



**COUNCIL OF
THE EUROPEAN UNION**

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ENFOPOL 116

Translation provided by the Netherlands delegation

NOTE

from: Netherlands delegation

to: Police Cooperation Working Party

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Subject : Security at meetings of the European Council

GENERAL REMARKS

1. It is incorrect that the "Handbook regarding the maintaining of public order and safety with meetings of European councils and other similar events" in actuality contain rules that primarily should not be included in the Handbook but in (a revision of) the Joint Action of 26 May 1997 (OJ L 147/1). The Dutch delegation sees the aforementioned Joint Action as a good basis for the necessary co-operation.
2. Enfopol 66 on parts is a repetition of what has already been stated in the Joint Action of 1997 as well as in JAI 82 10916/01.
The Handbook assumes the presence of: permanent contact points, teams of liaisons officers, operational group of heads public order and security, supports officers and co-ordination group, whereas the Joint Action does not know all of these components. A Handbook cannot go beyond the Regulation on which it is based.

3. In the Handbook the emphasis will have to be placed more on operational measures, in the opinion of the Dutch delegation for instance strategic / tactical concepts for police actions and best practice (paragraph Police Co-operation sub d of JAI 82).
4. This is supported by the experience that a solution cannot be reached with a strictly instrumental approach and structures (Enfopol 66).
5. We remind you of the fact that the German delegation proposed earlier to develop a joint tactical concept (Enfopol 96/11934/01).
6. The delegation of the United Kingdom served the Working Group Police Co-operation with a Conflict Management Manual (Enfopol 21, 7047/01). In the opinion of the Dutch delegation this Handbook offers material for local police authorities to prepare the tactical plan. We suggest to the Chairmanship (in consultation with the UK delegation) to add Enfopol 21 as a schedule to the "Handbook regarding the maintaining of public order and security with meetings of European councils and other similar events", or to make a compilation of it focused on a tactical plan (with European councils) for the management of a conflict on a collective level and with a strong ideological and international character.

PROPOSALS

1. We propose to work towards the creation of a general strategic framework for the police actions with meetings of European councils and other similar events.
As to its nature this concept does not include the organisation of measures in the area of terror combat, which has its own framework. In the Handbook, terror combat has to remain separated from the organisation of the maintaining of the public order.

The value of the currently available Handbook Enfopol 66 will increase considerably by notions regarding such a strategic concept. Everything that has already been described as a result thereof currently acquires a framework as point of departure. Based on that operational strategic framework a tactical plan will have to be developed.

2. The tactical plan has to be developed by the local police authorities and will have to fit into the strategic framework that has been established before. The strategic framework consists of the normative policy principles and tolerance limits. The police actions may be tested to this strategic framework for the purpose of learning effects for the future.
3. Contributions for **the strategic framework** are:
 - a. the policy principles for the police actions;
 - b. the tolerance limits of the police actions.

The Policy Principles

- A safe and uninterrupted course of the Euro summit is ensured.
- The rights of demonstration and freedom of speech are respected (as much as possible).
- The police actions are aimed at controlling groups and masses, taking into account a diversity of nationalities. The police actions have a de-escalating character.
- The police actions meet principles of proportionality and subsidiarity. If the police apply violence, reasonableness and moderateness are the points of departure.
- The police actions are built up in phases. The police actions are characterised by dialogue and assisting the organisation of the demonstration. Police and organisation co-operate with each other with a view on mutual exchange of information. The parties continue to have a dialogue with each other in order to keep the distance between police and organisation small. Both parties clarify the mutual responsibilities, and if possible agreements are recorded.

- How and when the police will act is determined by the policy principles and the tolerance limits established on the basis thereof.
- Co-operation with police units of the member states of the EU will be sought after.
- All established and provable criminal offences in principle have to lead to a sanction or to a transfer of criminal prosecution to the country of origin.

The Tolerance Limits

- The necessary police actions are characterised by a careful weighing of the degree of violation of the public order and the consequences of the police actions directed against that violation.
- When people are arrested the seriousness of the offence is weighed against the consequences for the further maintaining of the public order. Police actions are required in case of the following situations.
 1. Confrontations directed against the police or confrontations between groups of demonstrators that create a threat for the public order.
 2. Facts and actions that create a threat for the public order.
 3. Criminal offences, specifically in case of:
 - insults and discrimination;
 - serious forms of vandalising;
 - serious forms of violence against persons and/or goods;
 - possession and/or use of fireworks, molotov-cocktails, firearms and other weapons;
 - plundering of shops and the like.
- 4. On the basis of the policy and tolerance limits in the strategic framework, the local authorities establish **the violence instruction for the police**.
- 5. The policy principles and tolerance limits are made public via an intentional media policy. For that it is necessary that the local police authorities draw up a communication plan.

This plan contributes to a transparent and clear structure of the internal and external communication, and prevents an informal and undesired transfer of information.

6. We recommend to add Chapter 5 Checklist Media Policy and Communication Strategy of the Resolution of the Council of 6 December 2001 (OJ C 22 of 24 January 2002) as a schedule to the Handbook in respect of the media policy.
7. It are not primarily the instruments that are available to the police, but the control of an orderly course of the event, the demonstration, the riots or the conflict that is essential. Skills have to be developed for a de-escalation of the conflict, crowd control by a proper conflict management. De-escalating police actions are normatively limited (see policy principles and tolerance limits).
8. The local police authorities will have to develop a **tactical plan for the police actions**. This plan has to meet the requirements that may be set to conflict and crisis management.
9. Because of the individual liability of the participants to the event, the demonstration, the conflict, it is important that offenders are separated out from the anonymity of the group. By means of international police co-operation identification of rioters may come within reach.
10. The reception, the care and the approach of (large groups) of demonstrators and arrested people ask for a further specification.
11. Attention for the protection and security of the police officers. On the basis of a risk analysis, measures aimed at promoting the safety of the police officers are taken prior to the police actions. The locale police authorities include a safety paragraph for police personnel in the tactical operational plan.

12. We recommend the formulation of further principles for an admission policy at the borders, as well as for refusal of admission and deportation.
13. If a police action was necessary in connection with the maintaining of the public order and safety with a European Council, the police authorities of the member state involved make an evaluation, specifically aimed at the use of the Handbook as well as at the international co-operation. Evaluation takes place in order to acquire useful learning experiences for adjustment of the policy (Handbook).
14. At the end of paragraph IV.2 Liaisons Officers, a provision is made in connection with the costs to be incurred. Apart from the remark that a cost arrangement does not belong in the Handbook but in the Joint Action of 26 May 1997, it is noted here that such a provision is missing in paragraph IV.3. We propose that attention is given to this issue, and we think of a separate arrangement. We suggest to make an arrangement to the effect that the sending country takes upon it the travel expenses whereas the receiving country bears all costs of accommodation and of living.
