COUNCIL OF THE EUROPEAN UNION

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LIMITE

ENFOPOL 12
SIRIS 12

PUBLIC

NOTE

from :	Presidency
to :	Police Cooperation Working Party
No. prev. doc. :	9535/08 ENFOPOL 95 SIRIS 78
Subject :	Improving information exchange on violent troublemakers - replies of the Member States

I. Introduction

It was agreed by the PCWP, on the basis of document 9535/08 ENFOPOL 95 SIRIS 78, that delegations provide information on the national situation regarding information on violent troublemakers. This is necessary to define whether there is an operational need to improve the exchange of such information by having it available on a database throughout the EU.

So far, 15 Member States have replied (CZ, DK, DE, EE, FR, CY, LT, LU, AT, PL, PT, SI, FI, SE, UK).

II. National information available on and measures taken against violent troublemakers

In none of the Member States that replied, except for DE and DK, the legal concept of "violent troublemaker" exists and the replies therefore generally concern information stored on hooligans and sometimes also persons that have been known or arrested for disturbance of the public order.

As a consequence, no Member State except for DE has a database including all this kind of information. Several Member States have noted that information on persons that could be considered as “violent troublemaker” is included in their criminal record database and/or police records database. In DK, "violent troublemakers" can be marked as such in those national databases.
On the other hand, databases or lists of certain categories of violent troublemakers are kept by specialised units in most Member States, in particular for hooligans but sometimes also violent (political) extremists.

The information included in the criminal records or police records is usually quite broadly accessible to competent authorities. The databases or lists of specialised units are generally made available whenever and to whomever required in specific situation (ranging from the local police commanders to the event organiser), including foreign authorities.

The measures taken regarding violent troublemakers (essentially sports hooligans) include for several Member States stadium and/or travel bans (national and/or international), restraining orders, reporting orders (to the local police station at the time of a certain event), open or discreet surveillance and arrest if and when a criminal offence exists.

III. Improving the exchange of information

All delegations confirm the need to exchange information on violent troublemakers among Member States as a preventive measure to police national or international (mass) events. It is also recognised that the current exchange of information usually does not allow easy access to this information for officers checking persons on the spot.

For that reason, a couple of delegations would welcome the inclusion of this information in the SIS because this system allows widespread and on-line access for police authorities. This would, however, require a legal definition of “violent troublemaker” and supposes that Member States mark their national records as such.

Several other delegations warn against such a widespread distribution of data as it would not be proportional to the purpose for which this information is exchanged, which is normally the policing of a certain event, limited in space and time. The right of free movement, other civil liberties and data protection rather call for a very careful access management to this type of information. In that context, it was stated that before exchanging information on an individual, the authorities should determine on the basis of a dynamic risk assessment that this individual does indeed pose a risk in a particular situation.

These delegations therefore favour the improvement of existing mechanisms of information exchange on violent troublemakers.

The PCWP is invited to examine the above information and consider

- **whether there is an operational need for a full and permanent access to data on violent troublemakers of other Member States or**
- **whether the required improvement in this field is a better access of officers on the field (those preparing and policing the event but also e.g. at the border controls in that context)[1].**

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[1] If the question is a matter of better access, it could be studied which technical solution would be preferred:
- a more automated exchange of data and temporary inclusion in a national database or
- an inclusion in the SIS that is limited in time and space and thus requiring "dynamic" filters.