



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 October 2013

13659/1/13

REV 1

LIMITE

ENFOPOL 293

NOTE

From: DK delegation
To: Law Enforcement Working Party
Subject: Results of the survey on the existing legal framework to prevent identified risk fans from attending football matches

Delegations will find below an overview of replies to the questionnaire (doc. CM 3448/12) on the existing legal framework to prevent identified risk fans from attending football matches prepared by the Danish delegation, revised (on pages 16 and 18) on the basis of the outcome of the meeting of the LEWP/experts for majors sports events held on 4 October 2013.

Table of Contents

1. Introduction	3
2. General information.....	5
3. Application of the banning arrangements.....	7
4. The impact of the banning arrangements	9
5. Existing legal measures for cross-border cooperation.....	13
6. Concluding remarks and perspectives	17

1. Introduction

During a meeting held on 11-12 January 2012 in Copenhagen, Denmark, the European Think Thank of football safety and security experts (TT) agreed to conduct a survey among EU Member States (MS) and relevant third countries with the purpose of obtaining more information on the current legal possibilities in each Member State and relevant third countries to prevent banned supporters from attending football matches and travelling to matches in other states.

The aim of the survey complies with Action 32 of the Action Plan for the year 2012 implementing the 2011-2013 EU Work Programme on further measures designed to maximise safety and security in connection with sport events, in particular football matches, with an international dimension, adopted by the Council on 26-27 April 2012 (doc. 8039/1/12 REV 1 ENFOPOL 79).

Action 32

[Requires] the Law Enforcement Working Party (LEWP) Football Experts Group (via the European Think Thank of safety and security experts and in partnership with the European Commission) to review existing EU and national legal measures for preventing and minimising the risks of football matches' (and other major sports events') disorder with a view to determining the scope for an merits of preparing draft advice on the legal options, for example, to prevent known risk fans from attending matches with an international dimension.

A short questionnaire (doc. CM 3448/12) was hereafter prepared which included the following subjects:

- key components of any national banning order arrangements;
- legal provisions and practice designed to prevent banned or risk fans travelling to other countries hosting football matches;
- legal provisions and practices designed to prevent entry of visiting banned or risk fans into a host country;
- Other specific or generic information on the handling of visiting banned or risk fans.

The questionnaire was distributed by the Danish Presidency to the NFIPs of all 27 MS and of 5 third countries - Croatia, Serbia, Switzerland, Turkey and Ukraine. Europol also received the questionnaire. 27 states participated in the survey. The results of the survey are based on completed questionnaires received from the NFIP's of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden, UK, Serbia, Turkey, and Ukraine. Furthermore, Europol has completed the parts of the questionnaire relevant to its activities.

In September 2012 the Danish National Police presented a preliminary summary of the results of the survey to the meeting of experts of major sports events in the framework of the LEWP.

Previous and future studies on banning arrangements

In 2009 the Ministry of the Interior, the Police Department in Finland prepared a report on the use of stadium bans among the member states of the Council of Europe (CoE) and selected third states (see Annex). The report concluded that all states would benefit from establishing a stadium ban system and further recommended that all member states of CoE should consider to implement a shared system to ban risk fans from attending football matches abroad and seek to facilitate the exchange of personal data between member states of CoE in order to solve spectator violence issues.

In 2012 the European Commission, Directorate General Home Affairs, initiated a study on possible ways to improve the exchange of information on travelling violent offenders including those attending sporting events or large public gatherings. GHK Consulting was designated to carry out the study on behalf of the European Commission. In March 2012 GHK Consulting distributed a topic guide to all MS in order to collect information on the views and opinions of representatives from public authorities in the MS.

The aim of the study was to inform EU decision-making on the possible ways of improving the exchange of information between MS on travelling violent offenders in connection with major events, including large public gatherings and sporting events. The study built on the distributed topic guide together with the results of a pre-study, conducted by the Commission. The results of the study are set out in its final report, doc. 12092/13 ENFOPOL 228 DAPIX 97 SIRIS 75.

2. General information

The results of the survey carried out by the DK delegation show that banning arrangements are established in 81 % of the 27 states who have completed the questionnaire. In 5 states no banning arrangements are available (figure 1).

Figure 1

Q.1: Does your country have a system of football banning arrangements preventing fans from attending football matches played in you country?	
No arrangements to ban football fans from attending matches	5 states
Arrangements set out in criminal, civil or administrative law/regulations	11 states
Arrangements set out in Football Association or Club regulations	1 state
Arrangements set out in both	10 states
Total	27 states

In 11 out of the 22 states where means exist to ban football fans from attending specific matches, arrangements are set out in criminal, civil or administrative laws/regulations and in 10 states regulations are also set by the football associations or football clubs. In 1 state banning arrangements are solely set out in association or club regulations. The authority competent in issuing football bans in each state evidently reflects the authority which has set out the banning arrangements. Hence, in 1 state only Football Associations can issue football bans, while bans are issued only by the police or by the court in 11 states and by both court, the police and the Football Associations in 10 other states (figure 2).

Figure 2

Q.2: Which authorities can issue these football bans?	
The police, the court and the Football Associations	10 states
The police and the court	11 states
Football Associations only	1 state
Total	22 states

In the majority of the states, who have banning orders available (8), the banned persons are excluded from attending specific football matches. In 3 other states the bans cover specific football matches, and in 5 states the bans can be issued regarding all football matches in general both played nationally and abroad. In 6 states the bans can have other variations and elements, which in most cases are specified by the court or other issuing authority (figure 3).

Figure 3

Q. 3: Do the football bans cover specific matches/teams or football matches in general?	
Specific football matches (eg. matches in the national league, UEFA ect.) national and/or abroad	8 states
Specific football teams (eg. matches played by the national football team, local teams ect.) national and/or abroad	3 states
All football matches in general national and/or abroad	5 states
Other (eg. specified by the court or other authority)	6 states
Total	22 states

3. Application of the banning arrangements

All 22 states with established football bans have notified that a banning order will prevent the banned individuals from entering a football stadium either by admission control or by the obligation of the offender to report at the police station during the time of the match. In 1 state both measures are available (figure 4 and 5).

Figure 4

Q.4: Do the football bans prevent entry into a football stadium?	
Yes	22 states
No	None
Total	22 states

Figure 5

Q.5: Do the bans include other conditions, like geographical/movement constraints on match days?	
An exclusion zone can be added to the stadium ban	3 states
The offender can be required to report regularly at the local police station during the time of the football match	10 states
The bans can include both a defined exclusion zone and an obligation for the offender to report regularly during the football match	1 state
No exclusion zone can be added to the stadium bans	8 states
Total	22 states

The minimum and maximum length of the different bans described in the received questionnaires are quite divergent from one state to another. 2 states have no explicit timeframe set for stadium bans, while 5 other states have not defined a minimum period but merely a maximum ban period. Again, another 6 states have a maximum ban with a length of 5 years, while 4 other states have a maximum ban of 10 years. 6 states have a minimum ban period of 6 months or less, while 8 states have a minimum ban of 1-3 years (figure 6).

Figure 6

Q.6: What is the minimum and maximum length of the ban?	
1 week – 3 years	1 state
1 month – 5 years	1 state
2 months – 10 years	1 state
3 months – 5 years	1 state
6 months. – 4 years	1 state
6 months – 5 years	1 state
1 – 2 years	1 state
1 – 3 years	2 states
1 – 5 years	3 states
2 – 5 years	1 state
2 – 6 years	1 state
3 – 10 years	1 state
Maximum of 1, 2 or 10 years	5 states
The length of the ban period not defined by regulations	2 states
Total	22 states

In 14 states the offender can be imprisoned for violation of the conditions of a stadium ban.

In 8 states the offender can also be charged with a smaller fine, while a significant fine but no imprisonment can be imposed on the offender in 2 further states. 3 other states do not use imprisonment or pecuniary penalties, but instead prolong the existing stadium ban (figure 7).

In 17 states the described banning arrangements also apply in connection with other sports or cultural arrangements (figure 8).

Figure 7

Q.7: What is the maximum sanction for violations of the conditions of the ban?	
Fine (2500 – 260.000 EUR)	2 states
Prolonged stadium ban (1-5 years)	3 states
Fine and a 2-5 year stadium ban or community service	2 states
Imprisonment (3-6 months) and/or a fine	8 states
Imprisonment (3-6 months)	6 states
No information	1 state
Total	22 states

Figure 8

Q.8: Do the banning arrangements cover other sports events?	
Yes	17 states
No	5 states
Total	22 states

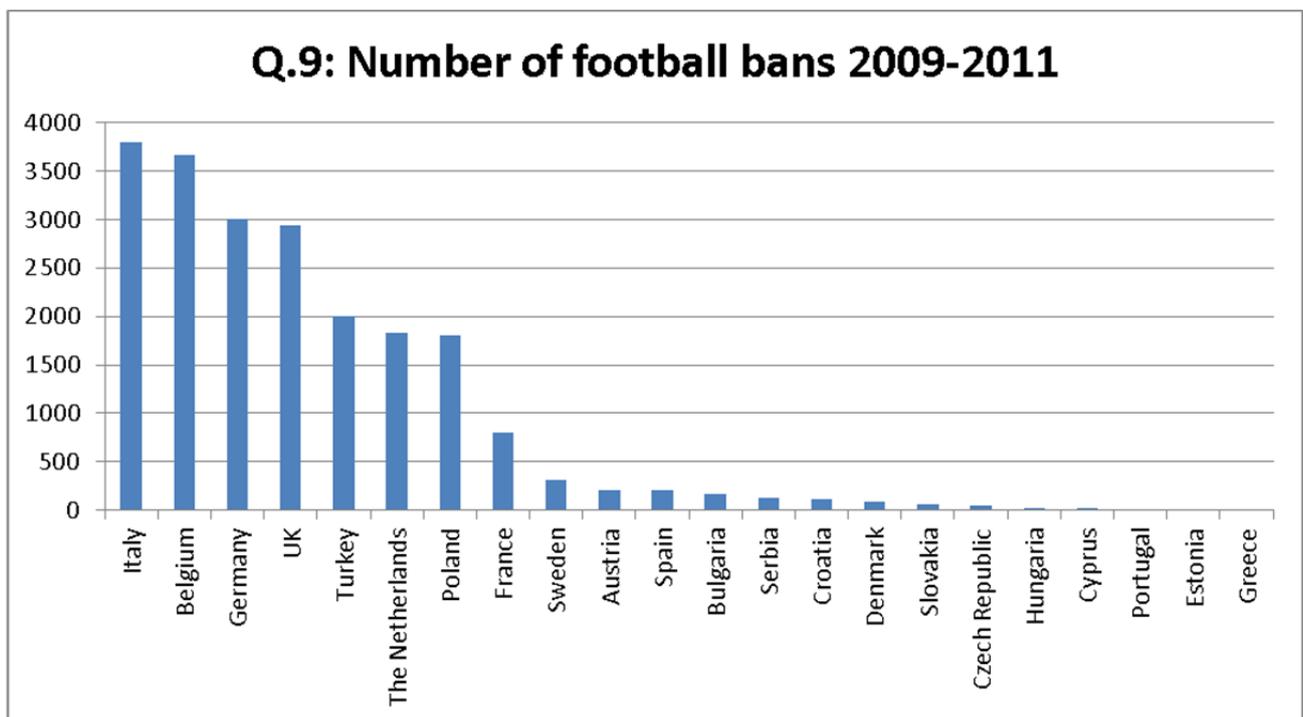
4. The impact of the banning arrangements

Based on the information provided, the total number of stadium bans issued in 22 states in the period 2009-2011 was 21.236 bans. However, it must be clearly underlined that this number cannot be considered as the exact number of bans issued in 2009-2011 in regard to football matches, since the statistics from the greater part of 22 states also contain information on stadium bans issued in relation to events other than football matches. Furthermore, some states have reported an estimated number of bans and few states do not keep statistics on stadium bans. Hence, the numbers that appear in figure 9 can not be used as accurate information on the exact number of persons who obtained a stadium ban in each state during the period 2009-2011, but can only be used as means to point out tendencies in general.

It must also be underlined, that the numbers presented in figure 9 do not distinguish between the different types of bans that are issued in states where both football clubs and public authorities are authorised to issue stadium bans.

A comparison between the issued number of bans shows how the number of football bans varies extensively from one state to the other. According to the results of the survey, Italy (3796 stadium bans), Belgium (3671 stadium bans), Germany (estimated 3000 stadium bans) and UK (2943 stadium bans) has issued most bans during the period of 2009-2011. These statistics only include stadium bans issued in connection with football matches. The following states issued the lowest number of bans during the period of 2009-2011: Hungary (17 bans), Cyprus (16 bans) and Portugal (15 bans). These numbers include the bans related to all types of sports events (figure 9).

Figure 9



Most states have not experienced any barriers in implementing their national arrangements. Only 5 states have pointed out concrete barriers in the process. Some states have experienced difficulties while implementing the law in regard to the casework and the processing time in each case. 1 state has pointed out that the authorities have experienced a lack of cooperation from the football clubs, while another state has observed quite a difference in the banning practice in each football club. 1 state has mentioned that outdated CCTV equipment impedes identification of troublemakers. Furthermore, some states have pointed to the lack of acceptance from football fans who do not respect the regulations, which has caused a need for more manpower to enforce the banning orders (figure 10).

Figure 10

Q.10: Have you encountered any barriers in implementing your national arrangements?	
Yes	5 states
No	17 states
Total	22 states

21 states have confirmed that the available banning arrangements have helped to prevent/deter individuals from acting in a violent or disorderly way, with the exception of 1 state where the regulations did not enter into force before April 2011.

With the exception of this 1 state, other states has observed a considerable decline in problematic behavior both nationally and abroad. Furthermore, more than 90 % of individuals whose banning orders expire are assed by the police to no longer pose a threat of future involvement in football related violence or disorder.

Although almost every state in the survey have benefited from the existing banning arrangements, some states do mention that the existing regulations are not sufficient to prevent violent behavior in connection with football matches played both nationally and abroad (figure 11)

Figure 11

Q.11: Have your arrangements helped to prevent/deter individuals from acting in a violent or disorderly way?	
Yes	21 states
No	1 states
Total	22 states

As previously mentioned, 10 states have 2 systems of football banning arrangements set out in regulations to be enforced by either state authorities or football clubs. Only 3 of these states have informed which banning system seems to be the most efficient. While 2 states are of the opinion that bans issued by the state authorities seems to be more effective, 1 state believes that in case of small violations, the system of administrative bans by the football clubs seems to be more efficient in the short term (figure 12).

Figure 12

Q.12: If you have more than one banning system, which one have you found to be the most effective?	
N/A in the questionnaire	7 states
Bans issued by the court are estimated to be more effective than the administrative bans issued by the Football Association	1 state
Administrative bans issued by the Ministry of Interior seem to be more effective than the bans issued by the criminal court and football clubs (quick, efficient and good quality)	1 state
In case of small violations the administrative bans by the football clubs seems to be more efficient in the short term	1 state
Total	10 states

5. Existing legal measures for cross-border cooperation

In most states (13) the national banning arrangements do not include the possibility to prevent banned persons from travelling to other states in connection with football matches. It appears from the survey that regulations in 9 states include the possibility of preventing individuals from travelling abroad as a direct consequence of the ban (figure 13).

Figure 13

Q.13: Do your national arrangements include the possibility of preventing banned persons from travelling to other countries in connection with football matches (or other sports events) with an international dimension?	
No	13 states
Yes	9 states
Total	22 states

In 2 of the aforementioned 9 states where a travel ban is possible, no means are yet established to prohibit banned individuals from travelling abroad to attend a football match. In other 6 states where those means are available, the travel ban is implemented differently. In some states the banned individual is required to report to the local police during the time of the match. In other states passports can be confiscated by the police or the football clubs can prohibit ticket sale to matches played abroad to banned individuals (figure 14). In 1 state, the legislation includes a theoretical legal possibility, but no practical means are available yet to enforce the legal provisions.

In 5 states the national legislation provide other – more indirect – means for preventing a banned individual from travelling to football matches in other countries such as house arrest, order to report at a police station during the time of a match or a travel ban (figure 15).

Figure 14

Q.14: If yes, how is such a travel ban implemented?	
The offender can be required to report regularly at the local police station during the time of the football match and/or the exclusion zone for the individual can include airports and other travelling points that will make travel difficult for the banned individual	1 state
The offender is required to report regularly to the local police station during the time of the football match	3 states
Confiscation of passport	2 states
The National Football Association will prohibit ticket sale to banned individuals	1 state
At present no means exist to prevent banned individuals from travelling abroad	2 state
Total	9 states

Figure 15

Q.15: Does your national legislation/regulation provide other means for preventing a banned person from travelling to football matches in other countries?	
Yes	5 states
No	17 states
Total	22 states

In 11 states the existing immigration laws allow the police to deny entry to specific individuals during the period of a international match or tournament, but no more than 2 states have notified that the authorities have employed the provisions in practice. In the other 11 states, the national immigration laws or the EU regulations do not allow such a prohibition (figure 16).

Figure 16

Q.16: Are provisions in the immigration laws used to deny entry to a banned person during the period of an international match or tournament?	
Yes	11 states
No	11 states
Total	22 states

According to the survey, 16 states have the legal means to share personal data in regard to individuals issued with a national ban with other NFIPs, while 4 states have no such means available. Another 2 states can only share personal data with other NFIPs in regard to individuals who have been charged with a criminal offense and not in connection with individuals who have a ban issued by the football club (figure 17).

Figure 17

Q.17: Do you have legal means to share personal information on persons issued with a national ban with NFIPs in other countries?	
Yes	16 states
No	4 states
Information can only be shared in regard to individuals who are charged of a criminal offense	2 states
Total	22 states

In this context, Europol has stated that the Council Decision of 6 April 2009, establishing the European Police Office (hereinafter 'ECD'), does not generally facilitate the sharing of personal data for the purpose of preventing known risk fans from attending football matches. Article 5 of the ECD tasks Europol with collecting, processing, analysing and exchanging information and intelligence. The issue of a ban by a national authority preventing the individual from attending football matches is not sufficient to allow the processing of personal data by Europol. It is necessary that the offence committed by the banned individual, which led to such a banning order, is of criminal relevance and falls within the remit of Europol's mandate, such as the case of racism and xenophobia.

However Article 9.3.(d) of the ECD states that liaison officers of the MS seconded to Europol shall “assist in the exchange of information from their national units with the liaison officers of other Member States under their responsibility in accordance with national law. Such bilateral exchanges may also cover crimes outwith the competence of Europol, as far as allowed by national law.”

Therefore liaison officers seconded to Europol may be able to assist in exchanging personal information on persons issued with national ban with NFIPs in case the national legislation enables them to do so.

Among the states who took part in the survey, 7 MS distinguish between MS and third states when an exchange of personal data on banned individuals is in question. Another 5 MS do not distinguish between MS and non-MS, while 6 MS have stated that EU membership is second to ensuring that the receiving state is able to guarantee a sufficient security level when processing the information. None of the participating third states in the survey have confirmed such a distinction (figure 18).

Figure 18

Q.18: Is there any distinction between sharing such information with Member States and third countries?	
For all states it must be ensured that the receiving state guarantees a high security level	6 states
No	5 states
Yes	7 states
Total	18 states

6. Concluding remarks and perspectives

On the basis of the results of the survey one can conclude that banning arrangements seem to be an efficient tool to prevent and minimise violence and disorderly behaviour in connection with football matches. The study also points to the need to establish more efficient measures to prevent risk fans from attending international matches.

Currently some MS and relevant third states do not have banning systems available to prevent known risk fans from attending specific football matches. In some states the banning orders can only be issued by the law enforcement authorities, while in other states it is primarily the football clubs who ban risk fans from the stadiums unless a criminal offence is implicated. In other states both law enforcement and football clubs can issue stadium bans.

The survey further illustrates how the banning practice varies from one state to another as regards to the kinds of matches concerned, the range, the scope and the length of bans as well as the different means available to enforce the banning system.

In spite of the different practices and the apparent significant diversity in the number of bans issued in each state, all states have predominantly expressed satisfaction with the existing regulations and the means to ban known risk fans from attending national football matches. However, a significant part of the states involved in the survey stressed that their national legislation was considered as insufficient in order to prevent risk fans from travelling abroad to attend football matches.

The results of the survey demonstrate that the existing legal measures to prevent and control violence and disturbances in regard to international football matches are clearly different from one state to another in terms of border control, travelling bans and exchange of information. The survey points to a considerable difference in the legislative possibilities to prevent known foreign risk fans from crossing the borders as well as to prohibit own citizens from travelling. About 25 % of the 22 states in the survey have no legal basis to provide personal data to authorities in other states and different practice is observed in the MS.

Since the existing banning orders are assessed by all NFIPs as being effective in order to limit violent and disorderly behaviour at national football matches, it seems reasonable to assume that the reinforcement of existing measures in each state in order to restrain the admittance to international football matches would contribute to prevent and minimise violence and disorderly behaviour in connection to international matches.

In the light of the study, the group of experts for major sports events recommends to the Law Enforcement Working Party that when reviewing Council Decision 2002/348/JHA of 25 April 2002 (OJ L 121, 8.5.2002, p. 1), as amended by Council Decision 2007/412/JHA of 12 June 2007 (OJ L 155, 15.6.2007, p. 76), consideration is given to the possibility to include the principle that each MS should appropriately consider, in accordance with national legislation, to take all possible measures (including travel restrictions) to prevent its own citizens from participating in and/or organising public disturbances in another country.

**STUDY OF STADIUM BANS IN
MEMBER STATES OF COUNCIL OF
EUROPE**

Chief Superintendent Mr. Tapani Hack
Ministry of the Interior/Police Department
June 2nd, 2009

Contents

STADIUM BANS IN MEMBERSTATES OF COUNCIL OF EUROPE	3
1 Use of Stadium bans.....	3
1.1 Different types of stadium bans	3
1.2 Who can give a stadium-ban.....	4
2 Legal basis for stadium bans	5
2.1 Legal basis for civilian based stadium ban.....	5
2.3 Legal basis for criminal based stadium ban.....	5
2.4 Legal basis for administrative based stadium ban.....	6
3 Length of stadium bans	7
3.1 Maximum lengths	7
3.1.1 Civilian based stadium bans.....	7
3.1.2 Criminal based stadium bans	7
3.1.3 Administrative based stadium bans	7
3.2 Minimum lengths	7
3.2.1 Civilian based stadium ban	7
3.2.2 Criminal based stadium ban.....	8
3.2.3 Administrative based stadium ban.....	8
3.3 Penalty for breaking a stadium ban.....	8
3.3.1 Penalty for breaking civilian based stadium ban.....	8
3.3.2 Penalty for breaking criminal based stadium ban	8
3.3.3 Penalty for breaking administrative based stadium ban	8
4 Estimation of how effective stadium ban system is.....	9
5 Databases for stadium bans - how to manage them?.....	10
5.1 Access to database.....	11
6 Stadium ban system for other sports	12
7 Exchanging information in international tournaments or matches.....	13
8 EXIT-bans in different countries	14
9 Conclusions	15

STADIUM BANS IN MEMBERSTATES OF COUNCIL OF EUROPE

A questionnaire¹ regarding stadium bans was circulated to the 47 CoE member states in late 2008. By May 25th 2009 the below mentioned countries (28) had replied to the questionnaire: Austria, Azerbaijan, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Lithuania, Norway, Poland, Portugal, Republic of Croatia, Serbia, Slovak Republic, Spain, Sweden, Switzerland, UK (England&Wales) and The Netherlands. Argentina and Canada² provided their answers as well.

1 Use of Stadium bans

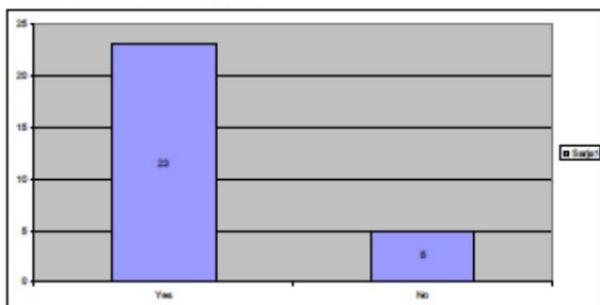


Figure 1a: Use of Stadium-bans.

According to figure 1a, no category of stadium ban is available in Canada, Finland, Georgia, Lithuania and Norway. While Finland, Georgia, Lithuania and Norway have plans to add stadium bans to their national legislation, Canada has no intention to do so in the future. The rest of the countries are already using stadium bans.

1.1 Different Stadium bans categories

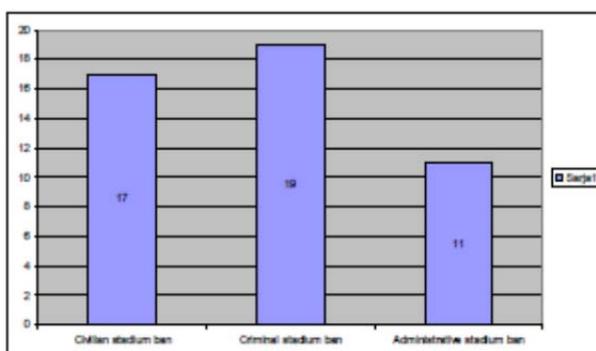


Figure 1b: Categories of stadium-bans in use.

¹ Appendix 1.

² Observers of the CoE Standing Committee.

While in many countries there is more than one category of stadium ban in use, in some others only one category is applied. Figure 1b demonstrates different categories of stadium ban, therefore n> than amount of countries (23) where stadium bans are used.

1.2 Who can impose a stadium-ban

The institutions which are authorized to impose a stadium ban vary from country to country. Although in some countries there are several institutions which can impose stadium bans to spectators, in some other countries, this can only be done by the court. In figure 2a different institutions responsible to impose stadium bans are depicted. In the same figure different options are shown, therefore n> than amount of countries (23) where stadium bans are used.

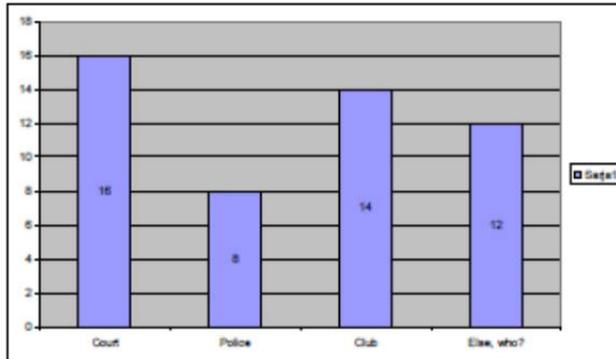


Figure 2a: Institutions which are authorized to impose stadium bans.

Figure 2b demonstrates other bodies, authorized to impose a stadium ban, apart from the court, the police authorities or the club.

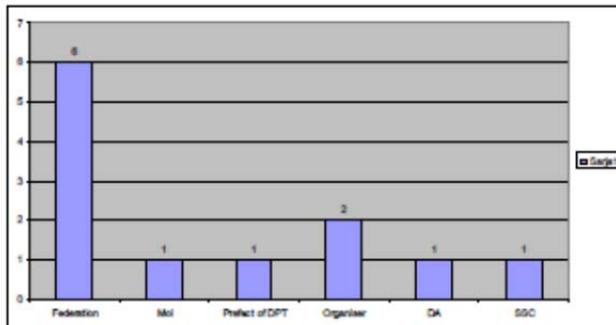


Figure 2 b: MoI = Ministry of the Interior, Football unit, DA=District Attorney, SSC=Sports Security Committee.

2 Legal basis for stadium bans

The legal basis for stadium bans varies from country to country. While in some countries stadium bans are to be found in the national legislation (laws) or in administrative orders, in some other countries such legal basis is absent and stadium ban is based on case-decision; that is to say, a competent authority decides upon stadium bans according to facts of a specific case. In these cases, the legal basis for stadium bans is usually mentioned in FA' s regulations, where it is up to the club or the FA whether or not to impose a stadium ban.

2.1 Legal basis for civilian based stadium ban

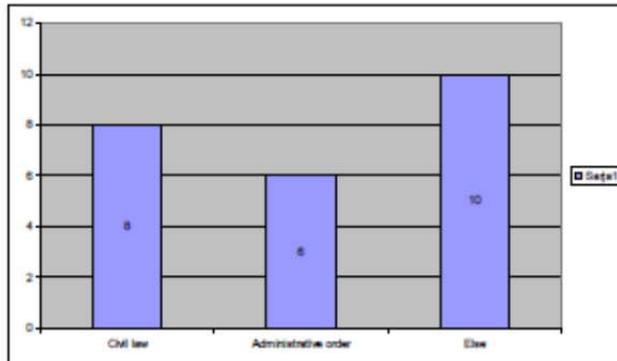


Figure 3a: Legal basis for civilian based stadium ban

According to figure 3a, under class "else", 7/10 of the legal basis for civilian based stadium ban, is based on FA' s regulations while 1/10 is based on special law for sports (HU).

2.2 Legal basis for criminal based stadium ban

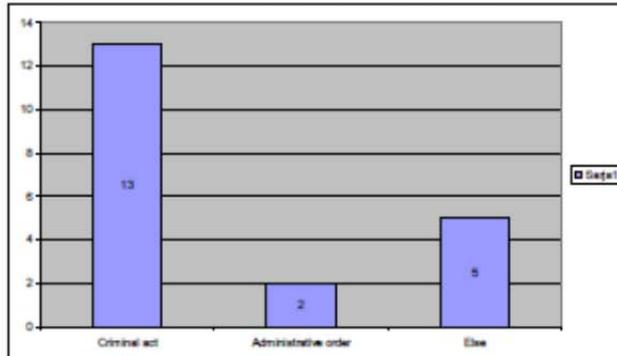


Figure 3b: Legal basis for criminal based stadium ban.

According to figure 3b, under class "else", 1/5 of the legal basis for criminal based stadium ban, is based on special football law (BE), another 1/5 is based on the Act of Major Events (PL), another 1/5 is based on the Act on Prevention of Disorders at Sport Events (HR) and the remaining 2/5 has not yet been described in legislation.

2.3 Legal basis for administrative based stadium ban

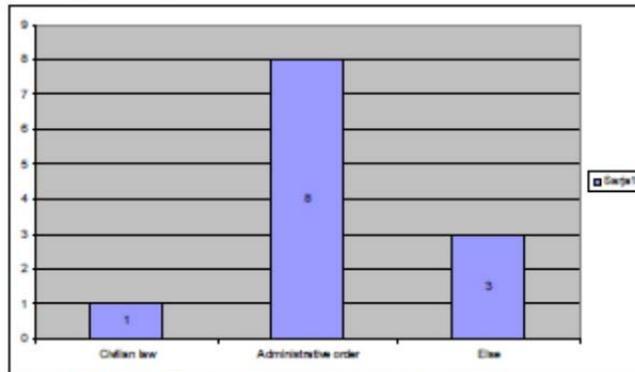


Figure 3c: Legal basis for administrative based stadium ban

According to figure 3c, under class "else", 1/3 of the legal basis for administrative based stadium ban, is based on special football law (BE) while the rest 2/3 is based on the Special Act of Sports (HU).

3 Length of stadium bans

The definition of the maximum and minimum lengths for different types of stadium bans formed part of the questionnaire. According to the results, it was concluded that these vary from country to country.

3.1 Maximum lengths

3.1.1 Civilian based stadium bans

2 yrs	2 countries
3 yrs	2 countries
4 yrs	1 country
5 yrs	2 countries
10 yrs	1 country
FA: up to life	1 country
Life	1 country

In two cases the maximum length has not been mentioned.

3.1.2 Criminal based stadium bans

1 yr	1 country
2 yrs	4 countries
5 yrs	3 country
6 yrs	2 countries
8 yrs	1 country
10 yrs	4 countries

In one case the maximum length is based on the case itself.

3.1.3 Administrative based stadium bans

15 days	1 country
2 yrs	1 country
3 yrs	1 country
5 yrs	3 countries

3.2 Minimum lengths

3.2.1 Civilian based stadium ban

1 mth	3 countries
2 mths	2 countries
3 mths	1 country
6 mths	1 country
12 mths	1 country
24 mths	1 country

In two countries there are no minimum lengths for civilian based stadium ban and in two other countries it has not been described.

3.2.2 Criminal based stadium ban

1 mth	1 country
3 mths	1 country
6 mths	2 countries
12 mths	4 countries
24 mths	2 countries
36 mths	2 countries

In one country the minimum length for criminal based stadium ban is based on the case itself and in another country it has not been described.

3.2.3 Administrative based stadium ban

3 mths	2 countries
6 mths	1 country
12 mths	1 country
24 mths	1 country

In one country instead of stadium ban, fine sentence was given.

3.3 Penalty for breaking a stadium ban

3.3.1 Penalty for breaking civilian based stadium ban

No penalty	1 country
Fine	5 countries
Fine and jail	1 country
Fine and arrest	1 country
New stadium ban (1yr)	1 country

3.3.2 Penalty for breaking criminal based stadium ban

Fine	1 country
Jail	1 country
Fine and/or jail	3 countries
New stadium ban (1yr)	1 country
Depends on the judge	1 country
Fine/Jail/extension of SB	1 country

3.3.3 Penalty for breaking administrative based stadium ban

Fine	5 countries
Jail	1 country
Fine and jail	1 country
Fine and arrest	1 country
New stadium ban (1yr)	1 country

4 Estimation of how effective stadium ban system is

2 member states out of 23 did not give their estimation on how effective the stadium ban system is. This was due to the fact that the stadium ban system had been in their legislation for such a short time that it was difficult to estimate its efficiency. The rest of the member states (21) pointed out that it is an effective way to tackle spectator violence in sports. The answers are shown in figure 4.

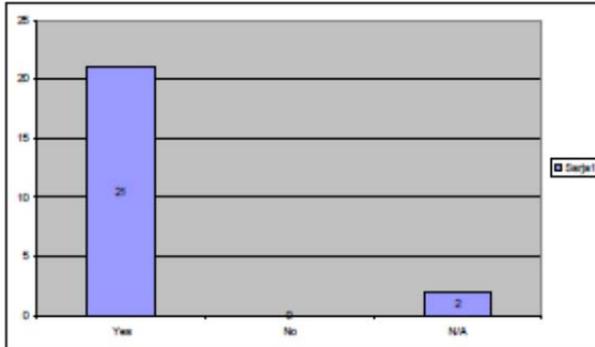


Figure 4: Is stadium ban system effective to tackle spectator violence?

5 Databases for stadium bans - how to manage them?

The registration of stadium bans in database formed part of the questionnaire as well. The answers are demonstrated in the following figures and they have been divided into different categories of stadium bans. In the cases where stadium bans are used but they are not registered, they appear in figures 5 under class "No".

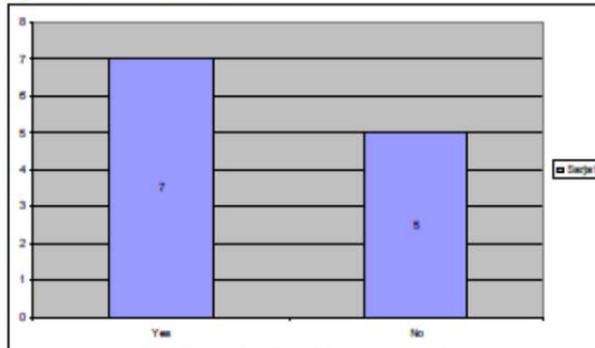


Figure 5a: Civilian based stadium bans in database. "No" answer indicates the countries which have civilian based stadium bans, but they are not registered.

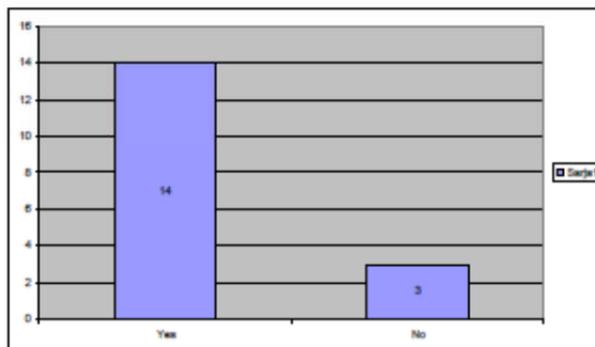


Figure 5b: Criminal based stadium bans in database. "No" answer indicates the countries which have criminal based stadium bans but they are not registered.

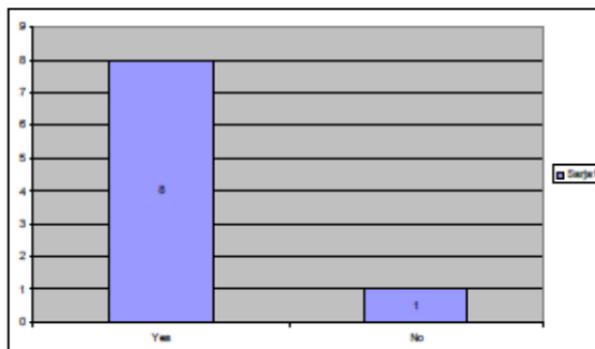


Figure 5c: Administrative based stadium bans in database. "No" answer indicates the countries which have administrative based stadium bans, but they are not registered.

Two countries which have stadium bans do not register them at all. This is the case with all the categories.

5.1 Access to database

Figure 5d shows the bodies which have access to the database. It should be highlighted that access depends on the category of stadium ban which is on the case. Moreover, it is not possible to indicate which institution has access to the different categories of stadium bans since such a question was not included in the questionnaire. Therefore, accurate conclusions cannot be drawn. It is worth mentioning that in some countries there are other authorities which have access to databases. It should also be noted that under the class "authorities", it is meant law enforcement.

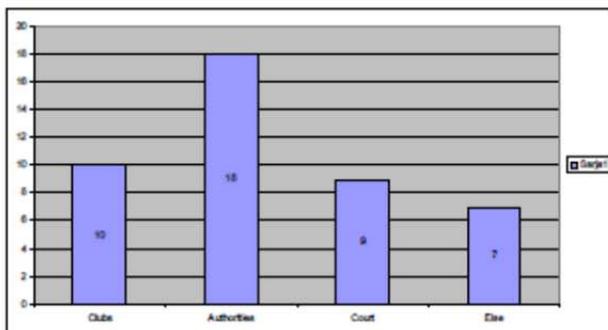


Figure 5d: Access to database.

Class "else" includes the following bodies: FA (3), the league (1), NFIP (1), other (1) and the person him-/herself in his/her own case (1).

6 Stadium ban system for other sports

Figure 6 indicates whether a stadium ban system is available in other sports apart from football.

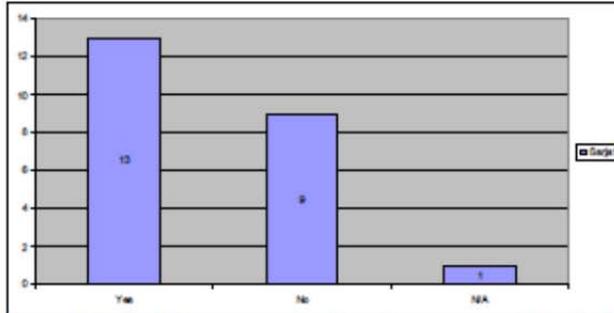


Figure 6: Stadium ban system applied to other sports apart from football (soccer).

According to figure 6, in 13 out of 23 countries, the stadium ban system can be used in other sports apart from football while in 9 of them it is possible to use it only in football. One country did not reply to this question. Other sports were divided as following: handball (3), basketball (3), water polo (1), ice hockey (4), volleyball (1), motor sports (1), and all sports (8).

7 Exchanging information in international tournaments or matches

It is relevant to explore whether it is possible or not to exchange information gathered by authorities regarding stadium bans. That is why, it was asked whether it is possible to share information in tournaments or matches with international dimension. This is strictly based on national legislation/bilateral agreements. The Prüm Treaty may have also influence on this. In figure 7 the answers are shown.

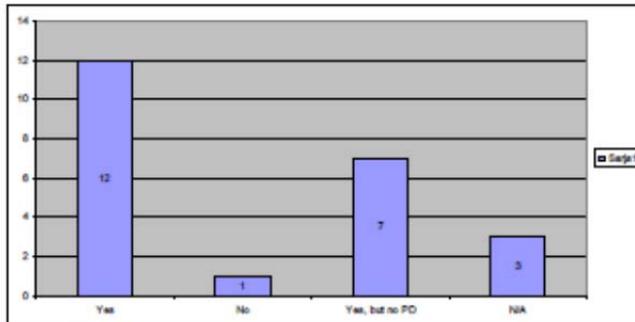


Figure 7: Exchanging information with other countries authorities.

According to figure 7, 12 out of 23 countries reported that it is possible to exchange information regarding stadium bans in tournaments or matches with international dimension. This also includes personal data. However, some countries reported that there may be some restrictions, like bilateral agreements, written documents, etc. One country indicated that it is not possible to share information because it is only for national use. 7 countries reported that information which is not related to personal data can be shared while the remaining 3 countries did not answer the question.

8 EXIT-bans in different countries

Furthermore, it was asked whether it is possible EXIT-bans to be used in the member states. EXIT-bans apply to those situations, when a national team or a club plays abroad. In these cases, it is sometimes worth having EXIT-bans where the fans are forced to stay in their own country and are not allowed to travel abroad. The answers are demonstrated in figure 8a.

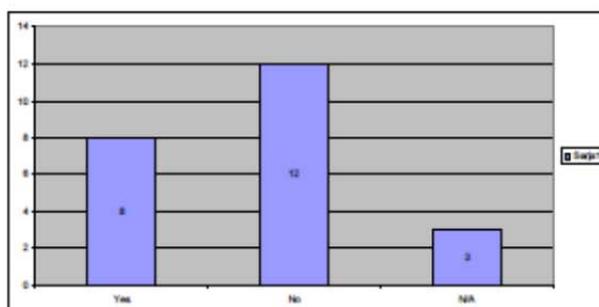


Figure 8a: possible use of EXIT-bans

According to figure 8a, in 8 out of 23 countries the use of EXIT-bans is possible while in 12 countries it is not possible. The remaining 3 countries did not answer this question. One member state (AT) indicated that indirect EXIT-ban is possible. This means, that a person must be present at the police station at a certain time; this will make travelling abroad very difficult.

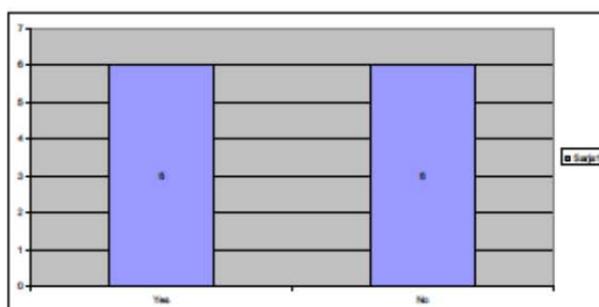


Figure 8b: Are you intending to have EXIT-bans in the future?

A further question regarding EXIT-bans was whether or not those member states where EXIT-bans are not in use, intend to implement them in the future. While 6 out of 12 countries replied that they plan to do so, the rest responded negatively to this question.

9 Conclusions

According to this study, it is evident that the stadium ban system is different all over Europe. Therefore, the CoE should consider whether it is necessary to combine them to the same level.

Most of the countries which replied to the questionnaire have already a stadium ban system in place. Those countries which do not have it, intend to implement it. The countries which already have experience in stadium ban system point out that it is a good tool to tackle spectator violence. Therefore, it is recommended to implement such a system in all member states. Experience has shown that stadium ban system works.

Furthermore, it should be noted that violent spectators do not appear only in their home country but they travel abroad as well. The need for EXIT-bans is real. Hence, it is recommended that the CoE member states consider how they will implement a Pan-European EXIT-ban system.

Finally, the need for exchanging information is a valid point in tournaments and matches with international dimension. Therefore, the CoE should seek ways to influence member states to share information openly among authorities. National stadium bans are not enough to solve spectator violence problem which is an international phenomenon.

- End of the document -