is a generally valid framework for all organisations which are concerned with security tasks. The plan does not have the legal character of a legal regulation. It has been drawn up by all the official and private bodies involved and serves to clarify how security can be improved at and around sporting venues within the framework of the existing laws and regulations, by applying those laws and regulations consistently in a mutually agreed way. In particular, the plan emphasises preventive measures taken by the federal states under police law and passport law, combined with coordinated measures by the federal police (Bundesgrenzschutz), the Federal Office of Criminal Investigation (Bundeskriminalamt) and the courts.

In The Netherlands the public interest takes precedence over the private interest. Point of departure of the course of action is that the primate goes out to the maintenance of the interests of the public order. The private interest, such as commercial interests and the continuation of a match are subordinate to the public interest of the maintenance of the public order.

10.2. LINKS OF THE CHAIN

10.2.1. Links of prevention, pro-action, preparation, repression and aftercare

Estonian police authorities have taken systematic effort to ensure safety at football matches starting from October 2000 at which time, the co-operation between the police forces and the Estonian Football Federation also began.

In Italy the Public Security Authority's activity aimed at implementing public order and security protection strategies in the field of the football events is characterized by a trend towards operational synergies that involve all interested parties- at all levels- in the organization and management of the event. Awareness increased concerning the relationship between sports world and security services. They are not isolated or opposed entities but, on the contrary, they conduct in their respective fields an activity aimed at a common goal, that is to ensure and foster the conditions for a peaceful carrying out of the sporting activity, thus promoting the sport educational aims. Consequently, the relationships between Public Security Administrations and Sports Authorities are increasingly enhancing both at central level through the specific activity of the Monitoring Centre - established at the Public Security Department - and at local level through the participation of the sports associations authorities in Public Security and Order Provincial Committees meetings. Such committees are convened before the football matches. The results of this cooperation strategy are highly positive: each sector avails of the contribution of the other achieving an increasingly effective coordination towards common objectives, at the same time respecting the peculiarities of the specific competence. The 'security reference point' has now become established urged by the Public Security Department that is aware of the opportunity to identify Police Forces interlocutors within the professional football associations in order to solve, also immediately, problems requiring the sports associations' collaboration. In the field of the constant and global cooperation activity between the national sports bodies and institutions mention should be made of the Italian Football League Sporting Regulations (FIGC). They include the sports system internal rules, in the context of principles of economic and regulatory autonomy recognized by the sports system. Some of these rules introduce the institute of the associations' objective liability. According to this approach the sports associations are objectively liable, as to the disciplinary effects, for the facts carried out by their own managers, members, football players as well as by their supporters or stewards. In this way the associations' involvement for facts that can not be directly ascribed to them is aimed at ensuring both the observance of the sporting system rules as well as the associations' commitment to act in order to prevent those events which can cause - sometimes in a critical way - a breach of peace.

In The Netherlands the "chain approach" is directed to the realisation of an integral chain of the parties involved. The main interest is the realisation of a closed chain of measures in the field of prevention, pro-action, preparation, repression and aftercare. In the closed chain the measures must be divided in a well-balanced fashion between the various links. That means, that besides intensifying the preparations and the tightening up of the limits of tolerance, the development of social-preventive supporters and youth policy must continue and be

adapted to new (research) insights.

10.2.2. Central organ

In **Austria** the administration of public safety is the responsibility of particular official bodies, the public safety authorities; these include the Directorate-General for Public Safety, its subordinate Security Directorates which are set up for each federal state, and below them at the lowest level of the hierarchy the federal police authorities and the district administration bodies (cf. art. 78 a-c of the Federal Constitution (BVG)).

In **Cyprus**, for the comprehensive performance of its duties, the National Bureau, maintains direct contact with Cyprus Football Association, the Cyprus Sports Organization, Cyprus Referee's Association, Cyprus Players' Association, Football Clubs and Fan Clubs.

In **Estonia** the Dutch Central Information Unit for Hooliganism (CIV) has provided valuable assistance in organising training and, during the year 2001 to 2002, a series of seminars for police officers and their partners took place. In this area, The Netherlands have been a role model to Estonia. The functions of the Estonian football information point are performed by the Division for Analysis and Supervision of the Department of Maintenance of Law and Order of the Personal Protection Service.

In **The Netherlands** statistical information is gathered and annually made available by Central Information Point for Football Vandalism (*Centraal Informatiepunt Voetbalvandalisme* (CIV)). On basis of this numeral material and on basis of the information of the police services the CIV is able to predict at which matches irregularities are to be expected. On basis of these predictions the police services decide the number of police officers to be deployed. To strengthen the information position of the police the CIV developed the "Football following system" (*Voetbal Volg Systeem* (VVS)) in 1998. This nation wide database in the field of supporter violence contains information of individuals, groups and phenomena. 70% of the police corpses, a number of professional football organisations and the KNVB are in the meantime linked up to the VVS. In 1998 the so-called '*hooligan hotline*' was successfully tested.¹¹² The CIV processes the information and makes it available for the police, the municipalities, the KNVB, etc.

In **Poland** the state administration is responsible for safety. Its task is to render support to social organisations. But when this support is insufficient and the social organisations cannot keep order on their own, the state administration must intervene, using the prerogative provided by the law.

In **Portugal** Decree-law no. 270/89, of 18 August followed up previous legislation [...] and established a series of measures designed to prevent violence, and assigning responsibility for implementation and monitoring to the National Co-ordination and Inspection Board (Comissão Nacional de Coordenação e Fiscalização - CNCF), chaired by the Director-General of Sport and comprising representatives of the autonomous regions, the police forces, the Ministry of Home Affairs, the National Fire-fighting Service, the National Institute for Emergency Medicine, the Departments of Primary and Secondary Education and press and broadcasting organisations. The National Council for the Prevention of Violence in Sport is the co-ordinating body created by Law no. 38/98 of 4 August, replacing the former CNCF. The prime aims of the CNVD are to monitor implementation of the 1998 law, by promoting and co-ordinating measures designed to prevent violence and to carry out inspections in order to check compliance with the law. 1. the Conselho Nacional contra a Violência no Desporto [*National Council against Violence in Sport*], henceforth known by the abbreviation CNVD, is the entity responsible for promoting and coordinating the adoption of measures to combat occurrences of violence associated with sport, as well as evaluating their implementation; 2. the member of Government responsible for sporting affairs is accountable for CNVD operations; and 3. regulations on the composition, competence and operation of the CNVD are approved by decree-law.

In **Spain** Royal Decree 75/92 of 31 January 1992 set up the National Commission against Violence at Sporting Events. Any infringements of the laws on violence in sport are included, for each sporting event, in the report submitted by the general security co-ordinator to the Reports and Infrastructure Commission, which proposes appropriate sanctions to the governmental authorities (Council of Ministers, Minister for the Interior and representatives and deputy representatives of central government to the regions). This point is covered by Article 69 of the Law on Sport. At national level, the prevention of violence is the responsibility of the representatives of

112 *Hooligan Hotline*

A 'hooligan hotline' number was also established whereby supporters could phone in and report incidents of hooliganism and perhaps even identify perpetrators. Although this scheme was promoted as being entirely new, similar schemes have been in existence since 1988, when the West Midlands police set up a 24-hour hotline. An identical scheme was launched in 1990 before the World Cup Finals (even though these were taking place outside the United Kingdom, in Italy) in an attempt to deter disorder by English fans and, again, a purely domestic hotline was established at the beginning of the 1992/93 domestic season in August 1992. Two Premiership clubs (Manchester United and Leeds United) also have telephone hotlines for people to ring in with information on hooligans.

the National Commission against Violence at Sporting Events from the different bodies (Ministry of the Interior, Higher Sports Council, Autonomous Regions, municipalities, federations, professional leagues, referees, players, the media, sociologists etc), who co-ordinate the measures taken in this field.

10.2.3. National football association

In **Austria** the safety guidelines of the Austrian Bundesliga are directives binding on the organisers of all competitions in the Austrian Bundesliga and all clubs taking part in them. They lay down the security measures to be taken to protect spectators, to ensure security in the stadium and to prevent spectator disturbances. The guidelines are subject to the disciplinary powers of the Austrian Bundesliga and failure to observe them is punishable with disciplinary penalties for the clubs. The provisions of the security guidelines apply to the two highest professional football leagues (T-Mobile Bundesliga and Red Zac Erste Liga). The aim is to ensure that spectators enter the right section of the stadium; that known or potential troublemakers or persons who represent a risk because they are under the influence of alcohol are refused entry; and that persons who have been barred from the stadium are refused entry.

The **Czech** Football Association and Police of the Czech Republic concluded in 1995 Agreement on mutual co-operation in securing public order, protection of persons and property during football matches. On the basis of that agreement the police and the football associations co-ordinate activities in that field.

In **Finland** the Organisers will carry out tasks mutually agreed and defined in the written security plan under supervision and collaboration with the authorities by assigning sufficient staff resources for this purpose (low risk - high risk matches). All security planning will be carried out in full compliance with national laws and regulations, Safety and Security Regulations of the Football Association of Finland (edition 2004) and directives of UEFA (Safety and Security in the Stadiums, binding instructions for the prevention of crowd disturbances, edition 2004). There is also a UEFA Club Licence and a special security manual which safety and security instructions are mostly addressed to the clubs who are playing in the highest level (so called "Veikkausliiga") in Finland.

In **Germany** the Deutsche Fußball-Bund drafted regulations on the improvement of security at matches. These regulations give concrete form to the national concept sport and security (Nationales Konzept Sport und Sicherheit).

In **Lithuania** the Federation cooperates with the Police Department only in cases of international competitions.

In **The Netherlands** the KNVB is responsible for good and fair progress of the competition. The KNVB makes demands upon the professional football organisations concerning the security, the safety and a customer friendly behaviour. The KNVB is responsible for the following tasks: the program of the competition; the points of departure of the security policy; the policy in respect to supporters; the banning orders; the KNVB as organiser; the postponement of matches; and the role model behaviour of officials, trainers and players.

In **Poland** sanctions can be imposed by the sports association to which a club belongs, but such sanctions are more educational and amicable in nature. If the sports association fails to react properly, or fails to take such a sanction seriously, the local government authority should intervene.

10.2.4. Professional football clubs¹¹³

The **Binding instructions of the UEFA** provide in Rule 5.1 that in co-operation with the public authorities, the match organisers must ensure that there will be sufficient police forces, assisted where appropriate by security personnel, to counter any possible outbreaks of violence or public misbehaviour, and to preserve the safety of the general public and the match participants, within the stadium, in its surrounding environs and along the access and transit routes leading to and from the stadium.

In **Austria** the organiser has the right to take the personal details of individuals who break the ground rules or house rules or are arrested or reported by the public safety forces for offences, or to have a private security service collect these details. The organiser also has the right to pass these details on to the Austrian Football Federation, the head office of the Bundesliga, the other Bundesliga clubs and the public safety authorities.

In **Belgium** according to the Act of 21-12-1988 (Voetbalwet (VW)) the organizers must meet a number of obligations: they must guarantee an infrastructure in accordance with the provisions prescribed by the rules, such as the instalment of security cameras, the deployment of well educated and sufficient stewards, etc. Without prejudice to the measures which must be taken by force of law and without prejudice to the measures taken by the competent authorities, the organizer is obliged to take all those necessary precautionary measures to avoid

113 See also *supra* 8.3.

the misconduct of spectators which might cause damage to persons and goods. To measure the width of these obligations the agreements with the municipality, the police and the paramedical services entered into by the organizer will be taken into account. (VW art. 3).

Under **Finnish** law, the responsibility for overall security in the stadiums, where football matches are played, rests with the organiser (The FA, club etc.). Safety and security plans in the stadiums will be ensured by close co-operation between the match organisers, Police and Rescue authorities. The required level of security is determined by local Police authorities. The organiser of a sports event must take care that public order and safety is maintained and law obeyed at the event. The organising body may recruit stewards, whose qualification requirements, powers and responsibilities are prescribed in an act on stewards. The arranger of a public meeting and a public event shall see to the maintenance of order and security and to the compliance with the law in the event. If a chairperson is elected for a public meeting, that person shall be subject to the same duties. (Assembly Act, Chapter 4, Section 17). The chairperson or the arranger of a public meeting shall interrupt the meeting or order it to disperse, if continuing the meeting would cause immediate danger to the safety of the people, property or the environment. If other measures have not proven adequate, a senior police officer has the right to interrupt a public meeting or order it to disperse in situations referred to in paragraph (1) and in situations where the public meeting otherwise is being essentially unlawfully arranged. (Assembly Act, Section 21).

In **France**, according to the Loi Pasqua of January 1995 the clubs are obliged to provide security in the stadiums. If the organisers of major sports events have the means to apprehend the trouble-makers (through a video-surveillance system installed in the stadium, the presence of a private security service within the stadium, the possibility of drafting security forces to intervene in case of an emergency) and ensure that these are brought to justice, the same applies to the vast majority of organisers who do not have the necessary means to identify and question those causing the violence. In this case, suppressing violence is largely dependant on the wishes of the victims or associations representing them to exercise their rights under the law. When acts of violence are perpetrated during a sports event, the resulting damage for the participant, the judge or the spectator may involve the legal liability of the organiser, if the latter is not the direct author of these acts. The organiser of a sports event, according to the jurisprudence, has a general obligation of due care and diligence, both with regards to the participants and the spectators. He must implement all the means in his power to be able to guarantee their security during the event. Also, when acts of violence (outbursts, projectiles, fights etc.) are perpetrated during a sports event, any resulting damage to the participant, the referee or even the spectator must draw upon the civil liability (generally contractual) of the individual (the federation, club, etc.) considered to be the legal organiser of the event.

NB: The general security obligation of the organiser is a simple obligation of means. The victim is responsible for providing the proof that the organiser has committed a fault which caused the damage.

In **Lithuania** the Football Federation pays a lot of attention to the security during the football competitions organized in Lithuania. The rules for that are provided by the LFF competition regulations, which are adopted annually. According to the 2003 Competition Regulations Point 62(f), the home team and the owner of a stadium is obliged to ensure the order and safety there during the competitions. In addition, there must be a security firm present as well as police officials. Furthermore, the clubs are responsible for the conduct of not only their players but also spectators during and one hour after the match.¹¹⁴ If a club fails to fulfil its obligations, certain sanctions can be imposed upon it by the Federation. Disciplinary sanctions can be imposed if spectators are trying to intrude upon the field or throw things into it, if in a stadium or its surroundings public order and security is not ensured and no security or police forces are present there. The sanction can be a warning, a fine, the annulment of competition result, the re-play of a match or an announcement of defeat with a result 0:3. Usually, the clubs are punished with fines or imposed defeat. Last year one of the hooliganism cases involved a fight between the coaches, whom later on were sanctioned with fines and disqualification.

In **The Netherlands** the KNVB and the professional football organisations are obliged to look after the safety and security around football matches. The organisations are responsible for the organisation of separate matches and therefore primarily responsible for the decent course of matches. It is the responsibility of the organisation to carry out the following tasks: 1. drafting a security policy; 2. applying for a permission to organise a match; 3. taking care of the security organisation in and around the stadium; 4. rendering information; 5. communication; 6. drafting of home rules; 7. controlling the stadium prohibitions and the seizure of season tickets; 8. transporting supporters; and 9. evaluating and auditing. Art. 20 of the Rules on Disciplinary Proceedings in Professional Football (Reglement Tuchtrechtspraak Betaald Voetbal) contains the detailed core provision that makes the home club responsible for the order and safety in the stadium. Also according to that provision the club - at away matches - is

responsible for the disorderly behaviour of its supporters at the vicinity of the away stadium unless it has the acceptable excuse of having taken severe and sufficient measures to diminish the possibility of indecent behaviour to the limit. This implicates that the club is not responsible for such behaviour of supporters travelling on their own, while the club has done its utmost to avoid that.

In **Poland** the law introduces the possibility for organisers to summon the Police if the action of the stewards is ineffective.

In **Portugal** the club is liable for breaches of order and discipline caused by its members or supporters during an official match. (Article 136). Stewards function under the operational dependence of the stadium security structure and their performance is responsibility of the sports event promoter, without prejudice to the legislation governing private security.

In **Sweden** the starting point is therefore that it is always the club organising the event that has overall responsibility for the event. This responsibility includes, among other things, preparation of the ground, external monitoring of the ground and other measures to maintain order plus preparatory measures as per the Elitfotbollsmanual (Elite Football Manual). In addition, the following basic principles also apply: that the home and visiting clubs are responsible for the behaviour of their respective players, managers and supporters in connection with and during a match and that the home club is also obliged to ensure good order is maintained among the crowd. It is the obligation of the home club to take measures to protect officials and players against attack. The club must establish a close partnership with the police and its supporter police.

10.2.5. Mayors/local governments

In **Belgium**, in case the burgomaster is of the opinion that the organizer of a football match does not present sufficient guaranties for the safe course of the event, he might, making use of his powers on base of the arts. 133, 134 en/of 135 van de New Municipal Law (Nieuwe Gemeentewet), prohibit the match.

In the **Czech Republic**, under the Act. No. 128/2000 Col., (Local Administration Act) municipal and local authorities are entitled to ask for police co-operation in cases of public security concern. Municipal authorities can constitute municipal police forces (under the Act. No. 553/1991 Col., on Municipal Police). Under the Local Administration Act municipal and local authorities are entitled to issue a decree on the general or specific matters of internal security. The cities of Brno and Ostrava issued a decree containing specific provisions regulating public sport events.

In **France**, the mayor, assisted by his municipal sports deputy, set the sports policy for the district, to be implemented by a sports department or municipal office. Within this framework, and in close cooperation with the municipal deputy in charge of prevention and security and management, they implement a prevention policy and fight against violence which might take place on local territory. Furthermore, in numerous towns, the municipal police contribute, within the framework of their jurisdiction, to encourage the successful running of sports events, which take place on local territory. These members and professionals are individuals from which those in charge of sports associations and sports facilities may obtain advice in order to establish local actions aimed at the prevention of violence and in order to prepare for a sports event. Furthermore, the development of the sports between districts and the transfer by numerous districts of the sports jurisdiction to the EPCI make the chairmen of these establishments and the services of their speakers and partners essential in a policy for the prevention of sports violence. The local council for the security and prevention of delinquency is chaired by the mayor, or, in the case of an inter-municipal council, the mayor of a member district, or, failing this, by the chairman of the public establishment of inter-municipal cooperation.

In **The Netherlands** the fight against football vandalism must pre-eminently take place on local level, thus with regard to the specific local circumstances. Therefore the burgomaster, as the highest local responsible for maintaining the public order, is the proper authority to take in hand the fight against football vandalism. The burgomaster grants the permit without which a match may not be played. Over and above that the burgomaster is the commander of the local police force. He weighs the necessity to deploy extra constables for the benefit of the public order. The burgomaster has the power to prohibit a match to be played, to clear a section in the stadium or to stop an on-going match.

In **Poland** the law on the safety of mass-participation events grants specific prerogatives to voivodes, mayors and chief executives, ranging from their approval or disapproval of a specific sports event, all the way to the withdrawal of permission to hold a sports event or a ban on the organisation of sports events, accompanied by restricted public attendance. The law allows voivodes and the leaderships of local government districts to ban sports events altogether or exclude spectators from them if the state of safety or the public order is assessed negatively.

In Slovenia the local administrative organs are responsible to issue permissions (permits) for bigger sporting events and can set conditions regarding location, time and organization of event. On the local level police is cooperating with local organs and if needed suggests implementations of certain security measures, that must be respected and assured by the organizer. Approach in preventing great breaches of public order is established, harmonized and graded on both, local and regional levels in Slovenia. Knowledge and experience exchange is structured. The latter are combined on the state level, which improves the level of professionalisation of approach, based on experiences and knowledge of all police regions. In this point it is worth mentioning also the consultations and exchange of experience with all sectoral sports associations.

10.2.6. Police corps managers

In Italy in order to implement his guidelines in the field of public order and security the Minister of the Interior avails himself/herself of the Public Security Department. That Department is headed by the Chief of Police, Director General of Public Security. The guidelines of the Chief of Police in the field of public order and security are implemented by the Public Security Provincial Authorities, i.e. the Prefect and the Questore. At local level (the jurisdiction corresponds to the territorial area of the province) responsible for co-ordination are the Prefect - Public Security Provincial Authority with political guidance functions - and the *Questore*, Public Security Provincial Authority with technical-operational functions.

In The Netherlands, according to the Police Act 1993, the police corps manager is in charge of the management of the local police service. From this management springs, in respect to the organisation of professional football matches, the following tasks and duties: 1. deployment of the police; 2. the regional scenario; 3. assistance; 4. rendering information to the regional authorities; and 5. rendering information to the police corpses.

10.2.7. Regional governments

In The Netherlands the tasks of the heads of the regional governments (*Commissarissen van de Koningin*) are: 1. coordination; 2. assistance; and 3. inquiring the Minister of the Interior.

In Slovenia special decision making procedures exist for breaches that are public or long lasting. Decision on using police if breaches of public peace and order occur depends on the level of security threat. This decision is made on regional level for more extensive police measure, and only in exceptional cases on state level (directorate general of police). Approach in preventing great breaches of public order is established, harmonized and graded on both, local and regional levels in Slovenia. Knowledge and experience exchange is structured. The latter are combined on the state level, which improves the level of professionalisation of approach, based on experiences and knowledge of all police regions. In this point it is worth mentioning also the consultations and exchange of experience with all sectoral sports associations.

10.2.8. Public Prosecutor's Office

In Germany a plan has been drawn up in close cooperation between the Federal Office of Criminal Investigation, the Central Information Agency for Sports Operations (Zentrale Informationsstelle Sportereinsätze) (ZIS) and the Düsseldorf Chief Public Prosecutor's Office as the "Public Prosecution Collection Centre" to make prosecution possible in Germany even in cases where German perpetrators could not immediately be identified after offences had been committed abroad. The Federal Office of Criminal Investigation in Germany is setting up a Special Assembly Organisation for the central collection and evaluation of evidence for this purpose.

In The Netherlands on 1st April 1999 the directive Football vandalism and violence (*richtlijn Voetbalvandalisme en -geweld* (nr. 1999R003)) of the Public Prosecutor's Office (Openbaar Ministerie) came into force. In the directive strong action is formulated against all forms of physical violence, obstructing the police and security services, discrimination, firework and weapon offences and serious forms of verbal aggression. As one of the chain-partners in the "local triangle" (police, Public Prosecutor's Office and local government) the head public prosecutor plays an important role. He is responsible for the criminal law maintenance of the public order. On basis of the Act Protection of Personal Data (Wet Bescherming Persoonsgegevens (WBP)) the Public Prosecutor passes on data of perpetrators to the KNVB.

10.2.9. Transport companies: train and bus transport

In The Netherlands the football organisation must look after sufficient escort in the train or coach by way of

stewards and/or security personnel. For all transport companies the following conditions are applicable. 1. Access to the means of transport. The transporter in cooperation with the football organisation, the supporters' organisations and/or the police can deny the entry to a means of transport: to supporters without a transport ticket; to supporters without a ticket of admission to the stadium - in case of a combined arrangement; to supporters under the influence of alcohol and/or drugs; to supporters who are in the possession of drugs. 2. Order in the trains. The railway police decides in dialogue with the transport company which measures of surveillance will be necessary for the transport. The railway police is responsible for the organisation of the order maintaining surveillance during the journey. 3. Admittance of the police. Dutch Railways admits activities of the police on its territory in case the police deems that necessary.

Dutch Railways and the KNVB have agreed a covenant concerning the contained transport of supporters by rail. One of the measures in the covenant concerns the issue of a "red card" to supporters in case of the occurrence of very serious incidents. The effect of this red card is that Dutch Railways is not willing to organise the combined transport of supporters of the club in question for the next four away matches of the club. The KNVB will adopt this penalty. The consequence will be that the supporters of the penalized club are not welcome in the stadiums where the four matches will be played.

10.2.10. Supporters' associations

The **Binding instructions of the UEFA** provide in Rule 4.4 that supporters' clubs should be encouraged to build up and maintain close cooperation with the association or club in question and to appoint stewards from within their membership to help manage and inform spectators at matches, and to accompany parties of supporters travelling abroad. Additionally, associations and clubs should require supporters' clubs to insist upon good behavioural standards from their members, including the expulsion from membership of any person indulging in any form of hooligan conduct or anti-social behaviour. Associations and clubs should foster and encourage a good relationship with their supporters' clubs by acknowledging their existence as officially recognised supporters. Dealing preferentially with them in ticket allocation matters, arranging visits to tour the stadium as well as to meet players and officials, etc., offering assistance with foreign travel, including emergency contact officers abroad, and generally keeping in touch with them by newsletters and any other effective means of communication which may be suitable. Associations and clubs must insist that their supporters' clubs ensure that alcohol is not available on their organised trips.

In **Italy**, in order to prevent clubs from giving financial or indirect support to organised groups of supporters that are often characterised by violent phenomena, the rules forbid sport clubs to give any direct or indirect aid (subsidies, distribution of tickets or travel documents free of charges or at reduced prices, etc.) both to the persons who are prohibited to enter the premises where sporting events take place (DASPO), and the organisations having among its members even only one notified person. The prohibition is in force for the two years following the adoption of the preventive-control measures. The violation of the prohibition constitutes an administrative offence punishable with a pecuniary administrative sanction, of considerable value, equivalent to an amount between 10 and 50% of the receipts for one or more successive competitions (up to a maximum of 4).

In **Estonia** the police authorities regularly meet with the 'Jalgpallihaigla' (Football Hospital) - a non-profit association uniting Estonian football fans. The meetings take place at the beginning and end of each football season and where necessary, also before international matches of a high risk factor. A representative of the football federation always participates in these meetings.

In **The Netherlands** point of departure in the fight against football vandalism is the chain approach (ketenbenadering). This means that the links in the chain must find solutions on basis of their own responsibilities. The supporters' associations must contribute to a decent course of the matches. The professional football organisations must gain an insight into the behaviour of their own supporters. It is of importance that the supporters' associations are involved in the match organisation, be it directly or indirectly through the football organisation. The supporters' clubs might play a role in: drafting covenants; the banning order policy, being a role model for good behaviour; the decent progress of a match and the fight against football vandalism and violence in an active way; the organised transport to away matches etc. The supporters' clubs may also be involved in social preventive projects and in the evaluation of matches.

In **Poland** supporters clubs have been created in many sports clubs, to encourage proper behaviour during sports events. Sixteen football clubs already have well-organised supporters' clubs. Polish sports associations encourage sports clubs to cooperate with supporters' clubs.

In **Portugal** it is legal for the promoters of sporting events to grant assistance exclusively to organised groups of supporters by means of affording the use of facilities or provision of installations, or by technical, financial or

material assistance, provided that such groups are constituted as associations under the general terms of the law and registered as such with CNVD. Organised groups of supporters shall maintain an up-to-date, organised register of their members, providing the following information: a) name; b) photograph; c) membership; d) identity card number; e) date of birth; f) civil status; g) address; and h) profession. The register described in the paragraph above shall be deposited with the respective sporting events promoter and the CNVD and shall be updated annually. It shall be suspended or cancelled in the case of organised groups of fans not complying with the provisions of the law. At those sports venues for which they are responsible, promoters of sporting events shall reserve one or more specific areas for individuals who are members of organised groups of supporters. Two acknowledged supporters' clubs exist. Within those clubs there is often a call by the chairmen to develop more pleasant atmosphere in the stadiums. These well-meant calls within the clubs not seldom lead to rivalry amongst groups of supporters within the same clubs. The atmosphere asked for often results in one of total intimidation of the opponent.

In **Spain** the clubs have a close relationship with the respective supporter clubs, 'Peñas'.

In **Sweden** the club must strive to create good relationships and contact between the club and the genuine supporter associations.

10.2.11. Youth welfare organisations

In **The Netherlands** on 1st October 1998, under the direction of the Ministry of Health, Welfare and Sport and the KNVB a nationwide social preventive public policy has been started. That policy has two points of departure. On the one hand it is aimed at the controlling of the behaviour of existing groups of supporters. Juvenile workers, supporter coordinators and police officers stand in forefront. Knowing the supporters and being known by them is of major importance. Also working in town quarters by juvenile workers and wardens (wijkagenten) is essential. On the other hand the policy is aimed at activities for young people. The purpose of those activities is to let these youngsters make contact with professional football in a positive way and by doing so minimize the potential accretion of new groups of misbehaving supporters. In the arranged projects the professional football organisations, the municipalities, the police and the youth welfare organisations work together.

10.2.12. Minister of Justice

In **The Netherlands** the tasks of the Minister of Justice are: 1. allocation of competence towards the public prosecutor; and 2. granting permission to the professional football organisations for having a security organisation. The responsibility for the functioning of the public prosecution service is left out of consideration.

Poland respects the extradition to another country of persons convicted of committing an act of violence during a sports event. Art. No. 5 is also for the Ministry of Justice.

In **Slovenia** special decision making procedures exist for breaches that are public or long lasting. Decision on using police if breaches of public peace and order occur depends on the level of security threat. This decision is made on regional level for more extensive police measure, and only in exceptional cases on state level (directorate general of police).

10.2.13. Minister of Home Affairs

In **Austria**, the Directorate-General for Public Safety comes under the Federal Ministry of the Interior and is the umbrella body in charge of the Safety Directorates, with the authority to give them instructions, and the appeal body in all cases; its head is the General Director of Public Safety. It is required to report to the Federal Ministry of the Interior as follows on the T-Mobile Bundesliga and Red Zac Erste Liga games, UEFA und FIFA matches, friendly/trial games at international level and other football matches that have a public safety aspect for other reasons (e.g. regional league games). A risk analysis (match assessment) must be made in consultation with the operational fan liaison officers for every football match that has a public safety aspect for particular reasons. The written report forms the basis for a corresponding assessment of the situation and orders for further measures. The report is made available to the National Football Information Centre and the local public safety force responsible for the match location at least two days before the game. The game report and the fan liaison officers' report must be sent to the National Football Information Centre immediately after each game. The National Football Information Centre must also be advised of other football-related reports and information, and particularly of any charges brought in connection with football.

In the **Czech Republic** the Ministry of the Interior will continue to take an active part in structured dialogue within

the framework of the Council for Justice and Home Affairs of EU member countries and the activities of its working groups, at the same time it will endeavour to broaden practical cooperation with police forces in EU countries and, in the first place, to exchange basic security information. In this context, it will make an effort to strengthen the as yet weak contacts with Europol and with the structures of the Schengen Agreement (Schengen Information System). Additional cooperation and participation of the Ministry of the Interior is expected on the work of specialist bodies of the Council of Europe, especially the CDMG, CAHAR, the Permanent Committee of the Convention on Spectator Violence and Indecent Behaviour at Sporting Events and at Football Matches In Particular. In the Italian system public order falls within the competence of the Minister of the Interior, National Authority of Public Security. This relates also to public order and security measures concerning football whose burdens, including the economic ones, are borne by the Government.

In Latvia, as far as the competence of the Ministry of the Interior of the Republic of Latvia is concerned it should be noted that the authority responsible for international cooperation and information exchange on football hooliganism and other riots is Public Security and Order Guarding Department of the Central Public Order Police Department of the State Police, acting within the capacity as a national focal point regarding football matches related information.

In The Netherlands the tasks of the Minister of Home Affairs are: 1. coordination of the national policies; 2. the chairmanship and the secretariat of the interdisciplinary steering group for the fight against spectator violence (stuurgroep bestrijding voetbalvandalisme en -geweld); 3. coordination in case of gross disturbances; and 4. assistance.

In Poland with the Chief Police Command at its disposal, this Ministry must always be sensitive and ready to perform its functions regarding public order, including the proper organisation and safety of sports events.

10.2.14. Minister of Sport

According to Art. 3(5) of the European Convention on Spectator Violence the Parties shall take appropriate social and educational measures, bearing in mind the potential importance of the mass media, to prevent violence in and associated with sport, in particular by promoting the sporting ideal through educational and other campaigns, by giving support to the notion of fair play, especially among young people, so as to enhance mutual respect both amongst spectators and between sports players and also by encouraging increased active participation in sport.

In Finland the Ministry of Education is responsible for financing national construction work related to sports, and supervising and controlling the structural safety of sports facilities.

In Latvia, since the Law on the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches was adopted, amendments in Sports Law shall be made on the basis of the competency of the Ministry of Education and Science within field of sport. That Ministry ensures enforcement of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches. The Annotation of the Law says that after adoption of the Law, the Latvian Sports Administration shall establish a Commission on the Convention, including delegates of the Ministry of the Interior, the Union of Municipalities, the Latvian Council of Sports Federations, and the National Olympic Committee. The Commission in compliance with By-laws of the Commission shall co-ordinate the policy of sport actions in the field of safety. The fulfilment of obligations that Latvia has taken upon itself by ratifying the Convention is subject to the supervision and coordination of the Ministry of Education and Science.

In The Netherlands the Minister for Sport is responsible for: 1. social preventive policy; 2. security and public policy of the KNVB; 3. entry control (systems) of the stadiums; 4. mutual contacts with the supporters' clubs.

In Poland the Safety Council is appointed on the basis of a decision by the Minister of Sport. At present, it consists of 22 members, representing the following: Chief Police Command 4; Voivodship Police Commands 6; Polish sports associations 5; Chairmen of Voivodship Safety Commissions 4; Directors of Voivodship Safety Departments 4; Chief Fire Brigade Command 1; Railway Protection Service 1; Radio, Television and the Press 2; Ministry of National Education and Sport 2; Polish Episcopate 1; Polish Olympic Committee 1. The constitutional responsibility for security and safety rests with the Minister for Sport, who designates the chair of the national Safety Council.

In Slovenia according to the Internal regulation on organisation and systemisation of working posts within The Ministry of Education, Science and Sport No. 021-1-15/2001 of 11 April, 2001 the Sports Department is responsible for the following: monitoring and studying sports problems and assessing the actual situation in sport, participation in the preparation of new system issues, legislative and other regulations, preparation of National Programme and its evaluation and implementation, preparations of standards and principles, sport for children and youth, recreation, sport of disabled, high performance and top sport, international cooperation through bilateral and multilateral agreements and conventions and intergovernmental cooperation in sport, big international sport

events, giving instructions and advice to public sports institutes, associations, clubs and other organisations, direct implementation of legislation and other regulations, cofinancing of investments in sports infrastructure, awards in sport

10.3. COOPERATION AND COORDINATION

In the **Czech Republic** police authorities are obliged to provide appropriate co-operation and help to secure public order and security. In accordance with the Act on Police local and municipal authorities and police share mutually relevant information related to public order and security matters. Czech Football Association and Police of the Czech Republic concluded in 1995 Agreement on mutual co-operation in securing public order, protection of persons and property during football matches. On the basis of that agreement police and football associations coordinate activities in that field.

In **Denmark** there is a very close co-operation between police districts having clubs playing in the Super League. Each of these districts has designated a football contact person. In connection with matches where there is a risk of trouble, information on travelling supporters is exchanged, and in connection with some high risk matches, the police of the visiting team may send spotters to accompany the travelling supporters.

In **Portugal** the promoter of the sporting event shall be responsible for appointing, for all professional or non-professional competitions, whether national or international, which are considered to present elevated risk, a security coordinator who shall have operational responsibility for security within the sports venue and the security rings. The security coordinator shall be responsible for coordinating the activities of the sports venue stewards with a view to overseeing the problem-free observance of the sporting event in cooperation with the organiser of sports competitions, the security authorities, SNBPC and the health authorities. The security coordinator shall meet with the entities described in the paragraph above before and after each sporting event and shall draw up a final report to be delivered to the organiser of the sports competition, with a copy to CNVD. The procedures for the appointment and training of the security coordinator shall be approved by the joint decree of the Minister of the Interior and the member of the Government responsible for sporting affairs.

A Special Board for the Policing of Spectator Sports (CT) has been created. This Board already existed under previous legislation (Decree-law no. 885/87 of 5 November) and was restructured by Decree-law no. 238/92. It is now representative of organisations with distinct interests, such as the security forces responsible for ensuring security at sports events and the leaders of sports associations who are responsible for paying for security services. In **Spain** the Sports Law of October 15th, 1990 makes responsible for the right application of the adopted measures: the Clubs, Federations and Professional Leagues the same as any other physical or juridical person organising a sport contest, encounter or show of state ambit or those events that are part of such competitions. It pursues a coordinated action among all of them in order to economise efforts and improve the desired results. Under Articles 30 to 68 of Royal Decree 796/93, a police co-ordinator will be assigned to each 1st and 2nd Division A club (and also to every 2nd Division B club from September 1997) and will be responsible for providing information on each match to the General Security Co-ordinator, who reports direct to the General Office for Citizens' Safety.

10.4. LIAISON

According to Art. 3(4)(h) of the **European Convention on Spectator Violence** the parties must ensure that liaison officers co-operate with the authorities concerned before matches on arrangements to be taken for crowd control so that the relevant rules are enforced through concerted action

The **Binding instructions of the UEFA** provide in Rule 3.4 that for all matches, a Liaison Group, headed by the police commander, and including a senior representative of each of the safety, security, medical and fire services, the competing teams, the stadium authorities, the match organisers and the UEFA delegate, must be established, a suitable meeting place within the stadium where the group should meet in the event of a serious emergency identified, and the group members familiarised with an appropriate brief, coded call sign which would be broadcast over the public address system, for the purpose of summoning the members to the agreed place.

In **Portugal** the preventive measures for professional fixtures also include the appointment of a safety co-ordinator for each match to liaise with the police authorities and to be responsible for the smooth running of the event, making it possible to identify exactly who is in charge of organising it.

In **Spain** liaison officers cooperate with the authorities concerned: Arts. 15 to 18 of RD769/93.

11. SUMMARY

THE FOLLOWING IS A SUMMARY OF MAIN ISSUES ON THE BASIS OF THE COMPARATIVE ANALYSIS OF NATIONAL LAWS AND REGULATIONS:

THE SELLING OF TICKETS

The selling points are the first bastions in the fight against hooliganism. In the first place, the buyers of tickets are screened and the persons who are punished with a banning order - if the procedures have been flawlessly executed - are not able to pass the sieve. In the second place, by distributing the tickets in the proper way, the desired segregation of the opposing supporters in the stadium can be obtained.

THE WAY TO THE STADIUM

The supporters come from far and near to the stadiums. To keep this stream of people under control and to avoid unlawful conduct along the way no half measures are taken. In respect of supporters travelling on their own, many countries pursue a discouraging policy. In certain circumstances the UEFA advises to discourage travelling at all to away matches. Most of the regulations encourage the grouped transport under the supervision of security personnel, spotters and/or stewards. For the transport to away matches the supporters' associations can play an important role. The security personnel as well as the representatives of the supporters' association in their company must be very attentive to prevent known or potential troublemakers from travelling to an away match. During the transport the consumption and even the possession of alcohol is forbidden. Ultimately the clubs are responsible for the disorderly behaviour of their supporters on their way to away matches. The most far-reaching measure to prevent known or potential troublemakers to travel to a match abroad is the withdrawal of their passports. Not in all EU Member States the authorities have the power to withdraw travel documents; in that case, the possibility might exist to remand a troublemaker in custody for the time the match will be played abroad. In some EU countries the legislation provides for the possibility to forbid known or potential troublemakers to enter the country.

VIOLENCE AT ANOTHER LOCATION THAN THE HOME TOWN

The hardcore hooligans moved away from the grounds and started to conduct their activities elsewhere. It is now more likely that hooligans will meet and fight in areas of open ground, well away from stadiums and the associated police presence. These fights are often organised over the Internet and using mobile phones in order to arrange locations so the police do not know where the fights will happen.

VIOLENCE IN THE HOME TOWN AND IN THE VICINITY OF THE STADIUM

As much as possible the confrontation of the supporters of the opposing teams must be avoided. That is not always possible. It is especially not possible in the hometown during tournaments. The first step the local authorities can take to avoid disturbances is to prohibit the sale of spirits in the area around the stadium. The authorities must determine the size of the perimeter. Many functionaries are involved in crowd managing: on the organisational level the burgomaster, the public prosecutor, police corps managers, representatives of the football organisation, etc.; and on the operational level: the police (including specialised units and spotters), the security functionaries and stewards employed by the football organisation. All functionaries have their own responsibilities and must cooperate in a fully orchestrated way. For this purpose local covenants can be drawn up. Many regulations are focussed on the prevention and curbing of disturbances. The authorities have an arsenal of measures have at their disposal. As preventive measures against persons can be mentioned: preventing a person from entering an area and the clearing of areas. As disturbances of the public order have been broken out the authorities have at their disposal repressive measures against individuals as well as against groups of individuals. As repressive measures against individuals can be mentioned: the prevention to attend a match, the stadium surroundings prohibition, the court injunction, the stadium prohibition based on criminal law (by virtue of a court order) and based on administrative law (by virtue of an order of the police) (both possibly with an attached duty to report) and the conviction to work for the benefit of the community. The authorities can take the following measures against groups of individuals: issuing emergency regulations or emergency measures; prohibition of gathering; and containment. The police are responsible for the public order in the public space at the vicinity of the stadium. The deployment of the police must be flexible and depend on the circumstances. The presence of the police may not be a provocative factor. Instead of a disciplining authority the police must be an intervening authority. The

recovery of the costs of the police deployment is regulated differently in the various countries. The approach taken by the authorities to reducing football hooliganism has been largely reactive – increasingly sophisticated policing, surveillance and monitoring techniques, segregation of fans, restrictions on alcohol etc. The Governments have also introduced specific legislation to cover acts of "hooliganism". While such measures are evident all over Europe, the German, Dutch and Belgian authorities, in particular, have been more proactive in their approach to the problem. The development of "fan coaching" schemes appears to have had an impact on levels of violence in certain areas. Such schemes, which involve social workers deployed with groups of fans, provide useful models for other countries. There is, however, a general lack of initiative from the major football clubs in Europe. While German clubs are involved to an extent in the fan coaching schemes, elsewhere there is little contact between club officials and the fan groups. It is suggested that local "fans' forums", which allow genuine dialogue between officials and supporters, may help to reduce some of the problems.

THE ENTRY OF THE STADIUM

When the authorities have granted their permission for a match, the main condition for the admittance to a stadium is that a person is in the possession of a valid ticket. Nevertheless, that person will not be admitted when he has forbidden objects with him or when he is in a state of intoxication. The professional football organisation takes great care of an effective entry policy. A number of electronic aids are at the disposal of the ticket inspectors, e.g. supervision cameras, metal detectors and other devices. Those inspectors also have the power to search the body of a person.

THE SECURITY OF THE STADIUM

The design and the physical fabric of the stadiums are affected by a number of regulations to meet specified and strict safety requirements. The owner of a stadium must have obtained a safety certificate for the stadium issued by the local authorities. Before each match the stadium is examined by qualified inspectors. The professional clubs in the highest divisions have been required to restrict the admission of spectators to seated accommodation only. The authorities will issue a safety certificate only when the design of the stadium makes it possible to segregate effectively the groups of rival supporters by allocating them to specific terraces when they are admitted.

THE MEASURES TO CURB VIOLENCE IN THE STADIUM

Crowd control

The local authorities can order the match to be played without spectators or forbid the playing of the match at all in case they estimate that the public order will be in danger when they allow spectators in the stadium or the match takes place. The organiser of a sports event is responsible for the security inside the stadium insofar as it is up to him to request policing for each event. In the stadium facilities of good quality to communicate with the audience must be available. The role of the stadium speaker is of great importance. In case of emergency he must be able to address a crowd in their own language. It should be pointed out that rules exist which forbid the electronic video screen to be used for showing disputed situations of the match.

In the stadium there must be a video security system which supports the security personnel in performing their duties. After consultation of all authorities a match can be identified as a risk match, i.e. a match at which violence or misconduct of spectators can be expected. Concerning such matches extra arrangements must be made. The time of the beginning of the match might be moved to another time than is customary and more police officers and security personnel can be raised. With regard to the transport of supporters more severe measures as is customary will be applied in the event of risk matches.

Keepers of law and order

As the stadium owner is responsible for the public order in the stadium normally the deployment of the police can be reduced to a minimum there, unless all efforts to keep the crowd under control to which he is legally obliged are in vain. In most countries the football organisation must appoint a safety manager, a safety coordinator and safety/security personnel. One of the security personnel's task is, by fostering and maintaining an agreeable atmosphere in the stadium, to make the presence of the police in the stadium less perceptible. An effective employment of the security personnel anticipates a quantitatively lower need to employ the police force. The football organisation must also provide for a steward organisation and appoint sufficient and properly trained

stewards. One of their duties - besides security tasks - within the stadium is to ensure that the spectators are directed to their seats efficiently and smoothly without delay and confusion. The referees too have a task in respect of maintaining the peace. When the situation at the stands asks for it he can break off the match.

Prohibitions

In the stadiums many prohibitions are applicable: prohibitions with regard to entering certain areas, the consumption of alcohol and/or drugs and/or tobacco, fireworks, the possession of dangerous objects, indecent or racist chanting, wear masks, to use instruments producing noise, utterances of racism and/or discrimination, political action, and verbal abuse.

Repressive measures

In the event of a match falls short of its normal duration because of irregularities, the national football association can impose sanctions on the stadium owner. Those sanctions may be *inter alia* the prohibition to use the stadium; closing the stadium; terminating a match or postponing a match to another date; to play the match behind closed doors; and the imposition of a fine.

As a repressive measure against individuals in particular the stadium prohibition based on civil law can be mentioned. Special sanctions on foreign troublemakers can be imposed. Other repressive measures are e.g. a street ban and the discharge of the membership of a club. In many countries summary proceedings against perpetrators can be instituted.

Reduced media attention for football hooliganism

In different countries it is thought that hooligans relish the media coverage they receive, and often positively seek it - with rival groups actively competing for column inches and mentions in sensational headlines. In a recent European Parliament report on football hooliganism it is recommended that the media avoid sensationalism and promote fair play and sporting values.

THE INTELLIGENCE SERVICE AND COLLECTION OF DATA (FILES)

According to Article 1(1) of the Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension each Member State shall set up or designate a national football information point of a police nature. The national football information point will act as the direct, central contact point for exchanging relevant information and for facilitating international police cooperation in connection with football matches with an international dimension. The other tasks of that body are the collection and analysis of information, the support of the instances involved in the fight against hooliganism, the management of the national databases, the provision of advice to policymakers, and the deployment of spotters at matches of the national team.

In a number of EU Member States the data of the persons who have been sanctioned with a stadium prohibition are stored in a database. Those data are passed on to the national football association and to the clubs, so that no tickets will be purchased to these persons. On the other hand, with the data the police services can execute specific controls and detect if a (suspicious) person has the right to enter a stadium. According to the Binding instructions of the UEFA all parties involved in a football match must do everything within their power to enable the public and police authorities, in whatever countries may be involved, to carry out an effective exchange of appropriate cross border information. An e-mail system could be used to ensure the swift exchange of police intelligence between states.

The Council of Europe recommends two main forms of co-operation to deal with hooliganism. The first is the use of police co-operation along the lines of the European Commission Handbook for international police co-operation and measures to prevent and control violence and disorder around football matches. The Council sees the key to preventing hooliganism to be greater co-operation between the police of the countries involved. Besides police cooperation within the frameworks of the Council of Europe and the European Union, several countries have entered into bilateral treaties concerning international police co-operation.

THE CHAIN OF RESPONSIBILITIES

By virtue of the European Convention on Spectator Violence the affiliated countries entered into the obligation to co-ordinate the policies and actions of their government departments and other public agencies against violence and misbehaviour by spectators, where appropriate through setting up co-ordinating bodies. On the sporting side,

the Binding instructions of the UEFA provide that in the interests of safety and security, associations and clubs must cooperate in full with the match organisers, irrespective of whether the match is to be played at home or abroad, and with the public authorities concerned. All the bodies - governmental as well as non-governmental - who are involved in the fight against hooliganism form links in the chain of responsibilities. The central organs in the respective EU Member States gather statistical information, incorporate that information and make it periodically available. By virtue of this numerical material and on basis of the information handed over by the police, the central organs are able to predict at which matches irregularities can be expected. On the basis of these predictions the police services - and other bodies in the chain - can decide the number of policemen needed at those matches. With the central organs' information the national football associations and the individual professional football organisations too can take precautionary measures to anticipate expected irregularities. The football organisations must cooperate closely with the local authorities. On the local level those authorities are the burgomaster, the head of the local police and the public prosecutor. The actual fight against hooliganism takes place on the local level and those three functionaries are particularly acquainted with the specific local circumstances. The regional governments serve a bridge function between the local and the national authorities. In situations where there exists an acute shortage of police personnel they keep free auxiliary forces. On the national level the ministers of justice, of home affairs and of sport play a coordinating role. Other links in the chain of responsibilities are the public transport companies, the supporter's organisations and the youth welfare organisations.

The activities of the individual links need consultation and coordination. It can be useful to bring in middlemen or liaison officers between the links of the chain.

CHAPTER 6: EURO 2000 AND FOOTBALL HOOLIGANISM

1. Introduction

In 1994, it was decided that the European football championship (Euro 2000) would be organised by the Netherlands and Belgium. UEFA and the national football leagues of both countries established the Euro 2000 Foundation, which played a central role in the organisation of Euro 2000. The governments of both organising countries were also involved. They and the Euro 2000 Foundation cooperated closely in order to tackle the problem of football hooliganism. This article will describe the legal framework used in the Netherlands to combat hooliganism. It will start by giving a brief description of the actors involved in the organisation of the championship and of their responsibilities. Secondly, the relevant international legal framework will be described. Thirdly, the applicable national policy and legal framework will be discussed. As regards both, the discussions and/or procedures preceding the entry into force of the legal document or policy concerned will be described first, to be followed by a discussion of the actual policy or document as it was eventually adopted. Subsequently, the actual implementation of the policy and/or legal document during Euro 2000 will be evaluated.

2. The organisational framework of EURO 2000 - organisations involved and their competences/tasks

In 1994, the Netherlands and Belgium were appointed as organising countries for the European football championship in 2000. On 30 June 1997, the Dutch and Belgian Ministers of Home Affairs concluded an agreement of cooperation concerning the European football championship for country teams in 2000. The cooperation would start from 1 July 1997. The Ministers would coordinate the public services involved in the organisation of Euro 2000 in both countries. In addition, a project organisation was established in both countries. In the Netherlands, this was the National Project Group Euro 2000 (*Nationale Projectgroep EK 2000*). Both the Dutch and the Belgian national football federations submitted a performance bond to UEFA (the European football organisation), without prejudice however to the own responsibility of the candidates/teams, UEFA and the local authorities. The Dutch Football Federation (KNVB) and the Belgian association Belfoot 2000 then founded the Euro 2000 Foundation, which was established in Eindhoven (in the Netherlands) and which was to organise the championship. The responsibility for the organisation of the championship was shared between the Euro 2000 Foundation, UEFA and the national football federations of the Netherlands and Belgium.

In their agreement of 30 June 1997, the Dutch and Belgian Ministers of Home Affairs expressed their intention to formulate a common policy in the following fields: policy and tolerance limits; security measures; infrastructure around the football stadiums; a common framework for the organisers' obligations concerning security, ticket sales and supporters' separation; stadium bans; the sale of alcohol in and around the stadiums; organised transport of supporters; mutual police assistance and exchange of police liaisons; the organisation of social events and the treatment of supporters and the supply of information to them; and media policy. A working group of civil servants met regularly and reported to both Ministers on the progress concerning measures for the protection of public order and security and concerning common initiatives and opinions on the cooperation before and during Euro 2000. Both countries would strive to limit the use of police forces during the tournament as much as possible. Besides the Minister of Home Affairs, other Dutch Ministers were also involved in the preparations for Euro 2000. A governmental direction committee was formed comprising the Ministers of Home Affairs and Justice and the Secretary of State for Sport. The mayors of the match towns would also be involved, as they were responsible for the maintenance of public order in their towns. The Minister of Justice would be responsible for the admittance and expulsion policy for football supporters and for criminal investigations initiated against supporters. The Secretary of State for Sport would be responsible for sports policy, events, supporters' transport and facilities. The Minister of Home Affairs dealt with the contacts with his Belgian counterpart, the policy framework for Euro 2000, tolerance limits, ticket selling policy and the minimum standards for a good organisation of the stewards. Other Ministers involved were the Minister of Transport (responsible for the infrastructure) and the Secretary of State for Economic Affairs (responsible for tourism and Holland promotion).

A special Euro 2000 Centre (*EK centrum*) was established. This Centre had a central role in the preparations for the championship. It provided information on the championship, directed the interdepartmental and administrative harmonisation of tasks and provided support to the administrative direction of Euro 2000. In addition to the Belgian government and the Euro 2000 Foundation, the Centre represented the Dutch government in the organisation. In order to reinforce the coordination of the preparations for Euro 2000 a special project director-general was appointed. The appointment of a special high official would ease high level contacts with other

organisations and would guarantee the required attention of the management in the Dutch civil services. Within the Dutch police forces a special football commissioner was appointed. Finally, the Bi-national Police Information Centre (BPIC) was established. This Centre was founded especially for Euro 2000 by the Netherlands and Belgium in order to exchange operational information between the police services of both countries.

3. The international legal framework used during EURO 2000

The Dutch government wanted to limit the use of police forces as much as possible. The championship would imply the use of a considerable part of Dutch police resources, but this was not supposed to lead to unsafe situations in other parts of the country. Public order had to be maintained. In order to organise this properly, the Dutch government also used certain instruments of international law. First of all, it used the Schengen Treaty to reintroduce border controls. Secondly, it concluded a treaty with Belgium, the Treaty of Bergen op Zoom, making police intervention possible. Thirdly, the Dutch and Belgian governments issued a number of Joint Statements with the British and German governments concerning police and criminal cooperation. These documents will now be described

3.1. The Schengen Treaty

In June 1985, Germany, France and the Benelux countries concluded the Schengen Agreement on the gradual abolition of checks at their common borders. Article 2(1) of the Convention Implementing the Schengen Agreement (adopted in 1990) provides that internal borders may be crossed at any point without any checks on persons being carried out. The second paragraph of Article 2, however, states that an exception is possible 'where public policy or national security so require'. If this is the case, a Contracting Party has to consult with the other Contracting Parties before reintroducing border checks. The border checks can only be carried out for a limited period. If public policy or national security require immediate action, the Contracting Party concerned shall take the necessary measures and inform the other Contracting Parties thereof at the earliest opportunity.

After consultations with the Belgian government, the Dutch government decided to carry out border checks during the football championship. Both governments tried to follow a common policy in as many fields as possible. Whether actual checks would be carried out, was dependent on information on possible threats to public order. After consulting with the other Contracting Parties of the Schengen Agreement (in accordance with Article 2 of the Convention Implementing the Agreement), both the Belgian and the Dutch governments decided to and did carry out border checks during the championship.

3.2. The Treaty of Bergen op Zoom

In April 1999, the Dutch and Belgian Ministers of Home Affairs concluded the Treaty of Bergen op Zoom concerning cross-border police intervention in order to maintain public order and security during the European football championship in 2000. Specific regulations concerning additional information on the Treaty were also published in each country (each country drafted its own regulations). The central point of view in the Treaty was that foreign police services would only be used for secondary, passive and supporting missions (of a defensive nature), in order to make more domestic police services available for important, more far-reaching missions (of an offensive nature). In the Netherlands, the Treaty did not require ratification by Parliament because of its temporary validity, but in Belgium it did.¹¹⁵

The Treaty had to facilitate mutual police cooperation between the two countries during Euro 2000. Article 1 defines cross-border police intervention as follows: each intervention on the basis of the Treaty of police officers of one Contracting Party on the territory of the other Contracting Party, aimed at the prevention of infringements of public order and public security. The Treaty applied only to the regular police forces in the Netherlands, not to the Royal Netherlands Military Constabulary (*Koninklijke Marechaussee*).

Article 2(1) provided that cross-border police intervention could only take place after a written request from one Contracting Party to the other Contracting Party. This request had to be directed to the competent authority in the other Contracting Party. In the Netherlands, the National Coordination Centre was the competent authority on behalf of the Minister of Home Affairs. In Belgium, the Mixed Intelligence and Coordination Cell (*Gemengde Inlichtingen en Coordinatiecel, GICC*) functioned as the competent authority on behalf of the Belgian Minister of Home Affairs. The Dutch National Coordination Centre coordinates government policy in case of unexpected crises and in case of large-scale events taking place in the Netherlands (such as Euro 2000).

¹¹⁵ Article 7(c) of the Kingdom Act containing Regulations on the Approval and Publication of Treaties and the Publication of Decisions of International Organisations (*Rijkswet goedkeuring en bekendmaking verdragen*).

According to the Treaty, the competent authority decides upon the request without delay and communicates its decision to the competent authority of the requesting party. If no request can be made by the Sending State because of the urgency of the situation, the Sending State may go ahead with the cross-border police intervention (Article 2(3)). The Sending State shall, however, contact the Receiving State as soon as possible after it has started the intervention. The competent authority may take over the intervention at any time it decides to do so.

Before a request for cross-border police intervention would be sent, the National Coordination Centre (the competent authority in the Netherlands), had to examine the necessity of the intervention using the following criteria (as published in the Dutch regulation executing the Treaty):

- a. is it reasonably necessary to make use of Belgian police assistance?
- b. are the efforts to be delivered by the police or military police truly inadequate or not sufficiently readily available?
- c. is the Belgian police, with a view to the expertise present, the equipment available and the term within which it has to be deployed, the appropriate vehicle to deliver the needed assistance?

The request for police intervention had to contain a description of the nature of the desired cross-border police intervention and its operational necessity. For this request several model forms were drafted (Dutch regulation executing the Treaty).

The commanding officer of the police unit or the police officer crossing the border had to be informed as soon as possible of the decision referred to in Article 2. The commander of the cross-border police unit or the cross-border police officer had to carry or be in possession of a summary (list) of means carried to the Receiving State/Host State (Article 3). According to Article 4, the cross-border police units and police officers functioned under the authority of the local authority which is competent for the maintenance of public order and security. They performed their duties under the operational command of the commander who is competent for the maintenance of public order and security on the terrain/area where the cross-border police intervention takes place. Article 5 made it possible for the Sending State to deliver means for the maintenance of public order on the request of the Host State.

According to Article 6, the police units and officers carrying out a cross-border police intervention were competent, with due observance of the applicable legislation of the Host State, to:

- continue the immediate protection or close protection of persons if these persons entered the territory of the Host State;
- carry out patrols: monitoring a designated area of the Host State for the purpose of collecting information and locating persons, animals, vehicles or objects which threatened or might threaten public order and security;
- check: checking the entrance of a designated area or preventing entrance to a certain area, thereby aiming to enforce compliance with the legal measures of the Host State and to maintain public order and security;
- direct traffic,
- search: systematically going through a certain area in order to track persons, animals, vehicles or objects, which threatened or might threaten public order and security;
- accompany: to travel with a group of persons for the purpose of preventing incidents and maintaining public order and to keep them under continuous supervision, to call the group or members of the group to account for their behaviour and to indicate their responsibility or liability for the possible consequences of their behaviour.

As regards equipment, Article 7(1) provided that cross-border police officers should wear their uniform and that they might carry, as far as allowed in the Host State, their personal weapon and baton which were part of their personal equipment. When giving immediate or close protection however, they were not obliged to carry the aforementioned weapons. Other weaponry (than the personal weapon and baton) could be carried, if this was in accordance with the nature of the police intervention and with the orders of the competent commander (as referred to in Article 4). The second paragraph of Article 7 provided that other duty weapons might be carried, if they could not be laid down and stored on the territory of the Sending State. These weapons might, however, not be used.

The use of violence or the execution of a security body search by cross-border police officers was allowed in accordance with the orders of the locally competent commander and under the same conditions which applied to police officers of the Host State. The use of the weapon which is part of the personal equipment was exclusively allowed in case of self-defence. The applicable law concerning self-defence was to be the law of the Host State (Article 8).

The cost of the cross-border police intervention, including the cost caused by total or partial loss of carried equipment, weaponry and means, would weigh on the Sending State. Costs of housing and living of the cross-border police units and officers might be borne by the Host State (Article 9). The Host State was liable for any damage caused by cross-border police intervention according to Article 2(1) of the Treaty or caused by means delivered by itself to the Sending State. In case of urgency (Article 2(3)), Articles 42 and 43 of the Convention Implementing the Schengen Agreement would be applicable. According to these provisions officers operating in the territory of another Contracting Party (to the Schengen Convention) shall be regarded as officers of that Party with respect to offences committed against them or by them. The Sending State shall be liable for any damage caused by them during their operations, in accordance with the law of the Contracting Party in whose territory they are operating. The Contracting Party in whose territory the damage was caused, shall make good such damage under the conditions applicable to damage caused by its own officers. Besides, the Contracting Party whose officers have caused damage to any person in the territory of another Contracting Party shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf. Finally, Article 43 provides that in certain cases no mutual reimbursement between the Contracting Parties takes place.

Article 14 of the Treaty obliged the Contracting Parties to carry out an evaluation of the effects of the Treaty. Because of the different way of implementation and because of the different regulations executing the Treaty, two separate evaluations were written. From these evaluations a short document was composed containing some common conclusions and recommendations. The Treaty was applied 38 times: 37 times when one of the persons who accompanied a football team crossed the border (a police officer was added to each football team who could provide information to the team) and one time for the accompaniment of English and German supporters by the Dutch police who travelled by train from Charleroi (Belgium). I will now briefly discuss the Dutch evaluation, to be followed by a description of the common recommendations.

During a joint exercise prior to the tournament, some problems arose in connection with the functioning of cell phones and radio traffic in the border areas. During the tournament, there were problems with the voicemail of the cell phones of two Dutch police platoons when they failed to function. In addition, experience revealed that the actual situation in which an action takes place sometimes differs from the situation as described in the request from the competent authority. This occurred when a Dutch police platoon had to be split in Belgium, as it suddenly became clear that not one, but two trains of supporters had to be accompanied from Charleroi to the Netherlands. However, no serious problems arose in all these cases. A final problem arose when vehicles of the Dutch police were not allowed to pass Luik (Liège), as the local police commander refused to let them. Most Belgian police officers were unaware of the planned arrival of the Dutch police platoons in Belgium.

The Dutch evaluation contained four concrete recommendations.¹¹⁶ First, it was considered necessary to hold more joint exercises prior to the tournament (instead of only one, as had been the case), in order to be able to cope with any complications. Secondly, it had to be ensured that the available means of communication functioned everywhere: these had to be tested in an exercise situation. Thirdly, a scenario should be drafted which, among other things, would clarify which action was to be taken at what time and where and in what type of situation and by whom. Fourthly, it was considered that the Treaty had to take into account situations where police intervention takes place when these situations are different from the situations outlined in the Requesting State's request. Although such situations did not occur during the tournament, it might be desirable to include in any future treaties a clause making it possible to deal with such situations by mutual consent. A comparison of the Dutch and Belgian evaluations reveals the cultural differences between the countries.¹¹⁷ Certain situations were interpreted differently and another approach would have been chosen.

The joint evaluation of the Treaty showed that it was generally considered to have been satisfactory: the Treaty had functioned well and efficiently.¹¹⁸ It was considered necessary to guard against cultural and terminological differences between countries preventing efficient cooperation in maintaining public order. However, a certain measure of flexibility in the application of the provisions would also be needed, as well as holding more joint exercises in advance in order to counter possible practical problems (especially concerning the means of communication). Finally, it was concluded that the use of police officers to accompany the different football teams had worked well.

Both the Belgian and the Dutch Ministers of Home Affairs also considered it useful for the future if a more general

¹¹⁶ Evaluation of the Treaty of Bergen op Zoom, Ministry of the Interior and Kingdom Relations, Directorate of Police, June 2001.

¹¹⁷ Evaluation of the Treaty of Bergen op Zoom, Ministry of the Interior and Kingdom Relations, Directorate of Police, June 2001. Belgian evaluation, 'The Treaty concerning cross-border police action'.

¹¹⁸ Evaluation of the Treaty between the Netherlands and Belgium concerning cross-border police intervention for the purpose of maintaining public order and security during the European Football Championship for country teams in the year 2000, Conclusions and recommendations.

bilateral treaty concerning police intervention were drafted. Such a treaty could apply to e.g. police accompaniment in the cross-border movements of groups (football supporters, demonstrators) so as to prevent transfer problems; the maintenance of public order during cross-border sporting events (e.g. accompanying cycle races and taking the necessary traffic measures); the accompaniment of VIPs; protection of certain transports (money, art, nuclear transports); the execution of specific (defensive) missions/assignments on the territory of the other country (e.g. guarding buildings or goods), or; the provision of assistance in case of a disaster or calamity. The scope of such a treaty should not have to be limited to police intervention for the maintenance of public order. Instead, it should function as a general bilateral treaty concerning cross-border police cooperation.

3.3. Joint Statements with third countries

With two countries the Dutch and Belgian Ministers responsible for the organisation of Euro 2000 issued Joint Statements. The Joint Statements were signed with Germany and the United Kingdom and one additional Memorandum of Understanding was signed with the United Kingdom.

In February 2000, the British Home Secretary, the Belgian Minister of Home Affairs and the Dutch Ministers of the Interior and Justice signed a Joint Statement concerning cooperation in the preparations for the European Football Championship 2000. The cooperation would be based on a resolution of the Council of the European Union concerning the fight against football hooliganism.¹¹⁹ It would also be based on the principle of 'good hospitality' and 'the awareness that optimal security measures are a prerequisite for making Euro 2000 a festive sports event.' Five topics were addressed in the Joint Statement: international police cooperation, monitoring of flows of supporters, exchange of information, international legal assistance, and finally a description of the organisational structure in the Netherlands and in Belgium for Euro 2000. I will now discuss the first four topics.

International police cooperation between the organising countries and the United Kingdom would focus on the gathering and sharing of intelligence concerning the numbers, behaviour and risk to public order posed by supporters both before and during Euro 2000. It also had to focus on developing close and effective working relationships between the respective police forces. For this reason, English police officers would be available as liaison officers for the Bi-national Police Information Centre. They would also be available to gather information on English fans and to advise local police forces in the Netherlands and Belgium in locations where the English national team would play and/or where the English supporters would be present. The host countries of Euro 2000 would ensure adequate task briefings, orientation, escorts, accommodation, meals, transport, accreditation and means of communication for the English police officers as well as physical safety (ensured by the local host police organisation).

Concerning the monitoring of supporter flows the Ministers agreed that the English police services would monitor England supporters from the start of their journey in the UK to UK exit points. They would inform the host countries about the number, behaviour and destination of England supporters. On arrival at their destination, the national or local police force of the host country concerned would be responsible for policing supporters. These national or local police forces would also police the return journey of England supporters to exit points from Belgium and the Netherlands. On arrival in England, local police forces would take over. British Transport Police would be responsible for escort tasks on the Eurostar up to Brussels.

The third aspect of the Joint Statement concerned the exchange of information: the English police services would produce an intelligence analysis and would update this right up to the end of the tournament. The analysis would focus on the number and behaviour of England supporters and the potential risk posed to public order. This intelligence analysis would be available to the central Belgian and Dutch services tasked with processing information on football supporters (in the Netherlands the Bi-National Information Centre). The English liaison officer mentioned above would be updated by police services in the United Kingdom (on the numbers, behaviour and destination of England supporters travelling to the tournament from England) and by the Belgian and Dutch police services (on the course of the championship in general and on the behaviour of English supporters in particular). Upon the supporters' return to the UK, the Bi-national Police Information Centre would inform police services in England of the supporters' anticipated behaviour, particularly if disturbances were expected.

Throughout the tournament, English police officers based in the host countries would inform the host police forces on the behaviour and the threat posed to public order by England supporters. The English police officers had to comply with the regulations in force in the host countries concerning data registration and storage.

The Ministers agreed to provide the greatest possible measure of mutual legal assistance in criminal cases, based on existing treaty arrangements. They expressly referred to one particular treaty in this field: the European Treaty

¹¹⁹ Resolution of the Council of the European Union concerning the handbook for international police cooperation, and measures to prevent and combat violence and disturbances around international football matches.

on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959) and the Supplementary Protocol to this Treaty (Strasbourg, 17 March 1959).

In addition to the Joint Statement, the British Home Secretary signed a separate Memorandum of Understanding with the Dutch Minister of Justice regarding the exchange of information concerning persons convicted of offences related to football measures. This Memorandum was of a more general nature, as it was not only specifically directed towards Euro 2000. It applied to matches played in the Netherlands, England and Wales between teams from these countries/territories (para. 1). The information to be exchanged would relate to nationals of the Kingdom of the Netherlands residing in the Netherlands and British nationals residing in England or Wales who had been convicted of an offence relevant to the aforementioned matches. They had to be convicted for one of the following offences: assault, destruction of property or goods, public disorder, verbal harassment and abuse, discrimination, intimidation and threats, refusal to comply with official instructions, resisting police instructions, recklessness or any offence under the Arms and Ammunition Act. Mutual exchange of information would take place concerning criminal convictions for the aforementioned offences (thereby applying Article 4 of the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters).¹²⁰ In addition to information on irrevocable criminal convictions of persons having the British or Netherlands nationality and residing in one of these countries, a performance bond would be mutually supplied by both Ministers (for which a model form was included in the Memorandum of Understanding).

The German Home Secretary signed a Joint Statement with the Belgian Minister of Home Affairs and the Dutch Minister of the Interior and Justice. This Joint Statement was an almost exact copy of the first Joint Statement described above: it concerned international police cooperation, monitoring of flows of supporters, exchange of information, international legal assistance, and finally a description of the organisational structure in the Netherlands and in Belgium for Euro 2000. The cooperation would be based on the same principles as the cooperation with the United Kingdom. The Central Information Point for Sport Efforts (*Zentrale Informationsstelle Sporteinsätze*) would fulfil the intelligence function in Germany.

4. National legal framework

4.1. Dutch aliens policy

4.1.1. Dutch visa policy during EURO 2000

The Dutch and Belgian governments developed a common visa policy for Euro 2000 on the basis of the Schengen instructions concerning visa.¹²¹ The policy applied to Romanian, Turkish and former-Yugoslavian nationals. Applications for visas were dealt with in cooperation with the Dutch and Belgian diplomatic representations in these three countries.

Visa applicants had to produce a ticket for Euro 2000, containing the name of the applicant or the number of the ticket, which had to correspond to a name on the list supplied by the national football federations of participating countries to the organiser of Euro 2000 (the Euro 2000 Foundation). Other general requirements for obtaining a visa were that the applicant had to possess a valid travel document, as well as sufficient means of support and a hotel reservation or an invitation from a person who would act as guarantor. The visa would furthermore be refused if the applicant constituted a threat to public peace, public order, national security and international relations of the Schengen countries. The last two grounds of refusal were, however, seldom used. The other two concepts (public peace, public order) were rather widely construed. A threat to public order could exist if an alert for the concerned applicant was introduced in one of the lists of wanted persons (such alerts are part of the Schengen Information System, see Article 1 of the Convention implementing the Schengen Agreement). An applicant was also considered to constitute a threat to public order if he committed offences during his entry into

¹²⁰ Article 4 of the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters reads as follows: Article 22 of the Convention shall be supplemented by the following text, the original Article 22 of the Convention becoming paragraph 1 (see below) and the below-mentioned provisions becoming paragraph 2:

"Furthermore, any Contracting Party which has supplied the above-mentioned information shall communicate to the Party concerned, on the latter's request in individual cases, a copy of the convictions and measures in question as well as any other information relevant thereto in order to enable it to consider whether they necessitate any measures at national level. This communication shall take place between the Ministries of Justice concerned."

Paragraph 1 of Article 22 of the Convention reads as follows:

"Information laid by one Contracting Party with a view to proceedings in the courts of another Party shall be transmitted between the Ministries of Justice concerned unless a Contracting Party avails itself of the option provided for in paragraph 6 of Article 15."

¹²¹ Official Report of the Lower House, Parliamentary document 26 227, no. 27.

the country.

Where Yugoslavia was concerned, the applicant could not be on the EU visa sanction list. Schengen visas were issued independently by the diplomatic missions of the countries. Visa applications for family members without a ticket who were travelling with applicants who did have a ticket were assessed by the visa services. The visas obtained for Euro 2000 were valid for a period of one month and for several trips.

For two other categories of nationals different rules existed. The first category was made up of third-country nationals (non-EU members) to whom no visa requirement applied. This concerned nationals from the Czech Republic and Slovenia. To them, the same rules applied as to those who did have a visa requirement. Secondly, a different regime was in place for nationals of EU Member States or States belonging to the European Economic Area. They were in a favoured position, as the grounds for their refusal at the border were far more limited. They could only be refused after special instructions from the Minister of Justice. Refusals could be issued in case the EU or EER national in question posed an *actual* threat to public order or national security, suffered from certain serious diseases or would become a burden on the State or public bodies. Entry could also be refused in case the EU or EER national lacked a valid identity card or passport. These rules were laid down in the Aliens Decree after having been transposed from a European directive. This directive (Directive 64/221) concerns the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health. After the European football championship a new Aliens Decree was adopted (Article 8.7 of the new Decree contains exactly the same provisions as were to be found in the old Decree).

If EU or EER nationals lodge an appeal against the refusal of entry, they are in principle allowed to await the hearing of their case in the Netherlands. Their immediate departure may only be ordered for a 'pressing reason' (Article 100 of the Aliens Decree [old]). If the person concerned asks for a preliminary injunction against his/her immediate departure, removal cannot take place until the court has rejected this request. The person in question is allowed to be detained during the waiting period. The Minister of Justice (who is responsible for aliens and immigration policy) indicated that the measures described were not often applied at the border. All these procedures were transposed into Dutch law from European legislation.

In a letter to the Dutch parliament, the Minister of Justice indicated that the concept of '*actual* threat to public order' is considerably less wide than the concept of 'threat to public order',¹²² while the concept of 'pressing reason' can be applied even less frequently than the concept of '*actual* threat'. European case law was not clear on this point. The Minister wrote that because of the lack of a clear framework of case law, there was a certain margin of discretion. The Minister had therefore decided that a smooth course of events during the European football championship was of such major importance that a (potential) serious disturbance thereof could result in a refusal to admit EU nationals. If the persons concerned should indicate that they wished to appeal from this decision, a 'pressing reason' would be assumed to exist (in view of the proper functioning of Euro 2000) to prevent the foreign national from awaiting his appeal in the Netherlands. However, during a parliamentary debate the Dutch Minister of Home Affairs indicated that a stadium ban issued by one of the participating countries would not be a sufficient ground in itself to refuse entry to the Netherlands.¹²³ No entry would be allowed in case of drunkenness, misbehaviour during the journey, possession of weapons or in case the person in question was under the influence of drugs.¹²⁴

4.1.2. Supervision and return

Before the European championship the Minister of Justice indicated that the maintenance of public order would be guaranteed primarily by criminal law means.¹²⁵ For the three categories of aliens described above (persons with a visa requirement, third-country (non-EU) nationals without a visa requirement and EU nationals) different rules were in place.

First, if a person with a visa obligation did not fulfil the conditions for crossing the border, the chief constable could, after assent from the visa service, cancel the visa (or limit it in case of a Schengen visa) and could order the person concerned to leave the Netherlands immediately.

For the second category the same conditions applied, with only one difference: if the person concerned no longer fulfilled the conditions for crossing the border, his residency status in the Netherlands would be terminated by operation of law. The chief constable was independently competent to notify the person concerned to leave the Netherlands immediately.

¹²² Parliamentary document 26 227, no. 27, 2-4.

¹²³ Official Report of the Lower House, 1999-2000, 10-625.

¹²⁴ Parliamentary document 26 227, no. 17, 9.

¹²⁵ Parliamentary document 26 227, no. 27, 4-5.

Concerning the last category, the Dutch Aliens Act distinguished between the term Community national and EU national. The first term concerned EU nationals who may derive rights from favourable EU law. The term 'EU national' was broader, but the Minister of Justice did not expect this difference to be of any importance during border checks. In most cases, an EU national would have to be considered a Community national. Only in case it was clear that an EU national had come to the Netherlands for the sole purpose of disturbing public order (according to his/her own testimony) he/she could be considered a non-Community national.

Community nationals would lose their right of residence if they posed an *actual* threat to public order. According to the Minister, European legislation indicated that only in exceptional cases an actual threat might be assumed. A term of four weeks was allowed for leaving the country, with exceptions only permitted for urgent reasons (with possible deviations). In case of criminal proceedings involving an EU national, the Minister preferred eventually combining these with expulsion under aliens law.

The Minister indicated that based on the elements listed he suggested the following guidelines. Immediate removal was possible (i.e. in case of an '*actual* threat' and a '*pressing reason*') when the Community national had been convicted of an offence during Euro 2000 which according to the law was punishable by a minimum of four years' imprisonment, for instance a conviction for acts of violence in a public place committed in association with one or more persons as laid down in Article 141 of the Criminal Code). The sole fact that someone had committed such an offence would in itself not be sufficient to justify expulsion; the person concerned also had to be convicted of the offence. These policy lines were laid down in the Interim Communication to the Aliens Circular (*Tussentijds Bericht Vreemdelingencirculaire*). Generally speaking, the tolerance limit would be very low where the behaviour of supporters was concerned.

In a discussion in the Dutch parliament on Euro 2000, the Minister of Justice indicated that the government and the immigration services would find out the intentions of foreigners coming to the Netherlands at the earliest possible moment.¹²⁶ The Royal Netherlands Military Constabulary was competent to decide on the entry of non-EU nationals, but it had to seek agreement with the Dutch Immigration and Naturalisation Service (*IND*) for decisions concerning EU nationals. In such cases, the IND has authority over the military police.

On the eve of the European football championship, traffic measures were taken at the Dutch border with Germany. This was the result of cooperation between the Dutch Ministry of Transport, the Dutch military police and the German Border Guard (*Bundesgrenzschutz*).¹²⁷ The border with Germany was the only Dutch border where controls took place; no controls took place at the border with Belgium.

4.1.3. Evaluation

In general, the aliens policy worked well during Euro 2000, as the Dutch government indicated in its evaluation. The organisations responsible for border controls, admittance and expulsion of aliens (customs, the Dutch Immigration and Naturalisation Service and the military police) had cooperated well. The exchange of information between England and the Netherlands concerning British hooligans had had a positive effect on the tournament, as had the intensive border checks in Germany and in England.¹²⁸ The Minister of the Interior would use these positive experiences in further negotiations at the European level aimed at combating football hooliganism. There had been, however, some confusion about the different legal systems in the Netherlands, the United Kingdom and Germany, as the Minister indicated during the discussion in Parliament on the evaluation. For example, English hooligans had been sent home without a conviction. This had prevented further prosecution in the United Kingdom.¹²⁹

4.2. Selling arrangements for tickets

At the beginning of 1999, the Dutch and Belgian governments had already determined the framework for the selling of Euro 2000 tickets. Their views were laid down in the 'Euro 2000 ticket strategy'. The way in which the ticket sales were arranged had to result in the least possible deployment of police forces. To this end, the selling of tickets had to be controlled. Two main features of the selling arrangement would therefore be to separate supporters of different teams as much as possible and to prevent supporters from remaining unanimous. This framework was communicated to the Euro 2000 Foundation and to UEFA.¹³⁰ A maximum of two tickets would be sold per person and tickets were not transferable.

The Dutch government took the view that the organising party - UEFA - would in principle be fully responsible for

¹²⁶ Parliamentary document 26 227, no. 28, 12.

¹²⁷ Parliamentary document 26 227, no. 29, 8.

¹²⁸ Parliamentary document 26 227, no. 33, 5-6.

¹²⁹ Parliamentary document 26 227, no. 36, 7-8.

¹³⁰ Parliamentary document 26 227, no. 1.

taking the necessary measures (among which, if the worst came to the worst, the exclusion of country teams in case of serious riots).¹³¹ The Dutch and Belgian governments obliged the Euro 2000 Foundation to use a closed selling system. The rules for ticket sales were laid down in the Foundation's general terms and conditions. It was agreed that the UEFA and its associated federations (the official sellers) would provide lists with names and the corresponding seats for tickets sold by them. These lists would be supplied to the organiser (the Foundation) and to the police. The Foundation would also register the nationality of the buyer as well as the country which the supporter claimed to support. This system as much as possible had to guarantee supporter separation by means of seat allocation. In addition, UEFA would apply the available (internal) sanctions to associated federations which failed to observe the agreements between UEFA, the Euro 2000 Foundation and the Dutch and Belgian governments. UEFA considered exclusion from the championship a possible sanction, but this could also complicate matters in respect of security and possibly even be counter-productive.¹³² The European Commission subsequently decided that the selling arrangement was in conformity with EU competition rules.

Black trade in tickets might thwart all these plans. The question of how to prevent black trade in tickets dominated the parliamentary debates preceding Euro 2000. This fear of black trade was not unjustified: the Euro 2000 Foundation twice had to warn ticket agencies, which had engaged in intermediary purchasing and selling of tickets. Civil claims brought by the Foundation against agencies for black trading in tickets were successful. In the first of these cases the President of the District Court of The Hague considered that the sales system of Euro 2000 contributed to the safeguarding of public order and security during the tournament, which was 'a substantial interest'.¹³³ For this reason, the general terms and conditions (concerning ticket sales) of the Euro 2000 Foundation were held to be not unreasonably onerous. The infringement of the closed selling system constituted an unlawful act with respect to the Foundation. The selling system did not constitute a breach of European competition law either, since an exemption had been requested from the European Commission, hence no invalid restriction of competition, nor any abuse of a dominant market position had occurred. The company *European Tickets 2000* was ordered to cease its intermediary selling immediately. In the second case, the President of the District Court of Amsterdam decided in the same vein: the company concerned, *Cupido Tickets Bemiddelingsbureau*, immediately had to cease intermediate selling, as this was held to be unlawful and in breach of the general sales conditions of the Euro 2000 Foundation (which were not unreasonable).¹³⁴

Furthermore, in a letter to the Dutch parliament the government outlined three policy options for further avoiding black trade in tickets:¹³⁵

- Sticking to the letter of the earlier agreements on ticket sales, i.e. the Euro 2000 Foundation would remain the central actor concerning ticket sales. The Foundation could, for example, start civil law actions against ticket selling agencies. An advantage of this option would be that the responsibility was of and would remain with the organiser, as had been agreed previously. There would be no public order problems around the stadiums, as strict controls would not need to take place. It would, however, be a disadvantage that the actual outcome of civil law actions is unclear beforehand and that the enforcement of stadium bans and supporter separation would be jeopardised.¹³⁶
- Tightening the agreements and organising intensified controls. There were two possibilities within this option: person-by-person checks or spot checks (in addition to the already agreed directed and selective checks). Intensified ticket controls would make the policy which had been communicated more credible (identification is obligatory, everybody can be checked). Person-by-person checks would have a preventive effect. These checks would, however, require a great number of police and could lead to more problems with public order caused by persons who were refused entry at the stadium gate. Apart from this, it was still not possible to prevent black sales abroad. A final disadvantage would be that earlier agreements with the Euro 2000 Foundation and Belgium would have to be reviewed.¹³⁷
- Introducing a criminal law provision. In Belgium, the Football Act (*Voetbalwet*) prohibited black trade in tickets and traders could be punished. A specific criminal law provision would certainly have advantages, as the government could combat black trade by it. If a civil law action would fail, criminal proceedings could still supply a clear answer. In addition, this would create a common policy in the Netherlands and Belgium. However, whether such a provision would actually prevent hooligans from travelling to the

¹³¹ Parliamentary document 26 227, no. 3.

¹³² Parliamentary document 26 227, no. 6 and Parliamentary document 26 227, no.10.

¹³³ President of the District Court of The Hague, 12 May 2000, *Stichting EURO 2000 et al. v. European Tickets 2000*.

¹³⁴ President of the District Court of Amsterdam, 9 June 2000, *Stichting EURO 2000 v. Cupido Tickets et al.*

¹³⁵ Parliamentary document 26 227, no. 10.

¹³⁶ Parliamentary document 26 227, no. 10, 4-5.

¹³⁷ Parliamentary document 26 227, no. 10, 5-6.

championship was still uncertain. It was also possible that trade would move underground to networks which were removed from view. Prosecution would only have an effect after the championship and require huge numbers of police. If a criminal law provision were the preferred option, there would be very little time to complete the legislative process before the championship. Tightening the regime would give a negative image to the tournament, which was supposed to be a festive occasion. A final disadvantage would be that a criminal law provision would concern highly specific *ad hoc* legislation for the European championship. To penalise civil law breaches of general terms and conditions applying to sales would also be quite unusual for the Dutch legal system. If such a penalisation were the preferred option, it would preferably have to be embedded within a broader system aimed at the maintenance of public order.¹³⁸ During the discussions on ticket sales, the Minister of Justice indicated that criminal law would only be used as the ultimate remedy.¹³⁹

These considerations caused the Dutch government to opt for the intensification of ticket controls: ticket controls would be stricter than initially planned. Spot checks would take place in addition to the previously agreed directed, selective controls on the basis of police information.

Certain parties in Parliament were, however, not satisfied with this choice (the Christian Democratic Party and the leftist Green Party): they feared possible disturbances of public order and put forward an initiative Bill in which black trade in tickets would be prohibited. The Dutch parliament, however, rejected this proposal. The Minister of Justice used some new arguments against the proposal: it would thwart the activities of the Euro 2000 Foundation, which was itself responsible for the organisation of the tournament. The Foundation already had sufficient means for combating black trade in tickets. Besides, it would be difficult to draft a provision in which the reprehensible behaviour would be described. By the use of intermediaries the commercial trading of tickets could be covered, whereas ordinary citizens could have innocent and good reasons for resale. A wide description would lead to problems concerning evidence and enforcement. The Belgian Football Act did not differ very much from the Dutch policy framework, except that it created the possibility to impose administrative and legal sanctions (these were not possible in the Netherlands).¹⁴⁰

The Dutch government expected positive effects to result from the publicity strategy, which aimed to discourage people from visiting the championship in the Netherlands without a valid ticket (i.e. a ticket in their name). Guidelines were jointly decided on with all the other actors involved in the organisation of the championship. It was agreed with the Euro 2000 Foundation and the Belgian Minister of Home Affairs to hold directed and selective ticket controls. Controls would take place on the basis of police information. The following elements would be influential: the fact that supporters of some participating states had a tradition of rioting (e.g. Germany, United Kingdom), the character of the match (risk match), the history of conflicts between supporters of participating states and relevant police information concerning risk supporters, which could also come from police spotters travelling with supporters from the participating countries. Controls would not only take place at the stadium gates, but could also take place in a wider area, a perimeter, around the stadium (into which only people holding a ticket would be allowed). The local mayor was given the authority to establish such a perimeter. By these measures, it was possible to ease some of the pressure caused by controls at the stadium gates alone.¹⁴¹ Specific information concerning the (mis)behaviour of supporters during their (train) journey or during their stay elsewhere in the country (or in Belgium) would be provided on the day of the match in the match town (the surroundings of the stadium, but also elsewhere in the city centre). The directed and selective control strategy would primarily be aimed at known risk supporters. Information concerning risk supporters from the Euro 2000 Foundation or from associated federations in participating countries would also be used. In addition, use would be made of the possibilities for collecting public order information (within the area of responsibility of the mayor, see below). Also used would be information from (inter)national risk- and threat analyses: the organisation aimed to achieve a made-to-measure approach per match. On the basis of the general municipal bye-laws of the match towns, intensified repressive action could be taken against public trading in black tickets around the stadiums, but also in other parts of the city centre and other places where supporters gathered in the match towns.¹⁴² During the tournament only a limited number of forged tickets for the final match were found. The evaluation after Euro 2000 was quite positive concerning the selling arrangements for tickets. For the first time in the history of European (and World) Cup Championships a ticket system was used in which the organisation could know in

138 Parliamentary document 26 227, no. 10, 6-7.

139 Parliamentary document 26 227, no. 17 (General consultation), 9.

140 Parliamentary document 26 227 no. 16, 4-5.

141 Parliamentary document 26 227 no. 19, 9-11.

142 Parliamentary document 26 227 no. 19, 9-11.

advance which persons had bought a ticket. During the tournament hardly any controls took place as to whether tickets were in the proper name. Furthermore, no public order considerations had been raised which would have justified these controls. According to the Dutch government, the ticket system had had a clearly preventive effect. It had had a connection with security through the intended separation of supporters and due to checks for stadium bans.¹⁴³ Given the fact that the initiative Bill concerning the punishment of black trading had been rejected, the government was now pleased that it had not been adopted. In the end, some 222 persons had come into contact with the police and the courts because of black trading. This indicates that there were sufficient alternatives for combating black trading. And as the government had intended, civil proceedings also led to satisfactory results.

4.3. Stadium bans

During the preparations for Euro 2000 the possibility of stadium bans was discussed. The Dutch government proposed the introduction of an international stadium ban and several European countries consequently discussed this proposal, providing that a ban issued in one country would also be in force in other European countries. This was a complicated matter, however, as all these countries had different ways of imposing (national) stadium bans. There were stadium bans arising from civil law, administrative law and criminal law. In each system, governments had a different degree of influence or interest in the imposition of bans. During two seminars on the subject, several European countries expressed their willingness to mutually exchange further information concerning stadium bans.

The Dutch government did not rule out the conclusions of bilateral agreements on this issue with other countries. In all likelihood, an agreement with the United Kingdom would soon be concluded on the basis of which the United Kingdom could prohibit English hooligans (whose identities were known in the Netherlands) from leaving the United Kingdom. This would especially concern an exchange of information on convictions for football-related offences (as described in guidelines of the Dutch Public Prosecution Service).

As a result of the EU resolution of 9 June 1997, the Euro 2000 Foundation inserted specific rules in its general terms and conditions. In the EU Resolution, the Ministers of Sport invited their national sports associations to examine how stadium bans imposed under civil law could be made to apply to football matches in a European context.¹⁴⁴ On 30 April 2000, UEFA asked the associated national federations to provide the Euro 2000 Foundation with information concerning holders of a stadium ban. This concerned bans arising from civil law for which responsibility lay with the football organisations concerned. Several football federations responded to this request, including federations from non-EU countries.¹⁴⁵ The Dutch government indicated that six of the 15 EU Member States possessed the instrument of the civil law ban. Only in four Member States football organisations actually used the instrument of stadium bans. Only the United Kingdom, Spain and the Netherlands had stadium bans arising from both civil and criminal law, whereas France only had a criminal law stadium ban. In a letter to the Dutch parliament the government indicated that the Public Prosecution Service in its guideline *Football hooliganism and violence* had abandoned the criminal law stadium ban (including a duty to report to the police) in favour of stadium bans arising from civil law.¹⁴⁶ This had happened after urgent requests of the Dutch football federation (KNVB). Prohibitions arising from civil law had proven effective and would fit in with the system of responsibility for the organiser.

Furthermore, the government indicated that the KNVB, the clubs and the police were elaborating a new duty for supporters to give themselves up to the police. This approach still needed extensive work and would require a certain effort on the part of the clubs, which were expected to urge supporters who had misbehaved to turn to the police. This would have to take place in exchange for some kind of reward, e.g. making part of the stadium ban conditional so that it applied for a shorter period of time.

In addition to the system of stadium bans arising from civil law, the Public Prosecution Service could still demand a criminal law stadium ban with a duty to report as a special condition. Article 14c of the Dutch Criminal Code makes this possible. The disadvantages of this type of ban were the long period of time before it could be issued and uncertainty concerning the fact whether the courts would impose such an additional penalty.¹⁴⁷ If imposed, going against the ban would result in a prison sentence. During a parliamentary debate, the Dutch Minister of Justice observed that the fact that a hooligan had a criminal record might cause his/her home country to refuse to

143 Parliamentary document 26 227, no. 33, 2-3.

144 Resolution of the Council on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy, 9 June 1997.

145 Parliamentary document 26 227, no. 10.

146 Parliamentary document 26 227, no. 19.

147 Parliamentary document 26 227, no. 19.

issue an exit visa.¹⁴⁸

Participating states paid particular attention to the distribution of tickets for Euro 2000: they wanted to prevent hooligans with a stadium ban from travelling to the football championship. However, according to the Minister of Justice, a stadium ban would not be sufficient reason in itself for expelling a person from the country, unless, for example, this person was drunk or refused to obey police orders. Dutch nationals with a stadium ban had to report to the police, but it would be difficult to take action in case they failed to show up.¹⁴⁹ In its evaluation of the championship the Dutch government repeated its wish to use the instrument of civil law stadium bans against hooliganism. In 2001 a working group would present a report on this issue. The Dutch government intended to expand the exchange of information on stadium bans and football-related antecedents with a view to border controls and the enforcement on site of the bans. It also wished to examine the possibilities for extending the applicability of existing legislation concerning stadium bans to a larger area than just England and Germany.¹⁵⁰

4.4. The collection of information on supporters

In order to predict the behaviour of football supporters, the Dutch government made use of information from its own police services and from police services abroad. Efforts were needed to ensure that the information reached the right place within the police organisation. It also needed to be made clear who was responsible for any action to be taken based on the information received.

The maintenance of public order during the tournament also required the collection of information. This led to discussions concerning the question of whether Dutch police possessed sufficient powers and means for the collection of information. Article 2 of the Police Act 1993 provided the legal basis for the collection of information for the purpose of maintaining public order. The possibilities offered by Article 2 were limited by the extent to which a certain collection method might lead to 'a more or less complete image of certain aspects of someone's life'. If such an image were to emerge, the privacy of the person concerned would have been infringed. Article 2 would then cease to suffice as a legal basis, and a specific legal basis would be needed. The Dutch Ministers of Home Affairs and Justice indicated that in practice no such privacy infringements had taken place.

In a letter to the Dutch parliament, the two Ministers gave an overview of the available possibilities/methods for the collection of information among supporters/hooligans who may pose a threat to public order.¹⁵¹ They alleged that with a view to Euro 2000 measures were needed soon. A manual would be drafted concerning the methods of information collection for public order purposes by the police and concerning the procedures which had to be followed. On the basis of the *Council Resolution concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches* EU Member States were asked for assistance: how could they contribute towards preventing violent supporters from leaving their countries during the tournament?¹⁵² They were also asked in which way they were able to provide important information concerning these persons on the basis of their national legislation.

During the preparations for Euro 2000, the use of special methods of investigation for the collection of information on supporters was also discussed. The Minister of Justice was, however, reluctant to make use of the Special Methods of Investigation Act (*Wet Bijzondere Opsporingsmethoden, Wet BOB*). The available instruments for collecting information concerning threats to public order were considered to be adequate. Besides, use of the Special Methods of Investigation Act could only be made after criminal offences had taken place for which provisional detention was allowed. Police informers would, however, be used during the championship.

4.5. Supporters policy and the stewarding of supporters

The organiser of the championship (UEFA and the Euro 2000 Foundation) would have the primary responsibility for security in and around the stadiums: it was to supply a document to the government in which the planned security organisation would be described.¹⁵³ The Dutch government drafted a plan concerning supporters policy which concerned policy with respect to spectators, the supply of information to and transport of supporters. The Dutch Ministry of Sport launched a project - 'fan coaching Euro 2000' - by which it aimed to secure the active participation of fan and supporters' organisations in promoting tolerance and fair play by ensuring the best

148 Parliamentary document 26 227, no. 24, 10-11 (General consultation).

149 Parliamentary document 26 227, no. 28, 12 (General consultation).

150 Parliamentary document 26 227, no. 36. (General consultation).

151 Parliamentary document 26 227, no. 18.

152 Resolution of the Council concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches, 21 June 1999.

153 Parliamentary document 26 227, no. 1.

possible stewarding before and during the tournament.¹⁵⁴

An agreement was concluded between the government and the Euro 2000 Foundation on the numbers of stewards which would be used, and their quality requirements. The Foundation stipulated the condition that the participating countries would ensure the proper accompaniment of their own supporters. Football federations were obliged to send stewards along with the supporters (after a request by the Foundation via UEFA). They had to supply written information prior to the championship concerning the way in which the stewards would accompany the supporters.¹⁵⁵ In the match towns, what were termed 'football embassies' were created: they had to provide information to Euro 2000 visitors and answer queries and solve problems. The match towns themselves were responsible for the fan embassies. In the stadiums there would be (as a norm) one Dutch steward for every 75 spectators, in addition to the (extra) foreign stewards (who came on top of the Dutch stewards). Stewards had the following tasks: they would receive and accompany the spectators and they would execute the entry controls. They also referred the spectators to their seats. The stewards also monitored compliance with the regulations concerning (internal) order in the stadiums. They provided information to all parties concerned and notified them of possibly threatening situations. Stewards acted in a preventive way in any situation which might threaten public order.

Use was made of fan coordinators recruited from the fan organisations from the participating countries. They constituted teams, which were there where groups of supporters from their countries stayed. The coordinators had to provide the supporters with information and service and acted as contact persons for the fans. The coordinators received instructions in advance concerning their tasks. The fan coordinators could fall back on what were called pilots from Belgium and the Netherlands. These were professionals who usually worked for their own target group, the fans of professional football organisations. In every match town, the communication and supply of information was organised via a permanent contact person. This contact person communicated guidelines from the government or police services to the pilots, who in turn communicated the information to the fan coordinators.¹⁵⁶ Around the stadiums, perimeters were created within which stewards (with the support of the police) could control tickets held by persons inside the perimeters. As expected, all participating countries sent stewards with their supporters. Supporters from Yugoslavia and Turkey were accompanied by stewards speaking their language.

The Dutch government was positive in its evaluation of Euro 2000 concerning stewarding and supporter accompaniment. A proper supply of information to supporters was a crucial factor for success. After the good results during the championship, the Dutch Secretary of State for Sport intended to discuss with her European colleagues a possible further expansion of the network of stewards which had been built up before and during the European football championship. This network could then be part of preventive accompaniment of supporters.¹⁵⁷ The guidelines for police treatment had also been satisfactory.

No alcohol was sold in the stadiums. Around stadiums and public areas where supporters' events took place, alcohol could only be sold under the conditions formulated by the local mayor.

4.6. Methods of detention

During the years before Euro 2000 it became clear that the legal instruments to combat large-scale disturbances of public order had their shortcomings. Dutch criminal and administrative law did not provide adequate possibilities for detaining large groups of hooligans for a short period of time. Therefore, a number of Bills were proposed to the Dutch parliament in order to tackle this problem. The new legal provisions were not specifically aimed at the European football championship, but were however useful to combat possible disturbances of public order during the tournament. The different legal provisions in Dutch law concerning temporary detention and the legal changes in these provisions before Euro 2000 will now be discussed.

4.6.1. Administrative detention

The new Articles 154a and 176a of the Municipalities Act (*Gemeentewet*) made it possible to arrest large groups and transfer them to a certain location, where they could be detained if necessary to prevent disturbances of public order. Police, local government and the Public Prosecution Service had regularly asked for such a possibility. As the detention was laid down in an Act under administrative law, the detention was called 'administrative' (contrary to the criminal detention provided in the Criminal Code).

The explanatory memorandum to the Bill provides much information on the considerations of the government

¹⁵⁴ Parliamentary document 26 227, no. 8.

¹⁵⁵ Parliamentary document 26 227, no. 17.

¹⁵⁶ Parliamentary document 26 227, no. 26.

¹⁵⁷ Parliamentary document 26 227, no. 33.

concerning the necessity of the instrument of administrative detention.¹⁵⁸ Therefore, certain parts of it will be discussed here. First I will give an overview of the measures/competences available before the law concerning administrative detention came into force to deal with large-scale disturbances of the public order.¹⁵⁹ Secondly, the actual proposal concerning administrative detention will be described. And thirdly, the relationship between administrative detention and the protection of human rights will be discussed.

According to the Municipalities Act the mayor is already competent to take action in case of a disturbance of public order (Article 172 of the Municipalities Act) and in case of riotous movements and serious disorders or in case it is gravely feared that these could arise (Articles 175 and 176 of the Municipalities Act). In these cases the mayor is authorised to give emergency orders or draft emergency bye-laws to counter the situation. The mayor is also given competences in the field of maintaining public order in the general municipal bye-laws of each municipality. These bye-laws may contain prohibitions to assemble and prohibitions to engage in disorderly conduct and disorderly drunkenness, or an obligation (for supporters) to continue on their way after crossing the municipality limits. They may contain prohibitions to enter or loiter near the stadium without the consent of the police or to enter the municipality, prohibitions to carry objects of which it can be reasonably assumed they are intended to disturb public order, prohibitions to carry and/or use alcohol on the public highway and alcohol bans in stadiums.

The government was of the opinion that Articles 175 and 176 of the Municipalities Act offered insufficient legal basis for measures of detention, and although the Criminal Code (in Article 141) and the Criminal Procedural Code (in Article 540) also provided measures concerning disturbances of public order contained provisions, which could be used during disturbances of public order, these did not offer the possibilities considered necessary by the government either (the provisions in question will be discussed further below).

Administrative detention could be used in case of a riotous movement or serious disorder, or in case it was feared that these could arise (cf. Article 175 of the Municipalities Act).¹⁶⁰ The provision was aimed at events of a mass character. For this reason, this power could only be applied 1) against groups designated by the mayor, which 2) had collectively failed to obey the mayor's orders (i.e. direct emergency orders or emergency bye-laws). Both requirements had to be fulfilled. Furthermore, administrative detention had to be limited to situations in which such a measure was strictly necessary. It could only be applied if the regular public order and emergency competences were expected to be inadequate.

A distinction was made between foreseeable (Article 154a) and non-foreseeable (Article 176a) situations. The first category had to be regulated as much as possible in the general municipal bye-laws. Foreseeable events, like demonstrations and happenings or risk matches (in cities with professional football clubs), in which the measure of administrative detention could be used, had to be expressly listed in such bye-laws. For non-foreseeable situations Article 176a was drafted as a residual provision: here administrative detention was linked to the competence to give emergency orders and bye-laws.

The fact that administrative detention based on Article 154a had to be expressly regulated, was the result of Article 5 of the European Convention for the Protection of Human Rights (ECHR) concerning the right to liberty and security. The infringement resulting in detention has to concern provisions, which have been explicitly designated (by the municipal council) as provisions whose infringement may lead to administrative detention. The case law concerning Article 5 ECHR makes clear that the provision concerned has to be accessible and foreseeable, i.e. it has to be sufficiently clear for the persons concerned which behaviour is ordered or prohibited. For example, a general prohibition to disturb public order would not be specific enough, as this disturbance may comprise a great deal of behaviour.

Article 154a of the Municipalities Act provides that the municipal council confers the power to order administrative detention upon the mayor. Before ordering detention, the mayor must have expressly designated the groups concerned which are disturbing public order by mentioning explicit features of the group, for example, by referring to 'persons who manifest themselves as football supporters of the team of X by their clothing, equipment or behaviour'. The mayor also determines the place where the detention takes place. Before the detention order is given, the group concerned should have been given the opportunity to still obey the bye-laws in question. If it fails to make use of this opportunity, the group may be transferred to the designated location. An order in council provided further requirements for the place of detention.¹⁶¹ It should provide reasonable freedom of movement and sufficient safeguards for the protection of the detainees. Furthermore, if reasonably possible, the detainees should be able to use a toilet, a telephone and be given any necessary medical care. Information

¹⁵⁸ Parliamentary document 26 735, no. 3.

¹⁵⁹ Parliamentary document 26 735, no. 3, 4-7.

¹⁶⁰ Parliamentary document 26 735, no. 3, 8-21.

¹⁶¹ Administrative Detention (Locations) Decree (*Besluit plaatsen bestuurlijke ophouding*).

concerning their detention must also be provided to them. The detention may not exceed a period of 12 hours. Finally, the detainees must be given the opportunity of registering as detainees, so that they can prove their detention in case they decide to lodge an objection. The system of administrative legal protection applies to the decision ordering administrative detention, but there are some exceptions ensuring expeditious treatment of the cases (if possible even during the detention, by way of a preliminary injunction).

In the explanatory memorandum to the Municipalities Act, much attention was paid to the relationship between administrative detention and human rights protection.¹⁶² Administrative detention is not directed at criminal prosecution. Its only aim is to protect public order and security. Now that administrative detention is laid down in an Act of Parliament, this provides the legal basis required by Article 5 ECHR. As mentioned above, the infringed rule has to fulfil the requirements of accessibility and foreseeability deriving from the *Sunday Times* judgment.¹⁶³ In addition, the detention can only be based on one of the limitative grounds referred to in Article 5. Administrative detention can be said to constitute a detention which aims to enforce compliance with a legal obligation. Article 5 allows detention in case of an infringement of a legal obligation, also in case the detention aims to ensure compliance with this legal obligation. Administrative detention is therefore allowed when imposed for this particular reason. Administrative detention cannot be considered the result of a 'criminal charge' under Article 6 ECHR (concerning fair trial). Furthermore, the detainees have to be approached as separate individuals, not just as a group, and their adequate legal protection has to be ensured. The administrative detention has to be in accordance with the principles of subsidiarity and proportionality: the mayor has to examine if the administrative detention is really/actually necessary. According to the Minister of Justice, all these requirements were fulfilled in the provisions concerning administrative detention.

All match towns had taken the necessary legal and logistical measures in order to ensure administrative detention during the tournament in case this measure would be needed. Regular exercises took place before the tournament to practice the use of this new legal instrument. The government stated that it was very pleased that municipalities could now dispose of a new instrument in order to combat large-scale disturbances of public order.¹⁶⁴

4.6.2. Provisions in the Criminal Code and the Criminal Procedural Code

During the period of preparations for Euro 2000 two other Bills were submitted to the Dutch parliament: one concerning an amendment to the Criminal Code and one concerning an amendment to the Criminal Procedural Code.

The amendment to the Criminal Code concerned the provision on acts of violence in a public place. Persons who contributed to this violence, e.g. by inciting other people, could not be prosecuted under the provision prohibiting acts of violence in a public place. By redrafting the provision, the prosecution of co-authors would be made possible, which would also contribute to the effectiveness of criminal law to deal with disturbances of public order by acts of violence in a public place. This was not only considered necessary for Euro 2000, but would also be of great help in the future.¹⁶⁵

Since the codification of the Criminal Code in 1886, the concept of co-perpetratorship has undergone a change in the sense that it is now more broadly interpreted. The character of acts of violence in a public place has also changed. Nowadays, such acts usually concern a deliberate and prepared confrontation with the police and preventing the collection of any evidence is part of this strategy, according to the Minister of Justice. Most of the time people committing acts of violence in a public place hide their faces (e.g. with balaclavas) and therefore cannot be recognised, nor prosecuted. In case of large-scale disturbances of the public order, it is often difficult to track the offenders. For this reason, a wider interpretation of the concept of co-perpetratorship had to be laid down in Article 141 of the Criminal Code.

Contrary to the previous text ('persons who commit acts of violence in a public place with combined efforts (*met verenigde krachten*)...'), the text had to be changed as follows: 'persons who commit acts of violence in a public place in association with one or more persons (*in vereniging*) ...'. This would ease the burden of proof. No longer did it have to be proved that someone had personally committed 'an act of violence'. It would suffice, if the person concerned had intended to commit acts of violence in a public place in association with one or more persons and his contribution had been sufficiently significant. The requirement of cooperation in Article 141 remains the same. The difference is that it now suffices that the suspect was part of the group instead of having to

¹⁶² Parliamentary document 26 735, no. 3, 21-33.

¹⁶³ Judgment of the European Court of Human Rights, *The Sunday Times vs. the United Kingdom*, Application no. 00006538/74, 26/04/1979, para. 49.

¹⁶⁴ Parliamentary document 26 227, no. 33, 3-4.

¹⁶⁵ Parliamentary document 26 519, no. 3.

be an individual perpetrator. According to the Minister of Justice, the risk that innocent people caught up in the group would be prosecuted was negligible, now that such persons would lack any intention to commit acts of violence in a public place and would therefore not be prosecuted. The new provision in the Criminal Code should also have a preventive effect. During Euro 2000, the new provision proved useful and was used regularly. About a quarter of all offences committed during the tournament concerned acts of violence in a public place and were tried on the basis of the new Article 141.¹⁶⁶

The second Bill concerned the judicial order for maintaining public order.¹⁶⁷ According to Articles 540 and 543 of the Dutch Criminal Procedural Code (*Wetboek van Strafvordering, Sv.*) the courts may, in case of suspicion of offences for which no preventive custody is allowed and 'if a great risk of repetition or continuation of this offence exists' (Article 540 *Sv.*), issue a binding-over order to maintain public order, thereby preventing these offences (Article 543 *Sv.*). The suspect has to declare his obedience and the judge may ask the suspect to give security. If neither a declaration nor security is given, the suspect can be taken into police custody (545 *Sv.*), which is also possible if the suspect fails to comply with the order (Article 548 *Sv.*).

The Bill concerning criminal detention is complementary to the administrative detention. After the adoption of the Bill it became possible to use the procedure of binding-over orders under strictly defined conditions for preventively maintaining public order. The procedure was made more suitable for countering large-scale disturbances of public order. In case administrative detention would not satisfy, the criminal detention after judicial orders could be used. It was made possible to bring in administrative detainees to the examining magistrate, in order to judge if the assembled evidence justified a deprivation of liberty of a longer duration. If prevention of repetition or continuation of the offence by the orders mentioned in Article 543 cannot be sufficiently ensured, and the maintenance of public order requires this urgently, the examining magistrate may also order detention. This situation would mostly occur in case of mass disturbances of public order, e.g. by hooligans. As examples of persons against whom this detention can be used, the Minister of Justice mentioned suspects who wish to remain anonymous and suspects belonging to the hard core of a group of violent football hooligans. Due to the smooth progress of the tournament, the enlarged competences of Article 540 et seq. of the Criminal Procedural Code were not used.¹⁶⁸

5. Conclusion

In general, the 2000 European football championship passed off quietly in the Netherlands. As intended, it proved possible to limit the use of police forces as much as possible. The responsibility for the organisation of the championship lay with the Euro 2000 Foundation, UEFA and the Dutch and Belgian national football federations. During the years preceding Euro 2000, international cooperation was started with Belgium and with Germany and the United Kingdom. During the championship, border checks were reintroduced and no problems arose. The evaluation of the Treaty of Bergen op Zoom concerning cross-border police intervention proved that not everything had gone as planned during an intervention of the Dutch police in Charleroi. Means of communication failed and more flexibility was needed for cases where the actual situation differed from the situation described in the request (even though the evaluation did not admit that this had been the case during the event described).

Another recommendation from the joint evaluation was that a detailed scenario for interventions be drafted. In general, the Dutch and Belgian government were satisfied with the functioning of the Treaty, even to the extent that they expressed the desire to draft a more general joint treaty concerning cross-border police intervention. In the field of aliens policy, it was concluded that the exchange of information with other countries had functioned well, but some confusion had arisen due to differences in the various legal systems, which made it impossible for countries to prosecute their own nationals who had committed offences in the Netherlands.

Prior to the football championship, the Dutch parliament had paid much attention to its policy concerning ticket sales. The government opted for a system in which all buyers of tickets were registered and could be traced. This closed selling system was unique in history and was used for the first time. Much was expected from the publicity strategy before the tournament. No prohibition arising from criminal law was introduced for black sales in tickets; a draft Bill from Parliament to this end was rejected. The government refused to introduce such a prohibition as it would give a negative image to the championship (Belgium did have this prohibition in place, however). The Euro 2000 Foundation did have to bring legal action against two companies, which infringed the general sales conditions of the Foundation by intermediary selling of tickets. In both cases the Foundation was successful, as sales by the two companies had to be stopped. Ticket controls took place in a perimeter around the stadiums.

¹⁶⁶ Parliamentary document 26 227, no. 33, 3.

¹⁶⁷ Parliamentary document 26 825, no. 3.

¹⁶⁸ Parliamentary document 26 227, no. 33, 3.

The possibility of an international stadium ban was also discussed. Differing legal systems however prevented its use. UEFA did ask the national football federations to exchange information concerning stadium bans with a view to the tournament. In the Netherlands, a ban arising from civil law coupled with a duty for Dutch hooligans to report to the police was considered most effective (instead of a ban arising from criminal law). Both types of bans existed in the Netherlands, but the Public Prosecution Service preferred the ban arising from civil law (after urgent requests from the Dutch national football federation). Furthermore, the collection of information on hooligans was considered satisfactory. Use was made of international cooperation and of the European police handbook. UEFA and the Euro 2000 Foundation shared primary responsibility for the stewarding of supporters and for the supporters policy. Participating states were obliged to send their own stewards with their supporters. Football embassies were established in the match towns and fan coaches ensured a good functioning of the accompaniment of supporters. There was a good system for the provision of information. It worked so well that the Dutch State Secretary of Sport wanted to continue to work with the system after the tournament.

The widening of possibilities to detain persons causing public disorder proved useful during the tournament. The new instrument of administrative detention and the widened provision concerning the use of acts of violence in a public place in association with one or more persons were often used. Administrative detention concerned the detention in a certain place of groups of persons designated in advance for a period of 12 hours in case of large-scale disturbances of public order. In the provision concerning acts of violence in a public place, the concept of co-perpetratorship was enlarged to include persons inciting other persons to violence, so that these could now also be punished.

In general, all measures taken to ensure the smooth passing of Euro 2000 proved to be effective. When international cooperation took place, some confusion at times arose, but this did not lead to serious problems. Good communication, especially prior to the match concerned, proved crucial. Communication can prevent cultural or legal differences from complicating mutual cooperation. With respect to the selling of tickets, one may wonder whether the measures had sufficient preventive effect now that any penalisation under criminal law was lacking and the outcome of civil actions is always uncertain. However, introducing such penalisation would have to outweigh the disadvantage of the extra need for police supervision and enforcement. The closed selling system coupled with registration worked quite well. The different legal nature of the stadium bans in the participating countries made it difficult to adopt a joint European policy on this point. Powers to combat effectively mass acts of violence in a public place proved essential. The 'public-private partnership' between the Dutch and Belgian governments with UEFA and the Euro 2000 Foundation with clear responsibilities for the two latter entities also led to satisfying results.

CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS

The main *special* intergovernmental (interstate) text which is relevant in the context of the combat against football hooliganism is the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, of 19 August 1985, which was concluded in the framework of the Council of Europe to which all EU Member States belong. The other special international document is a *non-governmental* text, i.e., the UEFA Binding Safety and Security Instructions (current edition: 2004). (*see Chapter 2*)

The Council of Europe Member States in the treaty undertake, within the limits of their respective constitutional provisions to take the necessary steps to give effect to its provisions. The Parties to the Convention undertake to ensure the formulation and implementation of measures designed to prevent and control violence and misbehaviour by spectators, inter alia, by applying or, if need be, adopting appropriate criminal and/or administrative legislation regarding perpetrators, and they shall seek to ensure, where necessary by introducing appropriate legislation that stadium owners and public authorities take practical measures at and within stadia to prevent or control such violence or misbehaviour.

According to the Convention, the Parties shall where appropriate, and in accordance with the applicable international agreements, consider: (a) transferring proceedings against persons apprehended in connection with violence or other criminal behaviour committed at sports events to their country of residence; (b) seeking the extradition of persons suspected of violence or other criminal behaviour committed at sports events; (c) transferring persons convicted of offences of violence or other criminal behaviour committed at sports events to serve their sentences in the relevant country.

The Parties to the Convention shall also co-operate closely on the matters covered by it and encourage similar co-operation as appropriate between national sports authorities involved. The Convention applies to national as well as international football matches in Europe. Within the framework of the Council of Europe and, in particular, the “Anti-Football Hooliganism” Convention, additional pertinent resolutions were adopted, and recommendations made.

The UEFA Instructions are binding instructions to the organisers of, and the associations and clubs participating in matches played in any of the UEFA competitions regarding precautionary measures to be taken to ensure safety and security in the stadium, and to prevent crowd disturbances. These instructions complement national and local legislation, as well as instructions issued by competent national administrative bodies. The UEFA Instructions apply also to FIFA competition matches played in Europe, which are delegated to UEFA; they do not apply to national football matches.

The involvement of the European Union (*see Chapter 3*) in the combat against violence and vandalism in sport led to numerous resolutions of the European Parliament, some Reports of the Parliament and to a limited number of Council resolutions and decisions, all concerning specific fields of action. The amount of binding EU law in this field is rather limited. Only two Council decisions had consequences for the policy of Member States against football hooliganism. The first instrument, a Joint Action of 26 May 1997 (within the so-called Third Pillar) aimed at the exchange of information between Member States in order to counter violence and vandalism committed by football supporters. The other instrument, a Decision of 25 April 2002, led to the establishment of national football information points responsible for the exchange of information in this field. This decision gave a binding effect to a number of recommendations in the 2001 Handbook for international police cooperation and measures “to prevent and control violence and disturbances in connection with international football matches, in which at least one Member State is involved either by participation in the match and/or by hosting the match” which had been adopted in 2001. An important decision that was recently taken by the Council is its Resolution of a recommendatory character on the use by Member States of bans on access to venues of football matches with an international dimension, of 17 November 2003. In this Resolution, Member States in which stadium bans are in force are invited to consider the possibility of extending these bans to other Member States and should take into account orders issued by these Member States. The Resolution contains a similar invitation to sports organisations in Member States, which impose stadium bans.

Generally speaking, the UEFA Binding Safety and Security Instructions and the Council of Europe “Anti-Football Hooliganism” Convention were implicitly implemented or explicitly referred to in national legislation as well as national football rules and regulations respectively. The same applies to the EU Handbook for international police cooperation. (*see Chapter 5*)

The most far-reaching measure to prevent known or potential troublemakers to travel to a match abroad is the withdrawal of their passports. However it is not the position in all EU Member States that the authorities have the power to withdraw travel documents: in that case, the possibility might exist to remand a troublemaker in custody for the time the match will be played abroad. In some EU Member States the legislation provides for the possibility to forbid known or potential troublemakers to enter the country. There exist three types of stadium bans: based on criminal law (by court order), based on administrative law (by order of the police) - both possibly with a duty attached to report to the police), and based on civil law.

Freedom of movement is extremely important in the framework of European integration. Also from the perspective of human rights freedom of movement is essential. The right to leave one's own country is one of the fundamental rights in the framework of the Council of Europe (Article 2 of the Fourth Protocol to the European Convention on Human Rights). Through the Schengen acquis (*see Chapter 4*) which, following the Treaty of Amsterdam, was integrated into the EU framework, controls at the common internal borders have been abolished. On the other hand, freedom of movement has its counterpart in the enforcement of public order. European integration leads to ever further fading boundaries, but this may not come at the expense of effective public order enforcement. The relevant treaty provisions (EC Treaty, European Convention on human rights, Schengen acquis) all allow for the possibility to make exceptions to the freedom of movement due to public order concerns or the prevention of crime.

The lesson that could be drawn from EURO 2000 (*see Chapter 6*) with respect to freedom of movement on the one hand and public order on the other was that there is a need for common European rules (EU/Council of Europe) in order to prevent large contingents of football hooligans from visiting matches abroad. The legislations of the countries concerned should be better attuned to each other, on the basis of which a truly common policy might be conducted. If one country claims that it cannot stop "its" supporters, believing the other country will not have to admit them, while the other country thinks that it does, an unclear situation exists. If furthermore, the receiving country does stop misbehaving fans, but does not try them and immediately expels them, this may be understandable, but there will be no guarantee that they will still be tried in their own country for their misdeeds. Travel prohibitions, the withdrawal of passports coupled with house arrest, a duty to report to the police during the international match or competition are all instruments that can give shape to a common European policy.

With respect to EURO 2004 in Portugal, on the one hand, far more international banning orders were issued and passports withdrawn from known football hooligans, on the other hand the receiving country used the possibility to make an exception to the abolition of border checks under "Schengen" which is possible where public policy or national security so require.

The Council of Europe "Anti-Football Hooliganism" Convention and the UEFA Safety and Security Directives together form the general international framework for combating "football hooliganism" in Europe at large. Both pan-European organizations each have the "same" national members, i.e., states as well as football associations. Additionally, as far as the European Union itself is concerned, the Schengen acquis is of central importance in particular regarding the free movement of persons and possible exceptions thereto. An important special instrument in this field is the EU Handbook for international police cooperation. Generally speaking, the present set of international legal instruments looks like being adequate to cope with the problem of transnational "football hooliganism", on the condition of course that these instruments are fully used and applied by all parties concerned (judicial authorities, police, football associations and clubs), separately or in combination, whenever necessary. One exception to this general conclusion as a result of this study should be made: it is recommended to convert the Council Resolution of 17 November 2003 on the use by Member States of bans on access to venues of football matches with an international dimension, from an invitation into a binding instrument ((Framework) Decision) for Member States in order to essentially strengthen the framework on a crucial point. In such a binding instrument Member States should also guarantee the effective national implementation of stadium bans by means of the withdrawal of passports, controlled house arrest and/or a duty for stadium-banned persons to report at the police during match periods.

ANNEXES

ANNEX 1

European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, Strasbourg, 19.VIII.1985

The member States of the Council of Europe and the other States party to the [European Cultural Convention](#), signatory hereto,
Considering that the aim of the Council of Europe is to achieve a greater unity between its members;
Concerned by violence and misbehaviour amongst spectators at sports events, and in particular at football matches, and the consequences thereof;
Aware that this problem is likely to put at risk the principles embodied in Resolution (76) 41 of the Committee of Ministers of the Council of Europe known as the "European Sport for All Charter";
Emphasising the important contribution made to international understanding by sport, and especially, because of their frequency, by football matches between national and club teams from European states;
Considering that both public authorities and the independent sports organisations have separate but complementary responsibilities to combat violence and misbehaviour by spectators, bearing in mind that the sports organisations also have responsibilities in matters of safety and that more generally they should ensure the orderly conduct of the events they organise; considering moreover that these authorities and organisations should work together for this purpose at all appropriate levels;
Considering that violence is a current social phenomenon with wide repercussions, whose origins lie mainly outside sport, and that sport is often the scene for outbreaks of violence;
Being resolved to take common and co-operative action to prevent and control the problem of violence and misbehaviour by spectators at sports events,
Have agreed as follows:

Article 1 - Aim of the Convention

1. The Parties, with a view to preventing and controlling violence and misbehaviour by spectators at football matches, undertake, within the limits of their respective constitutional provisions, to take the necessary steps to give effect to the provisions of this Convention.
2. The Parties shall apply the provisions of this Convention to other sports and sports events in which violence or misbehaviour by spectators is to be feared, as appropriate to the specific requirements of such sports and sports events.

Article 2 - Domestic co-ordination

The Parties shall co-ordinate the policies and actions of their government departments and other public agencies against violence and misbehaviour by spectators, where appropriate through setting up co-ordinating bodies.

Article 3 - Measures

1. The Parties undertake to ensure the formulation and implementation of measures designed to prevent and control violence and misbehaviour by spectators, including in particular:
 - a. to secure that adequate public order resources are employed to counter outbreaks of violence and misbehaviour, both within the immediate vicinity of and inside stadia and along the transit routes used by spectators;
 - b. to facilitate close co-operation and exchange of appropriate information between the police forces of the different localities involved or likely to be involved;
 - c. to apply or, if need be, to adopt legislation which provides for those found guilty of offences related to violence or misbehaviour by spectators to receive appropriate penalties or, as the case may be, appropriate administrative measures.
2. The Parties undertake to encourage the responsible organisation and good conduct of supporters' clubs and the appointment of stewards from within their membership to help manage and inform spectators at matches and to accompany parties of supporters travelling to away fixtures.

3. The Parties shall encourage the co-ordination, insofar as legally possible, of the organisation of travel arrangements from the place of departure, with the co-operation of clubs, organised supporters, and travel agencies, so as to inhibit potential trouble-makers from leaving to attend matches.
4. The Parties shall seek to ensure, where necessary by introducing appropriate legislation which contains sanctions for non-compliance or by any other appropriate means, that, where outbreaks of violence and misbehaviour by spectators are to be feared, sports organisations and clubs, together with, where appropriate, stadium owners and public authorities, in accordance with responsibilities defined in domestic law, take practical measures at and within stadia to prevent or control such violence or misbehaviour, including:
 - a. to secure that the design and physical fabric of stadia provide for the safety of spectators, do not readily facilitate violence between spectators, allow effective crowd control, contain appropriate barriers or fencing, and allow security and police forces to operate;
 - b. to segregate effectively groups of rival supporters, by allocating to groups of visiting supporters, when they are admitted, specific terraces;
 - c. to ensure this segregation by strictly controlling the sale of tickets and to take particular precautions in the period immediately preceding the match;
 - d. to exclude from or forbid access to matches and stadia, insofar as it is legally possible, known or potential trouble-makers, or people who are under the influence of alcohol or drugs;
 - e. to provide stadia with an effective public address system and to see that full use is made of this, of the match programme and of other publicity outlets to encourage spectators to behave correctly;
 - f. to prohibit the introduction of alcoholic drinks by spectators into stadia; to restrict, and preferably ban, the sale and any distribution of alcoholic drinks at stadia, and to ensure that all beverages available are in safe containers;
 - g. to provide controls so as to ensure that spectators do not bring into stadia objects that are likely to be used in acts of violence, or fireworks or similar devices;
 - h. to ensure that liaison officers co-operate with the authorities concerned before matches on arrangements to be taken for crowd control so that the relevant rules are enforced through concerted action.
5. The Parties shall take appropriate social and educational measures, bearing in mind the potential importance of the mass media, to prevent violence in and associated with sport, in particular by promoting the sporting ideal through educational and other campaigns, by giving support to the notion of fair play, especially among young people, so as to enhance mutual respect both amongst spectators and between sports players and also by encouraging increased active participation in sport.

Article 4 - International co-operation

1. The Parties shall co-operate closely on the matters covered by this Convention and encourage similar co-operation as appropriate between national sports authorities involved.
2. In advance of international club and representative matches or tournaments, the Parties concerned shall invite their competent authorities, especially the sports organisations, to identify those matches at which violence or misbehaviour by spectators is to be feared. Where such a match is identified, the competent authorities of the host country shall arrange consultations between those concerned. Such consultations shall take place as soon as possible and should not be later than two weeks before the match is due to take place, and shall encompass arrangements, measures and precautions to be taken before, during and after the match, including, where necessary, measures additional to those included in this Convention.

Article 5 - Identification and treatment of offenders

1. The Parties, respecting existing legal procedures and the principle of the independence of the judiciary, shall seek to ensure that spectators committing acts of violence or other criminal behaviour are identified and prosecuted in accordance with the due process of the law.
2. Where appropriate, particularly in the case of visiting spectators, and in accordance with the applicable international agreements, the Parties shall consider:

- a. transferring proceedings against persons apprehended in connection with violence or other criminal behaviour committed at sports events to their country of residence;
- b. seeking the extradition of persons suspected of violence or other criminal behaviour committed at sports events;
- c. transferring persons convicted of offences of violence or other criminal behaviour committed at sports events to serve their sentences in the relevant country.

Article 6 - Additional measures

1. The Parties undertake to co-operate closely with their appropriate national sports organisations and clubs and where appropriate, stadium owners, on arrangements regarding the planning and execution of alterations to the physical fabric of stadia or other alterations, including access to and egress from stadia, necessary to improve safety and to prevent violence.
2. The Parties undertake to promote, where necessary and in appropriate cases, a system laying down requirements for the selection of stadia which take into account the safety of spectators and the prevention of violence amongst them, especially for those stadia used for matches likely to attract large or unruly crowds.
3. The Parties undertake to encourage their national sports organisations to review their regulations continuously in order to control factors which may lead to outbreaks of violence by players or spectators.

Article 7 - Provision of information

Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention, whether with regard to football or other sports.

Article 8 - Standing Committee

1. For the purposes of this Convention, a Standing Committee is hereby established.
2. Any Party may be represented on the Standing Committee by one or more delegates. Each Party shall have one vote.
3. Any member State of the Council of Europe or other State party to the European Cultural Convention which is not a Party to this Convention may be represented on the Committee as an observer.
4. The Standing Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Party to the Convention and any sports organisation concerned to be represented by an observer at one or more of its meetings.
5. The Standing Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the date of the entry into force of the Convention. It shall subsequently meet at least every year. In addition it shall meet whenever a majority of the Parties so request.
6. A majority of the Parties shall constitute a quorum for holding a meeting of the Standing Committee.
7. Subject to the provisions of this Convention, the Standing Committee shall draw up and adopt by consensus its own Rules of Procedure.

Article 9

1. The Standing Committee shall be responsible for monitoring the application of this Convention. It may in particular:
 - a. keep under review the provisions of this Convention and examine any modifications necessary;
 - b. hold consultations with relevant sports organisations;
 - c. make recommendations to the Parties concerning measures to be taken for the purposes of this Convention;
 - d. recommend the appropriate measures to keep the public informed about the activities undertaken within the framework of this Convention;
 - e. make recommendations to the Committee of Ministers concerning non-member States of the Council of Europe to be invited to accede to this Convention;

- f. make any proposal for improving the effectiveness of this Convention.
2. In order to discharge its functions, the Standing Committee may, on its own initiative, arrange for meetings of groups of experts.

Article 10

After each meeting, the Standing Committee shall forward to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Convention.

Article 11 - Amendments

1. Amendments to this Convention may be proposed by a Party, the Committee of Ministers of the Council of Europe or the Standing Committee.
2. Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe, to the other States party to the European Cultural Convention, and to every non-member State which has acceded to or has been invited to accede to this Convention in accordance with the provisions of Article 14.
3. Any amendment proposed by a Party or the Committee of Ministers shall be communicated to the Standing Committee at least two months before the meeting at which it is to be considered. The Standing Committee shall submit to the Committee of Ministers its opinion on the proposed amendment, where appropriate after consultation with the relevant sports organisations.
4. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Standing Committee and may adopt the amendment.
5. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 4 of this article shall be forwarded to the Parties for acceptance.
6. Any amendment adopted in accordance with paragraph 4 of this article shall come into force on the first day of the month following the expiration of a period of one month after all Parties have informed the Secretary General of their acceptance thereof.

Final clauses

Article 12

1. This Convention shall be open for signature by member States of the Council of Europe and other States party to the European Cultural Convention, which may express their consent to be bound by:
 - a. signature without reservation as to ratification, acceptance or approval, or
 - b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 13

1. The Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 12.
2. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 14

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Parties, may invite to accede to the Convention any non-member State of the Council of Europe by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 15

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory mentioned in such declaration, be withdrawn by a notification addressed to the Secretary General. Such withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 16

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 17

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States party to the European Cultural Convention and any State which has acceded to this Convention, of:

- a. any signature in accordance with Article 12;
- b. the deposit of any instrument of ratification, acceptance, approval or accession in accordance with Article 12 or 14;
- c. any date of entry into force of this Convention in accordance with Articles 13 and 14;
- d. any information forwarded under the provisions of Article 7;
- e. any report established in pursuance of the provisions of Article 10;
- f. any proposal for amendment or any amendment adopted in accordance with Article 11 and the date on which the amendment comes into force;
- g. any declaration made under the provisions of Article 15;
- h. any notification made under the provisions of Article 16 and the date on which the denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention. Done at Strasbourg, this 19th day of August 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to each State party to the European Cultural Convention, and any State invited to accede to this Convention.

ANNEX 2

UEFA Binding Safety and Security Instructions (Edition 2004)

Preamble

Binding instructions to the organisers of, and the associations and clubs participating in matches played in any of the UEFA competitions regarding precautionary measures to be taken to ensure safety and security in the stadium, and to prevent crowd disturbances.

These instructions are not exhaustive and cannot be regarded as a conclusive and all-embracing stipulation of the security measures to be taken by, and the responsibilities of, match organisers and participating associations and clubs. It is the responsibility of the match organisers, be they associations, clubs or other entities, to do everything within their power to ensure that order and security are maintained in and around the stadium, before, during and after the match.

These instructions complement national and local legislation, as well as instructions issued by competent national administrative bodies.

Binding instructions

1. MATCH CATEGORIES / SPECTATOR ACCOMMODATION

1.1 All-seated competitions

The following UEFA competition matches must be played exclusively before seated spectators:

- All matches in the UEFA European Football Championship
- All matches in the UEFA Champions League - All matches in the UEFA Cup - UEFA Super Cup

1.2 Standing terraces

For all matches in the following UEFA competitions, the number of standing spectators admitted is determined by the competent public authority responsible for certifying the stadium but, in any case, must not exceed 20% of the permitted total stadium capacity:

- All matches in the final round of the European Under-21 Championship.
- All matches as from and including the third round of the UEFA Intertoto Cup.

1.3 Use of standing terraces

For all matches in the following competitions, standing spectators are permitted in accordance with the ratio/figure determined by the competent public authority responsible for certifying the stadium:

- All qualifying matches in the European Under-21 Championship
- The first two rounds of the UEFA Intertoto Cup
- European Under-19 Championship
- European Under-17 Championship
- European Women's Championship
- European Women's Under-19 Championship
- UEFA Women's Cup
- UEFA Regions' Cup

1.4 All-seated stadium

An all-seated stadium is one in which all viewing areas available to the public offer seated accommodation only, and/or from which spectators do not have access to any viewing area which is not seated. In other words, for UEFA's purposes, a stadium which consists of both seated areas and standing terraces will be considered an all-seated stadium, provided the standing terraces remain closed to spectators.

1.5 Seats for spectators

Seats must be fixed to the construction of the stadia (e.g. to the floor). They must be individually separated from one another, be shaped, be identified by a number, be made of unbreakable, non-flammable material and be equipped with a backrest, of a minimum height of 30 cm (measured from the back edge of the seat). When existing seat facilities are renovated or new facilities constructed, seats, which correspond to the standards quoted, herein must be provided.

Bench seating of any description is not acceptable and will be regarded as standing accommodation.

1.6 Temporary stands

For the purpose of these instructions, temporary seating shall be defined as seating which, by its substance, design and construction, is clearly intended for use for a very limited period of time, and which could not in any sense be considered suitable for use over a lengthy period of time.

Such temporary stands are prohibited in all UEFA competition matches.

2. TICKETS

2.1 Sale of tickets

For all matches, the sale of tickets must be strictly controlled.

2.2 Staggered ticket allocation

The UEFA administration is entitled to issue ticket allocations in a staggered manner, a portion at a time, with no subsequent portion being made available until the UEFA administration is satisfied that the previous portion has been distributed properly.

2.3 Distribution responsibility

Each association or club is responsible for ensuring that its ticket allocation is distributed only among its own supporters, and that any tickets allocated to travel agents are only so allocated against production of documentary proof of identification of the supporters to whom the tickets have been sold. In other words, it must not be possible for such travel agents to pass on tickets in bulk to other sources over which the association or club has no control.

Similarly, the host association or club is responsible for ensuring that none of its ticket allocation is passed on to supporters of either of the competing teams.

All parties distributing tickets must keep detailed records of sales, including the names and addresses of all persons to whom tickets are allocated or sold.

All competing associations or clubs and host associations or clubs, which receive bulk ticket allocations, will be held entirely responsible for any untoward consequences arising from their distribution. Should any tickets be found on the black market or in the hands of unauthorised individuals or agencies, the association or club responsible for distribution will be held accountable.

2.4 Segregation of supporters in the stadium

In consultation with the police and/or the competent public authorities, the match organisers must ensure that, if considered necessary, tickets are distributed in a manner which provides the optimum segregation of the different groups of supporters, bearing in mind that, for matches played at neutral venues, there could be three groups of spectators, i.e. supporters of each of the two competing teams and local, neutral supporters. As part of the segregation arrangements, prospective spectators should be informed of the stadium sectors for which they must purchase tickets. It should also be publicised that spectators found in the wrong sector, among opposing supporters, will be removed from the stadium. At the discretion of the police and/or the competent public authorities, such spectators may, instead, be moved to a preferred sector. Wherever possible, these spectators should be kept separate from the segregated area reserved for the official group of travelling supporters.

Once the segregation strategy has been agreed with the police and/or the competent public authorities, and tickets have been distributed accordingly, no considerations of any kind will be taken into account to alter that strategy, notwithstanding that it may be necessary, from time to time, to withhold some tickets for a given sector from sale, if to sell them would jeopardise the segregation strategy.

2.5 Black market

The match organisers should discuss with the police and/or the competent public authorities what action should be taken against black-market ticketsellers around the stadium, bearing in mind, in particular, that such activities could endanger the integrity of the segregation strategy.

2.6 Stamping of tickets

When 10% or more of the total number of tickets on sale are allocated to any organisation, e.g. the competing associations or clubs, the name of the organisation in question should be stamped on the face of the tickets, to facilitate the quick identification of the distributor and to assist the segregation process.

2.7 Match-day sales

Only with the approval of the police and/or the competent public authorities and in consultation with the visiting association or club may tickets be sold at the stadium or anywhere else in the city of the venue on the day of the match, and any limitation on the number of tickets to be sold per purchaser must be determined in consultation with the police and/or the competent public authorities.

2.8 Anti-counterfeit measures

The most sophisticated anti-counterfeit measures must be incorporated into match tickets, and all police, security forces and stewards on duty in and around the stadium must be familiarised with these measures, to facilitate the rapid identification of counterfeit tickets.

2.9 Counterfeit tickets

Immediately the match organisers become aware that counterfeit tickets may be in circulation, they should contact the police and/or the competent public authorities, to agree on a strategy for dealing with the problem.

2.10 Ticket prices

Unless the two associations or clubs concerned have agreed otherwise, the price of tickets for supporters of the visiting team must not exceed the price paid for tickets of a comparable category that are sold to supporters of the home team.

2.11 Information on tickets

A ticket should provide ticket-holders with all the relevant information they might need, i.e. the name of the competition, the names of the participating teams, the name of the stadium, the date and kick-off time and a clear seat location indication (sector, row, seat number). It is helpful to spectators if the ticket is colour coded to match the sector layout.

In addition, a match factsheet containing the following details must be produced and distributed with the ticket:

- opening time of stadium gates;
- stadium map, including approach roads, car parks, public transport stations (bus, underground, railway), location of viewing sectors (A, B, C or as appropriate);
- stadium regulations, including prohibition of alcohol and offensive articles, procedure for searching spectators, etc.

2.12 Final rounds and finals

At all matches in European Championship final rounds, at all UEFA Champions League and UEFA Cup final ties, as well as for the UEFA Super Cup, the number of tickets allocated to the competing associations or clubs, and to the respective host associations, will be determined in each case by the UEFA administration. These allocations need not be equal, but will be calculated under consideration of the likely sizes of the various contingents of supporters concerned, the behavioural record of supporters at previous away matches, and the circumstances surrounding previous ticket allocations for *away* matches to these associations and clubs. Decisions of the UEFA administration are final and binding.

2.13 Other matches

For all matches other than those detailed in paragraph 2.2 above, the associations or clubs must agree on ticket quantities. However, the following principles must be observed:

All clubs in the UEFA club competitions must make at least 5% of the total capacity of their stadium available exclusively to visiting supporters, in a segregated, safe area, providing an acceptable standard of spectator facilities

- Each season, before the competitions start, each club must advise UEFA administration of the number of places available for visiting supporters and of the location of the segregated area. If the segregated area provides more than 5% of the total capacity, this greater number of places must be made available to the visiting club.
- Visiting clubs must advise home clubs of the number of tickets required at least 10 days before the date of the match, unless the timing of the draw makes this impossible, in which case such notification must be given within 48 hours of the draw.
- Visiting clubs which have requested an allocation of tickets in respect of the whole or part of the segregated area may return any unused tickets to the home club without payment. However, if the allocation initially requested includes a proportion of tickets outside the segregated area, then payment for the whole allocation must be made, irrespective of whether all the tickets are sold by the visiting club.

In addition, visiting clubs are entitled to purchase up to 200 top or second-category tickets, or a mixture thereof, for their VIP supporters, sponsors, etc. Arrangements for the payment of these tickets, or the possible return of unsold tickets, must be agreed in writing before the allocation is made.

- Any reduction in the quantity of tickets guaranteed to a visiting club (see above), for whatever reason, must be subject to the agreement with the UEFA administration, to whom application must be made within 72 hours of the draw.

3.1 Consultation with authorities

Suitably in advance of a match, the organisers must consult the competent authorities to ensure that the measures described in this booklet will be taken in the interests of safety and security.

3.2 Inspection of the stadium

The stadium in question must have been thoroughly inspected throughout by the competent safety

authorities, and the local safety certificate testifying to its suitability issued by those authorities. Furthermore the UEFA safety certificate form must have been issued no earlier than one year prior to the date of the match.

3.3 Persons in charge

The police officer or stadium security officer who will be in overall command of all safety and security matters related to the match must be identified, and the persons individually in charge of safety/security, medical and fire services must be similarly identified.

3.4 Liaison group

For all matches, a Liaison Group, headed by the police commander, and including a senior representative of each of the safety, security, medical and fire services, the competing teams, the stadium authorities, the match organisers and the UEFA delegate, must be established, a suitable meeting place within the stadium where the group should meet in the event of a serious emergency identified, and the group members familiarised with an appropriate brief, coded call sign which would be broadcast over the public address system, for the purpose of summoning the members to the agreed place.

3.5 Checking and guarding of the stadium

The stadium must be guarded against unauthorised intrusion for an adequate period before the day of the match, and an efficient security sweep of the stadium, to search for unauthorised persons or prohibited objects/substances, must be carried out before spectators are admitted.

3.6 Duration of presence

Police, safety, security, stewarding, medical and fire-fighting personnel and the public address announcer(s) must be in their allotted positions in and around the stadium before the stadium is opened to the public, and their presence must be maintained for the entire period that the public is in the stadium and until the crowd has dispersed, in accordance with the instructions of the police commander and/or the stadium security officer.

3.7 Signposting

Approaches to the stadium must be adequately signposted, to guide spectators to their appropriate sectors, and all turnstiles, entry and exit gates and doors must be similarly clearly indicated by signs which are universally understood. Where the ticketing system is colour coded, the appropriate colours should be displayed on all signs.

3.8 Screening of spectators

Spectators will be screened initially by the security forces at the outer perimeter fence if there is one, or at the outer cordon created by the security forces in the case of venues which do not have an outer perimeter fence, to ensure that only ticket-holders approach the turnstiles, and to make the first checks to prevent the introduction of prohibited objects/substances into the stadium.

Final screening and search procedures must be carried out by the security services, consisting of both sexes, outside the turnstile entrances to ensure that:

- spectators enter the correct part of the stadium;
- spectators do not bring any objects/substances into the stadium that are likely to be used in acts of violence, nor alcohol or fireworks of any kind;
- access is forbidden to known or potential troublemakers, or persons

who are under the influence of alcohol or drugs.

Screening and search procedures must be carried out sensibly and effectively to ensure that spectators are not searched more than once and that the searches themselves do not become the cause of undue delay or create unnecessary tension.

A sufficient number of entry gates and turnstiles should be provided in order to avoid congestion and ensure a proper flow of the crowd.

3.9 Security forces

Turnstiles and entry or exit doors or gates must be operational and manned by properly trained personnel. Adequate security forces and stewards must be available at all approaches to the stadium, at the turnstiles, and throughout the interior of the stadium, at the discretion of the police commander and/or the stadium security officer. All safety, security and stewarding personnel should be familiar with the layout of the stadium and with its safety, crisis and evacuation procedures.

3.10 Stewards

Sufficient and properly trained stewards must be on duty within the stadium to ensure that spectators are directed to their seats efficiently and smoothly without delay and confusion.

3.11 Segregation

For those matches, where a system of spectator segregation is to be operated, the segregation strategy should be drawn up jointly by the match organisers and the police commander in charge of the match.

3.12 Separate access and parking areas

So far as circumstances permit, the segregation of the different groups of supporters should begin as far from the stadium as possible, to safeguard against the undesirable mixing of the various groups in the stadium approaches or turnstile areas.

Separate car and bus parks, preferably on different sides of the stadium and as near as possible to their respective viewing sectors, should be provided for the groups of supporters. A parking strategy should be established in co-operation with the police commander.

3.13 Limitation of spectator movement

Within the stadium, it should not be possible for spectators to move from one sector to another. If it is necessary to have more than one group of spectators in a particular sector, a division should be maintained between them by means of an insurmountable barrier or fence controlled by the security forces, or by the creation of a "no-go area" kept free of spectators and occupied only by security personnel.

3.14 Individual sector facilities

The individual sectors of the stadium must be equipped with their own appropriate toilet areas (ladies and gents) and their own first-aid facilities, public refreshment bars, etc.

3.15 Protection of the playing area

It is essential to protect players and match officials against intrusion of the playing area by spectators. This may be accomplished in any number of ways, including, for example, the use of any one of the following measures, or the use of a combination thereof, depending on the individual circumstances:

- The presence of police and/or security personnel in or near the playing area.
- Moats of a sufficient width and depth.

A seating configuration which situates front-row spectators at a height above the arena which would render intrusion into the playing area improbable, if not impossible.

Insurmountable transparent screens or fences, which may either be mounted permanently or affixed in such a way that they may be removed whenever it is felt that their use is not necessary for any particular match. It has to be recognised that, where it is safe to do so, a more civilised and pleasant atmosphere can be generated in a stadium which does not have screens or fences.

- At venues which have perimeter fences, the owners should consider moving towards the provision of a fence-free playing area, provided that to do so would in no way endanger the match participants. It might be that a step-by-step change of policy could be introduced, with fences being removed first of all, for example, from family areas and then from those areas of the ground where the more mature and less fanatical type of spectators congregate. Whatever steps are taken, they should be introduced only after consultation with the competent police and public authorities.
- Whichever form of protection against intrusion is used, it must incorporate, for spectators, adequate means of emergency escape into the playing area, unless, in the certified opinion of the local safety authorities, adequate means of emergency evacuation, backwards and/or sideways, out of the grandstands exist, which would be sufficient to render the use of the playing area unnecessary for such a purpose.
- The type of protection adopted against intrusion must be approved by the competent local authorities and not represent a danger to spectators in the event of panic or an emergency evacuation.

3.16 Coloured markings

All public passageways and stairways in the spectator areas should be painted bright colour (e.g. yellow), as should all gates leading from the spectator areas into the playing area, and all exit doors and gates leading out of the stadium.

3.17 Public passageways

All public passageways, corridors, stairs, doors, gates, etc. must be kept free of any obstructions, which could impede the free flow of spectators.

3.18 Doors, gates

All exit doors and gates in the stadium, and all gates leading from the spectator areas into the playing area, must open outwards away from the spectators and must remain unlocked while spectators are in the stadium. Each and every such door and gate must be attended at all times by a specially appointed steward, to guard against abuse and ensure immediate escape routes in the event of any emergency evacuation. In order to guard against illegal entry or intrusion, these doors and gates must be fitted with a locking device which may be operated simply and quickly by anyone from either side, in the case of gates leading into the

playing area, or from the inside in the case of exit doors and gates. Under no circumstances must any of these doors or gates be locked with a key.

3.19 Distribution of alcohol

No public sale or distribution of alcohol is permitted within the stadium or its private environs. All alcohol-free drinks which are sold or distributed must be dispensed in paper or open plastic containers which could not be used in any dangerous manner.

3.20 Stadium control room

Every venue must have a stadium control room, which provides the police commander, the stadium security officer and their staffs with a clear view of all areas of the stadium.

3.21 Television surveillance system

A permanent television surveillance system must be available, inside and outside in all stadia used for:

- matches in the final round of the European Championship
- matches from the group stage of the UEFA Champions League - matches from the 3rd round of the UEFA Cup - UEFA Super Cup.

Such systems must be used by the police and/or the stadium security officer for the purpose of spectator control and the surveillance of all the stadium's approaches and entrances, as well as of all viewing areas within the stadium. The system must have the in-built facility to take still pictures and have colour monitors in the stadium control room. The system should be managed and controlled by the security authorities from their control room.

3.22 Public address system

Every stadium must have a public address system which is capable of being heard clearly both inside and outside the stadium, above the crowd noise, even in the case of a sudden upsurge in spectator noise levels. The system should also be capable of being directed to the various sectors of the stadium individually. The police authorities and/or the stadium security officer should be able to override the public address system to make emergency announcements from their own microphone within the stadium control room. The public address control point should be within, or immediately adjacent to the stadium control room.

3.23 Announcers

Announcers who are trained and capable of addressing visiting foreign spectators in their own language should be available when required. It is recommended that the actual announcer whose voice is familiar to visiting supporters, from their own stadium at home, should be used.

3.24 Announcements

Announcements over the public address system must be of a strictly neutral character. The public address system must not be used for the dissemination of political messages, nor to support the home team, nor should it be used for any form of discrimination against the visiting team.

3.25 Electronic video screen

If the stadium has an electronic video screen system, it may be used before, during and after the match, provided that UEFA's regulations and instructions are observed. In this respect, a code of conduct has been produced, which is available from the UEFA Administration.

3.26 Crowd dispersal strategy

The end-of-match crowd dispersal strategy should be discussed at the organisational meeting on the morning of the match. If the police commander decides that, for security reasons, a group of supporters should be retained within the stadium for a period of time while other supporters disperse, the following principles should be observed:

As soon as it has been decided that supporters will be detained, an announcement to this effect should be made over the public address system in the language of the supporter group concerned. This announcement should be repeated shortly before the end of the match.

- The match organisers must ensure that, during this period of retention, the visiting spectators have access to refreshments and sanitary facilities. If possible, they should be entertained (music, video scoreboard, etc.), in order to help the waiting time pass more quickly and to keep them calm. They should also be regularly informed of the remaining time they may have to wait before being allowed to leave the stadium.

3.27 First aid

The stadium must have adequate and fully-equipped first-aid treatment facilities for the public. These facilities, together with the number and qualifications of the assistants who will administer treatment, must be approved by the public authorities concerned, who will also determine the number of ambulances to be stationed on site during the match.

These rooms must be clearly identified and access to them sign-posted. The first-aid assistants must be easily identifiable.

3.28 Adequate facilities for emergency services

Adequate rooms and facilities within and around the stadium must be provided for the police, medical and fire services, in accordance with the requirements of the public authorities concerned.

3.29 Emergency power supply

Each stadium must be equipped with an independent emergency electrical power supply which could be used in the event of a power failure, to ensure a degree of lighting which is sufficient to prevent any danger to the public. The public lighting system and the emergency back-up system must be approved by the competent local authorities and regularly tested.

3.30 Political action

The promotion or announcement, by any means, of political messages or any other political actions inside or in the immediate vicinity of the stadium are strictly prohibited before, during and after UEFA competition matches.

3.31 Provocative action, racism

The match organisers, together with the security authorities, must prevent any provocative action being taken by spectators inside or in the immediate vicinity of the stadium (unacceptable levels of verbal provocation from spectators towards players or opposing fans, racist behaviour, provocative banners or flags, etc.). Should such action arise, the match organisers or security authorities must intervene over the public address system or remove any offensive material. Stewards must draw the attention of the police to serious acts of misbehaviour, including racist insults, so that offenders may be removed from the stadium should the police so decide.

Associations, clubs and match organisers must implement and apply UEFA's 10-point plan on racism (Annexe).

3.32 Opening of the stadium gates to spectators

The security authorities, in consultation with the match organisers, decide at what time the stadium gates should be opened to spectators. In this respect, the following criteria should be taken into account:

- anticipated number of spectators;
- expected time of arrival at the stadium of the different groups of spectators;
- entertainment of spectators in the stadium (entertainment on the playing field, refreshment possibilities, etc.); - space available outside the stadium;
- possibility for entertainment outside the stadium; - segregation strategy outside the stadium.

4. SUPPORTER-RELATED MEASURES

4.1 Security officer

Each association and/or club must appoint a security officer who will keep in close touch with supporters and familiarise himself with their customs and preferences. Additionally, in co-operation with the police authorities, he or she should compile a record of all known troublemakers. All this information should be used when liaising with fellow security officers of other associations or clubs, travel companies, supporters' clubs, police authorities, etc. in connection with matches played at home and away.

Great care should be exercised when appointing a security officer. The appointed person must have a sound background of experience in matters related to crowd control, safety and security at football venues, public order, ticketing, match organisation, etc. To appoint someone who has no such background is pointless and puts the association or club concerned at risk.

4.2 Co-operation with public authorities

The most strenuous efforts must be applied in co-operation with the public and travel authorities and organised supporters' clubs to prevent known and potential troublemakers from attending matches, whether at home or away.

4.3 Personal data on ticket purchaser

For matches played abroad, associations and clubs should provide match tickets only to those supporters who supply them with their names, addresses, passport numbers, travel details for the outward and return journeys, and details of their accommodation abroad. All such information should be made available, as required, to the public authorities in the host country or in countries through which supporters will travel en route to the match, as well as to the UEFA Administration if it so requests.

Similarly, these sources should be provided with whatever information may be gathered regarding supporters who may be travelling without match tickets.

4.4 Supporters' clubs

Supporters' clubs should be encouraged to build up and maintain close cooperation with the association or club in question and to appoint stewards from within their membership to help manage and inform spectators at matches, and to accompany parties of supporters travelling abroad.

Additionally, associations and clubs should require supporters' clubs to insist upon good behavioural standards from their members, including the expulsion from membership of any person indulging in any form of hooligan conduct or anti-social behaviour.

Associations and clubs should foster and encourage a good relationship with their supporters' clubs by acknowledging their existence as officially recognised supporters, dealing preferentially with them in ticket allocation matters, arranging visits to tour the stadium as well as to meet players and officials, etc., offering assistance with foreign travel, including emergency contact officers abroad, and generally keeping in touch with them by newsletters and any other effective means of communication which may be suitable. Associations and clubs must insist that their supporters' clubs ensure that alcohol is not available on their organised trips.

4.5 Away matches

When circumstances render it advisable, for security reasons, for supporters not to travel to away matches, associations and clubs should do everything possible to achieve this end. If more than 500 spectators are expected to travel to an away match, visiting associations or clubs are required to appoint an adequate number of supervisory representatives to accompany and assist supporters during the journeys to and from the venue and at the match, and to liaise between the local security authorities and the supporters.

4.6 Information to supporters

Supporters intending to travel abroad should be provided by associations and clubs with as much useful information as possible about the country to be visited, including its local customs and peculiarities, e

- visa requirements, if any;
- customs import restrictions and limitations;
- currency units and equivalent values;
- distances from various arrival points (airport, station, port) to the city centre and stadium;
- address of the association or club emergency contact point abroad and the name of a contact person;
- address and telephone number of the local embassy or consulate;
- a map of the stadium with the various sectors defined, showing access routes from the city and the location of designated parking areas;
- details of public transport services from the city centre to the stadium; - an indication of average food prices, taxi and public transport charges; - local health warnings regarding drinking water, etc.

4.7 Co-operation with match organisers

In the interests of safety and security, associations and clubs must cooperate in full with the match organisers, irrespective of whether the match is to be played at home or abroad, and with the public authorities concerned. Similarly, the match organisers must do everything possible in their dealings with visiting associations and clubs, and all other authorities involved, to ensure that the event passes off without disturbance.

The match organisers should ensure that spectators are made aware, before a match, by mass-media announcements and all other appropriate means, of all prohibitive measures and controls regarding the match.

Additionally, supporters should be reminded of the importance of not attempting to take prohibited items or substances into the stadium, of behaving in a sporting and reasonably restrained manner, and of how serious an effect breaches of this code of conduct could have upon the teams and players they support, including disqualification from competitions.

5. CO-OPERATION WITH PUBLIC AUTHORITIES

5.1 Close liaison

In co-operation with the public authorities, the match organisers must ensure that there will be sufficient police forces, assisted where appropriate by security personnel, to counter any possible outbreaks of violence or public misbehaviour, and to preserve the safety of the general public and the match participants, within the stadium, in its surrounding environs and along the access and transit routes leading to and from the stadium.

5.2 Exchange of information

All parties involved in a football match must do everything within their power to enable the public and

police authorities, in whatever countries may be involved, to carry out an effective exchange of appropriate crossborder information.

5.3 Refusal of entry

The match organisers must co-operate with the police authorities to ensure that any person refused entry to the stadium for any reason, or who has been expelled from the stadium for any reason, is not admitted or readmitted thereafter, and that the person in question is kept well away from the stadium during the match, at least until all spectators have dispersed.

5.4 Radio-telephone link

The match organisers must ensure that they, the police, security, fire and medical commanders and senior personnel are able to communicate freely with one another via a radio-telephone link.

5.5 Safety of the visiting team

The match organisers must seek the co-operation of the local police authorities to ensure the safety of the visiting team and officials at their hotel, and when travelling to and from training and to and from the match.

6. SCOPE OF APPLICATION

6.1 FIFA matches in Europe

The instructions in this brochure apply equally to FIFA competition matches played in Europe, which are delegated to UEFA.

6.2 Effective date

These provisions were approved by the UEFA Executive Committee on 11 December 2003, and come into immediate effect. They fully replace the version approved on April 2000.

For the UEFA Executive Committee:

Lennart Johansson
President

Gerhard Aigner
Chief Executive Nyon, December 2003

Annexe I : UEFA's Ten-point Plan of Action for Professional Football Clubs

1. Issue a statement saying that the club will not tolerate racism, spelling out the action it will take against those who engage in racist chanting. The statement should be printed in all match programmes and displayed permanently and prominently around the ground.
2. Make public address announcements condemning racist chanting at matches.
3. Make it a condition for season-ticket holders that they do not take part in racist abuse.
4. Take action to prevent the sale of racist literature inside and around the ground.
5. Take disciplinary action against players who engage in racial abuse.
6. Contact other clubs to make sure they understand the club's policy on racism.
7. Encourage a common strategy between stewards and police for dealing with racist abuse.
8. Remove all racist graffiti from the ground as a matter of urgency.
9. Adopt an equal opportunities policy in relation to employment and service provision.
10. Work with all other groups and agencies, such as the players' union, supporters, schools, voluntary organisations, youth clubs, sponsors, local authorities, local businesses and police, to develop pro-active programmes and make progress to raise awareness of campaigning to eliminate racial abuse and discrimination.

ANNEX 3

EU Handbook for international police co-operation

RESOLUTION OF THE COUNCIL CONCERNING A HANDBOOK WITH RECOMMENDATIONS FOR INTERNATIONAL POLICE COOPERATION AND MEASURES TO PREVENT AND CONTROL VIOLENCE AND DISTURBANCES IN CONNECTION WITH FOOTBALL MATCHES WITH AN INTERNATIONAL DIMENSION, IN WHICH AT LEAST ONE MEMBER STATE IS INVOLVED, 6 DECEMBER 2001

The Council of the European Union,

Whereas:

- (1) The European Union's objective is, inter alia, to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation.
- (2) In the framework of the Council of Europe, the Convention of 19 August 1985 was concluded on spectator violence and misbehaviour at sports events and in particular at football matches.
- (3) On 21 June 1999 the Council adopted a resolution concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches¹⁶⁹.
- (4) The abovementioned resolution suggests that amendments to the handbook be proposed in the light of up-to-date experience.
- (5) In the light of experience in recent years, such as the European Championships Euro 2000 and the police experts' assessment of international police cooperation in the framework of that tournament, the handbook annexed to the abovementioned resolution has been revised and updated.
- (6) A European framework as regards the content and scope of police cooperation, police relations with the media, cooperation with those supervising fans and the role of the organiser is of the utmost importance for police forces in the Member States.
- (7) These forms of police cooperation, as used for football matches with an international dimension, could be used mutatis mutandis in connection with other international sporting events if the Member States concerned take a decision to that effect.
- (8) This Resolution is without prejudice to existing national provisions, in particular the division of responsibilities among the different authorities and services in the Member State concerned, and to the exercise by the Commission of its powers under the Treaty establishing the European Community,

Hereby adopts this resolution:

1. The Council requests Member States to step up cooperation, in particular practical cooperation between competent authorities and services, in order to manage the event, and more specifically between police forces, in order to prevent and control violence and disturbances in connection with football matches with an international dimension.
2. To that end, a handbook annexed hereto with examples of working methods is made available to police forces.
3. This Resolution replaces the Council Resolution of 21 June 1999.

ANNEX:

Handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved

Contents of the handbook:

1. Information management by police forces
Organising authorities and police forces should take into account certain criteria that could be met with regard to information management.
2. Preparations by police forces
Organising authorities and police forces should involve police forces from participating countries in preparations at an early stage.
3. Organising cooperation between police forces
Organising authorities and police forces should take into account certain criteria that could be met with regard to the organisation of international police cooperation.

169 OJ C 196, 13-7-1999, p. 1.

4. Cooperation between police forces and stewards
Organising authorities and police forces should involve those supervising fans from participating football associations in providing support for the tasks to be carried out and establish maximum cooperation with them.
5. Checklist for media policy and communication strategy (police/authorities) relating to major (international) championships and matches
Police forces should make use of the media policy checklist.
5. Role of the organiser
Organising authorities should take into account the set of possible requirements for organisers in different areas.
6. List of documents previously adopted by the Council
A list of documents previously adopted by the Council will give an idea of the measures taken hitherto.

CHAPTER 1

Information management by police forces

SECTION 1

Certain criteria that could be met with regard to the management of information

I. INTRODUCTION

1. The increase in various international and European competitions has given football issues an international dimension.
2. With a view to the efficient management of football matches and, more specifically, in order to combat and prevent football-related violence, the exchange of information is of the utmost importance. To achieve this exchange of information, the establishment of a permanent national (police) football information point is strongly recommended in each Member State.
3. The national football information point should ideally act as the central and sole contact point for the exchange of relevant information for football matches with an international dimension, and for developing international police cooperation concerning football matches. A Member State may decide to organise certain contacts on football-related aspects through the relevant competent services, provided that the national football information point is provided with a minimum of information and insofar as it does not jeopardise the quality and the efficiency of the activities.
4. The relationship between the national football information point and the competent national authorities is subject to the applicable national laws. The Member States are free to take all necessary measures to ensure that the national football information point is able to perform its tasks efficiently and to a satisfactory standard. The national football information point should be equipped with the necessary technical facilities to perform its tasks efficiently and swiftly. The personnel of the national football information point should guarantee that the necessary police know-how is available with regard to problems concerning football matches.
5. At international level, the national football information points work on the basis of equivalence.

II. OBJECTIVES

1. By coordinating the exchange of information on football matches, the national football information point should contribute to public order, peace and safety, thus aiming at an efficient use of the available resources.
2. The national football information point should also aim to facilitate international police cooperation regarding the police approach to the football issues and to promote the exchange of information between the police services of the different countries.

III. TASKS WITH AN INTERNATIONAL DIMENSION

1. The national football information point can support the competent national authorities. On the basis of information that has been analysed and assessed, the necessary proposals or recommendations will be addressed to the competent national authorities regarding the policy to be pursued by them on football-related issues.
2. With regard to football matches with an international dimension, it is recommended that the national football information point has at its disposal, for the benefit of the national football information points of the other countries, an updated risk-analysis related to its own clubs and its national team.
3. In accordance with the applicable national and international legislation, the national football information

- point should be responsible for administering the personal data regarding risk supporters.
4. The national football information point should be responsible for coordinating the exchange of police information in connection with football matches. It could also extend this exchange of information to other law enforcement services which contribute to safety or public order.

IV. EXCHANGE OF POLICE INFORMATION

1. Kinds of information

A distinction can be made between general information and personal information.

(a) General information

The general information can be divided into three categories:

- strategic information: information that defines the event in all its dimensions, with particular attention to the security risks at the event,
- operational information: information that helps to make a correct analysis of the issues surrounding the event,
- 1. tactical information: information that allows the person in charge at the operational level to respond appropriately in connection with order and security surrounding the event.

(b) Personal information

In this context, personal information refers to information kept on individuals who represent or may represent a danger to public order or to security in connection with the event or who may have been involved in incidents, with a view to preparing or taking the appropriate measures (e.g. lists of stadium bans, photos of the persons in question, etc.).

The information exchanged must serve a well-defined goal, i.e. contribute to the success of a specific mission. The use of the information supplied is limited in time and scope.

Information should serve local as well as supralocal interests of the competent authorities and police services. The information supplied should enable the authorities and police chiefs to carry out their duties with a full knowledge of all aspects of the situation.

The exchange of personal information is subject to the applicable national and international law.

2. Chronological sequence of information exchange

Three phases may be distinguished: before, during and after the event:

3. before the event: from the moment it is known that a certain match will be played or a tournament organised,
4. during the event: period running from the first to the last aspect that influence or may influence public order,
5. after the event: concluding phase where debriefing and evaluation take place. These three phases need not always be strictly separated.

The term 'event' is used to mean a specific football match or tournament in all its aspects.

(a) Task of the national football information point of the organising country

1. Before the event

At strategic level, the information requirements can be formulated, that is to say that the request for information can be forwarded to the national football information point of the other country (countries). This request should contain items such as the risk analysis of the fans of the team in question, information regarding the team itself and its accompanying party (when there is a threat), information regarding spotters, etc.

The national football information point of the organising country should also provide, if possible, information on aspects such as the applicable legislation and the policy of the authorities, information on the organisation of the event, identification of officials and police chiefs in charge, etc.

All relevant information may also be put at the disposal of the other national football information points concerned.

At operational level, the national football information point of the other country (countries) can be requested to supply information regarding the movements of normal and risk supporters, the participating team and its accompanying party (where there is a threat), ticket sales and possible requests for the participation of police officers such as spotters, and of fan coaches, together with information regarding general crime, including terrorism.

The national football information point of the organising country can also supply information to the national football information point of the supporting country (countries) regarding the organisation

of security, more specifically the integration of the spotters within the local security system, guidelines for the fans, etc. All relevant information can also be put at the disposal of the other national football information points concerned.

2. During the event

At operational level, the national football information point of the organising country can request confirmation of the information supplied, including the updating of the risk analysis. The request should be forwarded and answered via a system of liaison officers if such a system has been set up. At tactical level, the national football information point of the organising country can provide the confirmation of the information supplied by having all the actors involved carrying out checks on the spot. Proposals may then be made for adjusting the measures. General information regarding the possible return of fans that have been expelled and/or refused entry should also be supplied to the national football information points of the country of origin and the transit countries.

The national football information point of the organising country can in addition supply the national football information points of the country of origin and the transit countries with the necessary information regarding the return of the fans.

3. After the event

At strategic level, the football information point of the organising country can assess fan behaviour so that a risk analysis of visitors can be updated by the national football information point of the supporting country. The football information point can also evaluate the process of information exchange. At operational level, an assessment can be conducted as to the operational usefulness of the information supplied by the national football information point of the other country (countries) and as to the support supplied by the visiting country. The national football information point of the organising country can supply factual information concerning the reported visitors and a description of the incidents. Information regarding possible arrests can also be exchanged, with the legal possibilities being taken into account. The assessment of the foreign support should also be conducted.

(b) Mission of the national football information point of the supporting country

1. Before the event

At strategic level, the national football information point of the supporting country can supply on its own initiative all relevant information to the other national football information points concerned. The national football information point of the supporting country can also supply the national football information point of the organising country with answers to the questions formulated and make use of the list of stadium bans as far as the law allows.

At operational level, the questions asked can be answered. More specifically, this concerns the answers to the questions concerning the movements of fans, the participation of police officers such as spotters and the sending of fan coaches.

At tactical level, preparations to integrate the police delegation can commence.

2. During the event

At operational level, the information supplied can be updated and the movements and stays of the fans can be monitored. Useful information concerning fan behaviour at home during the championships or a tournament can also be supplied.

At tactical level arrangements can be made for fan movements to be monitored.

3. After the event

At strategic level, the risk analysis can be adapted.

At operational level, an assessment can be carried out concerning:

- i. the exchange of information based on the factual information supplied by the national football information point of the organising country,
- ii. the operational usefulness of the exchange of information,
- iii. the strategic and operational information given in advance by the national football information point of the organising country,
- vi. the spotters' work.

3. Communication procedure

- It is recommended that the processing of information regarding matches with an international dimension be coordinated via the national football information point. The tactical, strategic and operational information is thus forwarded to the national football information point concerned. After being processed, the information can be used by the national football

information point itself or forwarded to the relevant authorities or police services. It is recommended that contacts between the police services of the different countries involved in an event are coordinated and, if necessary, organised by the national football information point.

- The police forces of the organising country should ensure that lines of communication and information facilities are clear to supporting foreign police forces, taking into account the nature of information.
 - The national football information point or police service of the organising country should communicate with the national police force(s) of the participating country (countries) concerned throughout the championships and/or match via the liaison officer appointed and seconded by the country in question, if such a system of liaison officers is set up. The liaison officer can have responsibility for tasks relating to public order, violent football hooliganism and general crime, including terrorism, where it is connected with a particular football match or tournament.
 - If a local football information point is also in place, it is recommended that this information point cooperate with the national football information point, the latter being responsible for managing the event except where the Member State decides otherwise. To this end, the national football information point can draw up the minimum criteria to be met in respect of this cooperation. The local and national points should keep one another informed. This information flow should take into account information provided by the liaison officer from the supporting country.
 - It is recommended that the native language is used for communication between the different national football information points, with a copy in a working language common to the two parties, unless other arrangements have been made between the parties concerned.
 - The national football information points should communicate in such a way that the confidential character of the exchanged information is guaranteed. The messages exchanged can be stored and may be consulted at a later date by other national football information points concerned, provided that the national football information point from which the information originates is provided with the opportunity in advance to give its opinion on whether the information should be provided.
4. General rules
- The police force of the organising country should shield the liaison officer of the supporting foreign police force from any contact with the media, if the liaison officer so wishes.
 - The liaison officer should be stationed at the national football information point for championships spread over a number of days and at the local football information point for one-off matches in the host country concerned.
 - The national football information point of the organising country should make arrangements to channel information received from the foreign police team promptly to the proper authorities within its own police organisation. The national football information point of the organising country should appoint an information officer to be attached to the support team responsible for reconnaissance or spotting. That officer should serve as a contact for the team leader and be responsible for the proper channelling of information.
 - The police forces of the organising country should ensure that there are no differences in the quality of information available at local and national level.

SECTION 2

Additional recommendations about information management by police services

1. The national football information point can offer support to the competent national authorities. The national football information point can support the local police services with regard to national or international football matches.
2. The national football information point can coordinate the exchange of information regarding national football matches and coordinate and organise the spotters' work.
3. Permanent risk analysis means gaining an insight into the composition of the supporters groups, the hard-core fans, their behaviour and into how they relate to each other, the other hard-core fans, foreigners and the general public (various local population groups), etc.
4. The national football information point can also act as a study centre and deal with the exchange of

information on items such as the means and methods used by the organisers to improve security (stewarding, ticketing, accreditation), the means and methods used by the police services, the projects that may be developed to influence fan behaviour, information regarding the spotters' work and the behaviour of fans at home and abroad, etc. In addition to the police services, civil servants and academies could contribute to the role of the football information point as a study centre.

5. The national football information points can ensure the exchange of information with third countries. Should these countries not have a national football information point at their disposal, they could be asked to indicate a central, single contact point. The data regarding this central and unique contact point in the third country involved should then be forwarded to the other national football information points.
6. It is recommended that the national football information points communicate through a secure data communication system, to which every country should contribute at least in a Community working language.
7. The information exchange between the national football information points can relate to subjects mentioned in Appendix 1.
8. The national football information point can, should the need arise and according to the situation in the country concerned, also be used as a contact point for the exchange of information regarding sports issues other than football and/or regarding other matters besides sporting events.

CHAPTER 2

Preparations by police forces

1. The formal request for support should come from the Minister responsible in the organising country, who will receive advice from the police forces concerned. Taking into account the specific aims of cooperation, the request should indicate degree of support and its constituent elements.
2. The request for support should be made to the foreign police force well in advance of a championship and/or match. The supporting foreign police team will require a certain preparation time for a one-off game. In that context, a request for support should be presented as soon as possible after the announcement of the date of the game. For international tournaments, the supporting foreign police team requires at least 16 weeks' preparation time.
3. The police forces of organising countries should only request foreign police support from countries that can contribute added value. This added value should be considered in the light of a number of factors such as professional experience of football-related violence, knowledge about risk fans and being able to provide information so as to avert disturbances of public order and security. For countries which are involved and which want to contribute added value in the future, the opportunity can be given to learn from experience.
4. International police cooperation is geared to ensuring the safety of the event, with the following specific aims:
 1. intelligence gathering;
 2. reconnaissance,
 3. spotting;
 4. crowd control under police supervision.
5. The police forces from the supporting countries are responsible for providing an advance risk analysis. This risk analysis should be handed over to the organising country at least two weeks before the beginning of the game. For international tournaments, this risk analysis should be handed over to the organising country at least eight weeks prior to the beginning of the tournament.
6. In the first instance, a risk analysis of the fan group from the country concerned should determine which of the four areas of police cooperation should be requested by the police force of the organising country. Police cooperation should, as far as intensity and extra deployment are concerned, move from intelligence gathering to crowd control under police supervision as the risk of disturbance of public order or safety increases.
7. Risk fans should be accompanied where possible by the spotters who are acquainted with them. The composition of the team of spotters will depend on knowledge of the hard-core supporters who are likely to be present. The possibilities for gathering reliable information from the hard-core supporters about their intentions at the time of the event should be a decisive factor.
8. The foreign police force should indicate as soon as possible the extent to which it can meet the request to provide support for the police force of the organising country. The size of the foreign police team should then be determined in consultation.
9. The size of the police team should not therefore be the same for all countries, but should relate to some extent to the threat and risk posed by fans from the country concerned and to practicalities.

10. Depending on the nature of the support to be provided and the size of the team, the allocation of roles within a foreign police team could be as follows:
 1. operational police officers with reconnaissance, spotting or escorting duties;
 2. an operations coordinator with the task of coordinating the work of the operational police officers and channelling information;
 3. a spokesman;
 4. a liaison officer responsible in particular for the exchange of information between his home country and the host country. In view of the varied expertise involved in the areas of public order and violent football hooliganism, the national liaison officer could propose that the host country agree to the secondment of a second liaison officer to the host country's coordination centre;
 5. a team leader who is functionally and hierarchically in charge; if, however, there is a national police coordination centre, the leader is only the liaison officer's hierarchical superior; functional responsibility for the liaison officer should then lie with the head of the coordination centre.
11. The police force(s) in the organising country should provide an opportunity for the supporting foreign police force(s) to acquaint themselves with the organisation of police operations in the host country and/or the venue town(s) and with stadium location, and to get to know the operational commander(s) at the venue town(s) on the match day(s). For international tournaments, this should take place at least one month prior to the tournament; for international games, this can be on one of the days prior to the match.

CHAPTER 3

Organising cooperation between police forces

1. Efficient preparation of the police action in the host country is based on a comprehensive exchange of information, in accordance with the principles which are to be found in chapter 1 of this handbook. Police action in a host country can be qualitatively improved if police support in the field is obtained from at least the countries from which violent supporters come.
2. Maximum use should be made of the support that foreign police forces can provide, which as such should form part of the host police organisation's tactical plan. This means that the foreign police forces should be informed, in a language they can understand, about the host police organisation's tactical plan, that they should be given the possibility to attend briefing and debriefing procedures, that they should be given the opportunity to become an explicit partner in the information structure (so that they can give information as well as be informed) and that they should be actively included in the police deployment in the field. As regards the use of languages, arrangements should be made in advance by the countries concerned.
3. The leader of the police team from the supporting country could, if desired, have his own spokesman. The leader of the police team should determine the quality of that spokesman.
4. The spokesman assigned to a support team should shield the members of the support team from the media, if appropriate.
5. The host police organisation should ensure the physical safety of supporting foreign police officers by having the foreign police officer accompanied by the host police organisation. The accompaniment of the team of spotters should be organised in such a way that there is always good communication between the management of the local police forces and the national football information point. The foreign police officer should always ensure that his/her action does not unnecessarily jeopardise his/her fellow countryman or foreign colleagues, or make them take unjustified risks.
6. The police force of the organising country, in consultation with the football organisers, should ensure that the supporting foreign police team has sufficient accreditation (seating not required) to enable the team to carry out its tasks properly in and around the stadiums for matches that involve members of the police team in question. The stewards should be made aware of this at the briefing prior to the game.
7. The police forces of the country from which the fans come should supervise risk fans from the start of their journey until they reach the country where the match is to be played. Responsibility will be duly transferred between police forces at national borders (including transport and railway police). With regard to the journey of these risk fans, the necessary information should be forwarded to the organising country so that, insofar as the local law allows, these risk fans can be prevented from entering the country. Countries which have the legal possibility to prevent risk fans from travelling abroad should take all the necessary measures to achieve this objective effectively and should inform the organising country accordingly. Each country should take all possible measures to prevent its own citizens from participating in and/or organising public order disturbances in another country.
8. The host police organisation should assign the police team from the supporting country at least one

accompanying police officer with sufficient language knowledge and proficiency to maintain operational contact with the team and make reports. This accompanying police officer should preferably be sufficiently familiar with football hooliganism and with the spotters' task, and should also have knowledge of maintaining public order and safety. The accompanying police officer should be thoroughly briefed on his/her own task, on the task of the supporting police team and on the tactical plan of the host police organisation.

9. The police forces of the organising country should have available sufficient interpreters for the languages spoken by fans from visiting countries. This could save supporting police teams from the various countries from having to do too much interpreting, which would keep them from actual operational tasks. These interpreters could also facilitate communication between the organising country's police forces and the supporting police team.
10. The host police organisation should provide the police team from the supporting country with the necessary communications equipment, which meets the needs of the police support teams.
11. The police team from the supporting country should consult with the police force of the organising country about the equipment to be brought by the police team and the use made of it.

CHAPTER 4

Cooperation between police forces and stewards

1. Police forces and stewards' organisations should work together on a complementary basis, without prejudice to each side's own responsibilities and tasks.
2. Police forces should work with senior officials from stewards' organisations.
3. Police forces should consider placing a senior official from the stewards' organisation in their own command centre.
4. Police forces should ensure that any information from the stewards' organisation is channelled to the proper police authorities in the organising country.
5. Police forces should ensure that senior officials from the stewards' organisation have the information needed to carry out their tasks.
6. The police forces of the supporting country should maintain contact with senior officials responsible for stewards from their country who are providing support to the organising country.

CHAPTER 5

Checklist for media policy and communication strategy (police/authorities) relating to major (international) championships and matches

I. MEDIA POLICY

1. Determining the strategic aim of media policy
The central aim should be seen as ensuring police authorities' cooperation with the media in informing the public at national and international level of forthcoming championships and preparations and providing those attending matches with appropriate police advice concerning their security.
Media policy is one of the instruments used in a communication strategy. It should demonstrate the supportive role played by the police and authorities in watching over the festive nature of championships.
Comment:
In order to ensure a balanced media policy, it is first necessary to determine the strategic aim. All further policy developments are geared to achieving that aim. Account must be taken of the media interest in specific information, such as the response by police authorities to the problems of football hooliganism and violence. This clearly signals what will and will not be tolerated. 2.
2. Determining the desired results of media policy
An active media policy should aim at:
 1. creating a positive public image for the policy pursued by police and authorities,
 2. promoting amenities for those attending matches and encouraging a sporting attitude on their part,
 3. discouraging misbehaviour by those attending: misbehaviour does not pay,
 4. providing security information,
 5. informing the public of police measures and the steps which will be taken in the case of disturbances.Comment:
Media policy should never give the impression that nothing can go wrong, rather it should show that there has been proper preparation and that there are no grounds for panic.
3. Nature of media policy

1. it should convey the idea of overall control;
2. it should suggest security and trust;
3. it should make it clear that football hooliganism will be severely dealt with;
4. it should be geared to openness and transparency-

II. COMMUNICATION STRATEGY

1. Methods of achieving the aim
 - i. relations should be established with the media well in advance, focusing on championships or matches;
 - ii. cooperation between the press services of police, local authorities, national authorities, football organisations, UEFA, FIFA etc., in communicating an unambiguous policy or view of individual areas of responsibility;
 - iii. making arrangements for police information to be provided to all those concerned, including the football association, supporters, clubs, tourist offices, carriers and other undertakings;
 1. information folder for those attending from abroad, possibly combined with other tourist information;
 2. setting up a clearly identified press office for the duration of championships, with press officers and media spokesmen;
 3. daily press conferences and provision for interviews and other appropriate information facilities during championships;
 4. organisation of press conferences before championships in order to make clear the approach to cooperation with the press.
2. Means of achieving the aim/tips for success
 5. appointment of professional press correspondents at local, regional and central level; multilingual police press officers available to the media in the press centre;
 6. production of a national or bi-national information folder;
 7. production of information with a local slant;
 8. inclusion of reports on security and facilities in local tourist-office publications and other local newspapers and publications;
 9. making known the number of arrests for public disorder, possession of weapons, forged admission tickets, black-market ticket sales and drunkenness etc.;
 10. assessment of international, national and local media press reports relating to the preparation and progress of championships;
 11. setting up a national working party on media policy cooperation.
3. Important topics for consideration
 1. The crux of the message must be established
Comment:
First determine what the crux of the message should be. Make this clear in interviews with the journalist/journalists.
 2. The crux of the message must be achievable
Comment:
Do not express any standpoints which are not practicable. Where this happens, the power of the media instrument to influence behaviour is undermined. The policy announced by the police must therefore be maintained.
 3. Timely preparation
Comment:
Use the time between submission of candidacy and championships for careful preparation of a media policy specifying the individual roles and responsibilities of police/authorities.
 4. Planning
Comment:
Include media policy throughout the planning stage and take the initiative in determining when the media will actually be informed.
 5. Continuity and frequency of media contacts
Comment:
It is extremely important that exchanges of information and opportunities for press/media briefings are provided on a continuous and regular basis. Allowance should be made for the media's need for rapid information.
 6. Media projects

- Police and authorities should make sure in the case of specific media projects that sufficient attention is paid to the police in the area of police information.
7. Readiness to deal with incidents
Comment:
Once even a single incident occurs, the interest of the media switches swiftly from the sporting event to the public disturbance. Account should be taken of the fact that a sports reporter has a different angle from a police reporter.
 8. The media are enterprising
Comment:
Account should be taken of the fact that the media will also seek information from sources other than the police. Special attention should be paid to police strategies and police intervention.
 9. Openness, comprehensiveness and topicality
Comment:
Let the media know how the police/authorities will act when necessary. There are no grounds for fearing the media if police planning and preparations are adequate.
The police should provide comprehensive information. That information should be verifiable and up-to-date.
 10. Display of confidence
Comment:
It is important to have confidence in individual police preparations and to display and communicate such confidence to the media. Police and authorities should assume full responsibility for their security arrangements.
 11. Interviews
Comment:
Measures should be taken to prepare police authorities for their contacts with the media. Ensure that the police officer maintains his contacts from an appropriate workplace. The media should preferably be contacted orally in person.
 12. Limitation/demarcation
Provide information about individual areas of policy responsibility and intervention.
Comment:
There should be clear agreements between the various authorities on who is to inform the media and the type of information to be given. Media appearances by police and authorities should concentrate on their own responsibilities and interventions.
 13. Failures/recrimination
Comment:
Partners should avoid discussions in the media or expressing recriminations over failures.
 14. Cooperation
Comment:
Media policy should never be developed without consulting the other partners. Media policy itself is a process of cooperation.
 15. Agreements with foreign police teams concerning spokesmen
Comment:
Where the police of the host country is given support by police teams from other countries, and the foreign police are approached directly by the media, it should be agreed that the matter be referred to the police information services of the host country.
Exceptions to this rule may be made if the supporting police team, with the approval of the host country, has added its own specialist press officer (spokesman) to the team.
 16. Involvement of police colleagues from the country of origin of supporters
Comment:
In interviews/press conferences in the country of origin of supporters, use should be made of assistance by colleagues from that country. They have the facilities and press contacts and they know the local and national reporters, including the persuasions of the press organisations for which they work.
 17. Preparation of a list of national press services for the police of the organising country
Comment:
The police services of the individual countries should draw up a list of the most important press services with the sectors they target for the police of the organising country. With the help of this list, the police

- of the organising country can supply those press services directly with information.
18. Taking account of the type of press service
 Comment:
 In providing information on security, account must be taken of the type of press service and the sector which it targets. Sports reporters have less experience of providing information on security. This should be taken into account when drawing up press reports and issuing press releases.
 19. Setting up a joint national working party
 Comment:
 A joint working party should be set up involving all partners: the police covering the match venues, the central information office on football hooliganism, the football organisation and the national authorities.
 20. Factual information
 Comment:
 All representatives of police and authorities should communicate with the media on the basis of the same background information and with the greatest precision. In order to coordinate factual information, it may be useful to draw up common briefing notes and standard replies to regularly recurring questions. There should be daily exchanges of information on the questions asked by the media.
 21. Written communiqué
 Comment:
 Press conferences should be backed up with a written communiqué. This has the advantage of ensuring that:
 - the text can be given careful consideration,
 - texts can be authorised for the press,
 - an unambiguous message is conveyed (no subsequent arguments about 'misunderstandings').
 22. Information folder
 An information folder should be made available to supporters, indicating the kind of behaviour that is culturally acceptable or unacceptable and the kind of breaches of the law which will lead to action being taken.
 Advice should be given on ancillary matters with a view to ensuring that the supporters feel welcome. The folder should be distributed when tickets are sold.
 23. Involvement of the public
 Comment:
 The public may be asked to take an active role by notifying the police of suspicious behaviour.
 24. Winding-down strategy
 The press office should close towards the end of the championships, but information should continue to be provided by the central police command office. Notification should be given when the police press officer will be available for debriefing and a final press conference.
 25. Assessment of media policy
 Comment:
 When the championships have ended, an assessment report should be drawn up on the media policy pursued and experience with the media. Aspects with lessons for the future should be noted. This should also involve any police forces from other countries which have provided support.
 26. Assessment of the European Union/police cooperation checklist for media policy
 The police of the organising country should use the national assessment of media policy as a basis for deciding whether individual aspects of the European Union checklist require supplementing or adjustment.

CHAPTER 6

Role of the organiser¹⁷⁰

SECTION 1

Criteria with which the organiser should comply

1. All the sufficient and necessary measures taken by the organisers of national or international football games

¹⁷⁰ Organiser refers to the legal or natural person who organises or instructs a person to organise, wholly or in part, a national or international football game, on his/her own initiative or on the initiative of a third party.

- should contribute to avoiding disturbances of the peace.
2. An efficient policy as regards the organisation of national or international football games should be the result of an overall approach between all the parties concerned. Successful cooperation between the organiser, the private actors involved, the authorities and police services is therefore strongly recommended.
 3. Member States should identify who is responsible as the organiser of the match or, if responsibility is divided between two or more bodies, who is to be responsible for what functions.
 4. For the sake of public order and safety, the authorities and the police services concerned should impose on the organiser prior minimal requirements which they have to meet in order to organise national or international games. Such requirements mean that the organiser and other services concerned should assume the responsibility which is incumbent upon them and their aim should be to enable the police forces to concentrate on their principal duties of upholding law and order.
 5. The organiser of a national or international football game should take all the necessary precautionary measures in order to prevent damage to persons and goods, including all practical measures for the prevention of spectator misconduct.

SECTION 2

Additional recommendations in the form of a checklist of possible demands to be imposed on the organiser

1. The organisers of a national or international football game should do everything in their powers to ensure public order and safety in and around the stadium, before, during and after the game, so that the police can be deployed as economically as possible.
2. To this end the checklist in Appendix 2 could be used indicatively. It contains demands which the authorities and police services could impose on the organiser of a football game with regard to its organisation. It is recommended that those provisions be supported by national legislation.

CHAPTER 7

List of documents previously adopted by the Council

1. Council recommendation of 30 November 1993 concerning the responsibility of organisers of sporting events.
2. Council recommendation of 1 December 1994 concerning direct, informal exchanges of information with the CCEEs in the area of international sporting events (network of contact persons).
3. Council recommendation of 1 December 1994 concerning exchange of information on the occasion of major events and meetings (network of contact persons).
4. Council recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches, with an annexed standard format for the exchange of police intelligence on football hooligans (OJ C 13 1, 3.5.1996, p. 1).
5. Joint action of 26 May 1997 with regard to cooperation on law and order and security (OJ L 147, 5.6.1997, p. 1).
6. Council resolution of 9 June 1997 on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy (OJ C 193, 24.6.1997, p. 1).
7. Council resolution of 21 June 1999 concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches (OJ C 196, 13.7.1999, p. 1).
8. Table of national contacts on hooliganism.

Appendix 1

STRATEGIC INFORMATION CONCERNING FOOTBALL MATCHES WITH AN INTERNATIONAL DIMENSION

1. CLUB

Name: ...

Address: ...

Colours of the club: ...

Logo: ...

E-mail: ...

Website: ...

Fan coach project: yes/no
Stewarding: yes/no
Stewarding abroad: Yes/no - how many? ...
Number of authorised supporter clubs: ...
Stadium: ...
Name: ...
Address: ...
Phone: ... Fax: ...
Capacity: ...
Capacity visitors section: ... Annexes:
Annex 1: List of supporter clubs with data about transportation for European away matches.
Annex 2: Map of the stadium with indication of visitors section and entrance.
Annex 3: Map of the stadium and surroundings with indication of separate car parks and main roads to the motorway.
Annex 4: Map of the city.

2. OUTLINE OF THE GAME Matches played at home
Matches played away

3. LOCAL POLICE AUTHORITY

Address: ...
Phone: Fax: ...
E-mail:
Website: ...
Person handling the case: ...
Phone: Fax: ...
E-mail:
Mobile:
Information officer: ...
Phone: Fax:
E-mail:
Mobile:
Spotters:
Phone: Fax:
E-mail:
Name: Mobile:
Name: Mobile:
Name: Mobile:
Name: Mobile:
Name: Mobile:
Name: Mobile:

4. OTHER POLICE SERVICES

Coordinator: ...
Address: ...
Phone: Mobile: ... Fax: ...
E-mail:
Website: ...

5. NATIONAL FOOTBALL INFORMATION POINT

Name of the department: ...
Address: ...
Name:
Phone:
Phone duty staff.
Fax: ...

E-mail: ...

6. SUPPORTER INFORMATION - ORDINARY FANS

Number of fans

- who attend matches (with an international dimension) played away: ...
- who attend matches (with an international dimension) played at home: ...

Identification

- Outfit:
- Flags:
- Banners: ...

Behaviour

- Advance booking: ...
- Consumption of alcohol: ...
- Bengal lights: ...
- Other: ...

Transportation

- Number of fans using organised transport: ...
- Number of fans using non-organised transport: ...

Stay

...

7. SUPPORTER INFORMATION - RISK FANS

Number of fans

- who attend matches (with an international dimension) played away: ... Cat B/Cat C
- who attend matches (with an international dimension) played at home: ... Cat B/Cat C

Side(s)

- Name: ...
- Meeting place(s): ...
- Number of members: ...
- Average age: ...
- Minimum number mobilised during the past season for matches (with an international dimension) played at home: ...
- Minimum number mobilised during the past season for matches (with an international dimension) played away: ...
- Maximum number mobilised during the past season for matches (with an international dimension) played at home: ...
- Maximum number mobilised during the past season for matches (with an international dimension) played away: ...

Identification

- Outfit: ...
- Special logos: ...
- Tattoos:
- Flags: ...
- Banners:

Transportation

- Number of fans using organised transport: ...
- Number of fans using non-organised transport: ...

Stay:

...

Behaviour regarding other clubs: - Friendly:

- Neutral:
- Hostile:

International contacts:

- Friendly:
- Neutral:
- Hostile:

Attend other matches

- In their own country: ...
- Abroad: ...

Affinity with national team: (Supposed) political relation:

Links with criminal circles: ...

Reaction regarding the action of the police: ...

Reaction regarding the stewards: ...

Behaviour before the match:

- Advanced sales of admission tickets: ...
- Consumption of alcohol: ...
- Bengal lights: ...
- Other: ...

Behaviour during the match:

- Consumption of alcohol: ...
- Bengal lights: ...
- Reaction if their team is leading: ...
- Reaction if their team is not leading: ...
- Reaction in case of questionable decision:
- Reaction in case of provocative behaviour:
- Other: ...

Behaviour after the match:

- Consumption of alcohol: ...
- Bengal lights: ...
- Reaction if their team wins:
- Reaction if their team loses:
- Reaction in case of provocative behaviour: ...
- Other: ...

Description of the incidents

- Nature of the incidents:
- Vandalism: ...
- Theft or looting:
- Confrontations:
- Provocation of the incidents: ...
- Nature of violence used: ...
- Type of aggression: ...
- Weapons used: ...

Particulars:

- Tactics used for international matches played at home: ...
- Tactics used for international matches played away: ...

Evolution of the phenomenon

...

Suggestion as to the police action

...

Appendix 2

CHECKLIST CONCERNING POSSIBLE REQUIREMENTS TO BE MET BY THE ORGANISER

Requirements to be met by the organiser	Indicate where applicable
---	---------------------------

1. Appointment of a safety officer

- The appointment of a safety officer for the coordination and conduct of safety policy.
- The safety officer is authorised to take operational decisions concerning safety.
- The safety officer has to be accessible at any time.
- As far as issues involving the organiser are concerned, the safety arrangements are made in consultation with the competent authorities and police services and with the safety appointed by the organiser.

- 2. Safety standards with regard to infrastructure**
- The stadium infrastructure makes it possible to separate efficiently rival supporters, both at the entrance and at the stadium itself.
 - Only a stadium or parts of stadiums that conform to nationally and/or internationally imposed security standards are used.
 - Minimum safety standards:
 - the external boundaries of the stadium are indicated by a fence which is designed to prevent any form of uncontrolled entrance of persons, objects or substances;
 - there are enough (emergency) exits which cannot serve simultaneously as entrances and which offer sufficient safety guarantees, should evacuation require spectators to leave the stadium or move towards the pitch,
 - the stadium and its constituent parts must meet the necessary requirements as regards fire regulations, resistance and structural stability,
 - an operations room, which accommodates the representatives of the emergency services, the public order officials and the organiser, is, as a coordination point during the game, equipped with the necessary technical devices for closed-circuit security, a security camera system and a PA system for notifying spectators. These cameras must make it possible to spot every incident and identify the troublemakers;
 - the stadium has medical aid stations and adequate sanitary facilities suited to the stadium's capacity;
 - there is adequate separation of rival supporters;
 - the necessary signs and pictograms must be present in the stadium so as to guide the spectators to the emergency exits and/or to the precise sector for which they have an entry ticket;
 - a maximum capacity per sector must be determined according to the stadium's safe capacity;
 - the stadium must undergo regular maintenance and all loose or damaged parts, all waste or objects that can be used as missiles ought to be either repaired or removed;
 - technical, electrical and gas facilities must be installed and maintained in compliance with the general standards in force;
- 3. Employment of stewards**
- Sufficient, properly recruited and adequately trained stewards are required in order to receive and supervise the spectators;
 - The stewards perform the following duties:
 - receiving and supervising spectators;
 - inspecting the stadium facilities before and after the game;
 - providing the spectators with all the information that they need regarding organisation, infrastructure and rescue teams;
 - limited checks of clothes and luggage, should there be reasonable grounds for doing this, and to the extent that the applicable national legislation allows;
 - checking that ground regulations are observed; ensuring that the public does not gain access to prohibited places; helping spectators to enter and leave the stadium smoothly and without difficulty;
 - providing the emergency services and the police with all information pertaining to spectators who are likely to disturb public order;
 - taking all the appropriate measures while awaiting the intervention of the police and emergency services;
 - taking preventive action in any situation which is likely to threaten public order.
 - In recruiting stewards, care must be taken to ensure that stewards meet the requirements as regards physical and psychological suitability for performing their tasks.
 - The training of the stewards should cover the following theoretical and practical topics:
 - the organisation of and the safety procedures with regard to football games;
 - the basic legislation and regulations in force, including the ground regulations;
 - communication techniques;
 - observation and identification techniques;
 - entrance check techniques;
 - approach to conflicts;
 - first aid and fire safety;
 - procedures for evacuating the stadium;

- cooperation with emergency services and police services;
- a training course for certain matches.
- The stewards must be given regular refresher courses related to the developments and possible changes in the aforementioned areas.
- The stewards must be briefed prior to each match. The aim is to give the stewards the necessary information according to the specific circumstances of each game.
- When on duty, stewards must wear a fluorescent outer garment which distinguishes them from regular spectators and which bears the inscription 'Steward'.
- The organiser or the authority concerned can call upon stewards from the visiting team. This kind of support is only useful when these stewards can provide added value. This added assessed in the light of certain criteria such as sufficient experience of working as a steward and knowing one's own supporters.

4. Ticketing policy and ticket control

(a) *Ticketing policy*

- Ticketing policy is an important instrument in promoting safety and order in stadiums. In particular, it centres on the separation of rival fans, prevention of overcrowding and control of spectator movements, and on enforcing stadium bans previously imposed by football organisations or other competent bodies.
- When establishing a ticket policy, organisers must take into account Community competition rules. In applying those rules, the Commission will take into account factors relating to the maintenance of order and safety.
- Starting points:
 - The distribution of tickets should ensure that fans of the participating teams are separated into sections.
 - Ticket distribution policy and the allocation of tickets among participating countries should reflect ticket demand from fans in those countries.
 - Sales policy should be designed to prevent black-market sales and ticket fraud.
 - Fans should be prevented from buying tickets for a section of the stadium not designated for them.
 - Tickets should provide information about the holder of the ticket, its origin, the game to be played and the assigned seat, in short it should provide a history.

(b) *Ticket control*

- Ticket policy should be given practical effect through ticket control in which:
 - The separation of supporters is achieved by a strict allocation of tickets providing seats or standing places to separate rival groups of supporters. This means that, the place (seat) in the stadium is determined by the team followed and/or the nationality of the supporter.
 - Ticket policy should be designed so that allocation and hence separation of rival fans cannot be circumvented through the transfer of tickets in any form.
 - Overcrowding is prevented by ensuring that the number of tickets allocated for open sale is determined by stadium infrastructure. The prevention of counterfeit or forged tickets will also prevent overcrowding.
 - Should it not be possible to separate supporters under given circumstances, alternative security measures ought to be provided for the ground sections in question, e.g. reinforced closed-circuit cameras, more stewards, separate entrances, etc.
- The basic premise is that the admission capacity of each stadium will be determined in the light of risk analysis and that the full capacity is not completely sold. Some leeway is necessary in order to admit fans with tickets for the wrong section, which is determined by the team supported and/or the nationality of the fans.
- Spectator movements in and around the stadium are controlled by adequately dividing the stadium into recognisable sections and providing relevant signposting.
- Stadium bans are enforced by the arrangements made for applications for and distribution of tickets and by measures against any form of transfer of tickets issued.
- Registration by the organisers as part of ticket control forms an important source of information for the organisers, the management and the police.
- Ticket control is geared to stadium admission and involves:
 - the printing of admission tickets;
 - the distribution of admission tickets;
 - admission checks.

Realisation

- A. Admission tickets should meet strict quality requirements
- Match and stadium data should be given.
 - Code of conduct for fans.
 - Conditions for admission to and presence in the stadium in the spectators' own language.
 - Name of the holder and name of the ticket agent/distributor.
 - In principle, the buyer of the ticket is also the end-user. Tickets should be forgery-proof.
 - Each ticket should be accompanied by a notice in which the organisers indicate that:
 - specified objects may not be taken into the stadium;
 - alcoholic beverages and/or drugs are prohibited when entering, or when present inside the stadium;
 - action will be taken in response to the throwing of fireworks or other objects in the stadium;
 - action will be taken in response to any form of insulting or racist behaviour
 - occupying a seat not matching the number on the ticket could result in expulsion from the stadium-
 - spectators at matches must agree to being searched when entering the stadium and are required to produce identification, on request, when presenting admission tickets.
- B. There should be the following requirements for the distribution of tickets
- In information campaigns, the organiser should publicise the official sales outlets and method of sale and urge the public not to buy admission tickets elsewhere, warning them that the distribution system leaves no scope for black-market sales.
 - The organiser should continually monitor ticket holdings per country and per distributor.
 - Available tickets should be distributed to target groups in such a way as to allow sufficient tickets, in all fairness and to the extent permissible under Community competition rules, both for the general public and for fans of participating teams.
 - The organiser must impose an obligation to return tickets to national associations in countries with insufficient sales.
 - The organiser must impose an obligation on the official distributor to return unsold tickets.
 - The organiser should bear in mind that distribution and sale of admission tickets in batches will improve control over the sale process. The organiser should impose reliability requirements for distributors.
 - In the event of irregularities, the organiser should have the power to intervene in the distribution process at any time.
 - The organiser should impose an information requirement on distributors, who should inform the organiser of the progress of ticket sales, if possible together with travel schedules and accommodation.
 - If applications for tickets are not made exclusively within national associations or the individual football clubs of spectators or fans, individual applicants should indicate the team they support. This can be taken into account on public order and safety grounds during the final allocation of tickets.
 - Admission tickets should not be transferable.
 - Persons on whom stadium bans have been imposed will not be issued admission tickets.
 - No tickets will be sold on the day of the match.
 - Purchasers will not be supplied with more than two tickets. The tickets will be issued in their names.
 - The final delivery of tickets should be as late as possible (exchangeable vouchers).
 - The organiser must provide assurances that the person whose name appears on a ticket, the ticketholder, will ultimately receive that ticket.
- C. Requirements for proper admission policy and control
- The organiser will announce in advance those spectators who will be admitted to the stadium and those who will be refused admission.
 - Those on whom stadium bans have been imposed will not be admitted in any case.
 - Spectators clearly under the influence of alcohol will not be admitted.
 - Spectators will not be admitted if they are carrying objects that could pose a threat to safety and order in the stadium.
 - Spectators will not be admitted if they are carrying objects that in any way reflect political aims, discrimination, racism or insulting attitudes.
 - Admission controls should be of a high standard, including the searching of persons and enforcing of stadium bans.

- Smooth admission controls should prevent lengthy queueing.
- Admission controls should guard against overcrowding of stadium sections.
- Where automatic admission systems are used, they should meet high standards of reliability and continuity.

(c) **Accreditation**

- In addition to the ticketing policy, the accreditation strategy represents one of the key instruments in order to ensure safety in the stadium. The accreditation system is to prevent overcrowding and must make it possible to manage the crowds and to undertake crowd control.

Realisation:

- Accreditation is given only to the person who is to perform a specific function within a definite area of the stadium, and the accreditation is issued only for the given area.
- The accreditation does not entitle the person to a seat in the stadium.
- An accreditation is not transferable.
- The accreditation has to be fraud-proof.

5. Stadium regulations - civil-law exclusion

- Stadium regulations are laid down in writing. They comprise the organiser's internal rules, and set out as a minimum the prohibited items and the forms of behaviour which are not tolerated, as well as rules with regard to the handing in of objects.
- The supporters are notified clearly and continuously of the ground regulations.
- The necessary measures to ensure implementation of the ground regulations and to check their observance are taken.
- A regulation on civil-law exclusion is laid down. This exclusion is imposed on people whose actions or behaviour infringe the stadium regulations.
- The necessary measures to ensure the enforcement of the civil exclusion and to check its observance are taken.

6. Agreement(s) which is (are) to be concluded¹⁷¹

- The organiser of a national or international football game concludes an agreement regarding its obligations, with the authorities, the police services and emergency services concerned. This agreement makes it possible to lay down the organiser's obligations in a contract and make them enforceable,
- This agreement is drawn up within a reasonable period of time prior to the game, tournament or competition and includes the organiser's obligations and responsibilities.
- This agreement comprises at least the following provisions:
 - the maximum number of spectators who may be admitted into the stadium;
 - the provisions with regard to the stadium's safety standards;
 - the applicable emergency plan and evacuation plan;
 - the plan of the stadium:

the agreements concluded with regard to the organiser's obligations and responsibilities, more precisely with respect to the ticketing and accreditation policy, the deployment of the stewards, the closed circuit camera security system, the alcohol policy, the agreements concerning prohibited objects, the agreements as regards the exchange of information with the organiser (in particular any information in respect of the police services concerning the programme of football matches (competitive games or friendly games) at international level, which involves consultation before the date of the game is decided), etc.

7. Local charter

- The organiser of a national or international football game and all parties involved including the police and local authorities, the supporters' clubs, the local residents (or residents' associations) and the transport companies conclude a local charter, which aims at building a relationship based on mutual trust.
- This local charter guarantees thus the safety of all the supporters, local residents and other parties involved, both inside and outside the stadium.
- This local charter contains the following provisions:
 - linking membership of a supporters' club or federation with certain conditions; failure to fulfil these conditions will lead to exclusion from the supporters' clubs and to a ban on entry to the stadium for

171 This relates to (an) agreement(s) that can be concluded with the different organisations involved in the football events and may involve the imposition of requirements or the issue of permits by the public authorities. This in turn can result in liability for damages.

- those persons;
 - promoting the advance sales of admission tickets;
 - a clear and concrete description of how to deal with problems which arise when security standards are not met, with details of any alternative security standards;
 - exchanging information as regards supporters' whereabouts, intentions and habits;
 - formulating solutions with regard to the problems of the local residents and the people living in the neighbourhood;
 - reaching agreements with the transport companies involved.
- The organiser of a national or international football game includes in this local charter a timetable, for achieving the various schemes and/or initiatives to be launched.

Annex 4

NATIONAL LAWS AND REGULATIONS

1. GENERAL

Austria

Die wichtigsten innerstaatlichen Bestimmungen betreffend die Hintanhaltung von Gewalt bei Sportveranstaltungen insbesondere bei Fußballspielen finden sich im Bundesgesetz über die Organisation der Sicherheitsverwaltung und in Ausübung der Sicherheitspolizei (Sicherheitspolizeigesetz).

Czech Republic

The Czech legislation does not contain any legal provisions that would specifically apply to football hooliganism or sport hooliganism in general as such.

The Czech legislation is in connection with mentioned crime favourable

Denmark

There is no special legislation for football related crimes.

Finland

There is no legislation that would specifically apply to football hooliganism or sports hooliganism only. In Finland we have not seen it necessary to pass separate legislation on sports hooliganism.

Latvia

Latvian legislation does not provide liability particularly for offences related with football hooliganism.

Activities which might be qualified as football hooliganism are punishable within the existing administrative law and criminal law framework. As already indicated in information previously sent to your Institute, usually such activities are covered by provisions penalizing disturbance of public order (administrative law) or offences against general safety and public order (criminal law).

Latvian legislation in general and Code on Administrative Offences in particular (Chapter 13) provide sufficient legal basis for persons violating public order to be held administratively liable.

Lithuania

It is generally understood that any offence, even if it is performed during a sports event, is regulated under general rules, which depending on the gravity of the offence might be either administrative or criminal law.

Portugal

At the highest level, article 79 of the Portuguese Constitution enumerates the State's responsibilities in relation to the exercise of citizens' rights with regard to physical culture and sport. A second paragraph was added to this paragraph when the constitution was amended in 1989, making the State responsible also for preventing violence associated with sport, on the terms stated.

A second paragraph was added to article 79 of the Portuguese Constitution when the constitution was amended in 1989, making the State responsible also for preventing violence associated with sport, on the terms stated.

Slovenia

National legislation and regulation of activities of the police in cases of breaches of public order and peace, are mainly of general nature. Police relies predominantly on the following regulations: The Constitution of Republic of Slovenia, Law on minor offences, Law on breaches of public peace and order, Law on public associations, Penal Code, Penal Procedure Code, Civil Code (Act on civil relations), Police Act, Sports Act, Law on limited usage of alcohol, Administrative Procedure Act, Regulation of general measures in sports infrastructure on sports events.

2. CRIMINAL LAW

Austria

Strafgesetzbuch

Fahrlässige Tötung unter besonders gefährlichen Verhältnissen § 81.

Aussetzung § 82.

Körperverletzung § 83.

Schwere Körperverletzung § 84.

Sechster Abschnitt - Strafbare Handlungen gegen fremdes Vermögen Sachbeschädigung § 125, § 126.

Neunzehnter Abschnitt - Strafbare Handlungen gegen die Staatsgewalt Widerstand gegen die Staatsgewalt §

269.

Tätlicher Angriff auf einen Beamten § 270

Zwanzigster Abschnitt - Strafbare Handlungen gegen den öffentlichen Frieden Landfriedensbruch § 274

Landzwang § 275

Belgium

Strafwetboek

Hoofdstuk VII. - Deelneming van verscheidene personen aan eenzelfde misdaad of wanbedrijf, Artt. 66 t/m 69 en Art. 85.

Hoofdstuk VI. - Enige andere wanbedrijven tegen personen, Artt. 454 t/m 460ter.

Czech Republic

At present times the Czech Government is preparing stronger provisions against the sport violence - the Czech penal code will have new supplementation in sense that the crime offences committed in connection with sport event will be punishable by 'harder punishment'.

The Czech legislation does not contain any legal provisions that would specifically apply to football hooliganism or sport hooliganism in general as such. Czech criminal law provides only with general provisions on criminal offences that might apply in the relevant cases of vandalism, violence and disorder in connection with public order or civilian life. Thus the Czech Criminal Code contains in its Chapter V (Sections 196 et. seq.) provisions on criminal offences grossly infringing civilian life (civil coexistence) the following criminal offences that are generally applicable: violence against a group of citizens or against an individual, defamation of a nation, race or conviction, incitement to hatred to group of population or incitement to restrictions of their rights and freedoms, spreading alarming news, endangering others under the influence of an addictive substance, drunkenness, hooliganism.

Criminal law - several crimes under the Act No. 140/1961 Coll., Criminal Code can be relevant in relation to sport hooliganism - especially rowdyism. More general crimes - damaging another's property, injury to health or crimes of extremism nature can apply as well.

Rowdyism - a person who, in a public or publicly-accessible place, behaves improperly or creates a disturbance, particularly by attacking another person, dishonouring a historical or cultural monument, grave or another place of reverence or disrupting of assembly of citizens or ceremony in a gross manner, shall be punished by a term of imprisonment of up to two years or by a pecuniary penalty (up to three years if the person acts as a member of an organised group).

As result from above mentioned general description of repressive provisions of legal acts, responsible authorities and law enforcement bodies in the Czech Republic have sufficient legal instruments for tackling sport hooliganism.

Denmark

The Penal Code is used regarding violence and the local police regulations regarding public disorder.

Estonia

At present, Estonia lacks specific public law norms for regulation of organisation of football matches. Persons who violate law and order are brought to justice on the basis of the Penal Code which entered into force on 1 September 2002. Division 2 of Chapter 16 of this Code provides for liability for offences against the public order. An offender guilty of violation of the public order is punished by a fine or detention (§ 262) whereas, for the same offence committed under aggravating circumstances, a fine or imprisonment of up to five years is imposed (§ 263). Aggravating circumstances are: violent behaviour, offering resistance to a person protecting the public order, group violation of public order, or a threat to use a weapon, any other object liable to be used as a weapon, explosive device or explosive substance at the time of commission of the offence.

Finland

The provisions of the Penal Code of course can apply in cases of football hooliganism. Chapter 17 includes provisions on offences against public notably the crimes of rioting, violent rioting, leading a violent riot and resistance to a person maintaining public order. Naturally, when a person takes part in football hooliganism his or her behaviour is also likely to fulfil the descriptions in chapter 21 on homicide and bodily injury, e.g. assault, and criminal damage in chapter 35.

(1) Chapter 11, section 9 of the Penal Code (39/1889) contains the penal provision for discrimination in the arrangement of a public meeting or public event.

(2) Chapter 14, section 5 of the Penal Code contains the penal provision for violation of the political rights of another; section 6 of that chapter contains the penal provision for the prevention of an assembly. (Assembly Act, Chapter 5, Section 25).

France

Il s'agit de l'ensemble des infractions (contraventions, délits ou crimes selon la gravité de l'acte commis) et des peines prévues par le Code pénal pour poursuivre et sanctionner les auteurs de violences. (cf. annexe n° 1) On peut citer par exemple:

Les infractions d'atteinte volontaire ou involontaire à la vie (N. C. pénal, articles 221-1 et 221-6);

L'infraction consistant à donner la mort sans intention de la donner (N. C. pénal, article 222-7);

Les violences volontaires (N. C. pénal, articles 222-11, 222-12 et 222-13);

Les violences involontaires (N. C. pénal, articles 222-19 et 222-20);

La nouvelle infraction de mise en danger de la vie d'autrui par violation délibérée d'une obligation particulière de sécurité ou de prudence imposée par la loi ou le règlement (N. C. pénal, article 223-1).

The Pasqua law also grants criminal (penal) liability to the clubs.

Germany

Neben den Körperverletzungsdelikten (§§ 223 - 231 Strafgesetzbuch) sind vor allem die Vorschriften des § 113 Strafgesetzbuch (Widerstand gegen Vollstreckungsbeamte), § 125 Strafgesetzbuch (Landfriedensbruch) und § 125a Strafgesetzbuch (Schwerer Landfriedensbruch) sowie § 303 Strafgesetzbuch (Sachbeschädigung) und § 304 Strafgesetzbuch (Gemeinschaftliche Sachbeschädigung), im Ausnahmefall möglicherweise auch § 305 Strafgesetzbuch (Zerstörung von Bauwerken), § 305a Abs. 1 Nr. 2 Strafgesetzbuch (Zerstörung wichtiger Arbeitsmittel) zu nennen.

Breach of the Peace (Section 125, 125a, 126, subsection 1 No. 1 Penal Code)

Breach of the Peace of the Home (Section 123, 124 Penal Code)

Freeing of Prisoners (Section 120, Penal Code)

Robbery and theft offences

Dangerous Interference with Rail, Ship and Air Traffic (Section 315 et seq. Penal Code)

Interference with Public Operations (Section 316b, Penal Code)

Coercion (Section 240, Penal Code)

Hungary

Disrupting the order at sport events and breaching rules of exclusion from sport events were introduced as new legal fact of contravention by the Government Decree 117/2003 (VII.30.) amending the Government Decree 218/1999 (XII.28.) on contraventions.

Act CXXV of 2000 on the amendment of the Penal Code introduced misconduct as a new punishable act. The perpetrator of this criminal act is the person who is present at a public event and resists, by violence or threats, the measures taken by the organisers of the event to maintain order.

Acts committed at sport events can, besides meeting the criteria for misconduct, serve to establish the criminal act of nuisance as defined by Article 270 of the Penal Code (BTK., hereafter.) According to criminal statistics, this is the most frequently committed crime around sport establishments, besides theft.

Lithuania

All troublemakers in football stadiums [...] will be dealt in accordance with Lithuanian administrative or (in case of serious offence) criminal law.

According to the Ministry of the Interior, there are no special laws regulating any disturbances to public order during sports events.¹⁷² Therefore, in case of any offence against the public order, criminal law will be applied (with exceptions to minor offences, in which case administrative penalty will be imposed).

The new Criminal Code has entered into force 26 September 2000. It is worth mentioning that the old Code contained a relic from the Soviet legal system - a separate article on hooliganism. According to that provision, hooliganism was an action of malice premeditated expressing disrespect toward the society values and coarsely violating the public order. There has been a lot of criticism expressed towards such formulation of hooliganism, mainly due to the difficulty in establishing the motive of the crime. The intention to disturb the public order must be proven before applying this article.

Nevertheless, new Code has abandoned the idea of including separate provision on hooliganism, and has followed the Western law tradition. Now the most relevant article is Art. 284, which states:

'A person who in a public place by his impudent actions, threats, jeer or vandal acts has demonstrated his disrespect towards the surrounding persons or surrounding environment, and by this has disturbed society's peace or order is punished by public works or a fine, or restriction on his freedom, or arrest, or imprisonment for up to 2 years.

A person who in a public place by his obscene words or by his indecent behaviour has disturbed the public

172 Email from Ms. Neringa Gaidyte, Deputy Head of Public Relations Division of the Ministry of the Interior of the Republic of Lithuania, dated 15 April, 2004.

peace or order, has committed a criminal offence is punished by public works or a fine, or restrictions on his freedom, or arrest.'

Another provision relevant to disturbance in sport events is Article 283, which regulates riots. According to this article:

'A person, who has organized or has provoked a group of persons to commit acts of violence in public, to devastate property or in any other way to gravely violate the public order, as well as the persons who have committed acts of violence during the riot, devastated property or in any other way gravely disturbed the public order are punished with an arrest or imprisonment of up to 5 years.

A person, who while committing the acts, provided for in paragraph 1 of this Article, has also used firearm or explosives or has resisted the actions of a policeman or of any other person, performing public administration functions, is punished by imprisonment of up to 6 years'.

The more detailed rules on the types of sanctions for these offenses are provided for in Chapter VII of the Code.

The Netherlands

Wetboek van Strafrecht

Art. 131 Opruiing

Art. 137c Belediging

Art. 137d Aanzetten tot haat, discriminatie of geweld

Art. 137e Openbaar maken, toezenden, verspreiden van uitlatingen

Art. 137f Deelnemen aan, steunen van discriminerende activiteiten

Art. 138 Huisvredebreuk

Art. 140 Deelneming aan misdadige of verboden rechtspersoon

Dit artikel stelt het deelnemen aan een organisatie die tot oogmerk heeft het plegen van misdrijven, strafbaar. Het lid zijn van een 'harde kern' op zich is niet voldoende om dit artikel toe te passen. Er moet sprake zijn van een groep vandalen die als oogmerk heeft het regelmatig plegen van mishandelingen, vernielingen en dergelijke, en er moet sprake zijn van een grote dreiging.

Art. 141 Openlijke geweldpleging (public disorder)

Op grond van het gewijzigde art. 141 Sr kunnen personen die hebben bijgedragen aan openlijke geweldpleging zonder zelf een gewelddadige handeling te hebben begaan, strafbaar worden gesteld.

Art. 152 Uitdaging tweegevecht

Art. 154 Tweegevecht

Art. 157 Brand, ontploffing, overstroming veroorzaken

Art. 158 Brand enz. door schuld

Art. 162 Vernielen verkeerswerk/veroorzaken gevaar treinverkeer

Art. 164 Veroorzaking gevaar voor treinverkeer door opzet

Art. 165 Veroorzaking gevaar voor treinverkeer door schuld

Art. 180, 181 en 182 Weerspannigheid (refusal to comply with official instructions)

Art. 184 Niet voldoen oon ambtelijk bevel (resisting police instructions)

Art. 185 Belemmeren ambtshandeling

Art. 186 Samensholing

Art. 187 Afscheuren ambtelijke bekendmaking

Art. 266 en 267 belediging (verbal harassment, abuse)

Art. 284 Dwang

Art. 285 Bedreiging (intimidation, threat)

Art. 285a Intimidatie

Art. 287 Doodslag

Art. 300 Mishandeling (assault)

Art. 301 Mishandeling met voorbedachte roede

Art. 302 Zware mishandeling

Art. 303 Zware mishandeling met voorbedachte rade

Art. 304 Strafverzwarende omstandigheden

Art. 306 Deelneming aan aanval of vechterij

Art. 307 Dood door schuld

Art. 308 Zwaar lichamelijk letsel door schuld

- Art. 310 Diefstal
- Art. 311 Diefstal onder strafverzwarende omstandigheden
- Art. 312 Diefstal met geweldpleging
- Art. 350 Vernieling of beschadiging (destruction of property, goods)
- Art. 351 Vernieling spoorwegnet
- Art. 424 Straatschenderij (recklessness)
- Art. 426 Dronkenschap
- Art. 426bis Belemmeren van de vrijheid
- Art. 429 Veroorzaken brandgevaar
- Art. 435f Identificatieplicht bij voetbalwedstrijden
Ook zal een actiever beroep worden gedaan op de Wet op de Identificatieplicht. Die wet voorziet in de mogelijkheid mensen te verplichten zich te identificeren als ze bijvoorbeeld een voetbalwedstrijd dreigen te verstoren. Kunnen ze geen paspoort of rijbewijs laten zien, dan overtreden ze artikel 435 (WvS) en kunnen ze worden opgepakt.
- Art. 443 Overtreding noodverordening
- Art. 453 Openbare dronkenschap
 Complementair aan de bestuurlijke ophouding is de regeling van het Rechterlijk bevel tot handhaving van de openbare orde (art. 540 Sr.) verruimd tot grootschalige ordeverstoringen, waardoor reischoppers maximaal twaalf dagen kunnen worden vastgezet. Tot nu toe is geen gebruik gemaakt van deze maatregel.

Poland

- The catalogue of offences by spectators punishable by fines or imprisonment is increased.
- The Code of Misdemeanours: Most of the offences committed by spectators, especially at football matches, are classified as misdemeanours against the public order and peace.
- Action under the influence of alcohol or intoxicants, particularly reprehensible behaviour and actions of a hooligan nature are aggravating circumstances that heighten the severity of a verdict. The legal definition of actions of a 'hooligan nature' are those involving a breach of the public order or the wilful destruction of or damage to property, if the perpetrator acted publicly or on public understanding without good reason and displayed a glaring disrespect for the elementary principles of the public order.
- Football hooligans, as far as stopping and detaining them is concerned, are dealt with by the provisions of the Code of Criminal Procedure (dated 1997), Code of Misdemeanours Procedure (2001) and the Police Act (1990). In the Code of Criminal Procedure stopping a perpetrator is defined by art. 243 to 248 and detaining them (domestically referred to as preliminary detention or provisional arrest) is governed by art. 249 - 265.
- As far as criminal offences are concerned, only the Penal Code (dated 1997) contains relevant provisions in this respect. There are several provisions which do not deal with football hooliganism but are applicable in this context. They include:
- Art. 155 homicide
 - Art. 156 grievous bodily harm
 - Art. 157 bodily harm
 - Art. 158 battery
 - Art. 159 aggravated battery
 - Art. 160 endangering other peoples' lives or health,
 - Art. 216 insults
 - Art. 217 violating victim's personal integrity
 - Art. 278 theft
 - Art. 280 robbery
 - Art. 282 extortion
- The provisions that are closely linked to football hooliganism include:
- Art. 222 violating public official's (i.e. police officer) personal integrity
 - Art. 223 attacking public officials (act in a group, with the use of a knife or weapon),
 - Art. 224 forcing public official to give up his duty (with the use of physical force or threat),
 - Art. 226 insulting public official
 - Art. 254 taking part in the public meeting with the purpose of violently attacking a person or damaging property,
 - Art. 255 public calling to committing an offence,
 - Art. 288 damage to property.
- There are also several misdemeanours (stipulated by the Code of Misdemeanours) linked to football

hooliganism. Although they are not criminal offences they contribute to the fight against hooliganism. They include:

- Art. 50 ignoring police calling to stop the public meeting
- Art. 51 violating public peace and quiet
- Art. 52 taking part in a public meeting having concealed weapon or other dangerous objects
- Art. 52a public calling to committing an offence
- Art. 76 throwing objects at vehicles
- Art. 124 damage to property of an insignificant value

Slovakia

The measures of this area are regulated by Act No. 141/1961 on Criminal Code in these articles:

- Art. 179 General Nuisance,
- Art. 196 Force against a Group of Inhabitants and against a Individual,
- Art. 202 Disorderly Conduct,
- Art. 238a Violation of freedom of Assembly and Association.

I would, like to inform you, that these measures are also general and not specific to football hooliganism.

Sweden

Swedish criminal legislation contains several provisions on crimes against public order. The provisions are of a general nature and apply to non-sport crowd disturbances as well as sport crowd disturbances. Besides these criminal provisions, the Ministry of Justice in Sweden is considering legislation aimed directly at preventing violence, damages and other criminality during sporting events, including football games. A specific question in this context concerns the possibilities to ban persons from sporting events and to make it a criminal offence to infringe such bans.

Chapter 16 of the Swedish Penal Code, Section 1: If a crowd of people disturbs public order by demonstrating an intention to use group violence in opposition to a public authority or otherwise to compel or obstruct a certain measure and does not disperse when ordered to do so by the authority, the instigators and leaders shall be sentenced for riot to imprisonment for at most four years and other participants in the crowd's proceedings to a fine or imprisonment for at most two years.

If the crowd disperses on order of the authority, the instigators and leaders shall be sentenced for riot to a fine or imprisonment for at most two years.

Chapter 16 of the Swedish Penal Code, Section 2: If a crowd, with intent referred to in Section 1, has proceeded to use group violence on a person or property, whether a public authority was present or not, sentences to imprisonment for violent riot shall be imposed on instigators and leaders for at most ten years whilst participants in the crowd's proceedings shall be sentenced to a fine or imprisonment for at most four years.

Under criminal law, the provisions regarding public order offences in the Penal Code may be applicable. If a crowd of people disturbs public order by demonstrating their intention to use violence for a common purpose in opposition to a public authority or otherwise to compel or obstruct a certain measure and does not disperse when ordered to do so by the authority, s 1 provides that instigators and leaders may be sentenced to imprisonment for at most four years and other participants in the crowd's proceedings to pay a fine or to imprisonment for at most two years for riot. This provision is applicable e.g. when a crowd attempts to prevent the police from taking a member of the crowd into custody under s 13 of the Police Act. Section 2 provides that if a crowd, with the intent referred to in s 1, has proceeded to use violence towards a person, persons or property for a common purpose, the offence is to be regarded as violent riot. In such a case, instigators and leaders may be sentenced to imprisonment for at most ten years and other participants to imprisonment for at most four years.

Switzerland

Die in Art. 261bis StGB (Rassendiskriminierung) enthaltenen Straftatbestände setzen einen direkten Bezug zur Öffentlichkeit voraus. Private Veranstaltungen der rechtsextremen Szene werden daher nicht erfasst. Auch das Tragen von rechtsextremen Symbolen und Emblemen sowie rechtsextreme Gesten und Grussformen werden ebenfalls nicht erfasst. Das Tatbestandsmerkmal der Öffentlichkeit in Art. 261bis StGB soll namentlich aus politischen Gründen nicht angetastet werden. Dies im Wissen darum, dass die Zusicherung des Bundesrates, es sei kein 'Maulkorbgesetz' geplant, eine wesentliche Voraussetzung der knappen Annahme der Antirassismus-Normen darstellte⁶. Die Grenzen zum Gesinnungsstrafrecht dürfen nicht überschritten werden. Die damalige Güterabwägung (vgl. Botschaft zu Art. 261bis, BBl 1992 III 269) wird deshalb nicht in Frage gestellt.

Mit Art. 261ter E-StGB soll das Strafgesetz so ergänzt werden, dass das Anpreisen, Ausstellen, Anbieten, Tragen, Zeigen oder sonst wie Zugänglichmachen von Kennzeichen mit rassendiskriminierender Bedeutung in

der Öffentlichkeit sowie das Herstellen, Einführen, Lagern oder Inverkehrbringen solcher Kennzeichen oder die Verwendung von Parolen, Gesten oder Grussformeln mit rassendiskriminierender Bedeutung bestraft wird. Weiter soll ein neuer Art. 261quater E-StGB geschaffen werden, welcher 'Rassendiskriminierende Vereinigungen' unter Strafe stellt. Von schweren Eingriffen in Rechte und Bestand von Vereinen und Organisationen, wie etwa Verboten, wird allerdings abgesehen. So wird mit den vorgesehenen Massnahmen der schweizerischen Vorbehalt zu Art. 4 des Internationalen Übereinkommens vom 21. Dezember 1965 zur Beseitigung jeder Form von Rassendiskriminierung lediglich relativiert.

3. JUVENILE CRIMINAL LAW

Germany

Das deutsche Jugendstrafrecht sieht keine speziell auf Hooligans oder sonstige Störer öffentlicher Veranstaltungen ausgerichteten Maßnahmen vor und enthält insbesondere keine präventivpolizeilichen Eingriffsbefugnisse. Es bietet aber ein breites Spektrum von Reaktions- und Sanktionsmöglichkeiten gegenüber jungen Straftätern, mit denen im Einzelfall auch gezielt auf die Vermeidung künftiger Straftaten eines Jugendlichen (im Alter von 14 bis 17 Jahren) oder Heranwachsenden (im Alter von 18 bis 20 Jahren) im Bereich von Hooliganismus etc. hingewirkt werden kann.

Zu nennen ist hier insbesondere der offene Katalog von Weisungen nach § 10 des Jugendgerichtsgesetzes (JGG), die das Jugendgericht mit dem Urteil erteilen kann. Sie sollen die Lebensführung des Jugendlichen (oder Heranwachsenden) regeln und dadurch seine Erziehung fördern und sichern. Im Vordergrund steht bei der Auswahl von Weisungen allerdings nicht der Sicherheitsaspekt gegenüber der Allgemeinheit, sondern der Erziehungsgedanke gegenüber dem Jugendlichen, der von künftigen Straftaten abgehalten werden soll.

Ausdrücklich nennt das Gesetz u.a. Weisungen, die sich auf den Aufenthaltsort beziehen (§ 10 Abs. 1 Nr. 1 JGG). Dabei ist grundsätzlich also z.B. auch eine Weisung denkbar, bestimmte Fußballstadien - gegebenenfalls zu bestimmten Zeiten nicht aufzusuchen. Grundrechtliche Gewährleistungen sowie die Grenzen der Zumutbarkeit und Verhältnismäßigkeit müssen aber beachtet werden. In erzieherischer Hinsicht kann die Grundlage für ein Aufenthaltsverbot oder -gebot in dem Bestreben liegen, den Jugendlichen von für ihn krimiavalenten d.h. kriminalitätsträchtigen Orten oder Ereignissen fernzuhalten. Ähnlich lässt sich grundsätzlich auch eine - im Gesetz nicht ausdrücklich genannte - Weisung begründen, sich zu bestimmten Zeiten bei der Polizei, einer Betreuungsperson oder einer sonstigen Stelle zu melden. Die Zulässigkeit einer entsprechenden Weisung wird in der Literatur unter Hinweis auf einen primär repressiven bzw. präventivpolizeilichen Charakter teilweise bestritten. Bei Einbettung in ein entsprechendes erzieherisches Konzept ist sie nach Ansicht der Bundesregierung in geeigneten Fällen jedoch möglich. Ausdrücklich sollte die Meldeweisung aber nicht in den offenen Katalog des § 10 JGG aufgenommen werden, da sie sonst als 'Verlegenheitssanktion' leicht zu einem Standardahndungsmittel mit erzieherisch eher kontraproduktiven Auswirkungen werden könnte.

Ausdrücklich nennt das Gesetz weiterhin die Weisung, sich der Betreuung und Aufsicht einer bestimmten Person zu unterstellen (§ 10 Abs. 1 Nr. 5 JGG), oder besonders hervorhebenswert im vorliegenden Zusammenhang - die Weisung nach § 10 Abs. 1 Nr. 6 JGG, an einem 'sozialen Trainingskurs' teilzunehmen. Dabei kann es sich z.B. um Anti-Aggressionstraining handeln oder auch um 'Fan-Projekte', die sich gezielt mit Hooligans befassen. Die Möglichkeiten der Jugendgerichte hängen insoweit davon ab, ob und welche geeigneten Maßnahmen und Projekte die Träger der Jugendhilfe oder andere Stellen in ihrem Bereich jeweils anbieten. Soweit ein Jugendlicher oder Heranwachsender bereits freiwillig an einer entsprechenden Maßnahme teilnimmt und die Staatsanwaltschaft oder das Gericht dies für ausreichend erachtet, kann von einer weiteren förmlichen Strafverfolgung im Wege der so genannten Diversion abgesehen und das Strafverfahren eingestellt werden. Die damit verbundene Vermeidung einer Hauptverhandlung und eines Urteils kann ein zusätzlicher Motivationsfaktor für die Mitwirkung der Betroffenen sein.

Bei Vorliegen eines Haftgrundes, bei schweren Körperverletzungsdelikten etwa auch im Falle der Wiederholungsgefahr kann auch im Jugendstrafrecht als Ultima Ratio Untersuchungshaft verhängt werden oder die Unterbringung in einem Heim der Jugendhilfe angeordnet werden. Die Untersuchungshaft ist aber auch hinsichtlich ihrer Dauer an die Verhältnismäßigkeit gebunden und darf grundsätzlich nicht länger als sechs Monate und keinesfalls länger als bis zur Rechtskraft des Urteils bezüglich der zugrunde liegenden Tat dauern. Als Sanktion kann im äußersten Fall Jugendstrafe verhängt werden, und zwar bei schwerer Schuld oder - wenn andere Sanktionen des Jugendstrafrechts nicht ausreichen - auch bei erheblicher Delinquenz, die einen längerfristigen Erziehungsbedarf unter den Bedingungen des Freiheitsentzugs erkennen lässt. Im Jugendstrafvollzug gibt es ebenfalls erzieherisch angelegte Programme wie vielfach etwa Anti-

Aggressionstraining.

Lithuania

The term 'hooliganism' is used in the Administrative Law Code, and Article 174 provides sanctions for minor hooliganism:

'Minor hooliganism, i.e. obscene words or gestures in public places, insulting badgering or other similar actions, violating public order and peace of society, is punished by a fine from 100 to 300 litas or by administrative arrest of up to 30 days.'

Article 175, states that the offence, described in Article 174, committed by a minor from 14 to 16 years old is punished by a fine for the parents from 50 to 100 litas.

Poland

The placing under supervision is mandatory with respect to a young perpetrator of an intentional offence, and with respect to the perpetrator specified in Article 64 § 2 (repeat offender). (Penal Code art. 73, § 2).

Sweden

A sanction cannot be imposed on someone who is under the age of criminal responsibility, i.e. under fifteen years of age. However, according to s 34 of the Young Offenders Act (1964:167; reprinted 1994:1760), any person may arrest someone under fifteen who is in the act of committing an offence punishable by imprisonment or is running away from the scene of such an offence. The term 'any person' also includes a police officer (cf. bill 1983/84:187 p 26). When such a measure is taken by a civilian the minor must be promptly delivered to the nearest police officer. The police authority or a public prosecutor must then decide immediately whether the minor is to be released or detained for questioning. Where it is obvious that the need for detention has ceased to apply, it would seem that the police officer who arrested the young person may also decide to release him, provided that he does so immediately after the arrest (cf. s 1 of the Young Offenders Act where reference is made to Ch 24 s 8, third paragraph, of the Code of Procedure. See also 13.11.7a below). It is clear from s 34 of the Young Offenders Act that a minor arrested under this provision must not be placed in a police cell.

A person who is under the age of fifteen may not be placed in a police cell. According to Ch 1 s 3 of the National Police Board Instructions and Guidelines for the Keeping of People in a Police Cell (RPS FS 1995:1, FAP 102-1), a minor should be kept at a police station only for a short while and then only under supervision in an interview room or some similar room.

4. CRIMINAL PROCEDURAL LAW

Cyprus

Section 14 of the Criminal Procedure Law (Cap. 155)

England and Wales

There are also problems associated with the infiltration of hooligan gangs. It is often difficult to obtain a conviction and the reliability of the evidence is often disputed.

Latvia

As far as procedure of detaining a person is concerned, it is carried out on regular basis provided by the Code on Criminal Procedure (Article 120 - 122). According to the provisions in question a person can be detained in cases where he/she has been suspected for committing an offence (including hooliganism) which presupposes deprivation of liberty if one of the following conditions are satisfied:

if a person has been detained at the moment of committing a criminal offence;

if other persons identify the suspected person as a person who has committed a criminal offence;

if there are any evidence linked to a criminal offence and found at suspected person or at his/her premises.

The Netherlands

Wetboek van Strafvordering

Art. 56 Onderzoek aan lichaam of kleding

Art. 57 Inverzekeringstelling

Art. 61 Ophouden voor verhoor

Art. 61a Maatregelen ter identificatie

Art. 67 Voorlopige hechtenis

Supporters die grof openlijk geweld plegen kunnen in voorlopige hechtenis worden genomen, waarbij ernaar gestreefd wordt om snelrecht toe te passen. De bewijsvoering inzake groepsgeweld door supporters is ook na de wetwijziging lastig, omdat steeds een geweldshandeling of een geweldsbevorderende handeling moet worden aangetoond. Veel aanhoudingen resulteren daardoor

niet in dagvaardingen.

Art. 94 Vatbaarheid voor inbeslagneming

Art. 95 Inbeslagneming bij aanhouden of stonde houden

Poland

Football hooligans, as far as stopping and detaining them is concerned, are dealt with by the provisions of the Code of Criminal Procedure (dated 1997), Code of Misdemeanours Procedure (2001) and the Police Act (1990). The mentioned institutions of procedural law apply within the framework of criminal proceedings where there are reasonable grounds for suspicion that the offence has been committed.

In the Code of Misdemeanours Procedure, stopping of the perpetrator is governed by art. 45 - 47. The action is however based, to a large extent, on the rules given by the Code of Criminal Procedure but refers to acts known as 'misdemeanours' which are transgressions of administrative regulations and not offences. It is not permitted to detain a perpetrator on the basis of the Code. The institution of detention (for a period exceeding 48 hours) is reserved exclusively to the Code of Criminal Procedure.

5. SPECIAL "VIOLENCE" LAWS

Austria

Im *österreichischen Recht* sind insbesondere einige Bestimmungen des Strafgesetzbuches (StGB), das Verbotsgesetz 1947 (VG), das Uniform-Verbotsgesetz 1946 und das Abzeichengesetz 1960 einschlägig.

Belgium

- Wet houdende goedkeuring van de Europese overeenkomst inzake gewelddadigheden gepleegd door en wangedrag van toeschouwers rond sportevenementen en in het bijzonder rond voetbalwedstrijden, opgemaakt te Straatsburg op 19 augustus 1985
- Wet betreffende de veiligheid bij voetbalwedstrijden
- Koninklijk besluit tot vaststelling van de regels voor de administratieve procedure ingevoerd bij de wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden
- Koninklijk besluit tot vaststelling van de regels voor de onmiddellijke inning van een geldsom ingevoerd bij de wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden
- Koninklijk besluit tot bepaling van de voorwaarden voor de indienstneming van voetbalstewards
- Koninklijk besluit houdende de in voetbalstadions na te leven veiligheidsnormen
- Koninklijk besluit houdende de regels voor ticketbeheer ter gelegenheid van voetbalwedstrijden
- Koninklijk besluit betreffende het veiligheids- en coördinatiebeleid naar aanleiding van voetbalwedstrijden
- Koninklijk besluit houdende oprichting van een bestand van administratieve sancties welke zijn opgelegd ter uitvoering van de wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden
- Koninklijk besluit betreffende de installatie en de werking van bewakingscamera's in voetbalstadions
- Koninklijk besluit houdende oprichting van een bestand van stadionverboden
- Koninklijk besluit tot wijziging van het koninklijk besluit van 3 juni 1999 houdende de regels voor ticketbeheer ter gelegenheid van voetbalwedstrijden
- Koninklijk besluit tot wijziging van het koninklijk besluit van 15 juni 1999 betreffende het veiligheids- en coördinatiebeleid naar aanleiding van voetbalwedstrijden
- Koninklijk besluit tot wijziging van het koninklijk besluit van 25 mei 1999 tot bepaling van de voorwaarden voor de indienstneming van voetbalstewards
- Koninklijk Besluit tot wijziging van het Koninklijk Besluit van 11 maart 1999 tot vaststelling van de regels voor de administratieve procedure ingevoerd bij wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden
- Koninklijk Besluit tot wijziging van het Koninklijk Besluit van 7 december 1999 houdende oprichting van een bestand van stadionverboden
- Koninklijk Besluit tot wijziging van het koninklijk besluit van 2 juni 1999 houdende de in de voetbalstadions na te leven veiligheidsnormen.
- Wet tot wijziging van de wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden.
- Koninklijk Besluit tot wijziging van het koninklijk besluit van 25 mei 1999 tot bepaling van de voorwaarden voor de indienstneming van voetbalstewards.

De voetbalwet is van toepassing in het stadion vanaf het moment dat het toegankelijk is voor het publiek, dit is over het algemeen 1½ uur voor de wedstrijd, tot na het sluiten van het stadion. De wet is van toepassing op iedereen, dus ook spelers, bestuursmensen, scheidsrechters, brandweer, politie, enz. Kortom, op iedereen die aanwezig is in het stadion op dat ogenblik.

Omzendbrieven

- Omzendbrief OOP 23 betreffende de uitsluiting van toeschouwers bij voetbalwedstrijden
- Omzendbrief OOP 27 betreffende de handhaving van de openbare orde naar aanleiding van voetbalwedstrijden
- Ministeriële omzendbrief OOP 28 aangaande de uitvoering van de wet van 21 december 1998 betreffende de veiligheid bij voetbalwedstrijden
- Omzendbrief OOP 27 quater tot wijziging van de omzendbrief OOP 27 van 30 juli 1998 betreffende de handhaving van de openbare orde naar aanleiding van voetbalwedstrijden
- Omzendbrief OOP 33 betreffende de na te leven verplichtingen in geval van organisatie van een vriendschappelijke voetbalwedstrijd
- Omzendbrief OOP 34 houdende specificaties bij de uitvoering van het koninklijk besluit van 3 november 2001 tot wijziging van het koninklijk besluit van 3 juni 1999 houdende de regels voor ticketbeheer ter gelegenheid van voetbalwedstrijden
- Omzendbrief OOP 35 betreffende het vervolgingsbeleid inzake voetbalaangelegenheden
- Ministeriële omzendbrief OOP 38 betreffende de efficiënte inzet van de ordediensten naar aanleiding van voetbalwedstrijden en betreffende de informatiehuishouding en de taken van de spotters.

Cyprus

Spectator of Violence, Misbehaviour and Relevant offences at Sports events Law 1994, L.5(I)/1994

- (a) Securing adequate public order resources to counter outbreaks of violence and misbehaviour, both within the immediate vicinity of and inside stadiums and along the transit routes used by spectators.
- (b) Facilitating close cooperation between the police forces of the different localities involved.
- (c) Applying or adopting legislation which provides for those found guilty of offences related to violence or misbehaviour by spectators to receive appropriate penalties

England and Wales

The Public Order Act 1986: In addition to creating the new offence of disorderly conduct - behaviour that stops short of actual violence but which is likely to distress, harass, or alarm - the 1986 Act for the first time provided courts with the power to make exclusion orders against convicted hooligans. These powers have now been superseded by the provisions of the Football Spectators Act 1989, as subsequently amended.

The Football (Disorder) Act 2000 contains four main measures:

- combining domestic and international football banning orders;
- enabling a magistrates' court to impose a banning order where such an order would help to prevent violence or disorder at, or in connection with, certain football matches;
- making passport withdrawal mandatory in respect of the new combined banning order, unless there are exceptional circumstances, in connection with certain football matches played outside the United Kingdom; and
- enabling a constable (in certain circumstances) to require a person before him to appear before a magistrates' court within 24 hours to answer a complaint for the making of a banning order, and to prevent that person from leaving England and Wales in the meantime..

France

Gleichermassen sanktioniert das *französische Recht* verschiedene Ausdrucks- und Erscheinungsformen von Rassismus und Fremdenfeindlichkeit in mehreren Gesetzen. So im Strafgesetz (Code pénal), im Arbeitsgesetz (Code du travail), im Pressegesetz (La loi sur la presse) oder im Jugendschutzgesetz (La loi sur les publications destinées à la jeunesse).

La loi n° 84-610 du 16 juillet 1984 modifiée, relative à l'organisation et à la promotion des activités physiques et sportives.

La loi n° 95-73 du 21 janvier 1995, loi d'orientation et de programmation relative à la sécurité dite 'loi Pasqua'.

La loi n° 2003-239 du 18 mars 2003 pour la sécurité intérieure, dite 'loi Sarkozy'.

Germany

In *Deutschland* gibt es bislang kein spezielles Gesetz zur Bekämpfung von Rassismus und Extremismus. Normen, die sich dieser geschichtlich belasteten Problematik in Deutschland annehmen, finden sich jedoch im Grundgesetz, im Strafgesetzbuch sowie in zahlreichen anderen Gesetzen, wie dem Gesetz über jugendgefährdende Schriften, dem Beamtenrechtsrahmengesetz, dem Bundesbeamtengesetz, dem Ausländergesetz, dem Gesetz über die Rechtsstellung heimatloser Ausländer, dem Landeswahlgesetz, dem Betriebsverfassungsgesetz, dem Versammlungsgesetz usw.

Hungary

The Sport Act devotes an entire Chapter to the definition of measures to be taken when organising a sport event. This Chapter of the Act defines as guarantees the basic conditions of organisation, the rules of entry to the sport event, the expected conduct of fans, and the possible legal instruments to be used against fans with misconduct.

Italy

- Act no. 401 of December 13, 1989 containing 'Interventions in the sector of gambling and illegal betting and protection of fairness in the carrying out of sports competitions' as amended by Act no.377 of October 19, 2001.
- Decree Law No 122 of 26 April 1993, turned into law, through modifications, by law No 205 of 25 June 1993, laying down 'Urgent measures concerning racial, ethnic and religious discrimination'.
- Decree Law no. 717 of December 22, 1994, turned into law, with amendments, by Act no.45 of February 24, 1995 containing 'Urgent measures to prevent violence phenomena on the occasion of sport competitions'.
- Direttiva del Ministro dell'Interno per l'attuazione del coordinamento e della direzione unitaria delle Forze di Polizia (12.02.2001)
- Legge 19 ottobre 2001, n. 377. Conversione in legge, con modificazioni, del decreto-legge 20 agosto 2001, n. 336
- Decreto Legge 24 febbraio 2003 n. 28 - Disposizioni urgenti per contrastare i fenomeni di violenza in occasione di competizioni sportive.
- Decreto Legge 10 settembre 2003, n.253 testo in vigore dal: 12-9-2003: Art. 1. Accelerazione delle procedure di assunzione di personale della Polizia di Stato
- Law No. 110 of 18 April 1975 - 'Provisions on the safeguard of public order'
- Act No. 401 of December 13, 1989 - 'Measures taken in the field of gambling and illegal betting and safeguard of the correct taking place of sports events'
- Decree Law No. 122 of 26 April, 1993 - 'Urgent provisions ass to racial, ethnic and religieus discrimination'
- Legislative Decree N. 28 of 24 February, 2003 Turned Into Law N. 88 On 18th April 2003 - 'Urgent disposition tofight violence in sport events'
- Turning Of Decree-Law No. 28 Of February 24, 2003 Into Act No. 88 of April 18, 2003 - 'Urgent provisions to combat phenomena of violence on the occasion of sports events'

In *Italien* gibt es keine einschlägige strafgesetzliche Norm, die den politischen Extremismus im weiteren Sinne betrifft. Allerdings verfügen die Gerichte über eine Auswahl von Bestimmungen, um einerseits Splitterparteien oder politische Gruppierungen mit faschistischer oder nationalsozialistischer Ideologie in Schranken zu weisen oder andererseits rassistische oder fremdenfeindliche Äusserungen strafrechtlich zu verfolgen. Die bestehenden Rechtsinstrumente wurden 1993 angesichts der gestiegenen rassistischen Intoleranz und Gewaltbereitschaft verschärft.

Portugal

It should be noted that Portugal has had specific legislation on violence associated with sport since 1980 (Decree-law no. 339/80, of 30 August, Law no. 16/81, of 31 July and Decree-law no. 61/85, of 12 March), and that in addition to Decree-law no. 270/89, of 18 August, which incorporated into Portuguese law the measures established in the European Convention of Spectator Violence, and which will therefore be the prime focus of our analysis in this report, further legislation was introduced in 1998 (Law no. 38/98, of 4 August).

Slovakia

I would like to inform you that the current national legislation and implementing measures that specifically apply to football hooliganism in the Slovak Republic is not regulated by specific piece of legislation.

As I have mentioned before, there is no specific piece of legislation in the Slovak Republic, although certain partial general aspects of this area (e.g. 'sport hooliganism' in general and wider, non-sport crowd disturbances) are regulated in the following legal instruments:

- European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches No. 295/1993 Coll. (The Council of Europe),
- European Sports Charter (1992 The Council of Europe),
- The Constitutional Act No. 460/1992 Coll. The Constitution of the Slovak Republic,
- The Act No. 96/1991 Coll. on Public Cultural Events,
- The Act No. 315/1992 Coll. on Public Body, Sport and Tourist Events,
- The Act No. 84/1990 Coll. on Right of Assembly,
- The Act No. 71/1967 Coll. on Administrative Procedure,
- The Act No. 55/1984 Coll. on Ground Communication (The Road Act).

On 2 April 2004 the Ministry of Education of the Slovak Republic presented the legislative intent of the Act on Sport. This Act should cover all the basis of mutual relations of executing of the public administration and self-government.

The Ministry of Justice of the Slovak Republic also considers this project for very conducive to provide citizens with high level of their safety within an area of freedom, security and justice, but I would like to remind you that area of sport is under jurisdiction of Ministry of Education of the Slovak Republic.

Spain

Ratification instrument of the European Agreement on violence and irruptions of spectators on the occasion of sporting meetings and, especially, of football matches, made in Strasbourg on 19th August 1985.

- Real Decree 75/1992, of 31st January, on the National Commission against Violence in sporting spectacles.
- Real Decree 769/93, of 21st May, by which the Regulations for Prevention of Violence in sporting spectacles are approved.
- Order of 31st July 1997 by which the functioning of the Main Register of sanctions imposed for infractions against public security in the matter of sports spectacles is regulated.
- Real Decree 1247/1998, of 19th June, Por El Que Se Modifica El Real Decreto 769/1993, 21 De Mayo, Por el que aprueba el reglamento para la prevención de la violencia en los espectáculos deportivos
- Ministerio de la Presidencia: Orden de 22 de diciembre de 1998 por la que se regulan las Unidades de Control Organizativo para la prevención de la violencia en los espectáculos deportivos.

6. OTHER SPECIAL LAWS

Czech Republic

There is not specific legal act related strictly to security of football (or any other) matches in the Czech Republic. Various acts contain provisions of preventive and repressive nature. Police of the Czech Republic - Act. No. 283/1991 Coll., on the Police of the Czech Republic (hereinafter Act on Police) lay down responsibilities of the Police:

- protection of security of people and property;
- co-action by arranging public order and if this has been disturbed adoption measures for its renewal;
- revealing of crimes and identifying the offenders;
- revealing misbehaviour acts (and in specific cases entertains administrative proceedings).

England and Wales

Offences committed at a designated match while entering, leaving or trying to leave or enter a football stadium

- (a) using threatening, abusive or insulting words or behaviour section 5 of the Public Order Act 1986;
- (b) displaying threatening abusive or insulting writing or signs; section 5 of the Public Order Act 1986;
- (c) inciting racial hatred or violence; Part 3 of the Public Order Act 1986;
- (d) displaying racist material, Part 3 of the Public Order Act 1986;
- (e) any offence involving the use of threat or violence towards another person;
- (g) any offence involving the threat or violence towards property;
- (g) racist or indecent chanting; under the Football Offences Act 1991;
- (h) going on to the playing area, or areas adjacent to the playing area to which spectators are not admitted without lawful authority or lawful excuse; under the Football Offences Act 1991;

Offences related to football matches committed on a journey to or from a designated match or tournament (journey can include overnight breaks and a person can be on a journey to a match even if they do not intend going to it)

- (i) The offences referred to in (a), (b), (c), (d), (e) and (f);
 - (j) being drunk or disorderly in a public place; any offence under section 12 of the Licensing Act 1872 or section 91(1) of the Criminal Justice Act 1967;
 - (k) being drunk or having alcohol on a train or coach used to take spectators to or from a designated football match or tournament; under section 1 of the Sporting Events (Control of Alcohol etc) Act 1985;
 - (l) driving under the influence of drink; any offence under sections 4 or 5 of the Road Traffic Act 1988;
- Offences not committed at or on a journey to or from a match but which are committed within 24 hours of a designated match and are related to it*
- (m) The offences referred to in 4.1 (a), (b), (c), (d), (e) and (f)

The Offences referred to above include attempts, conspiracy, or incitement to commit the offence and aiding and abetting the commission of the offence

Germany

Offences against the Weapons Law

Offences against the Explosives Act

Misuse of Emergency Calls and Impairment of Means for Emergency Assistance and Preventing Accidents (Section 145)

Acts pursuant to Section 27, subsection 2 Law concerning Assemblies and Processions

Lithuania

The term "hooliganism" is used in the Administrative Law Code, and Article 174 provides sanctions for minor hooliganism: "Minor hooliganism, i.e. obscene words or gestures in public places, insulting badgering or other similar actions, violating public order and peace of society, is punished by a fine from 100 to 300 litas or by administrative arrest of up to 30 days." Article 175, states that the offence, described in Article 174, committed by a minor from 14 to 16 years old is punished by a fine for the parents from 50 to 100 litas.

The Netherlands

Wet wapens en munitie (WWM) (offences under the Arms and Ammunition Act)

Art. 1 Definition

Art. 2 Categories of weapons

Art. 26 Having at one's disposal

Art. 45 Supervision on observance

Art. 49 Searching

Art. 50 Opening up the packing

Art. 51 Searching means of transport

Art. 52 Seizure

Art. 54 Threatening with punishment of breaches of the rules

Art. 55 Threatening with punishment of misdemeanours

Art. 56 misdemeanours and breaches of the rules

Sunday Act

Art. 4 Public amusement

Railway Act (Sww)

Art. 42 Hindrance of railtransport by objects

Art. 43 Walking alongside of on the rails

Art. 59 intentional damage or destruction

Art. 60 Endangerment of a train

Art. 62 Violence and/or recalcitrance against railway personnel

Art. 63 Determination of punishment

Poland

Football hooligans, as far as stopping and detaining them is concerned, are dealt with by the provisions of the Code of Criminal Procedure (dated 1997), Code of Misdemeanours Procedure (2001) and the Police Act (1990).