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NOTE

From:	Polish delegation
To:	Law Enforcement Working Party (experts for major sports events)
Subject:	Draft template of a <i>Memorandum of Understanding concerning international police cooperation in connection with providing safety and security during major sports events with an international dimension</i>

INTRODUCTION

The Polish delegation hereby presents a draft template of a *Memorandum of Understanding concerning international police cooperation in connection with providing safety and security during major sports events with an international dimension* (hereinafter - MoU) as a proposed common and uniform agreement in connection with the international cooperation during major sports events.

In the view of the Polish delegation, drawing up and implementing a MoU based on the suggested draft template would have a clear added-value in strengthening international police cooperation in connection with major sports events. It would also provide a good basis for ensuring an adequate level of police cooperation and later also security during major sports events.

The Polish delegation also recognises the need to strengthen international cooperation with non-EU countries in ensuring safety and security at major sports events, in particular football matches, and believes that the proposed draft template of a MoU could contribute to achieving this goal also.

The idea of using a common and uniform template of a MoU is in line with the following background documents and can contribute to achieving the goals identified therein:

- one of the EU's objectives is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation as laid down under Title V of the Treaty on the Functioning of the European Union;
- the Stockholm Programme, where the European Council stresses the need for the development of ad hoc law enforcement cooperation at sporting events or large public gatherings, as well as the Internal Security Strategy for the EU stipulating the need to make progress in the development of a cooperation framework to improve security and safety at major and mass international events;
- the 2011-2013 EU Work Programme on further measures designed to maximise safety and security in connection with sports events, in particular football matches with an international dimension (doc. 16421/10 ENFOPOL 337);
- the European Convention of 19 August 1985 on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches;
- Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension, as amended by Council Decision 2007/412/JHA of 12 June 2007;
- the Council Resolution of 3 June 2010 concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved ("EU football handbook");
- the Council Resolution concerning recommendations for hosting major football and other sports events, in particular tournaments with more than one organising country (doc. 8179/11 ENFOPOL 79);
- the Council Conclusions on strengthening police cooperation with non-EU countries in the area of sports events safety and security (doc. 17555/11 ENFOPOL 416 JAIEX 125 + COR 1 + COR 2).

BACKGROUND AND PURPOSE

The proposed template of a MoU is based on the past experiences, namely the preparation and organisation of UEFA EURO 2008 and UEFA EURO 2012, which have shown that the conclusion of bilateral agreements or a MoU between two interested parties is a good basis for strengthening and increasing the efficiency of cooperation during major sports events.

The Polish experiences from the preparation and organisation of the Final Tournament of the European Football Championships UEFA EURO 2012 have also shown the need for a common and unified template of a MoU in order to facilitate the work of the Member States which organise major sports events.

Poland has therefore prepared a draft template of a MoU set out in the Annex, which has already been used by the Polish police, based on a similar document utilised during the UEFA EURO 2008 in Austria and Switzerland.

This template of a MoU was used by the Polish police during the Final Tournament of the European Football Championship UEFA EURO 2012 to cooperate and exchange information on safety and security issues connected with this major sports event.

The proposed draft template of a MoU was discussed during the Think Tank meeting in Vilnius in May 2013. The Think Tank accepted the general idea and the proposed draft template prepared and presented by the Polish experts during the meeting.

The Polish delegation believes that the use of the proposed draft template of a MoU - though not obligatory - would be a useful tool and constitute a significant added value for international police cooperation in planning and organising security measures and ensuring overall safety during major sports events with an international dimension.

If the proposed template is approved, Member States as well as non-EU countries could be encouraged to use it during the organisation of major sports events so that the international police cooperation is strengthened and the work of the countries organising major sports events is facilitated.

PROPOSAL

First of all, the Polish delegation would like to invite the experts for major sports events to discuss whether the proposed draft template of a MoU would be a useful tool for strengthening and facilitating international police cooperation and if so whether it should become part of the "EU football handbook".

Secondly, if experts agree on the need for such a template and on the need to include it in the "EU football handbook", they are invited to discuss and approve the text of the draft template of a MoU as set out in the Annex.

Once approved by the experts for major sports events, the draft template would then be submitted for the approval by the Law Enforcement Working Party (LEWP) and would be included in the "EU football handbook" when it is updated.

**Draft template of a Memorandum of Understanding
concerning international police cooperation in connection with providing safety and security
during major sports events with an international dimension**

The *name of the host State* and the *name of the visiting State*, hereinafter referred to as the “Parties”, while they acknowledge the exceptional international importance of *name of the event- called Tournament*, organised in.....*name the country where the event will take place*, declare their intention to jointly cooperate during the preparation and the course of this major sports event pursuant to the following documents¹:....

as well as in accordance with the binding laws of both countries related to safety and public order,

bearing in mind the special importance of cooperation taking place in the spirit of trust in combating terrorist threats,

the Parties will strive to ensure safety and public order during *name of the event*, providing close and effective cooperation among the relevant ministries and competent law enforcement authorities.

Cooperation between the Parties should include in particular the following areas:

I. Human Resource Support

.....*name of the relevant entities of one side (host country)* declares its willingness to support the *name of the relevant entities of another side (visiting country)* during the *name of the event* by deploying its police officers to provide advisory and supportive activities, including the exchange of information on the behaviour of supporters, as well as threats to security and public order posed by them, in particular by performing the following functions..... *the composition of the police delegation (depending on the nature of the country) and the tasks which will be performed by them.*

¹ The legal acts on the basis of which the cooperation will be conducted should be listed here.

The *name of the host country* should provide/ensure the *name of the visiting country* with:

- accreditation;
- accompanying police officers (cicerones);
- an overview of the operational plans and integration into the local policing operations;
- appropriate measures to ensure the safety of police officers for the police of *name of the visiting country*.

The police of *name of the visiting country* may not possess or carry firearms or ammunition during their deployment in *name of the host country*².

The police of *name of the visiting country* can be authorised to be in possession of hand-held cameras to gather evidence, if relevant, on supporters throughout the operation. Any materials obtained will be shared with the police of *name of the host country*.

The police of *name of the host country* – no later than six weeks before the start of the event – shall arrange visits to the cities and event sites in order to acquaint the police of *name of the visiting country* with the preparation stage.

The police of *name of the host country* shall bear all costs associated with the advisory and supportive activities performed by the police of *name of the visiting country* in the territory of *name of the host country*. This refers in particular to accommodation, food and necessary equipment.

The police of *name of the visiting country* shall bear the travel costs of the police officers of *name of the visiting country* from..... *name of the visiting country* to *name of the host country* and from *name of the host country* to *name of the visiting country*.³

² It is recommended that the head of the delegation, liaison officers and spotters (police officers who have direct contact with supporters) should not possess firearms. Sometimes it is possible for police officers (police forces) protecting the movement of supporters to possess firearms or ammunition, however this depends on the legal regulations and bilateral agreements between the two countries. It is also possible to include a statement that police officers may use coercive measures.

³ If the event is organised by two countries, it is advisable to include a statement specifying who is responsible for transport between the two countries.

.... *name of the visiting country* will provide medical insurance for its police officers during their deployment in *name of the host country*.

.... *name of the visiting country* will insure all its police officers against personal or property damage during their deployment in *name of the host country*.

II. Information exchange

.... *name of the visiting country* will provide *name of the host country* with regular reports focusing in particular on the number of supporters, the routes and the destinations as well as likely behaviour in connection with the event.

The reports will be sent:

- at least once a week, starting from the fourth week before the commencement of the event until the deployment of the police officers of *name of the visiting country*;
- daily, starting from the time of deployment of the police officers of *name of the visiting country*.

.... *name of the visiting country* will provide *name of the host country* with situation reports in relation to common crimes, organised crimes, terrorism and politically-motivated crimes in connection with the event.

The police of *name of the visiting country* shall provide data on its supporters who are subject to a stadium ban. Such personal data should include the following information:⁴

- full name;
- father's name (optional);
- date of birth;
- gender;
- citizenship;
- expiry date of the stadium ban.

⁴ The exchange of personal data and the type of data to be exchanged depends on the national regulations of the (visiting) countries. However, it is advisable to share this kind of data for the purpose of ensuring security during the event in line with the legislation on the exchange and protection of personal data.

The police of *name of the visiting country* shall provide data on its supporters who are not subject to a stadium ban but who have already posed a threat due to their misbehaviour in connection with sports events. Such personal data should include the following information:⁵

- full name;
- father's name (optional);
- date of birth;
- gender;
- citizenship.

The personal data shall be provided to *name of the host country* immediately after the signing of the Memorandum of Understanding.

.... *name of the host country* will ensure that any personal data:

- will be used solely for the purpose of ensuring the safety of the event;
- will not constitute the sole legal basis for action undertaken by the law enforcement forces of *name of the host country*;
- will be registered to the database;
- will be removed from the database by *date of deleting the data*.

The exchange of information, including any personal data, will take place in accordance with the internal law of the Parties, duly exchanged by the Parties.

The police of *name of the host country* will regularly communicate to the police of *name of the visiting country* any relevant information related to the event, in particular information concerning the behaviour of *name of the visiting country* supporters and actions performed by them.

⁵ Not every country has such information, so the exchange of this kind of data depends on the national regulations and possibilities of the (visiting) country. However, it is advisable to exchange such data if possible in line with the legislation on the exchange and protection of personal data.

III. Securing the movement of supporters

The safe movement of *name of the visiting country* supporters whilst in the territory of *name of the host country* will be within the competence of the *name of the host country* police.

.... *name of the visiting country* shall observe and – where necessary – ensure the safe movement of the *name of the visiting country* supporters as well as supporters from other countries migrating through their territory and travelling to the territory of *name of the host country* in connection with the *name of the event*.

Information about *name of the visiting country* supporters who have not obtained permission for entry into the territory of *name of the host country* for reasons arising from the binding national legislation of *name of the host country* will immediately be transferred to the police of *name of the visiting country*.

The police of *name of the host country* will inform the police of *name of the visiting country* about any *name of the visiting country* supporters returning to their territory against whom measures have been taken to ensure security and public order in the territory of *name of the host country* in connection with the *name of the event*.⁶

IV. Measures to control the entry of supporters into the territory of *name of the host country*

.... *name of the visiting country* shall collect and exchange any information on persons arriving from other countries who intend to enter the territory of *name of the host country* in connection with the *name of the event*.

⁶ If it is planned to deploy police officers who will be responsible for the security of the movement of supporters (e.g. in trains) it is advisable to describe their tasks and responsibilities, namely what they can do and where they can go (e.g. as far as which railway station).

.... *name of the visiting country* shall undertake all necessary measures provided by the law to prevent the departure from the territory⁷ of *name of the visiting country* of any persons who may pose a threat to public order and security during the *name of the event* or who have been involved in violence or disorder in connection with the sports events.

.... *name of the host country* shall provide *name of the visiting country* with all relevant information regarding supporters of third countries who plan to travel through the territory of *name of the visiting country*.

V. Cooperation with the media

The press officers of the Parties shall communicate directly in order to ensure cooperation with the media. Each Party shall inform each other of the contact points that they will assign.

The press officers of *name of the visiting country*, if appropriate, will be available for press and media briefings and will liaise closely with the competent authorities of *name of the host country*.

VI. Final provisions

This Memorandum of Understanding is not an international agreement and neither creates any new international legal commitments between the countries nor violates any existing international commitments between *name of the host and visiting country* and other countries.

The Parties intend to apply this Memorandum of Understanding starting from the date of its signature. The latter signature constitutes the appropriate date.

The competent law enforcement authorities of the Parties will make direct detailed agreements as necessary for the fulfilment of the provisions of this Memorandum of Understanding.

⁷ If it is legally possible to prevent the "risk supporters"/supporters with a stadium ban from participating in the event or from leaving their home country, this should also be referred to in the agreement.