



Brussels, 30 November 2018
(OR. en)

12734/18

JAI 956
ENFOPOL 485

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 19 September 2018
To: Law Enforcement Working Party
Subject: Summary of discussions

1. Adoption of the agenda

The working party adopted the agenda of the meeting, as set out in CM 4138/18, with one addition under point 19 (AOB).

2. Welcome address by the Austrian Federal Police / NFIP

The Chair of the working party made a general presentation of the Austrian Presidency.

3. Priorities of the Austrian Presidency

The Chair presented the priorities of the Austrian Presidency for the MSE group. Amongst others, the Presidency focuses on achieving quick progress concerning the Council of Europe Convention on an Integrated Safety, Security, and Service Approach at Football Matches and Other Sports Events (cf. point 13 of this document).

4. Work Programme 2017 - 2018

The Chair of the Think Tank, Mr. David Bohannon, provided information on the implementation of the group's work programme for 2018, as set out in 13387/17. A commented working version of that document was distributed to the delegations during the meeting.

5. Council Decision 348/2002

The Chair of the Think Tank opened the discussion concerning a possible update of Council Decision 348/2002 of 25 April 2002 concerning security in connection with football matches with an international dimension, which constitutes the basis for the operation of the MSE group of experts. He also informed the working party that Germany and Greece had provided written comments on a working paper containing possible amendments to the decision, as circulated previously within the MSE group.

Based on advice from the Council Legal Service, the representative of the Council Secretariat precised that under the current legal framework, any amendment to the above decision would require a legislative proposal by the Commission.

The Chair concluded that further discussions were needed on the changes perceived as necessary by the group, and invited the delegations to provide input for the next meeting to be held in April 2019.

6. Strategy on Pyrotechnics in stadia

The Chair of the Think Tank opened the discussion concerning a possible new instrument in this area, making reference to work on possible contents started during the previous Bulgarian Presidency. While those works were based on the assumption that a Council Decision could be adopted on the topic, the working part also discussed other options due to the fact that a Council Decision requires a prior Commission legislative proposal.

In that context, the working party discussed the possibility of adopting Council Conclusions, while pointing out that such an instrument is inherently unbinding, and might therefore not be adequate to the stated objectives.

The working party also discussed the possibility of regulating the subject in a Directive adopted on the basis of rules pertaining to health and safety at work, thereby focusing on the protection of the personnel in the stadia rather than access to the dangerous pyrotechnic material on the market. While such access is regulated in many Member States and the use of pyrotechnics is often forbidden in confined spaces such as stadia, many delegations are convinced that these rules are not enforced in a sufficient manner, which is why the group would like to explore the problem from a different angle, such as health and safety at work.

Based on a suggestion by Germany, a strong majority of delegations supported the idea of requesting advice from the Council Legal Service regarding the compliance of such action at Union level with the principle of subsidiarity. As it was clarified that a written opinion of the Council Legal Service could only be based on an existing proposal, the Presidency decided to seek informal preliminary advice and invite the representative of the Council Legal Service to the discussion of this topic at the next meeting in April 2019. It was also concluded that the representatives of the MSE group might enter into contact with the Commission to explore the possibility of submitting a proposal in this area.

7. UEFA Euro 2020 International Police Co-operation Preparations

The Romanian delegation provided information on the current state of play of the preparations, especially concerning the setting up of an International Police Cooperation Centre in the Hague and the deployment of police spotters at the different venues of the championship.

8. Other Euro 2020 Work streams

The Romanian delegation indicates that most other work streams for Euro 2020 have a specific point on the meeting's agenda, and should therefore only be outlined under this one - especially the EPIC project and the IPCC.

Three major elements regarding the IPCC are discussed however: the harmonisation of IDs and accreditations, a booklet for spotters and the training to be organised in April 2019.

The Portuguese delegation enquires whether UEFA and the hosting cities will sign any formal document on the deployment of spotters. The Romanian delegation replies that this topic will be discussed with UEFA.

9. 2018 Pan-European and National Football Policing Training Events

The Chair of the Think Tank provided information on the CEPOL training in Lyon.

CEPOL intervened to commend a very good cooperation with MSE, and announces that this residential activity will be proposed again in 2019.

Delegations also discussed the possibility of organising national variants of the Pan-European training, in order to reach out to specialists who cannot follow the courses in English.

10. Hosting of new NFIP website

The Romanian delegation and the delegation of the Netherlands provide information on a project for a new website, with a first estimate of costs amounting to 800 000 euros. Erasmus+ is mentioned as a possible, but probably insufficient financial resource.

The representative of the Council of Europe explains why the website cannot be developed and hosted by the Council of Europe, but declares readiness to manage such a website and suggests that a regular call for tenders should be organised in order to get a reliable cost estimate.

Further discussions must therefore take place before the topic is submitted to a plenary session of the [Law Enforcement Working Party](#) for subsequent guidance.

11. FIFA World Cup 2018

The Chair of the Think Tank and the delegations of the United Kingdom and Portugal informed the group on the recent World Cup that took place in Russia.

12. Proposal for a Council Decision authorising Member States to become party, in the interest of the European Union, to the Council of Europe Convention on an Integrated Safety, Security, and Service Approach at Football Matches and Other Sports Events (CETS n°218)

The Council secretariat informed the working party that the adoption of the above Council Decision required prior consent of the European Parliament (EP), pointing out that the document requesting the agreement in principle would be submitted to COREPER on 10 October 2018¹. It also informed the working party that the procedure in the EP would probably take several months.

Germany asked whether the Member States could ratify the Convention in the meantime, to which the Council secretariat replied that as the procedure leading to the adoption of the Council Decision was ongoing, the Member States should refrain from further steps concerning the Convention until it was completed.

13. ProS4+ project and its follow-up

The representative of the Council of Europe provides information on the achievements under the above project and on its continuation, and indicates that a public report can be found on the website of the Council of Europe.

14. Co-operation with Project Stadia / FIFA World Cup 2022 Qatar

The Romanian delegation and the representative of the Council of Europe provide information on the above project. A future "Knowledge management system" is reportedly being prepared by Qatar who is considering accession to CETS 218. The Council of Europe must assess whether accession by Qatar is possible.

15. UEFA & EU TT Conference 2018 Munich

The Romanian delegation provided information on the recent conference in Munich.

¹ This was done by means of documents 12526/1/18 REV 1 and 12527/18, approved by COREPER on 10 October 2018.

16. EU Funding Progress Report (EPIC Project)

The Chair of the Think Tank provided information on the state of play of the project.

The representative of the Council of Europe argued that some aspects of the project had to be developed in agreement with the Council of Europe, especially the monitoring visits which need to take place within its legal framework. Since an exact description of the project still isn't available, the representative requested the leaders of the project to interact with the secretariat of the organisation.

The Chair of the Think Tank underlined that the scope of competence of the Council of Europe in this context is limited, as the Member States are in a better position to assess their needs, also in the light of best practices. He also asked for clarification as to the responsible agent at the Council of Europe.

17. Initiatives for the upcoming Romanian and Finnish Presidencies

The Romanian delegation indicated that it would focus on the possible revision of Council Decision 348/2002 and the Strategy on Pyrotechnics in stadia. Further topics would include the preparation of EURO 2020, exchange of personal data and data protection.

The delegation of Finland did not provide details of their program at this stage.

18. Dates of Next Meetings

The next meeting of the Think Tank will take place from 16 to 18 April 2019 in Cluj. The next meeting of the MSE will take place on 16 May 2019 in Brussels.

19. Any Other Business

A discussion on a possible reform of the MSE's governance structure was initiated under this point by the Presidency. This could include the creation of a post of permanent chair, instead of the rotating Presidency.

The German delegation welcomed this discussion and indicated that it might be useful to improve the procedures and possibly also rethink the role of the Think Tank.

The group decided to request the Council secretariat to provide written information and analysis on comparable structures of other LEWP networks in order to study available options.
