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NOTE

From:	Presidency
To:	Delegations
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Subject:	Draft template for a bilateral agreement on the cooperation between the host and a participating country in connection with a major international football tournament

In 2013, the PL delegation proposed 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)¹. It was believed that it would have a clear added value in strengthening international police cooperation in connection with major sports events.

The proposed template was 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 MoUs between two interested parties was a good basis for strengthening and increasing the efficiency of cooperation during major sports events.

As having a template for such an agreement would facilitate the work of the Member States which organise major sports events, it was considered necessary to further develop this template, and to consider including it in the EU Football Handbook.

¹ 13660/13

The Think Tank, together with experts for major sports events, further developed the proposed template. On their behalf, the Presidency hereby proposes a draft template for a bilateral agreement on the cooperation between the host and a participating country in connection with a major international football tournament, set out in the Annex. It includes the list of issues which should be considered and agreed between the two parties. The template is not a model agreement but rather an aid to bilateral negotiations. When concluding a bilateral agreement Member States are invited to make sure that it is in line with the international, EU and national law, in particular in relation to the exchange of personal data.

Delegations are invited to discuss the draft template set out in the annex.

A TEMPLATE FOR A BILATERAL AGREEMENT

on the cooperation between the host and a participating country in connection with a major international football tournament

..... *name of the host State* and *name of the visiting State* acknowledge the exceptional international importance of *name of the event*- organised in.....*name of the country where the event will take place*, and declare their intention to jointly cooperate in respect of the safety and security arrangements in connection with the event in accordance with the areas of cooperation set out in this bilateral agreement.

I. Human Resource Support

(name of the visiting State) declares its willingness to support *(name of the host State)* during the *(name of the event)* by deploying a police delegation to provide advisory and support activities, including the exchange of information and advice on the behaviour of visiting *(name of visiting State)* supporters regarding any threat to public safety and public order posed by them, in particular by performing the following functions: *(provide details of the composition and role of the visiting police delegation and the specific tasks which will be performed by them)*.

(Name of the host State) should provide *(name of the visiting State)* with:

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

The *(name of the visiting State)* police may be deployed in uniform but not possess or carry firearms or other protective equipment during their deployment in *(name of the host State)*.

The *(name of the visiting State)* police may be in possession of hand-held cameras for the purpose of documentation, if relevant, throughout the period of their deployment. Their use should be determined by the *(name of the visiting State)* police delegation with the agreement of the *(name of the host State)* police. A decision on whether the footage can be used as evidence in criminal proceedings in the host State is a matter for the host authorities. A decision on whether the footage can be used as evidence in criminal proceedings in the visiting State is a matter for the visiting authorities.

The *(name of the host State)* police shall arrange for representatives of the visiting police delegation to visit host cities and event venues/sites no later than six weeks before the start of the event in order to prepare for their deployment.

The *(name of the host State)* police shall pay for accommodation, meals (or subsistence), internal travel costs and other facilities/necessary equipment made available locally. The *(name of the host state)* shall pay for travel and salaries of the delegation members involved while on the territory of *(name of the host State)*.

(Name of the visiting State) will provide medical insurance for its police officers during their deployment in *(name of the host State)*.

(Name of the visiting State) will ensure all its police officers against personal or property damage during their deployment in *(name of the host State)*.

II. Information exchange

(Name of the visiting State) will provide *(name of the host State)* with regular assessments focusing in particular on the number of supporters, their routes and the destinations as well as their likely behaviour in connection with the event.

The assessments will be sent:

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

The *(name of the visiting State)* police shall provide *(where possible under national law)* the following information regarding supporters who are subject to a stadium ban *(or comparable exclusion measures)*, and who are considered by the police in *(name of visiting State)* to pose a risk to public order in connection with *(name of event)*:

- full name;
- date of birth;
- gender;
- citizenship;
- expiry date of the stadium ban.

This information shall be provided to *(name of the host State)* after the entry into force of this bilateral agreement.

(Name of the host State) will ensure that the data on such persons:

- are used solely for the purpose of ensuring the safety of the event;
- do not constitute the sole legal basis for action undertaken by the law enforcement forces of the *(name of the host State)*;
- are removed from any database and not used for any purpose after *(date of deleting the data)*.

The exchange of information, including personal data, will take place in accordance with the national laws of the Parties.

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

The *(name of the host State)* police will inform the *(name of the visiting State)* police about any *(name of the visiting State)* supporters who have been subject to measures to ensure public safety and public order on the territory of *(name of the host State)* in connection with the *(name of the event)*. This will include details of the offences committed and the actions taken by the competent authorities in *(name of the host State)*. Where possible, and in accordance with national and international legal obligations, or bilateral agreement between *(name of host State)* and *(name of visiting State)*, the information supplied should include:

- personal details of the convicted/identified offender;
- responsible law enforcement authority;
- record of events (if available);
- court decision (if available);
- available evidence (in particular photo/video material of unidentified visiting offenders).

III. Movement of Supporters

The safe movement of *(name of the visiting State)* supporters whilst on the territory of *(name of the host State)* will be within the competence of the police in *(name of the host State)*.

The police or other designated authority in *(name of the visiting State)* shall conduct observation and, when needed, ensure the safe movement of the *(name of the visiting State)* supporters as well as supporters from other countries migrating through their territory in connection with travel to *(name of event)*.

Information about *(name of the visiting State)* supporters who are refused entry to the territory of *(name of the host State)* shall be exchanged with the *(name of visiting state)* police.

IV. Measures to control the entry of supporters to the territory of the (*name of the host State*)

(*Name of the visiting State*) shall collect and exchange information with the police in (*name of host country*) regarding persons who reside in a Third State and who travel through their territory of (*name of visiting State*) en route to the (*name of event*), and who are assessed by the competent police authority in the State in which they reside as posing a threat to public order in connection with the (*name of the event*).

(*Name of the visiting State*) shall undertake all possible measures, in accordance with national law, to prevent the departure from the territory of (*name of the visiting State*) of any person who has previously caused or contributed to violence or disorder in connection with a football event and who is assessed by the police in (*name of visiting State*) as posing a threat to public safety or public order during the (*name of the event*).

(*Name of the host State*) shall provide (*name of the visiting State*) with all relevant information regarding supporters of third countries who plan to travel, or are known to have travelled, through the territory of (*name of the visiting State*).

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 the other of designated media contact points.

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

VI. Final provisions

This bilateral agreement is not an international agreement. It neither creates any new international legal commitments between the countries nor violates any existing international commitments between *(name of the host State)* and *(name of the visiting State)* and other countries.

The Parties intend to apply this bilateral agreement starting from the date of it coming into force and concluding on *(an agreed date after the event)*.

The competent law enforcement authorities of the Parties will make direct detailed agreements as necessary for the fulfilment of any matter not specified in this bilateral agreement.

Notes

If the event is organised jointly by two States, it is recommended to negotiate separate bilateral agreements and to include a statement about who is responsible for transport between the two States.

If there is a legal means of preventing supporters subject to exclusion measures from travelling to the event, provision for sharing related information should be included in the bilateral agreement.

It is also desirable for the bilateral agreement to provide details of the bilateral arrangements for governmental and judicial cooperation arrangements in connection with the event.
