



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 30 June 2003 (02.07)
(OR. it)**

10965/03

**ENFOPOL 63
COMIX 417**

NOTE

from: Presidency
to: Police Cooperation Working Party

Nos. prev. docs.: 10916/01 JAI 82, 12637/3/02 ENFOPOL 123 REV 3

Subject: Draft Council Resolution on security at European Council meetings and other comparable events

The disturbances seen at some European and international summit meetings have shown the need for greater coordinated cooperation between police authorities at European and international level.

A handbook setting out some guidelines for police cooperation in preventing disturbances at such events has recently been drawn up (12637/3/02 ENFOPOL 123 REV 3).

A further preventive measure is to be found in Article 2(2) of the Schengen Convention, allowing a contracting party, as an exceptional arrangement, temporarily to reintroduce border checks, on public policy or national security grounds.

Lack of specific information and of alerts regarding named troublemakers from another country has reduced the potential effectiveness of that provision.

In some cases, checks reintroduced under Article 2 of the Schengen Convention have also led to the border being blocked, with resultant public order problems and serious encroachment on the general principle of free movement.

In order for Article 2(2) of the Schengen Convention to be applied more effectively, therefore, the attached draft Resolution has been prepared.

**DRAFT RESOLUTION ON SECURITY AT EUROPEAN COUNCIL MEETINGS
AND OTHER COMPARABLE EVENTS**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (b) thereof,

Having regard to the initiative from the Italian Republic,

Having regard to Articles 2(2), 39 and 46 of the Schengen Convention,

Having regard to the Joint Action of 26 May 1997 with regard to cooperation on law and order and security ¹,

Having regard to the Council conclusions of 13 July 2001 on security at meetings of the European Council and other comparable events,

Having regard to the Council Resolution of 6 December 2001 ²,

Having regard to the Council Resolution of 9 June 1997 on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy ³,

¹ OJ L 147, 5.6.1997, p. 1.

² OJ C 22, 24.1.2002, p. 1.

³ OJ C 193, 24.6.1997, p. 1.

Whereas:

- Member States' authorities responsible for security and public order at European Council meetings and other comparable events have to ensure that the right of free expression of opinion and the right of peaceful assembly are upheld, while as far as possible preventing interference by those whose aims or actions involve the use of violence or otherwise constitute an offence;
- the disturbances seen at some European Council meetings and other comparable international events have restricted full enjoyment of the freedoms enshrined in the European Convention on Human Rights;
- such occasions have shown the need for more effective, better coordinated cooperation at European level between Member States' competent authorities;
- European Council meetings are held at the Secretariat of the Council of the European Union in Brussels and Member States therefore have to cooperate fully with the authorities in the Kingdom of Belgium and with the Secretariat's units responsible for maintaining public order and security at such events;
- security arrangements for European Council meetings and other comparable international events have often involved recourse to the action provided for in Article 2(2) of the
- Schengen Convention;
- application of Article 2(2) of the Schengen Convention may cause inconvenience at some border crossings in the host country, on account of the large-scale influx of travellers to be checked, thereby detracting from people's freedom of movement across Europe, with the possibility of public order disturbances;

- lack of information and of alerts regarding named individuals from other Member States who may disrupt the holding of European Council meetings or other comparable international events inhibits the effective application, with less nuisance value, of action under Article 2(2) of the Schengen Convention;
- availability of information and of alerts regarding named individuals from other countries who may disrupt the holding of European Council meetings or other comparable international events may make it possible to conduct targeted checks to identify them, thereby facilitating free movement of people;
- Member States are well aware that reintroduction of border checks under Article 2(2) of the Schengen Convention is a measure to be applied only where really necessary and in a manner commensurate with the exigencies of the situation,

HEREBY ADOPTS THIS RESOLUTION:

1. Any Member State which applies Article 2(2) of the Schengen Convention shall take every step to limit, as far as possible, the inconvenience caused by checks on travellers.
2. Any Member State which applies Article 2(2) of the Schengen Convention when a European Council meeting or other comparable international event is being held within its territory will therefore have to give precedence to targeted close checks on individuals believed to be intending to enter the country with the aim of disrupting public order and security at the event.
3. In order to make it easier for the host country to carry out targeted close checks on travellers, Member States shall supply that country with any information of relevance in identifying individuals with a record of having caused disturbances in similar circumstances.

4. Information supplied under the preceding paragraph may, where national legislation allows, include names of individuals convicted of offences involving disruption of public order at demonstrations or other events.
5. Any Member State which, following the application of Article 2(2) of the Schengen Convention, receives information as referred to in paragraphs 3 and 4 from another country shall use that information for the purposes of border checks.
6. Information received under paragraphs 3 and 4 may be used in determining security arrangements for the event, if so agreed with the country which supplied it.
7. Exchange of personal data for the purposes of this Resolution will have to comply with the relevant national and international legislation, bearing in mind the principles in Council of Europe Convention No 108 of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data as well as, where appropriate, in Recommendation No R(87) 15 of 17 September 1987 of the Committee of Ministers regulating the Use of Personal Data in the Police Sector.
8. Personal data may be used and kept only until the end of the event for which they were supplied and only for the purposes laid down in this Resolution, save as specifically agreed with the country which supplied the data.
9. By specific bilateral agreement with the Member State applying Article 2(2) of the Schengen Convention when European Council meetings or other comparable international events are being held within its territory, the checks referred to in paragraph 2 may also, where deemed more appropriate, be carried out with the assistance of liaison officers, holding the information referred to in paragraphs 3 and 4, stationed by Member States at agreed individual border posts.

Done at Brussels,

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