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**A6-0052/2007**

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## **REPORT**

on the initiative by the Republic of Austria with a view to adopting a Council decision amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension (10543/2006 – C6-0240/2006 – 2006/0806(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Giusto Catania

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative by the Republic of Austria with a view to adopting a Council decision amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension (10543/2006 – C6-0240/2006 – 2006/0806(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative by the Republic of Austria (10543/2006)<sup>1</sup>,
  - having regard to Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0240/2006),
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0052/2007),
1. Approves the initiative by the Republic of Austria as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Republic of Austria;
  5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Republic of Austria

Amendments by Parliament

Amendment 1  
ARTICLE 1, POINT 1, POINT (A)  
Article 2, paragraph 2 (Decision 2002/348/JHA)

2. National football information points shall, in accordance with the domestic and

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<sup>1</sup> Not yet published in OJ.

international *rules* applicable, have access to information involving personal data on high-risk supporters.

international *laws* applicable, have access to information involving personal data on high-risk supporters. ***Such data shall be handled exclusively in connection with football matches and may not be used for any other activities.***

Amendment 2

ARTICLE 1, POINT 1 A (new)

Article 3, paragraph 3 (Decision 2002/348/JHA)

***(1a) Article 3 paragraph (3) shall be replaced by the following:***

***3. Personal data shall be exchanged in accordance with the domestic and international laws applicable, taking account of the principles of 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 — as appropriate — Recommendation No. R (87)15 of the Committee of Ministers of the Council of Europe of 17 September 1987 regulating the use of personal data in the police sector. Such exchanges shall be with a view to preparing and taking the appropriate measures to maintain law and order when a football event takes place. Such exchanges may in particular involve details of individuals actually or potentially posing a threat to law and order and security.***

## EXPLANATORY STATEMENT

Over recent years, football matches have repeatedly been marked by acts of violence that have changed the very nature of football as an entertainment form.

One of the best loved and most closely followed sports in Europe has been marred by too many violent incidents, demonstrations of intolerance and explicit acts of xenophobia and racism.

These are, unfortunately, not isolated events; they are a central feature of football's general transformation into big business, with clubs being floated on the stock exchange and astronomical sums of money flowing around the sport.

This has contributed to a slow but inexorable change in the very nature of sporting events, giving them a connotation that has nothing to do with healthy competition and encouraging rabid displays of tribal identity among rival supporters.

Football is an extremely popular sport and, at the same time, has great entertainment value, which has led to media companies paying huge sums of money to purchase the television rights to matches.

However, an intrinsic part of the excitement generated by a football match is the presence of spectators. It is the spectators who create the 'match atmosphere'. Without them, football would lose something of its value as a sporting event and, it goes without saying, of its entertainment value.

In view of the above, it must be taken as given that football matches should always be played in front of a crowd. Appropriate action is therefore required in order to enable matches to take place in an atmosphere that is as calm and orderly as possible, without violence and without any displays of racism.

The tragic events that occurred during the recent Serie A match between Catania and Palermo, in which a policeman on duty at the stadium was killed are a clear illustration of the fact that violent so-called supporters are quite prepared to attack the police as well as rival fans. Violence of this kind is no longer a rarity, and match reports all too often read like dispatches from the front.

During the Madrid derby between Atletico and Real in February 2007, truly frightening scenes occurred when a group of hard-core supporters started throwing bottles, stones and sticks at the police, who responded with batons and rubber bullets.

That same day clashes resulted in a large number of injuries at the Belgrade derby between Red Star and Partizan, while a brawl broke out at the Arsenal-Chelsea game, this time among the players, who, by losing control in this way, showed a severe lack of professionalism. Incidents of this kind are not confined to the higher divisions, but are increasingly occurring in lower divisions as well.

Prevention must be the priority at football matches and must replace the enforcement-led approach and systematic use of riot police in stadiums that now appears to have become the most common method of combating football violence.

On 25 April 2002 the Council adopted Decision 2002/348/JHA<sup>1</sup> providing for the setting up in each Member State of a national football information point acting as the contact point for the exchange of police information in connection with football matches with an international dimension. The decision lays down the duties of and procedures to be used by each national information point.

In the light of experience in recent years, such as at the European Championships in 2004, and the experts' assessment of international police cooperation in the framework of that championship and extensive police cooperation in respect of international and club matches in Europe generally, the Council has chosen to revise and update the decision.

Over recent years, the number of supporters travelling to matches abroad has continued to grow. The Council therefore believes it necessary for the competent bodies to cooperate more closely with one another and to professionalise the exchange of information in order to prevent public order disturbances and allow every Member State to make an efficient risk assessment.

The proposed amendments are based on experience gained by several national football information points in their daily work and should enable them to work in a more structured and professional way, ensuring the exchange of high quality information.

The rapporteur nonetheless considers one of the three amendments put forward by the Council to be unacceptable. The national football information points responsible for monitoring match crowds and gathering data on organised supporter groups are a useful – indeed, fundamental – tool, but they must operate exclusively within the bounds of national law and in keeping with European directives and international conventions on the protection of personal data.

It is unacceptable for stadiums to be transformed into places where the law does not apply. It is essential to prevent abuses in the treatment of law-abiding citizens who, simply because they are football supporters, run the risk of being classified as potential criminals and, at the same time, to avoid a situation where offences committed inside or around football stadiums are treated merely as the product of over-excitement on the part of supporters and thus effectively 'decriminalised'.

We need to keep within the bounds of current legislation, which provides universal guarantees, and avoid a situation in which rules or provisions that fail to offer the same degree of protection for human rights and individual freedoms are brought to bear.

Along the same lines, the rapporteur believes that data collected by national information points in connection with football matches with an international dimension should be retained

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<sup>1</sup> OJ L 121, 8.5.2002, p. 1.



and used only in connection with football matches and not made available to judicial authorities for investigations unrelated to sporting events.

Unless this is ensured, there is a risk that national information points might lose their role as a means of preventing football violence and take on that of an instrument of social control that could be used in an indiscriminate manner.

The national information point arrangement could be extended to the local level, thus fostering the specialisation of police forces engaged in maintaining law and order at football matches.

Nonetheless, if we are to make a serious attempt to combat football violence, police cooperation alone is not enough. The rapporteur believes that priority should be given to cultural and social measures focusing on prevention and education in the intercultural values of sport.

## PROCEDURE

<b>Title</b>	Security in connection with football matches
<b>References</b>	10543/2006 - C6-0240/2006 - 2006/0806(CNS)
<b>Date of consulting Parliament</b>	14.7.2006
<b>Committee responsible</b> Date announced in plenary	LIBE 5.9.2006
<b>Rapporteur(s)</b> Date appointed	Giusto Catania 13.9.2006
<b>Discussed in committee</b>	27.11.2006      27.2.2007
<b>Date adopted</b>	28.2.2007
<b>Result of final vote</b>	+:            45 -:            0 0:            1
<b>Members present for the final vote</b>	Alexander Alvaro, Edit Bauer, Philip Bradbourn, Mihael Brejc, Giuseppe Castiglione, Giusto Catania, Mladen Petrov Chervenjakov, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Kinga Gál, Patrick Gaubert, Roland Gewalt, Lilli Gruber, Jeanine Hennis-Plasschaert, Livia Járóka, Magda Kósáné Kovács, Barbara Kudrycka, Henrik Lax, Sarah Ludford, Edith Mastenbroek, Claude Moraes, Javier Moreno Sánchez, Martine Roure, Luciana Sbarbati, Inger Segelström, Søren Bo Søndergaard, Manfred Weber, Tatjana Ždanoka
<b>Substitute(s) present for the final vote</b>	Simon Busuttil, Marco Cappato, Charlotte Cederschiöld, Gérard Deprez, Giorgos Dimitrakopoulos, Genowefa Grabowska, Sophia in 't Veld, Ona Juknevičienė, Sylvia-Yvonne Kaufmann, Tchetin Kazak, Marian-Jean Marinescu, Hubert Pirker, Marie-Line Reynaud, Luca Romagnoli, Eva-Britt Svensson