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REV 1**

LIMITE

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NOTE

from : Presidency
to : Council (Justice and Home Affairs)

Subject : Security at meetings of the European Council and other comparable events
Draft conclusions of the Council and of the representatives of the Governments
of the Member States

1. At its meeting on 11 July 2001, the Permanent Representatives Committee examined the draft conclusions of the Council and of the representatives of the Governments of the Member States on security at meetings of the European Council and other comparable events.
2. The outcome of its proceedings is annexed.
3. The Presidency notes that several delegations would like further discussion in the Council on: point 2(d) of the draft conclusions relating to the exchange of data on troublemakers who have committed violent acts, either by means of access to existing national files or by setting up a European database, and on point 3(b) relating to the freedom of movement of persons with a record of law and order offences.
4. The Presidency invites the Council to adopt the draft conclusions as set out in the Annex.

Subject : DraftDraft conclusions of the Draft conclusions of the JHA CounDraft conclusions of the JH
of the Member States 13 July 2001

I.

The Council and the representatives of the Governments of the Member States recall the objective of the European Union to maintain and develop the Union as an area of freedom, security and justice. In such an area, citizens must enjoy the right:

- (i) freely to express their opinions and to assemble in a peaceful manner, rights reflected in the European Convention on Human Rights; and
- (ii) to do so in conditions where there is not a threat to their own security nor to that of other citizens or properties.

The Council and the representatives of the Governments of the Member States deplore the actions of those who abuse these democratic rights by initiating, planning and carrying out acts of violence to coincide with public demonstrations.

Moreover, they are concerned about the threat to which police officers responsible for the maintenance of law and order have been exposed.

For the purpose of ensuring that these principles can also be achieved in the context of meetings of the European Council and other comparable events, the Council and the representatives of the Governments of the Member States recall, in addition to the need for a dialogue with non-governmental organisations, social partners and civil society, the importance in particular of:

on the one hand, a constructive dialogue between the organisers of public demonstrations and the authorities of the host country and

on the other hand, close international contacts, particularly among the Member States' law enforcement authorities themselves, to ensure that such legitimate demonstrations are not exploited or abused by other elements for the sole purpose of committing acts of collective or individual violence.

Building on the possibilities offered by existing legal instruments and bodies set up within the European Union, particularly the provisions of the Convention implementing the Schengen Agreement (notably Article 46) and the Joint Action adopted by the Council on 26 May 1997 on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security, the Council and the representatives of the Governments of the Member States believe that there is a need to stress the importance of effective European cooperation on law and order. They are of the view that the Task Force of Chiefs of Police should make a significant contribution to the practical implementation of cooperation between the law enforcement authorities of the Member States.

While recognising that the host country is responsible for maintaining public order and safety in the context of meetings of the European Council and other comparable events, the Council and the representatives of the Governments of the Member States believe that the following operational measures may help to reduce the risk of serious disturbances of law and order.

II.

1. Police cooperation

Activation of a permanent national contact point in each Member State for the collection, analysis and exchange of relevant information;

- (b) the setting up, at the request of the country in which the event is held before, during and after the event of a pool of liaison officers who could be delegated by the Member States from which the risk groups come;
- (c) use of police or intelligence officers able to identify persons or groups likely to pose a threat to public order and security, provided by the Member States from which such persons or groups come;

- (d) the permanent monitoring of these operational procedures by the senior officials working party referred to in Article 3 of the abovementioned Joint Action. That working party may meet at the request of the host Member State as a Police Chiefs' Task Force specifically in order to:

advise on the most appropriate operational measures for ensuring the effective policing and security of European Councils and similar events;
contribute to effective EU police cooperation in support of the Member State hosting the event, and to
monitor the effectiveness of these arrangements and share the results and best practice with the relevant Council working parties.

The Police Chiefs' Task Force may call upon experts in the fields of public order to assist them in these tasks;

- (e) the preparation, whenever possible, of a joint analysis of violent disturbances, offences and groups. In the context of discussions on the amendment of the Europol Convention, the Council will examine the possibility of increasing the powers of Europol in this area;
- (f) the organisation of targeted training by the European Police College (EPC), including the exchange of best practice. The Council welcomes the proposal by certain Member States to hold a seminar in France under its auspices on the maintenance of law and order and is pleased with the proposal submitted under the OISIN programme for Community financing.

2. Exchange of information, respecting the right to the protection of personal data

The collection, analysis and exchange of the information described in Article 1 of the abovementioned Joint Action, including that from open sources in compliance with national law;

1. in this context, before and during events, the exchange of information via the liaison officers mentioned in point 1 above;
2. the drawing up by the Member State concerned, immediately after disturbances of law and order have occurred, of an incident report and subsequently of an evaluation report and their transmission to the central authorities referred to in Article 3 of the abovementioned Joint Action;
3. (d) examination of the legal possibilities and of the need either to exchange data on the basis of existing national files or to set up a European database of troublemakers who have committed violent acts.

3. Measures relating to the crossing of borders

- (a) In accordance with Community law, national law, and fundamental legal principles:

implementation of expulsion measures taken in the context of the maintenance or restoration of law and order, and cooperation in the repatriation of demonstrators who have been expelled;

examination of the legal possibilities for preventing individuals who have a record of law and order offences from leaving the Member State, travelling through another Member State or entering the country hosting the event if it is established that such persons are travelling with the intention of organising, provoking or participating in serious disturbances of public law and order;

- (b) application, by the countries concerned, of the provisions of the Convention implementing the Schengen Agreement in particular, if it proves essential, Article 2(2) thereof or, if necessary, the establishment of arrangements with neighbouring countries to make possible joint or coordinated preventive patrols in border areas or to carry out joint checks.

4. Judicial cooperation

- (a) Facilitation of direct cooperation between the judicial authorities or other competent authorities, in particular the execution of requests for mutual legal assistance through the drawing up of standard letters rogatory and use of contact points available 24 hours a day, allowing for the necessary judicial assistance to be mobilised. Such direct contacts may be facilitated by the European Judicial Network.
- (b) Implementation of adequate recording and research methods to enable violent troublemakers to be prosecuted and tried rapidly.

5. Organisational measures

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- (a) Development of a common approach to communication, both for dealings with the various players concerned and for general communications;
- (b) involvement of the organiser of an event in internal security measures;
- (c) with a view to developing a common approach, exchanging information *inter alia* through the European Crime Prevention Network on best practice for developing constructive dialogues with organisers of demonstrations to ensure that legitimate demonstrations are not exploited by groups with a violent agenda.