



Explanatory Report to the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

Saint-Denis, 3.VII.2016

1. The Committee of Ministers of the Council of Europe took note of this Explanatory Report on 4 May 2016 at the 1255th meeting of the Ministers' Deputies

2. The text of this Explanatory Report does not constitute an instrument providing an authoritative interpretation of the Convention, although it might be of such a nature as to facilitate the application of the provisions contained therein.

I. Introduction

3. Sport is the principal activity organised on a non-governmental basis in Europe which attracts more spectators, and generates more positive and negative passions and actions, than any other activity. Sport is also the most widely covered activity in the press and broadcasting media.

4. Incidents of violence, disorder and other misbehaviour have long been associated with football, the world's leading spectator sport. However in the eighties, a number of high profile incidents of violence and disorder associated with international football matches and tournaments demonstrated that the so-called problem of "football hooliganism" was a European-wide phenomenon which required a European institutional response by the Council of Europe. The challenge for the Council of Europe was, and remains, how to spread its core values in and through sport while preventing and countering behaviour (violence, doping, manipulation of competitions, etc.) that threatened the integrity of football, other sports and the wider community.

5. In 1983, the Parliamentary Assembly prepared a recommendation⁽¹⁾ which placed the prevention of violence in sport within a broader framework of measures to reduce violence in society, and urged the Committee of Ministers to prepare a European Convention to counter this phenomenon.

6. Along with this request, a range of dramatic incidents, and in particular the Heysel disaster in May 1985,⁽²⁾ reinforced the need to create a binding response to the phenomenon of hooliganism and other football related violence.

(1) Parliamentary Assembly Recommendation 963 (1983) on "Cultural and educational means of reducing violence".

(2) Violent incidents between Liverpool fans and Juventus fans led to 39 deaths and more than 600 injured people inside the Heysel Stadium, just before the beginning of the 1985 European Cup Final.

European Convention on Spectator Violence and Misbehaviour at Sport Events and in particular at Football Matches (ETS No. 120, 1985)

7. The European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (hereafter “the Convention No. 120”) was drawn up very quickly and opened for signature on 19 August 1985. The Convention entered into force on 1 November 1985 and has been ratified since then by 42 States Parties.

8. The Convention No. 120 focused on preventing, deterring and responding to incidents of violence and misbehaviour inside or within the vicinity of stadiums. Inevitably, the content reflected the views and practices of that era, comprising a range of security provisions designed to control crowds through measures like the use of barriers and fencing, the deployment of public order resources and forces, etc.

Desirability of updating the Convention No. 120

9. Over the past decade it became increasingly apparent that the content of the 1985 Convention was inconsistent with, and in some respects contradictory to, the approach and good practices established in recent years. Indeed, application of the Convention was widely considered to be inappropriate with some provisions felt to potentially exacerbate rather than counter the ongoing threat of violence and disorder, especially but not exclusively in connection with football matches.

10. At the 12th Council of Europe Conference of Ministers responsible for Sport, held in Belgrade in March 2012, it was proposed that the Standing Committee should study the extent to which it is necessary to update the European Convention on Spectator Violence. This proposal was agreed by the Committee of Ministers in June 2012 (cf. CM/Del/Dec(2012)1145/8.1).

11. A study on the merits and desirability of updating the 1985 European Convention was duly undertaken and submitted to the Committee of Ministers in December 2013 (cf. CM/Del/Dec(2013)1187/8.3). The study concluded that there was an overwhelmingly strong case for revising the 1985 Convention. A number of inter-related explanations were provided, including:

- the Convention was almost three decades old and inevitably much of the content was out of date and inconsistent with current European experience and good practices;
- the current emphasis on spectator violence in isolation from other crucial factors, like safety and service (otherwise known as "hospitality") which have a demonstrable impact on supporter behaviour and associated levels of risk, represented a fundamental weakness which should be addressed;
- the in-balance (and in some cases conflicting) content of the Convention compared to more recent Standing Committee Recommendations was confusing for States Parties and was undermining the credibility of the Convention;
- the relatively narrow focus of the Convention was inconsistent with the much wider and continually evolving remit and work of a Standing Committee that was initially established to monitor compliance with the Convention;
- greater account should be taken of the impact of societal changes (economic, migratory, political, social and technological) on football and associated character and level of risk, including:

- the transmission of high profile football matches in public viewing areas located in venue cities and around the Continent generally;
 - migration and immigration patterns had resulted in supporters of a particular national or club side being resident in a number of European countries;
 - travel companies and airlines providing low-cost transport has aided a dramatic increase in the volume of supporters traversing the continent to attend matches;
 - there has been a significant increase in the number of high profile European football matches and tournaments over the past decades; and
 - media coverage has intensified and become more critical of all things football related which has resulted in ongoing scrutiny of events (inside and outside of stadiums) associated with high profile matches and tournaments.
- revising the Convention would provide a high profile opportunity to further promote the need for an integrated, multi-agency approach to safety, security and service along with a range of other good practices;
 - revising the Convention would assist in further developing effective partnerships with international governing sports bodies and other international groups specialising in football safety and security;
 - revising the Convention to define core safety, security and service principles/standards based on extensive European experience and good practices would assist in monitoring and evaluating compliance with the Convention; and facilitating the provision of meaningful advice and support to States Parties;
 - football matches across the Continent continued to be plagued by incidents of violence and other misbehaviour (UEFA data indicates that around 46% of matches played under their auspices experience safety and security incidents of which around a quarter are designated as being "serious or worse"); and, importantly, and, most concerning,
 - over-reliance on the content of the 1985 Convention, rather than the actions recommended by the Standing Committee, could exacerbate the level of football safety and security risks for States Parties (for example, disproportionate deployment and use riot police and over reliance on fencing).

12. In the light of the study, the Committee of Ministers decided at its 1187th meeting in December 2013 to update the Convention, and instructed the Standing Committee to revise the Convention.

13. The Standing Committee has worked on this revision and concluded that the Convention No. 120 no longer provides an appropriate response to the problem of football-related violence. It accordingly prepared a new text based on an integrated safety, security and service approach which, after intensive consultation, discussion and refinement, was unanimously endorsed by delegations of all States Parties in December 2014.

Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

14. The Convention incorporates the key principles and enabling measures which provide the basis of established good practices, many of which are widely held to be pre-requisites to reducing and countering effectively safety and security risks in connection with football and other sports events. These are risks which can originate from different causes, for instance natural disasters, terrorist attacks, infrastructure failures, violence of any kind and misbehaviour.

15. The overarching key principles centre on the need to adopt an integrated, multi-agency approach towards three pillars: safety, security and service; and a partnership ethos between all agencies and stakeholders involved in making football and other sports events safe, secure and welcoming for all.

16. The content of the Convention, therefore, reflects widespread European experience which evidences that focusing only on security risks in isolation does not provide an appropriate or effective means for reducing risks or ensuring a safe, secure and welcoming atmosphere in stadiums.

17. Moreover, safety risks are present at all public sports events, and it is essential that adequate preventative and counter measures are in place and applied. Furthermore, European experience evidences that safety and service measures can impact on crowd behaviour in general; and on the potential for significant incidents of violence and misbehaviour in particular.

18. The aim of the Convention, therefore, is to promote a multi-agency, integrated approach towards safety, security and service, and a partnership ethos between all of the agencies involved in a sport event; with the roles and responsibilities of each public and private agency being clear and complementary. This ethos is also reflected by the emphasis placed on ensuring effective communication with supporter groups and local communities.

19. The title of the Convention: "Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events" reflects its primary aim and content. The emphasis throughout is on developing a multi-agency, integrated approach based on a plurality of agencies working in a partnership amid an ethos of co-operation and determination to provide a safe, secure and welcoming environment for all individuals at football and other sports events. The draft also focuses on the importance of developing a dialogue with key stakeholders, like local communities and supporters.

20. The legitimate expectation of all individuals to attend sports events safely, and the associated need to tackle violence and maintain the rule of law inside and outside of stadiums is stressed, along with the important role that sport can play in promoting the core values of the Council of Europe, such as social cohesion, tolerance, and the fight against discrimination.

21. The Convention avoids being unduly prescriptive but instead provides a framework document setting out key principles. This reflects the need for States to adapt and apply these principles in the light of their national legislation and circumstances, and in particular the character and severity of the safety and security problems associated with sports events in their territory.

22. For that reason, the scope of the Convention makes clear that while its provisions should be applied to all domestic and international professional football matches, it remains for each State Party to determine whether or not the provisions should be applied to minor football and other sports events where comparable risks and challenges apply.

23. In the same vein, the obligations imposed to States Parties do not interfere with the principle of autonomy of sport in Europe, which has been recognised and defined by the Committee of Ministers of the Council of Europe.⁽¹⁾ However, this is balanced by the need to avoid excluding the sports movement from compliance with the rule of law and the applicable law in each jurisdiction.

24. The Convention stresses throughout that the provisions should be applied in a manner that is consistent with international and national legal obligations in particular in respect of data protection, human rights, and rehabilitation of offenders.

25. The preamble also highlights that the integrated approach to safety, security and service is reflected in recommendation CM/Rec(2015)1 of the Standing Committee of the Convention No. 120, adopted on 18 June 2015, along with the need to provide an updated binding instrument that is consistent with the content of this recommendation.

26. The text also provides a mechanism for monitoring compliance with, and for providing support and advice on implementation of, the Convention through the establishment of a “Committee on Safety and Security at Sports Events”.

27. The setting-up of such a committee has the merits of providing an institutional base for ensuring sustainability, an appropriate mechanism for continuing the work of the Standing Committee, monitoring compliance with the provisions of the Convention, and providing support and advice to State Parties. This arrangement is similar to that used by the Anti-Doping Convention (ETS No. 135, 1989).

II. Provisions of the Convention

Preamble

28. The preamble sets out the purpose of the Convention: ensuring that football and other sports events provide a safe, secure and welcoming environment for all individuals. To achieve this end, the preamble briefly sets out the main features of the Convention, namely implementation of an integrated approach on safety, security and service at sports events by a plurality of actors working in a partnership amid an ethos of co-operation.

29. The preamble cites the legitimate expectation of all individuals to attend sports events safely, and the associated need to tackle violence in all its forms and maintain the rule of law inside and outside of stadiums.

30. The drafters also wished to acknowledge that violence is not the unique danger in stadiums. Safety and service measures can have a positive and significant impact on the crowd behaviour and the associated degree of risk of possible violent incidents. In any case, safety risks are present at all public sports events and security should never be given preference over safety. The preamble stresses, therefore, that it is essential to develop an integrated approach towards the three pillars (safety, security and service) which overlap and cannot be considered in isolation.

(1) Recommendation CM/Rec(2011)3 of the Committee of Ministers to member States on the principle of autonomy of sport in Europe, adopted on 2 February 2011 at the 1104th meeting of the Ministers' Deputies.

31. To achieve this aim, the drafters wished to emphasise the necessity of creating an ethos of partnership and co-operation between all agencies involved in the preparation of a range of inter-related measures for football and other sport events. The preamble also focuses on the importance of developing a dialogue with key stakeholders, like local communities and supporters, who share the same objective, and can play an important role in making such events safe, secure and welcoming.

32. As sport is a way of transmitting values, the preamble requests the different actors to respect and promote core values of the Council of Europe, such as social cohesion, tolerance and fight against discrimination while implementing this integrated approach.

33. In addition to the description of the purpose of the Convention, the preamble also stresses that the content is not over-prescriptive but instead provides a framework document, setting out key principles. This reflects the need to enable States to adapt and apply these principles in the light of their national legislation and circumstances, and in particular the character and severity of the safety and security problems associated with sports events in their territory.

34. The preamble also stresses that the Convention should be applied in a manner that is consistent with international and national legal obligations in respect of matters such as data protection, human rights and rehabilitation of offenders.

35. In the same vein, it has to be noticed that the obligations imposed to States Parties do not interfere with the principle of autonomy of sport in Europe, which has been recognised and defined by the Committee of Ministers of the Council of Europe.⁽¹⁾ Indeed, the principle of autonomy, as mentioned here, does not intend to exclude the sports movement from compliance with the rule of law and the applicable law in each jurisdiction.

36. Finally, the last paragraphs recall that this Convention, by replacing the Convention No. 120, reflects the continuous willingness of the Council of Europe in making sport competitions safe and secure; and the current need to go further and to develop a new approach in the light of European experience and good practices established over the last decades.

37. The drafters also wished to emphasise that this new approach is reflected in recommendation CM/Rec(2015)1 of the Standing Committee of the Convention No. 120, adopted on 18 June 2015, and that it is essential to promote an updated binding instrument to reflect this recommendation.

ARTICLE 1 – Scope

38. Paragraph 1 states that this Convention focuses on providing a safe, secure and welcoming environment in respect of football matches played by professional football clubs and national teams in the territory of a country. This paragraph targets football because it is the leading European, and global, sport in respect of attendances, media coverage, and public interest. The drafters wished to highlight the need to apply the Convention to particular professional football matches, and national teams, in order to rule out a wide range of football events, for example matches between children in football schools, or school tournaments, etc.; which are not affected by the provisions of this Convention.

(1) Recommendation CM/Rec(2011)3 of the Committee of Ministers to member States on the principle of autonomy of sport in Europe, adopted on 2 February 2011 at the 1104th meeting of the Ministers' Deputies.

39. The provision contained in paragraph 2 provides the Parties with the option of taking account of national circumstances and preferences in deciding if the provisions of the Convention should be applied to other football matches in which safety or security risks are involved, or other sports events. In some States, but by no means all, other sports, like basketball or ice hockey matches, can attract large crowds and generate comparable safety and security risks. It is up to each State to determine if they proactively give full effect to the provisions of this Convention for such sports events.

ARTICLE 2 – Aim

40. This article sets out the aim of this Convention, which is to provide a safe, secure and welcoming environment at football matches and other sports events. The article specifies the approach which should be adopted by the Parties in order to achieve this purpose.

41. Safety, security and service at sports events are implemented by a wide range of actors, subject to a wide range of rules and legislative and regulatory obligations. To achieve the purpose of this Convention, States have to develop a multi-agency and integrated approach, based on partnerships and co-operation at local, national and international level. It is important that the Parties develop a comprehensive strategy towards safety, security and service, encouraging all agencies to understand that no agency can fully achieve their own or wider aims and objectives when working in isolation from the others partner agencies responsible for safety, security and service.

42. As stressed throughout the Convention, safety, security and service are the three pillars of a same objective. The Parties have to make sure that all partners involved in the management of a sport event understand the necessity of this integrated approach, and implement it. European experience evidences that one pillar can hugely influence the other two, and that it is impossible to ignore the necessity of acting simultaneously on all three fronts. For example, it has been widely demonstrated that making an event enjoyable and comfortable for supporters (service), can encourage high levels of compliance amongst spectators (safety) and create a peaceful atmosphere in which the threat of violence is substantively reduced (security).

43. The point “c” sets out the importance of adopting established good practices in the development of an integrated approach to safety, security and service. The aim is to highlight the added value of good practices which have been found to work effectively, when updating and improving safety, security and service measures in stadiums. These good practices also provide the basis and incentive for the establishment of this new legally binding instrument. In order to continue improving safety and security at sports events, the Committee on Safety and Security at Sports Events will gather good practices, analyse and share them with the Parties. The idea is not to be overly prescriptive about these practices, but to facilitate the improvement of safety, security and service mechanisms through the sharing of efficiently-proven models.

ARTICLE 3 – Definitions

44. This article provides several definitions which are applicable throughout the Convention.

Definition of “safety”

45. The term “safety” is one of the three pillars of the integrated approach developed in the Convention. This concept aims to regroup all measures related to the protection of people from being injured or facing a risk for their health and well-being during sports events.

46. Therefore, the measures gathered under the thematic concept of safety concern the stadium infrastructure, the stadium certification, rules for the consumption of alcohol, emergency plans, etc.

47. Safety measures can also be implemented outside stadiums, in order to protect people on their journey to the event, or those who live or work in the vicinity. This can incorporate the management of public and private vehicles and supporters in the vicinity of stadiums. It also includes measures in respect of football-related events held in public spaces, like fan zones and public viewing areas.

Definition of “security”

48. The concept of “security” has been the central approach of the rules about sports events since the eighties. In particular, the Convention No. 120 is based on security measures.

49. This concept comprises all measures aiming to tackle violence inside and outside of stadiums, and incorporates all measures designed to deter, prevent and sanction any incident of violence or misbehaviour in connection with football matches and other sports events, including co-operation between policing and other agencies involved in the security of an event, risk assessment, sanctions against individuals committing offences or public disorder, etc.

50. Here, the main goal is both to ensure the protection of individuals from danger and maintain public order.

Definition of “service”

51. The concept of “service” is the last pillar of the approach developed throughout this Convention, but not the least important. Experience demonstrates that the behaviour of spectators and/or supporters can be hugely influenced by the conditions and circumstances experienced when attending an event.

52. Service measures comprise all measures designed to make football and other sports events enjoyable and welcoming for all, not only in stadiums but also in public spaces where spectators gather, either at organised events or in a spontaneous manner. This incorporates key elements like good catering and toilet facilities but also the manner in which they are greeted and treated throughout the event experience.

Definition of “agency”

53. In respect of ensuring the safety and security of an event, it is crucial for each actor to know exactly its duties and responsibilities. As the text of the Convention often refers to the duties of “agencies”, it was important to define what should be understood under this term.

54. The agencies are the key actors for safety and security at sports events. To avoid confusion, the definition points out the fact that the actors considered as “agencies” are those which engage their responsibility during sport events, under constitutional, legislative, regulatory or other provisions.

55. This definition is extensive as the purpose is to include all actors who have responsibilities at such an event. However, each article of the Convention refers specifically to “key agencies”, “relevant agencies”, “competent agencies”, etc. This formulation enables States to keep some flexibility in the distribution of the duties and responsibilities of all actors involved in the safety and security of a sport event.

Definition of “stakeholder”

56. The drafters wished to highlight the role of other actors who do not have any legislative or regulatory responsibilities in making sports events safe, secure and welcoming; but can however play a major role in that regard.

57. This definition focuses in particular on spectators. It is crucial to include them as they represent an important part of the integrated approach. Indeed, experience and good practices have shown for years that spectators, and in particular supporters, can be key actors in reducing risks and in supplying potential solutions to problems.

58. As they are not always structured and organised, spectators cannot be recognised as agencies to which responsibilities could be given. However, this Convention gives an obligation to the Parties to regularly discuss with the different stakeholders. With spectators, and in particular supporters, they should in particular discuss topics which can impact their stadium experience before, during and after an event; and can affect consequently their behaviour. Regarding local communities, they are invited to include them in the preparation of major sports events in order to ensure clarity and transparency in respect of safety and security measures and also provide reassurance. Both supporters and local communities should also be aware, and where appropriate, participants in the implementation of community projects involving preventative, educational or other initiatives.

Definition of “integrated approach”

59. As the term is spread throughout the whole Convention, the definition aims to explain what should be understood by “integrated approach”.

60. As stressed throughout this explanatory report, the approach developed in this Convention centres on recognition that the three pillars detailed above overlap and cannot be considered in isolation. Each measure implemented in pursuance of one of the pillars can and will have an influence on the two others.

61. European experience, and good practices developed since 1985, show that all sports events disasters have been the result of a number of contributory failures, even if one pillar might have had a bigger influence than the others. The integrated approach is the added value of this Convention. It aims to prevent any incident occurring during a sport event, and to minimise the potential effects of an incident by way of a comprehensive safety, security and service scheme.

Definition of “multi-agency integrated approach”

62. Safety, security and service measures cannot be implemented effectively or in isolation by a single agency. This definition points out the fact that a range of agencies are involved in the safety and security of a sport event.

63. As the measures overlap under the three pillars, their collective implementation has to be coordinated and delivered as part of a multi-agency package. If not, there is a risk that each pillar, and the activities of each agency will be pursued in isolation, which can lead to an important loss of efficiency in the overall response.

Definition of “good practices”

64. Good practices are examples of tried and tested measures that have been proven to be effective in one or more States, which can be implemented in other countries or other sports. The Committee on Safety and Security at Sports Events will be responsible for gathering these good practices and sharing them with all the Parties.

65. The aim of the reference to good practices throughout the Convention is to create a flexible instrument which allows the Parties to adapt their strategic and tactical policies and practices in the light of the evolution of safety and security measures and the underlying dynamic at sports events.

Definition of “relevant agency”

66. While safety and security operations in connection with a football or other sports event will involve a number of agencies working together, within that multi-agency process, specific tasks will remain the primary responsibility of a legally or otherwise designated agency. As mentioned above, the term “relevant agency” aims to enable States to recognise this fact in their multi-agency event planning arrangements.

ARTICLE 4 – Domestic co-ordination arrangements

67. European experience evidences that governments have a key role to play in ensuring that national sports-related safety and security arrangements are co-ordinated effectively at both national and local levels. This will involve a number of key work streams, including that legislative, regulatory and administrative frameworks are in place to ensure that each agency is empowered to undertake its tasks effectively; and that all agencies are encouraged or required to work in partnership in pursuance of a multi-agency integrated approach to safety, security and service inside and outside of stadiums.

68. The aim here is to ensure that national and local mechanisms are in place to consider the design and delivery of appropriate safety and security arrangements and to provide a forum in which senior representatives of each agency can contribute in monitoring emerging trends and experiences and work together to determine effective and proportionate preventative and counter measures, taking into account international good practices. In order to achieve the implementation of these effective and proportionate measures, co-ordination mechanisms shall include a dynamic risk assessment, and enable the sharing of information among all stakeholders.

ARTICLE 5 – Safety, security and service in stadiums

69. This article centres on the key principle that all stadiums should provide spectators and other participants with a safe, secure and welcoming environment in which both safety and security risks are minimised.

70. To achieve this crucial objective, paragraphs 2 and 3 stress the critical importance of the Parties ensuring that effective stadium licensing and safety certification arrangements are in place and applied. The character of these arrangements is not prescribed but the onus is placed on the Parties to monitor their effectiveness and in so doing ensure that stadiums design, construction and crowd managements arrangements are in compliance with national and international standards and good practices. This imperative, and other provisions in the Article, are fully supported by UEFA.

71. Paragraph 4 is about the importance of the stadiums experience providing all communities with an inclusive and welcoming environment in which to enjoy the event. No one should feel excluded. For example, providing facilities to allow children, the elderly and people with disabilities to enjoy sports events in a safe and secure way is considered a core principle. These facilities can comprise a wide range of elements, like a safe and easy access, clear and high visibility signage, etc. However, the drafters deliberately avoided citing examples in the text, as this could be perceived as indicating other examples are less important. Furthermore, the term “encourage” leaves the Parties some flexibility as to the actions to be taken. However, the stadiums facilities mentioned (appropriate sanitary and refreshment facilities, as well as good viewing conditions) are not just considered as examples of good practices, but are a part of the integrated safety, security and service approach.

72. Paragraph 5 concerns stadiums operating arrangements. The Parties have to develop clear policies and procedures on matters of particular impact for the crowd management: use of pyrotechnics, violent behaviour, and racist or other discriminatory behaviour. In particular, the policies have to ensure an effective liaison between the police, emergency services, and the other partner agencies involved. This paragraph focuses on three major risks, and is not overly descriptive, on purpose, given that the Parties also have to ensure that strategies are developed for dealing with other in-stadiums risks.

73. Paragraph 6 of this article points to a crucial point of the integrated strategy. All the provisions of this Convention cannot be efficiently implemented without qualified, trained and equipped safety and security personnel. While the Parties can decide which agencies are responsible for organising such training they are strongly encouraged to adopt the concept of stewarding, which has proven to be the most appropriate means for ensuring effective crowd management and spectator safety arrangements.

74. Paragraph 7 highlights that the behaviour of players, coaches, and others representatives of the participating teams can influence crowd behaviour and stresses that the competent authorities should oblige their personnel to act in compliance with sport key principles, like tolerance, respect and fair play.

ARTICLE 6 – Safety, security and service in public places

75. The integrated approach cannot be implemented only inside stadiums. The drafters also wished to highlight the need for specific safety and security measures in respect of events held outside of stadiums. Public viewing areas and organised and spontaneous locations where supporters can gather in large numbers, in particular during international tournaments, require comprehensive safety, security and service arrangements to be in place and implemented in order to minimise associated risks.

76. Moreover, as mentioned in the preamble of this Convention, events outside of sports stadiums can have a direct impact on events inside the stadiums, and vice versa. Plus, experience demonstrates that, in some countries, while improvements in crowd management and other safety and security arrangements may have reduced the risk of violence inside stadiums, an equally comprehensive and integrated response is required to achieve a similar outcome outside of stadiums.

77. Paragraph 1, therefore, stresses the necessity of a comprehensive co-operation between all agencies and stakeholders involved in the management of sports events in public places or public viewing areas in order to prevent any significant disruption to local communities and in facilitating a safe, secure and welcoming atmosphere in public spaces, including city centres and transit routes to and from the stadium.

78. This paragraph also establishes dialogue with local communities as a core principle, in recognition that effective communication can provide reassurance and avoid misunderstanding and tension.

79. Paragraph 2 asks the Parties to ensure that risk assessment and safety and security measures take account of the journey to and from the stadium. The aim of this Convention is not to oblige States to implement safety and security measures at every stage of the journey of supporters. Indeed, it would be unrealistic and inappropriate to put such an obligation on States, given that supporters can travel, often independently or in small groups, from across the continent, or beyond, to follow their favourite team. Neither is the aim to interfere with the general obligation of States to protect the health of people on their territory. On the contrary, the intention with this paragraph is to highlight that supporters do not always meet in the vicinity of stadiums, but can meet sometimes in a separate pre-identified location; and that it is important to take account of this reality when assessing the risks and implementing the associated safety and security measures.

ARTICLE 7 – Contingency and emergency planning

80. Emergency and contingency plans are crucial elements of the safety and security arrangements for a sports event (and other public gatherings). It is therefore mandatory for each Party to ensure that such plans are developed, tested and refined in regular joint, multi-agency exercises.

81. The term “emergency plans” refers to local multi-agency plans prepared by a national or municipal authority for dealing with a major incident inside or in the vicinity of a stadium. “Contingency plans” refer to the in-stadium arrangements prepared by the stadium safety officer or management for dealing with unexpected events or emergencies within a stadium. In both cases, such plans should be prepared in close consultation with all the relevant authorities.

82. The content of stadium contingency plans has to be comprehensive in order to respond to any scenario, ranging from major threats like fire, infrastructure failure, to the procedures for dealing with lost children or refreshment or sanitary failures.

83. Designated stadium personnel, often the safety officer, should work closely with the police and other emergency services in the preparation of emergency plans and should do likewise in respect of stadium contingency plans, ensuring that the content of both is consistent.

84. The article does not attempt to identify the contents of these plans, but detailed guidance will be provided in revised recommendations on good practices. The key issue is that the plans are living documents and are reviewed on a regular basis. National legal, regulatory or administrative arrangements shall clarify which agency shall be responsible for arranging joint exercises.

ARTICLE 8 – Engagement with supporters and local communities

85. This article reflects the integrated approach on which this Convention is based. Spectators are major stakeholders, and extensive European experience evidences that proactively engaging with supporters, both in organised meetings with fan groups and through positive interaction with individual supporters as part of safety and security operations, can have a major influence on crowd behaviour generally and in encouraging high levels of compliance with stadium personnel and police instructions. The article makes no attempt to be over-prescriptive regarding the options for achieving effective communication, but does aim to promote the principle of, and the potential benefits to be derived from, dialogue with supporters.

86. Paragraph 1 stresses that open and frank dialogue lies at the heart of an effective communication strategy irrespective of whether it is aimed at supporters or local communities, or both. In practical terms, it provides an appropriate means of relaying important information, providing explanation of why any contested measures are being pursued, and in seeking a supporter perspective on all aspects of the event experience. Moreover, experience and good practices demonstrate that well-informed and well-cared-for supporters feel comfortable; and that people who feel comfortable remain relaxed.

87. Paragraph 2 relates to the potential benefits associated with multi-agency participation in, or association with, a wide range of community focused social, educational, crime prevention and other projects. Such projects can be designed to influence the behaviour of young supporters and foster mutual respect and understanding, or they can be football-related projects aimed at developing closer links between football and other sports events and local communities. Projects run in schools or targeted at school pupils can be especially effective, but there is a wide range of options which can be pursued.

ARTICLE 9 – Police strategies and operations

88. Policing is a crucial part of the integrated approach and the Parties should ensure that policing strategies are developed, regularly evaluated and refined in the light of experience (good and bad) and established European good practices.

89. Examples of key good practices are highlighted in paragraph 2, each of which has been evidenced by extensive European experience as being integral to the planning and delivery of effective and proportionate policing football operations. Without being over-prescriptive, or unduly interfering in the responsibility of each country to determine the character of its policing arrangements, the paragraph does provide some core strategic and operational principles, which should be taken into account, notably the need for intelligence-led and dynamic risk based police deployment strategies and proportionate intervention to prevent an escalation of risk or disorder.

90. These considerations are crucial as the dynamic in connection with a football event varies from match to match and is rarely predictable. Events can evolve in quick time, especially if supporters feel that they are being treated indiscriminately or on the basis of reputation rather than behaviour. The importance of effective dialogue with supporters, the need to gather evidence of misbehaviour and benefits to be derived from developing effective partnership with prosecuting agencies are also stressed.

91. Paragraph 3 highlights the importance of the police working in partnership with event organisers and other stakeholders in developing policing arrangements for football and other sports events.

ARTICLE 10 – Prevention and sanctioning of offending behaviour

92. Ensuring the safety and security of sports events requires the development of effective policing operations and evidence gathering, close co-operation between the relevant agencies, and an appropriate and proportionate criminal justice response to the violence of misbehaviour concerned. Sanctions imposed on offenders may not alone prevent or deter repeat misbehaviour. The article, therefore, also focuses on the importance of establishing and implementing an effective means for excluding offenders from the football experience for a period of time that is likely to act as a deterrent and help rehabilitate offenders.

93. It should be stressed that each paragraph in this article must be implemented in accordance with the national and international legislation applicable. The drafters focused on the imposition of sanctions and preventative measures on individuals, rather than groups, in order to ensure that the provisions are applied in a targeted manner and are intelligence and evidence based in character. The provisions have also been designed to provide scope for the Parties to apply the measures in a way that reflects the level of actual misbehaviour and the severity of the risks involved.

94. Paragraph 1 is generic in character and stresses the responsibility of the Parties to take all possible measures to reduce the risks of violence inside and outside of stadiums. The drafters wished to ensure that Parties can comply with the provision in the light of the character and severity of the security problems at football and other sports events held in their territory.

95. Paragraph 2 requires States to develop effective exclusion arrangements. European experience evidences that exclusion can be the most effective means for preventing repeat offences and transforming behaviour. A variety of exclusion options exist across Europe and it is for each State to choose the arrangements which it considers are most likely to have an impact, taking into account the character and location of the offending behaviour.

96. Paragraph 3 refers to football-related offences committed abroad. The aim is to ensure that offenders receive appropriate sanctions, either in the country where the offence is committed, or in the country of residence or citizenship, or both. Again, the aim is that all such sanctions should be imposed in accordance with the legal, regulatory or administrative arrangements in the country concerned.

97. Paragraph 4 opens the possibility of imposing travel restrictions on individuals, where appropriate and in accordance with designated judicial or administrative arrangements, for dealing with football related violence or disorder. The aim is to prevent individuals from committing offences in connection with football events held in another country. Travel restrictions are implemented in several countries and have proven to be a highly effective and proportionate means for reducing risk and levels of disorder abroad, and for fulfilling the moral obligation to prevent the export of domestic football problems.

ARTICLE 11 – International co-operation

98. This article points out the importance of a good co-operation between Parties to maximise the efficiency of the provisions of the Convention.

99. Paragraph 2 obliges the Parties to set up a National Football Information Point (NFIP) to act as the designated sole conduit for exchanging all information and intelligence regarding football matches with an international dimension and for arranging other matters of international police co-operation, including the hosting and deployment of visiting police delegations. NFIPs were created under the European Union Law (Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension, 2002/348/JHA). Accordingly, the text of paragraphs 2 to 4 is inspired by the abovementioned decision.

100. NFIPs are mandatory in each member State of the European Union. They also exist in many non-European Union member States which have voluntarily opted to set up a NFIP and become part of the European-wide NFIP network. As the term “NFIP” is widely used and understood across Europe, the drafters used that terminology as the use of alternative description would have placed the Convention in conflict with European Union law and, therefore, would have been counter-productive.

101. Notwithstanding the use of the term NFIP, it is acknowledged that some States may wish to use the NFIP network to share information relating to other sports in addition to football. It is for each State to determine the merits of extending, in law or in operating arrangements, the scope of the work of their designated NFIP.

102. In accordance with paragraph 4, the Committee on Safety and Security at Sports Events will keep an up-to-date contact list of the NFIPs network, be it inside or outside of the European Union.

103. Paragraph 5 is about international co-operation between States. As the aim of the Convention is to develop an integrated approach on safety, security and service, international co-operation should extend beyond the exchange of information for policing purposes. The Parties, therefore, should also exchange good practices regarding safety measures, preventative projects and projects involving supporters as each element is crucial to the development and implementation of an effective European wide integrated, multi-agency approach to making football or other sports events safe, secure and welcoming.

PROCEDURAL CLAUSES

104. These clauses provide information about the monitoring and the revision of the Convention. They notably detail the role and functions of the Committee on Safety and Security at Sports Events, committee in charge of implementing the provisions of the Convention.

ARTICLE 12 – Provision of information

105. The aim of this article is to collect information and experience with regard to the implementation of the provisions of the Convention. The Committee on Safety and Security at Sports Events may specify the type of information, frequency and methods of information gathering (country profiles, questionnaires, etc.) in its Rules of Procedure.

ARTICLE 13 – Committee on Safety and Security at Sports Events

106. This article provides for the setting up of a committee under the Convention, the Committee on Safety and Security at Sports Events, to ensure a number of Convention-based follow-up tasks.

107. Paragraph 2 states that the Parties shall appoint representatives from lead governmental agencies with responsibilities for sport safety and security, and from the National Football Information Point. In practice, the Parties should appoint delegates from both the sport sector and the safety and security sector (in most of the cases, Ministry of Sport and Ministry of Interior or Justice). The delegations can also comprise experts from the sports federations or other relevant sport bodies. Each Party shall have one vote.

108. Paragraph 3 states that the committee may also comprise observers from every member State of the Council of Europe, State Party to the European Cultural Convention, and State Party to the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No.120). The drafters wished to keep a strong link between the work of the Standing Committee of the Convention No.120 and the work of this committee. The best way of ensuring this link is to allow all the experts of sport safety and security to continue working together during the time needed by their country to ratify this Convention.

109. Like other monitoring mechanisms (e.g. the Follow-up Committee responsible for the implementation of the Council of Europe Convention on the Manipulation of Sports Competitions, CETS No. 215), paragraph 4 states that the committee may also invite, by unanimous decision, any non-member State of the Council of Europe, or any relevant organisations, to be represented at its meetings as an observer. It may thus benefit, where appropriate, from their additional expertise and experience in the field of safety, security and service at sports events. The observers shall participate in the committee's meeting without the right to vote.

110. Paragraph 5 states that the committee will be convened for its first meeting by the Secretary General of the Council of Europe within one year of the date on which ten member States of the Council of Europe have ratified the Convention. The drafters wished to let a sufficient number of States ratify this Convention before holding the first meeting in order for the committee to operate under satisfactory conditions, with a number of representatives which ensure the credibility of its work.

111. Paragraph 7 recalls that the committee must adopt rules of procedures establishing its internal organisation, modalities for voting, modalities for acceding to the status of observer, etc.

ARTICLE 14 – Functions of the Committee on Safety and Security at Sports Events

112. The committee is responsible for the follow-up of the implementation of the Convention, and carries out its function by completing the different tasks described in this Article 14.

113. The main tasks of the committee will be:

- the collection, exchange and analysis of information;
- the monitoring of the compliance of the Parties with the commitments of the Convention, through a programme of visits.

114. The committee shall, in particular, exchange information with the Parties, hold consultations with the relevant sports organisations, examine the necessity of updating a part of the Convention and inform the public about the activities undertaken within the framework of the Convention. It may also address recommendations to the Committee of Ministers on the accession of new States to the Convention.

115. Paragraph 2 concerns the programme of visits. The drafters wished the visits to be based on an ethos of co-operation between States, through a “peer review” mechanism. The visits are organised with the prior agreement of the Parties concerned, and aim to provide advice and support in order to help the State under review to improve its policymaking, to take over best practices and to be compliant with the present Convention. A joint document from the EPAS Governing Board, the Standing Committee of the Convention No. 120 and the Monitoring Group of the Anti-Doping Convention (ETS No. 135) provides the details and modalities of the visits.

116. Paragraph 3 states that the committee has also a role of collecting the information given by the Parties under the provisions of Article 12. The committee collects in particular the name and contact details of all the NFIPs, and circulates them. This role is central for the development of the co-operation between all the Parties, co-operation which has proven its efficiency in Europe since the creation of the NFIPs network.

117. Paragraph 4 indicates the possibility for the committee to hold ad hoc meetings, if necessary, on topical issues.

ARTICLE 15 – Amendments

118. This article provides the possibility of amending the Convention and establishes the mechanism for such process.

119. Amendments to the provisions of the Convention may be proposed by the Parties, the Committee on Safety and Security at Sports Events or the Committee of Ministers of the Council of Europe. These amendments shall then be communicated to all member States of the Council of Europe, States Parties to the European Cultural Convention, non-member States of the Council of Europe having acceded to Convention No. 120 prior to the date of opening for signature of this Convention,⁽¹⁾ and to any State invited to sign or accede to the Convention. The Committee on Safety and Security at Sports Events shall submit to the Committee of Ministers its opinion on the proposed amendment.

(1) At the time of the adoption of this Convention, Morocco is the only State which is not a member State of the Council of Europe nor a Party to the European Cultural Convention to have acceded to the Convention No. 120.

120. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Committee on Safety and Security at Sports Events and may adopt the amendment.

121. Any amendment adopted by the Committee of Ministers shall come into force after its approval by all States Parties. This modality ensures an equal participation to the decision-making process for all States Parties.

FINAL CLAUSES

122. Articles 16 to 22 are essentially based on the “Model Final Clauses for Conventions and Agreements concluded within the Council of Europe”, which the Committee of Ministers approved at the Deputies’ 315th meeting, in February 1980; and on the final clauses of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120).

ARTICLE 16 – Signature

123. The Convention is open for signature by Council of Europe member States, States Parties to the European Cultural Convention, and any non-member State of the Council of Europe which acceded to the Convention No. 120 prior to the date of opening for signature of this Convention.⁽¹⁾

124. Paragraph 3 underlines the need to denounce the Convention No. 120 before ratifying this Convention, or simultaneously. Indeed, as the Convention No. 120 no longer prescribes the right answers to ensure safety and security in stadiums, it would not be relevant to be a part of two binding conventions which could ask for contradictory responses to a same phenomenon.

125. In order to avoid transitional periods in which a State has denounced the Convention No. 120, but is not yet bound by this Convention, paragraph 4 states that Contracting States can declare that they will be bound by the Convention No. 120 until the entry into force of this Convention. This provision applies for the two first States which will ratify the Convention. Indeed, the Convention will enter into force after the third ratification. The two first States may wait for several months before this entry into force. It is crucial to allow them to keep an international binding instrument on safety and security at sports events applicable on their territory.

ARTICLE 17 – Entry into force

126. This article sets the number of ratifications, acceptances or approvals required for the Convention’s entry into force at three members States of the Council of Europe. This number is not very high in order not to delay unnecessarily the entry into force of the Convention; but reflects nevertheless the belief that a minimum group of States is needed to successfully set about addressing the major challenge of ensuring safe, secure and welcoming sports events.

(1) At the time of the adoption of this Convention, States Parties to the European Cultural Convention which are not members of the Council of Europe are Belarus, Kazakhstan and the Holy See. Morocco is the only State which is not a member State of the Council of Europe, and not a Party to the European Cultural Convention, to have acceded to the Convention No. 120.

ARTICLE 18 – Accession by non-member States

127. The Committee of Ministers may invite any non-member State to accede to the Convention. The Parties have to be consulted. The decision of inviting a State requires the two-thirds majority provided for in Article 20.d of the Statute of the Council of Europe and the unanimous vote of the Parties to the Convention having the right to sit on the Committee of Ministers.

128. The aim of the Convention is to provide a safe, secure and welcoming environment for all spectators at sports events, in Europe and beyond. The provisions of the text have been made under European experience, but aim to give key principles applicable everywhere beyond. Therefore, non-member States will be welcome to ratify the Convention.

129. The financial contribution mentioned in paragraph 3 is based on Resolution CM/Res(2015)1 of the Committee of Ministers concerning financial arrangements for the participation of non-member States in Council of Europe conventions.

ARTICLE 19 – Effects of the Convention

130. Paragraph 1 clarifies the relationships between the Convention No. 120 and this Convention. This Convention goes beyond the scope of the Convention No. 120. It requires the Parties to implement additional provisions, notably with regard to international co-operation and treatment of offenders (subjects of Articles 4 and 5 of the Convention No. 120). This Convention cannot impose obligations towards States which have not ratified it. That is why the provisions of Article 4 of the Convention No. 120 on international co-operation and Article 5 of the Convention No. 120 on identification and treatment of offenders will continue to apply, when necessary, in relationships between a Party to this Convention and a Party to the Convention No. 120. In any case, the Parties to the Convention No. 120 are encouraged to ratify the present Convention.

131. Paragraph 2 clarifies the rules applicable, in case of denunciation of the Convention No. 120 and simultaneous ratification of this Convention, pending the denunciation of the Convention No. 120 becoming effective. As this Convention contains different rules, Contracting States have to denounce the Convention No. 120 when ratifying this Convention (according to the provisions of Article 16, paragraph 3). According to the provisions of Article 16, paragraph 2 of the Convention No. 120, such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General. This Convention shall enter into force on the first day following the expiration of a period of one month after the date of deposit of the instrument of ratification, acceptance or approval (according to the provisions of Article 17). During the period in which the two conventions will be in force in a State, it will apply the provisions of this Convention.

ARTICLE 20 – Territorial application

132. This article is dedicated to the territorial application of the Convention. Any State may specify the territories to which this Convention shall apply. It is well understood here that it would be contrary to the object and purpose of this Convention for any State Party to exclude parts of its territory from the application of the Convention without valid reason (such as the existence of different or special legal status, like in overseas territories for example); and that it was unnecessary to make this point explicit in the Convention. Any Party may extend the application of the Convention to any territory firstly excluded by declaration addressed to the Secretary General of the Council of Europe.

133. Any Party may, at any time later, decide to withdraw its declaration. In order to respect the object and purpose of the Convention, the Parties will be encouraged to withdraw their declarations as soon as it will appear that the Convention could be necessary and practically applicable within the territory concerned.

ARTICLE 21 – Denunciation

134. The Parties have the possibility to denounce the Convention, in accordance with Article 54 of the Vienna Convention on the Law of Treaties (1969).

ARTICLE 22 – Notifications

135. This article lists the notifications that, as the depositary of the Convention, the Secretary General of the Council of Europe is required to make, and designates the recipients of these notifications (member States of the Council of Europe, States Parties to the European Cultural Convention, any State which has acceded to this Convention).