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Delegations will find in Annex the Study on possible ways to improve the exchange of information on travelling violent offenders including those attending sporting events or large public gatherings - Final Report.

This report has been prepared for the European Commission by ICF GHK and reflects the view of the authors.

The Commission submitted the Final Report to the General Secretariat on 13 May 2013, which subsequently transmitted it to delegations.

This Report was presented to the Law Enforcement Working Party (LEWP) on 22 May 2013.



Study on possible ways to improve the exchange of information on travelling violent offenders including those attending sporting events or large public gatherings

Final Report for Directorate-General for Home Affairs

Written by



Home Affairs

This document has been prepared for the European Commission. It reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

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Executive Summary

Objectives of the Study

The aim of this assignment was to inform EU decision-making on the possible ways of improving the exchange of information between Member States on travelling violent offenders (TVO) in connection with major events, including large public gatherings and sporting events. The assignment:

- Analysed and provided an overview of the types of events which have been subject to unlawful disruption by TVO crossing national frontiers;
- Analysed the law enforcement authorities' needs in relation to information on TVO in connection with major events, particularly regarding content on the subjects, format and time;
- Analysed the different sources of information on TVO at national and EU level;
- Provided a detailed analysis and description of how information exchange on TVO has occurred across the EU, particularly through the analysis of major events;
- Provided a detailed identification and analysis of the reasons for unsatisfactory exchange of information related to TVO;
- Analysed ways of providing a definition of the term TVO at EU level and proposed at least three definitions;
- Examined, described and evaluated different non-IT based options in order to improve the exchange of information on TVO; and
- Examined, described and evaluated IT based solutions in order to improve the exchange of information on TVO.

Evidence base for the Report

The Report includes information gathered through desk research, stakeholder consultations (questionnaire exercise and case studies) as well as drawing on the discussions held with external experts and national authorities during expert meetings and panels organised.

Key concepts used

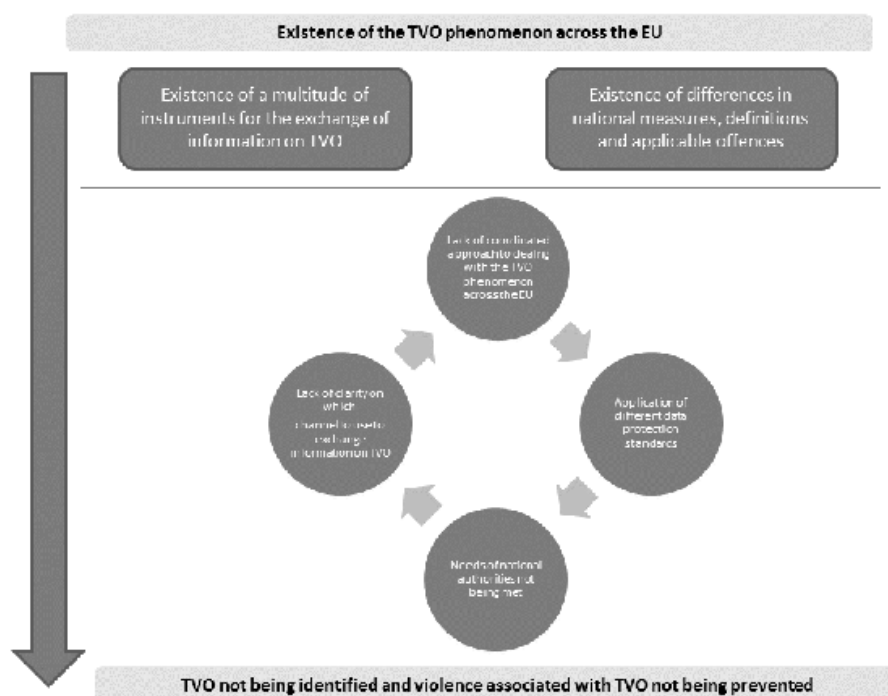
This Study examines the phenomenon of TVO. Though there is currently a lack of an agreed definition for TVO, the concept has been used throughout the Study in accordance with the Terms of Reference and taking into account the key concepts and functional definitions used in the Member States.

TVO are, in this study, understood quite broadly and different types of events and offences are included in the interpretation. The situations include sport, recreational, political and environmental events while attacks with high impacts have not been included. Concerning the type of TVO-related offences, offences ranging from violent disruption of public order and racist/xenophobic attacks have been included while minor civil disobedience actions and petty crimes and terrorism have been discarded from the understanding of TVO.

Problem assessment

The figure below presents the Study's approach to the problem definition. The problem tree shows the causal links between the issues identified throughout the study including the drivers, the general and specific problems, as well as the resulting consequences.

Figure 1.1 Problem tree



Policy objectives

Objectives were defined at two different levels: **general objectives**: setting out broader goals; and **specific objectives**: setting out what the intervention is meant to achieve. The specific policy objectives provided some of the criteria for assessing the Policy Options.

General objectives	Specific objectives
To improve the management of public events and to prevent violent behaviours during these events by TVO	To improve the information available on TVO across the EU
	To render the exchange of information on TVO more effective
	To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU

Policy options

On the basis of the problem assessment, three packages of options were identified in addition to the status quo. Each of the package aims to address the problems identified by proposing different alternatives (ranging from "minimalist" to "maximalist" solutions).

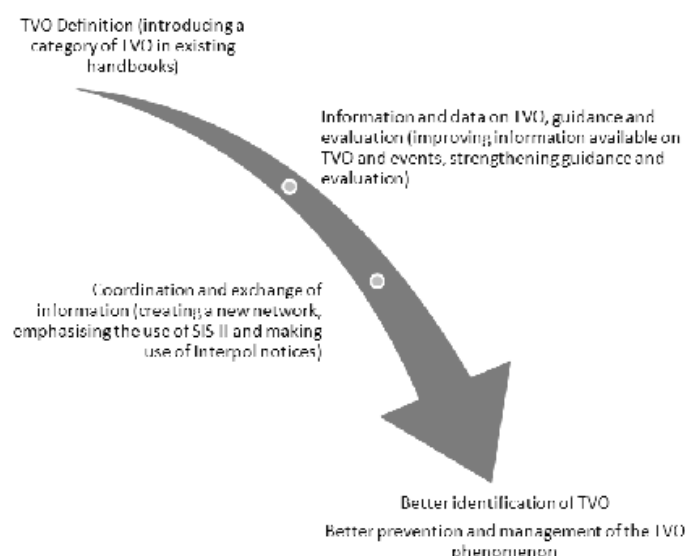
Package 0. Status Quo
No changes to the current situation
Package 1. Defining TVO
1.1 Introducing a new definition of TVO in existing handbooks and legislation
1.1.1 Introducing a category of TVO in the existing handbooks
1.1.2 Introduction of definition of TVO in existing legislation
1.2 Introduction of a common definition of TVO in new legislative instrument
Package 2. Gathering information on TVO and on public events including TVO
2.1 Improving the information available on TVO and events

2.2 Imposing an obligation to record and "classify" TVO
2.3 Establishing a TVO database in each Member State
Package 3. Exchanging information on TVO and cooperation between relevant actors
3.1 Strengthening guidance and evaluation
3.2 Establishing a network of national contact points for the exchange of information on TVO in the Member States
3.2.1 Extending the scope of NFIPs
3.2.2 Creating a new network
3.3 Making use of a specific information exchange mechanism
3.3.1 Emphasise the use of existing alerts in SIS II
3.3.2 Introduction of a new type of alert for sharing information on TVO within SIS
3.3.3 Use existing Europol platforms and Interpol notices
3.3.4 Establishment of a new mechanism for the exchange of information on TVO
3.4 Introduction of a European Banning Order

The preferred Policy Option

Following on from the assessment of each Policy Option, Figure 1.2 provides an overview of the manner in which the Policy Options could be accumulated in order to improve cooperation/coordination and exchange of information on TVO, resulting in better identification of TVO and better prevention and management of the TVO phenomenon.

Figure 1.2 Overview of preferred Policy Option



Based on the assessment of the individual Policy Options and their comparison, Policy Options from each package could be identified as preferred. They were the following:

- **Package 1:** Policy Option 1.1.1: Introducing a category of TVO in existing handbooks;
- **Package 2:** Policy Option 2.1: Improving the information available on TVO and events;
- **Package 3:** Policy Option 3.1: Strengthening guidance and evaluation;
Policy Option 3.2.2: Creation of a new network;
Policy Option 3.3.1: Emphasise the use of existing alerts in SIS II;
Policy Option 3.3.3: Using existing Interpol notices.

Analysis of subsidiarity and proportionality and EU right to act

The TVO phenomenon is expected to increase in the future as it is envisaged that new types of events might occur, such as recreational events inspired by social media. These events represent a cost to society, expressed in high costs incurred by the law enforcement authorities, the judiciary and direct costs to citizens who have been victims of violent acts.

Considering the evidence gathered on the problems encountered in the current situation, it has been shown that they are at present not dealt with in a satisfactory manner by the Member States. The analysis has shown that, whilst some Member States are more active and more successful in cooperating with other Member States and proactive in using existing tools and channels, ultimately they suffer from the low level of cooperation of others. Therefore, common action at the EU level would be more effective in solving the problems identified compared to action by individual (or a group of) Member States.

It is however important to consider the proportionality of any EU action. First, some of the problems linked to TVO seem fairly limited. Moreover, the TVO phenomenon is not equally "distributed" across the EU as some Member States hardly ever deal with TVO. Therefore, EU action might be disproportionate in those Member States experiencing low levels of violence linked to TVO. Finally, any EU action in this field should be assessed against the possible negative effect of creating yet another structure/body/channel for the exchange of information between national authorities in the home affairs area. Concerning the EU right to act, possible EU action in this field is supported by several important policy documents at EU level and, more specifically, embedded in the Treaty on the Functioning of the European Union (TFEU). The Stockholm Programme called on the Commission to "examine how best to promote that Member States' competent authorities can exchange information on travelling violent offenders including those attending sporting events or large public gatherings".

1 Introduction

This Final Report presents the results of the Study on possible ways to improve the exchange of information on travelling violent offenders, hereafter TVO, including those attending sporting events or large public gatherings, an assignment carried out by ICF GHK on behalf of DG Home Affairs.

In particular, the main purposes of this report are to:

- Present the problem assessment;
- Present a baseline scenario;
- Present the objectives that aim to address the problems in the current situation;
- Present the different packages and alternative Policy Options concerning future EU action;
- Present detailed assessments of the Policy Options;
- Compare the assessments of the Policy Options; and
- Provide considerations on the preferred Policy Option.

1.1 Rationale for undertaking the study

Over the past years, violent disorder has erupted at several large-scale international events such as the G8 summit in Italy, the NATO summit in France/Germany and the G20 summit in the United Kingdom. Violent disorder has also occurred at international sporting events held within the EU Member States.

Individuals often take part in violent disorder in other EU Member States than their own. These events pose great challenges for security services and law enforcement authorities, with the cross-border element highlighting the need to ensure close cooperation between European authorities when identifying, and preventing, the violent disorder occurring at these events.

Discussions have taken place regarding whether the information exchange could be improved due to difficulties encountered by law enforcement authorities responsible for such events. These include problems receiving the necessary information regarding the number, travel routes and times of potential offenders coming from abroad, which hinders the efficient and effective preparation of the police operations and preventive measures occurring prior to such events. The lack of a common definition relating to TVO, as well as the different legislative and procedural measures used to combat this phenomenon have also been identified as obstacles to effective cooperation and prevention of this increasing cross-border phenomenon.

1.2 Objectives of the Study

The aim of this assignment is to inform EU decision-making on the possible ways of improving the exchange of information between Member States on TVO in connection with major events, including large public gatherings and sporting events. The possibilities to improve the exchange of information between Member States will include the use of Europol.

In order to identify ways in which information exchange can be improved, the assignment will undertake the following, as outlined in the Terms of Reference:

- Analyse and provide an overview of the types of events which have been subject to unlawful disruption by TVO crossing national frontiers;
- Analyse ways of providing a definition of the term TVO at EU level and to propose at least three definitions;
- Analyse the law enforcement authorities' needs in relation to information on TVO in connection with major events, particularly regarding content on the subjects, format, time;

- Analyse the different sources for information on TVO at national and EU level, taking into account passenger name records availability;
- Provide a detailed analysis and description of how information exchange on TVO has occurred in all 27 Member States and by Europol and Interpol, particularly through the analysis of at least 5 major events;
- Map the law enforcement needs with information exchange in the past and identify problems in information exchange with regard to TVO in connection with major events;
- Provide a detailed identification and analysis of the reasons for unsatisfactory exchange of information related to TVO;
- Examine, describe and evaluate different (non-IT) options in order to improve the exchange of information on TVO particularly in relation to the needs of law enforcement authorities and the identified reasons for an unsatisfactory information exchange; and
- Examine, describe and evaluate options on how IT based solutions could improve the exchange of information on TVO in a supplementary manner.

The work at Europol, Interpol and other relevant Agencies was also taken into account.

The Study provided the Commission with necessary information, including the identification and elaboration of:

- (a) Needs regarding information exchange;
- (b) Problems to be addressed;
- (c) Objectives to be achieved;
- (d) Different options; and
- (e) Expected results and impacts of these options.

1.3 Method

The information presented in this Report was mainly collected through:

- Desk research;
- Interviews;
- Case studies;
- Commission Experts' meeting; and
- Expert panel.

These are further described below.

1.3.1 Desk research

Relevant documents have been identified and analysed. The documents included:

- Policy documentation;
- Legislative documentation;
- Academic and grey literature on the topic; and
- Statistical evidence (where available).

1.3.2 Interviews

Questionnaires were disseminated to 27 Member States and Croatia, with responses received from almost all Member States.

Consultations were undertaken with representatives from Interpol and Europol. Interviews were held with the relevant representatives from the European Commission dealing with the Schengen Information System. Questionnaire responses were also received from UEFA and FIFA representatives.

1.3.3 Case studies

Six case studies were organised in the following countries: Italy, Germany, France, UK, Denmark and Poland.

1.3.4 Participation at Commission Experts' meeting to validate the recommendations

The meeting was held on 6 July 2012. ICF GHK actively participated in the organisation, preparation and facilitation of the meeting. ICF GHK prepared a background document and presentations as well as a report, following the meeting, summarising the discussions amongst the participants.

1.3.5 Organisation of an expert panel

An expert panel was held on 26 September 2012 with three external experts. The aim of the expert panel was to discuss the Policy Options identified. More specifically, discussions during the panel focussed on the possible impacts of the Policy Options on:

- The policy objectives (i.e. how the options are expected to impact on the problems identified);
- Fundamental rights, especially the protection of personal data, non-discrimination, freedom of movement, right to an effective remedy and fair trial. When the Policy Options present a potential breach of these rights, mitigating measures should be also discussed; and
- The main stakeholders responsible for the exchange of information on TVO in the Member States and at EU level.

Discussions also focussed on the following:

- Identification of strengths and weaknesses of each option;
- Identification of the main risks associated with the implementation of the option (i.e. factors, which might lead to the failure of the options);
- Identification of the main legal impacts on Member States and at national level); and
- Identification of a preferred Policy Option(s).

1.4 Evidence base for the Report

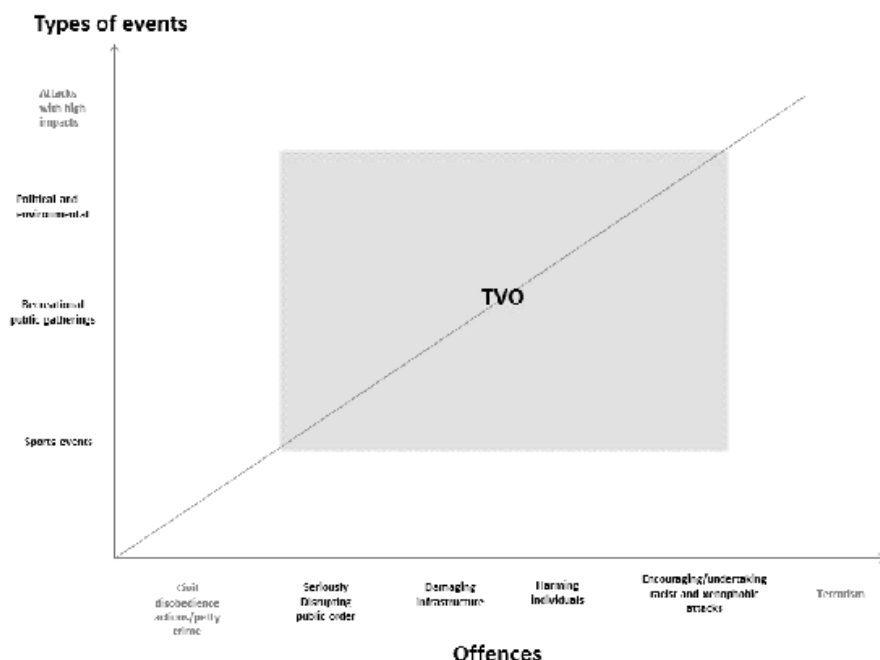
The Report includes information received to date through desk research, stakeholder consultations (questionnaire exercise and case studies) as well as discussions with external experts. However, the information presented does not cover the 27 Member States (and Croatia) as responses have not been received from all national authorities.

1.5 Key concepts used

This Study examines the phenomenon of TVO. Though there is currently a lack of an agreed definition for TVO, this concept has been used throughout the Study in accordance with the Terms of Reference. The Study Team has also taken into account the key concepts and functional definitions used in the Member States.

Figure 1.1 below shows our understanding of TVO (represented by the grey box). As shown, in this study TVO are understood quite broadly and different types of events and offences are included in the interpretation. The situations, taken into account in the figure below, include sport, recreational, political and environmental events while attacks with high impacts have been left outside the "TVO box". Concerning the type of TVO-related offences, minor civil disobedience actions and petty crimes and terrorism have both been discarded from the understanding of TVO while offences ranging from violent disruption of public order and racist/xenophobic attacks have been included in the box.

Figure 1.1 The understanding of TVO used throughout the study



On the basis of this, a definition of TVO has been suggested in Section 4 of this Report.

1.1 Structure of this report

The remainder of this Report is structured as follows:

Section 2: Problem assessment

Section 3: Policy objectives

Section 4: Policy options

Section 5: Assessment of the Policy Options and comparison

Section 6: The preferred Policy Option

2 Problem assessment

This section of the Report aims to identify and assess the extent of current problems and needs, both in the short and the long term. It elaborates the identified challenges that are to be addressed by the Policy Options.

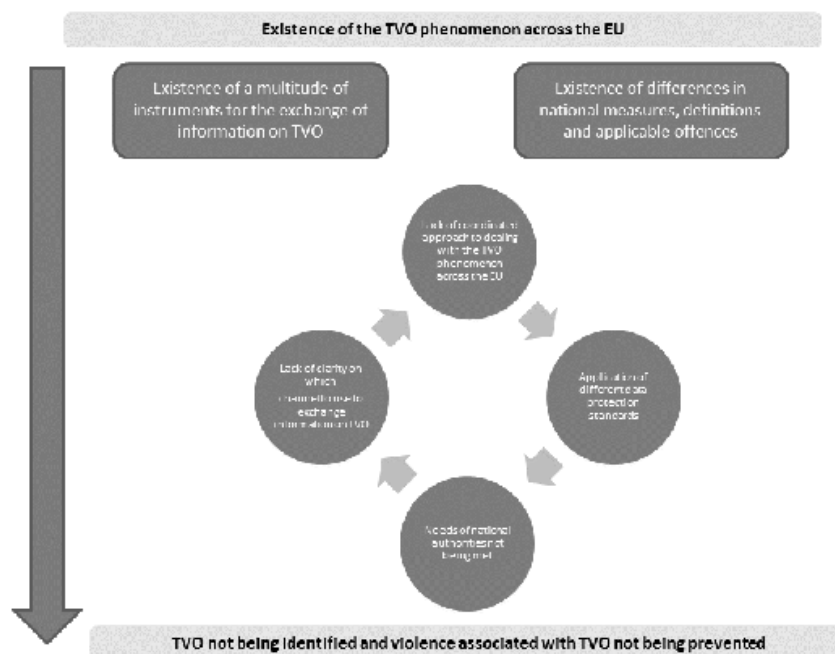
Sub-section 2.1 below includes the overall problem tree showing the causal links between the issues identified throughout the Study, including the drivers, the general and specific problems, as well as the resulting consequences. Sub-section 2.2 to 2.5 further elaborates the issues presented in the problem tree. For each of the issues, a brief description is presented, with evidence gathered through desk research and stakeholder consultations.

The problem definition also includes an assessment of the 'baseline scenario': how the identified problems would develop *ceteris paribus* (i.e. in the status quo situation, taking account of on-going initiatives and contextual developments) towards which the potential effects of the Policy Options will be assessed (sub-section 2.6). Finally, it includes considerations on subsidiarity and proportionality (sub-section 2.7).

2.1 Problem tree

The figure below presents our approach to the problem definition. The problem tree shows the causal links between the issues identified throughout the Study including the drivers, the general and specific problems, as well as the resulting consequences. These issues will be described in turn in the sections below.

Figure 2.1 Revised problem tree



2.2 Main driver: existence of the TVO phenomenon across the EU

Data gathered showed that most of the Member States have experienced problems with TVO when sport, political and other types of events were hosted. The phenomenon of TVO continues to pose security risks within the EU. Due to the increase in international sporting events being held in the Member States, such as large-scale football tournaments and events like the Olympics, Member States have witnessed an increase in the number of

supporters travelling and/or organising their travel across the EU. Moreover, activities relating to political and environmental activism have also developed over recent years.

As mentioned in Section 1 above, different types of events are included in the interpretation of TVO. They include:

- **Sport events** – might involve the presence of foreign 'hooligans'. Various forms of minor and more serious 'violence' are grouped together under the umbrella term 'football hooliganism' to refer to football fans who cause 'harm' to society;
- **Recreational events** – might involve the presence of foreign violent individuals attending concerts or parties;
- **Political events** – might involve the presence of foreign demonstrators during international summits such as G8, G20, NATO summits or other European conferences;
- **Environmental events** – might involve the presence of foreign demonstrators during nuclear transportation, construction of infrastructure deemed dangerous for the environment and during environmental conferences.

Concerning disruption of sports events, mainly football matches, stakeholder consultations showed that the scale and type of the events vary between the Member States. For example, national law enforcement authorities from four Member States showed that there had been between five to 10 football events during the last three years which have been subject to unlawful disruption by violent offenders. In Member State A, one to two football matches per year are subject to disruptions by TVO. Within such events, the countries reported that between 100 and 1,000 violent offenders were present.

In other countries, violent disruption of football events by TVO is more frequent. For example, between 2008 and 2011, Member State B hosted more than 80 football matches per year which were subject to unlawful disruption by violent offenders. The number of violent offenders reported per year was approximately 11,000 from which about 4,500 were TVO. In total, almost 450 arrests were undertaken in the period 2008-2011. In Member State C, during the 2010-2011 football season, a total of 625 violent offenders were arrested. In the end, only 31 cases ended in successful convictions.

As far as recreational events are concerned, violent disruptions of concerts, events inspired by social media and other cultural events have been increasingly witnessed over the past years across the EU.

Regarding the political events subject to violent disruptions, G8 and G20 Summits, as well as NATO summits were identified as the main target events for disruption. The main Member States affected during the organisation of such summits were Germany, United Kingdom, Italy and France. EU Summits were also a target of disruption, especially in Sweden, Spain and Italy.

In addition to these political summits, environmental events were also disrupted in some EU countries, such as Denmark, France and Germany. Such events mainly consisted in Anti-Nuclear-transport demonstrations, and demonstrations during climate change conferences or against the construction of infrastructure deemed dangerous for the environment. Section 2.2.1 below also provides more information on Animal Rights Extremism and Environmental Extremism.

A distinction has to be made between the different types of events presented above. In relation to sporting events, particularly football, cooperation between national authorities is well developed and effective. On the other hand, TVO's behaviour during political, recreational and environmental events is less predictable and the prevention of violent disruption by these individuals is currently less effective. This is also due to a lack of cooperation structures and mechanisms in place.

On the basis of a range of quantitative information identified for different types of events, Table 2.1 below shows estimates of the scale of the TVO phenomenon. The Table shows that, in total, there are 28 disrupted events (for each category of event) per year while the average number of persons arrested per type of event per year amounts to 1,506. This

number might be considered to be somewhat limited, with the TVO phenomenon not equally "distributed" across the EU as only a few Member States hosting large scale events deal with TVO.

Table 2.1 Estimates on the scale of the TVO phenomenon

	Total events 2000-2012	Estimated proportion disrupted by TVO (assumption)	Average number of events disrupted per year per type of event	Average number of persons arrested per type of event per year
Football				
Champions league	1500	5%	6.3	189.1
Europa league	2460	5%	10.3	310.1
World cup	3	25%	0.1	176.8
Euro cup	4	50%	0.2	471.6
Other				
G8	6	65%	0.3	22.3
G20	2	65%	0.1	7.4
NATO Summits	8	25%	0.2	11.4
EU Summits	26	25%	0.5	37.1
Anti-nuclear / environmental protests	14	50%	0.5	180.2
Other political / recreational ¹	130	100%	10.0	100.0
Total			28.30	1,506.02

The average number of persons arrested per type of event per year is based on evidence made available during the course of the study. In reality, this figure is likely to be higher.

The main sources used for this table are the following:

- Case studies which provided some quantitative information on the scale of disruptions by TVO;
- Evaluation Report: The National Security Strategy for the 2006 FIFA World Cup
- Press articles

Assumptions and estimations:

- *Champions' league: total number of events held based on an average of 125 matches per year. Based on identified cases of disruption and stakeholder views, it is assumed that 5% of all matches are subject to disruption by TVO. In addition, based on the number of arrests identified, it is assumed that, per disrupted match, 30 TVO are arrested, totalling a yearly average of 189.*
- *Europa league: the same logic as above has been followed, based on an average of 205 matches per year and also assuming an average of 30 arrests per disrupted match.*
- *World cup: Based on identified cases of disruption and stakeholder views, it is assumed that 25% of world cup events are disrupted by TVO. In addition, based on the number of arrests identified, it is assumed that, per event, 3,065 people are arrested, totalling a yearly average of 179.*
- *Euro cup: the same logic as above has been followed, although a higher assumption of disrupted events has been adopted, namely 50%, based on information available and stakeholder views.*
- *G8, G20, NATO and EU summits: Based on identified cases of disruption and stakeholder views, it is assumed that 65% of all G-type events are disrupted by TVO. In addition, based on the number of arrests identified, it is assumed that, per event, approximately 74 persons are arrested, leading to the annual averages for the different types of summits reported above.*

¹ Data for this element is weaker than the others and should be treated with more caution

- *Anti-nuclear / environmental protests: Based on identified cases of disruption and stakeholder views, it is assumed that 50% of these types of events are disrupted by TVO. In addition, based on the number of arrests identified, it is assumed that, per disrupted event, around 335 persons are arrested, totalling a yearly average of 180 TVO arrests.*
- *Other political and recreational (e.g. concerts) events: Based on limited data availability and stakeholder views, it is assumed that, per year, 10 of such events are disrupted by TVO in the EU and that an average of 10 persons are arrested.*

In addition to TVO attending sports, political and environmental events, other categories of TVO were identified, namely political activists and extremist groups. These are described in the subsection below.

2.2.1 Political activists and extremist groups

EU Member States have experienced an increase in the influence that violent extremist groups have on their followers due to developments in communications, such as social media, over the past few years.² Europol considers that "through radicalisation and mobilisation in the real and virtual worlds, these groups will seek even more advocacy, support and participation at political, diplomatic and military levels".

In order to examine the existence of TVO at large-scale gatherings, the following types of activist and extremist groups are described in turn below:

- Left-wing and anarchist extremism;
- Right-wing terrorism; and
- Single issue extremism.

The economic recession has been conducive to political tensions. In a number of Member States this is triggering both left-wing and right-wing extremists to demonstrate their views on both the causes of the recession as well as the solutions required. Such activities have raised public order concerns over the last few years, threatening social cohesion. The scale of events varies significantly between the Member States.³

Europol believes that the professionalism of right-wing propaganda shows that right-wing extremist groups aim to enlarge and spread their ideology and they pose a threat in many Member States.

In 2010, protests by single-issue extremist groups increasingly focused on the fur industry. These groups are becoming more network-based, using various methods of communication to prioritise, coordinate and support direct action. Campaigns of animal-rights activists indicate a shift of activities from the UK towards mainland Europe which started in 2008/2009 and continued in 2010. There are indications that some members of animal-rights, anarchist and environmental extremist groups are moving towards a shared ideology.⁴ Environmental extremism is also on the increase.

The scale of problems associated with political events also varies significantly between the Member States. In one Member State, three politically driven demonstrations are organised annually, with the number of participants within such demonstrations varying between 1,000 and 40,000 people.

Left-wing and anarchist extremism

Over the past years, Europol has noted an increase in violent attacks by left-wing and anarchist groups as well as increases in the coordination of groups trans-nationally. These groups remained very active in 2010, with 45 left-wing and anarchist attacks occurring within a few Member States of the EU (Austria, Czech Republic, Greece, Italy, Spain) and resulting

² Information for this section provided from Europol's The-Sat reports 2011 and 2012, available at <https://www.europol.europa.eu/content/press/eu-terrorism-situation-and-trend-report-te-sat-2012-1567>.

³ Te-Sat Report 2011, p 7

⁴ *ibid*

in six fatalities. This amounted to an increase of 12% in comparison with 2009.⁵ Though these groups are traditionally most active in Greece, Italy and Spain other Member States have also experienced an increase in their activities due to the social unrest among the population following the economic crisis and the reduction of state spending on social welfare. One Member State reported that demonstrations involving anarchist groups typically comprise 200 to 300 people, though they are typically nationals of the Member State. However, an anarchist protest did occur where a protest camp was established with approximately 3 000 people, some of which were from other Member States. Though no major violent acts were reported, around 8 000 law enforcement officers were deployed to prevent any major incidents.⁶

In 2011, 37 attacks were carried out in the Member States, with 42 individuals arrested. In that year, Europol noticed an increase in cooperation between environmental and left-wing violent extremist and terrorist groups. Attacks linked to Greek or Italian anarchist circles have frequently occurred in Europe. In most of the cases, the motivation of these groups is an expression of solidarity with imprisoned anarchists. Similarly to 2010, signs of increased transnational coordination between groups were observed by Europol in 2011. A number of attacks in Italy, Greece, Germany and Switzerland were caused by the Italian anarchist group *Federazione Anarchica Informale (FAI)*. Moreover, in relation to transnational cooperation, communications issued by the Greek terrorist organisation *Synomosia Pynon Fotias* advocated the need to establish an "international network of anarchist individuals and groups". The renewed activism of the FAI can be seen in this context where references were made to the call by the Greek organisation.

Europol identified a shift in direction in some anarchist protests towards environmental issues in 2010 in the United Kingdom. In addition, in 2011 anarchists joined protestors in France and Italy during demonstrations against the future construction of the airport of Notre Dame des Landes in Nantes and the high-speed railways line linking France and Italy in Val di Susa.

Right-wing extremism

Right-wing extremists try to gain a political following and achieve publicity outside the traditional political processes through marches, rallies, demonstrations and concerts. International links exist within the violent extreme right-wing scene though they vary significantly in strength. Europol considers that incidents involving right-wing extremists can present considerable challenges to policing and seriously threaten community cohesion.

A small number of incidents occurred in 2010 which could be classified as right-wing extremism. These incidents raised public order concerns but did not endanger the political, economic or social structures of the affected Member States.⁷ During 2011, several Member States reported activities by violent right-wing extremist groups. The perception of these incidents among the public is shaped in particular by xenophobic violent offences and right-wing parades often referring to public occasions or commemorations. Though violent attacks appear to be, in most cases, the result of accidental encounters or reciprocal provocation, they are not uncommon.

Several Member States confirmed that members of the extreme right-wing scene have access to weapons, ammunitions and/or explosives. Though the seizure of illegal weapons and ammunition as well as improvised explosive devices (IEDs) or materials used for the production of IEDs may be an indication of a certain level of militancy for at least some parts of the scene, police authorities in the Member States consider that this phenomenon relates more to the aspect of their subculture than to an intention to use these weapons for terrorist ends. Europol considers, however, that it should be taken into account that these illegal weapons might be used in sporadic incidents in order to cause significant harm.⁸

⁵ *ibid*

⁶ Information gathered through stakeholder consultations

⁷ Te-Sat Report 2011, p. 29

⁸ Te-Sat Report

Often, right-wing extremist manifestations provoke counter activity by extreme left-wing groups, and such confrontations can result in physical violence. For example, in May 2010, a "White Power" supporter was assaulted in Sweden during a demonstration staged by the movement. Europol considers that the presence of like-minded nationals from other EU Member States at right-wing events, such as 'White Power' concerts suggests that individuals who are drawn to right-wing extremism maintain close contacts throughout the EU. These concerts attract hundreds of people from all over Europe. Concerts are only announced on the internet and take place at secret locations.⁹

Europol considers that recruitment and the distribution of violent extreme right-wing propaganda is of major concern in a number of Member States. Due to developments in communication and social media, right-wing extremists are increasingly active in online social networking in order to reach out to a younger generation. It is believed that this is adding a new dimension to the threat right-wing extremism may present in the future. White Power Music (WPM) is promoted through online medians. The Swedish authorities reported that their WPM movement engages in a series of activities covering many aspects of a social nature and aim to influence public opinion. Portuguese authorities reported that their right-wing scene, "Portuguese Hammerskins", is trying to recover its strength through the right-wing music scene and close cooperation with other groups in Europe. An international meeting called "White Christmas" was organised in Lisbon in December 2011.

Though the overall threat from right-wing extremism seems to be decreasing, these groups have the will to enlarge and spread their ideology and still pose a threat in the Member States. Europol considers that if the unrest in the Arab world, especially in North Africa, leads to a major influx of immigrants into Europe, right-wing extremism might gain a new lease of life by articulating more widespread public apprehension about immigration. Moreover, austerity programmes introduced following the crisis might also lead to further violent right-wing activities.¹⁰

Single-issue terrorism

"Single-issue terrorism" is "violence committed with the desire to change a specific policy or practice within a target society".¹¹ The term, in Europe, is used generally to describe:

- Animal rights groups; and
- Environmental eco-terrorist groups.

In 2010, more than 200 single-issue extremism related incidents were recorded in the EU, which included 24 arson attacks. The activities carried out by violent animal rights extremists (ARE) and violent environmental extremist groups range from fairly low-level vandalism incidents to significant acts of destruction and the use of incendiary or IEDs.¹²

Europol considers that there is a dynamic interaction between groups and individuals in different countries, with language or nationality forming no barrier to cooperation. Extremist groups and individuals from different countries and groups participated in protests and attacks all over Europe in 2010, uniting their forces in common initiatives. In some cases, it was found that the interaction between these different groups and nationalities led to violence.¹³

Single-issue extremist groups are becoming increasingly network-based, with these groups using various methods of communication in order to prioritise, coordinate and support direct action. As with left-wing and right-wing extremists, the internet is considered to be a vital tool in the process of networking with campaign websites, social networking sites and mailing

⁹ *Ibid*

¹⁰ Te-Sat Report 2011, p. 30

¹¹ Te-Sat Report 2011, p. 31

¹² Te-Sat Report 2011, p. 31

¹³ Te-Sat Report 2011, p. 32

lists playing an important role in making it possible for single terrorists to be informed on the upcoming international agenda in their area of concern.¹⁴

Animal rights extremists

Animal rights extremist (ARE) groups focus on four main target areas:

- Companies and institutions involved in scientific research and pharmaceutical testing on animals;
- Fur breeding industry;
- Meat industry; and
- Circuses and hunting.

Member States have experienced increased activity by violent animal rights extremist groups which have a significant impact on businesses involved. There has also been increased cross-border cooperation between several types of violent extremist groups which is a particular cause of concern.

In order to reach their goals, animal rights extremists use authorised protests as well as illegal methods of protest and direct action. Incidents in 2010 were recorded in Belgium, France, Germany and Sweden. In the past, the majority of illegal activities by single-issue extremist groups took place in the United Kingdom, in the framework of a campaign labelled Stop Huntingdon Animal Cruelty which was a movement targeting a single site, those that worked there and businesses associated with Huntingdon. These included arson and paint attacks. Concerning targets towards the fur-trade industry, a number of incidents occurred in 2010, mainly resulting in the mass release of animals or the destruction of feeding or water installations for the animals. In Belgium, activists released 300 minks, while in Greece, more than 45 000 minks were released by extremists, with the unintended result that a large number of the animals died on the streets. Both activities were carried out by groups whose members were of mixed nationality.

In 2011, the pharmaceutical industry reported 262 incidents worldwide.¹⁵ Though the majority of such activities are low-scale incidents, an increasing number of Member States have reported an intensification of violent extremist activities. Some of these incidents have involved IEDs, assaults on persons or hoax bomb telephone calls. Groups such as Stop Huntingdon Animal Cruelty, Militant Forces against Huntingdon Life Sciences and National Anti-Vivisection Alliance have been involved in assaults on pharmaceutical company personnel and have targeted businesses related to the animal testing sector with IEDs.¹⁶

Propaganda on the internet is one of the main tools of violent ARE groups. Most of their actions are published and claimed via the internet. These groups also seek support via their websites and social networks through disinformation campaigns.

Europol considers that future changes in legislation regarding animal rights in the Member States may trigger new and increased actions by violent ARE groups.

Outlaw motorcycle gangs

Outlaw motorcycle gangs have been detected across the EU. The "Hells Angels Motorcycle Club" (HAMC) has expanded into Eastern Europe including Bulgaria, Czech Republic, Greece, Hungary and Poland. HAMC Chapters have grown worldwide from 1 in 1940 to 351 chapters in 2011.¹⁷

¹⁴ *ibid*

¹⁵ European Federation of Pharmaceutical Industries and Associations, EFPIA

¹⁶ Te-Sat Report 2011, p. 31

¹⁷ Europol Review 2011, p.63,

<https://www.europol.europa.eu/sites/default/files/publications/europolreview2011.pdf>

A Europol Analysis Work File (AWF) was set up in order to produce a threat notice¹⁸ specifically on motorcycle gangs through the "Monitor" project. This was established following a scanning of new and emerging organised crime threats based on the OC-SCAN Threat Notice, as well as expertise recommendations from competent national authorities throughout the EU. The new activities of Outlaw Motorcycle Gangs (OMCGs)¹⁹ in South East Europe combine their established organised crime hubs in the North West of Europe with a new capacity to engage in drug trafficking on the 'Balkan Route'. Though the "Monitor" project focuses mainly on the organised crime associated with these motorcycle groups, Europol has also highlighted the risk these gangs pose when travelling through Member States in large groups, with violent clashes occurring between rival groups which prove to be a great risk to the general public and are thus important to monitor. Some of the tasks undertaken through the project, such as identifying the structures and members of the OMCGs and supporting law enforcement partners in policing major biker events, are relevant to the TVO phenomenon with such activities closely linked.

The element of cross-border travel associated with OMCGs in Europe is important in relation to combating the TVO phenomenon, with Europol highlighting the need for improved information exchange on such groups in order to ensure that their travel movements are carefully monitored. Such close monitoring not only help to prevent the organised crime phenomenon associated with this group but also assists in the prevention of violent clashes similar to those encountered with other types of TVO.

Individual incidents exemplify the cross border and violent nature of OMCGs activities. For example in 2010, members of the Hells Angels Motorcycle club from different Balkan states came together to join a biker festival in Croatia, ending in severe violence.²⁰ This phenomenon is not limited to South East Europe, with Germany, Denmark and Sweden being largely affected by OMCGs activities. According to German authorities, plenty of evidence exists to show that gangs are growing in numbers, with the number of biker groups doubling since 2005. These groups operate as large enterprises across Europe and constantly try to operate outside the Schengen zone.²¹

2.3 General problems

The main general problems identified in relation to the exchange of information on TVO and the approaches taken to the management of the TVO phenomenon are:

- Existence of a multitude of instruments for the exchange of information on TVO; and
- Existence of differences in national measures, definitions and applicable offences.

These are described in turn below.

2.3.1 Existence of a multitude of instruments for the exchange of information on TVO

Currently, there are no specific information exchange systems at EU level to exchange information on TVO, but Member States can make use of a number of existing channels for this purpose.

The **main legal instruments for information exchange at EU level** in the area of law enforcement information and intelligence exchange are the Swedish Initiative, the Prüm Decision and instruments relating to Mutual Legal Assistance (MLA) and Mutual Recognition (MR). These instruments are of importance in relation to the exchange of information on TVO as they provide specific legal bases for information exchange between the Member States, setting out rules and conditions as to the modalities and type of information which can be exchanged.

¹⁸ A strategic notice disseminated by Europol on organised crime threats

¹⁹ Gangs including Hells Angels Motorcycle Gang

²⁰ The Independent 2010: <http://www.independent.co.uk/news/world/europe/europes-biker-gangs-set-on-a-collision-course-with-the-police-2108221.html>

²¹ Deutsche Welle: <http://www.dw.de/dw/article/0,,15912602,00.html>

With regard to the Swedish Initiative and Prüm Decision, both instruments provide a legal basis for Member States to cooperate in the exchange of different types of information. While the Swedish Initiative focuses on exchanging information and intelligence relating to criminal activities, the Prüm Decision focuses on data exchange relating to DNA, fingerprints and vehicle registration.

Background research also showed that national authorities currently make use of a number of **communication facilitators** for exchanging information on TVO. These manage different IT as well as non-IT tools for information exchange. The main communication facilitators identified (and respective tools) are the following:

1) EU and international level:

- Europol, including:
 - Europol Information System (EIS);
 - Analysis Work Files (AWF);
 - Secure Information Exchange Network Application (SIENA); and
 - Europol National Units and Europol liaison officers.
- Interpol, including:
 - I-24/7 network and I-link;
 - National Central Bureaus;
 - Notices system; and
 - Databases.

2) EU decentralised communication facilitators and tools:

- SIRENE Bureaux (linked to the centralised Schengen Information System (SIS));
- Central Authority (within the national Ministries of Justice or the Police) and ECRIS; and
- Passenger Information Units and Passenger Name Records (PNR) database.

3) Communication facilitators and tools at Member State level:

- National Football Information Points; and
- Police and Customs Cooperation Centres;

The stakeholder consultations undertaken showed that **in practice, all the facilitators and associated tools mentioned above are used by national authorities to exchange information on TVO**. In the replies to the questionnaire, Member States most often referred to the use of Europol's and Interpol's tools, in particular Europol's Siena, followed by SIS/ SIRENE and, in case of football, National Football Information Points (NFIPs). Police and Customs Cooperation Centres were also cited by three Member States as facilitators used to exchange information on TVO.

In addition to communication facilitators, there are a number of **national sources for information**, which are used for the exchange of information on TVO. Evidence gathered showed that many Member States use national databases of law enforcement authorities as a source of information for cross-border exchanges. These databases range from general ones used by the police to store information on criminal and administrative offences to more specific databases which are used to gather information in relation to sports events. For example, in one Member State a 'Law Enforcement Database for Sport' exists, which mainly contains the list of persons subject to a stadium ban and/or prohibited from attending sport events. This database can only be used in connection with sports events. In another Member State, national police databases are used to exchange operational information as well as

intelligence. In a different Member State where a national police database exists, information is stored on administrative and criminal offences committed by the individuals. In several Member States, criminal records are used as an important source of information. These records are used for different reasons, such as the exchange of information on convictions in connection with hooliganism. One Member State reported that judicial records provide information on pre-trial investigations undertaken.

The following sub-problems in relation to the instruments, communication facilitators and tools used to exchange information on TVO have been identified and are explored in turn in the sections below:

- Different and uneven coverage of the instruments, communication facilitators and tools used to exchange information on TVO; and
- Inefficiencies in existing instruments, communication facilitators and tools used.

2.3.1.1 Different and uneven coverage of the legal instruments for information exchange, communication facilitators and tools used to exchange information on TVO

The existing legal instruments for information exchange, communication facilitators and tools used to exchange information on TVO present some differences, mainly concerning the following:

- Their purpose;
- Type of information gathered/exchanged;
- The authorities having access to the information gathered;
- The procedural standards used; and
- The level of implementation/transposition of instruments in the Member States and their coverage (i.e. opt outs).

Table 2.2 below presents the main differences per legal instrument and communication facilitator/tool used by national authorities. The Table shows that there are major differences in the type of information exchanged through the listed instruments and tools. While some of them exchange all types of information, others limit their scope to specific types of data (for example Prüm, ECRIS, PNR, NFIP).

Although most of the instruments and tools are accessible to police authorities and, more broadly, to law enforcement authorities, some of them are only available to judicial authorities (for example MLA, MR and ECRIS).

In addition, while the majority of the information exchanges still take place through a simple bilateral exchange of information (by email, telephone, etc.), IT systems are increasingly used (for example SIS, Europol's Siena and EIS)). Also, Member States are increasingly asked to interconnect the existing national databases (for example in the case of Prüm and ECRIS).

Procedural standards and data protection provisions are always included in the instruments and tools cited above. However, these might vary considerably. Finally, the geographical coverage of these instruments and tools presents some differences due to incomplete transposition/implementation and opt-outs of Member States from the EU acquis.

Due to these differences, the choice of the tool to exchange information on TVO will affect the outcome of the information exchange, (i.e. different systems being more effective/efficient than others depending on the purpose). As a result, the use of different providers and tools, as well as different procedural standards, might possibly lead to an unequal treatment of TVO.

Table 2.2 Comparative analysis of legal instruments, communication facilitators and information exchange tools

Instrument/ facilitator/tool	Purpose	Type of information gathered/exchanged	Authorities having access to the information gathered	Communication tool (IT/non-IT)	Procedural standards used and data protection	Level of implementation/transposition
Legislative instruments						
Swedish Initiative	Establish the rules under which Member States' law enforcement authorities may exchange existing information and intelligence effectively and expeditiously for the purpose of conducting criminal investigations or criminal intelligence operations.	Any type of information or data which is held by law enforcement authorities, as well as any type of information or data which is held by public authorities or private entities and which is available to law enforcement authorities.	Law enforcement authorities conducting a criminal investigation or a criminal intelligence operation.	Through both IT and non-IT tools.	Data protection provisions are specified in Art. 8.	By 31 October 2012, almost all Member States have informed that they have transposed the Framework Decision into their domestic legislation or that they do not need to transpose.
Prüm Decision	Facilitating Member States' interconnectedness of automated data exchange and prevention of criminal offences at large sporting events (such as football matches) and terrorist offences through the supply of information and the establishment of joint patrols.	DNA, fingerprints and vehicle registration data For major public events: non-personal data and personal data.	Competent national authorities.	Through both IT and non-IT tools.	In relation to exchange of information during major public events: The data supplied must be deleted without delay once the purposes have been achieved or can no longer be achieved. The data supplied must in any event be deleted after not more than a year.	IE has not transposed Art. 15 for the establishment of contact points for Major events. Moreover, DNA operational data exchange, VRD and finger prints exchange is not operational amongst all the Member States.
MLA	Encourage and facilitate mutual assistance between judicial, police and customs authorities on criminal matters.	Requests concerning actions to be taken during criminal investigations.	Judicial authorities.	Non-IT tools.		The First Protocol to that Convention, adopted in 1978, has been ratified by all but one Member State. The Second Protocol to that Convention, adopted in 2001, has been ratified by only eleven Member States but signed by thirteen more. Special provisions apply to Ireland and the United Kingdom (transmission of

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Instrument/ facilitator/tool	Purpose	Type of information gathered/exchanged	Authorities having access to the information gathered	Communication tool (IT/non-IT)	Procedural standards used and data protection	Level of implementation/transposition	
						requests for assistance), to Luxembourg (protection of personal data) and to Norway and Iceland (provisions linked to the Schengen acquis and the entry into force of the Convention).	
MR (EEW)	Improve the recognition of national judicial decisions or acts.	Objects, documents and data for use in criminal proceedings.	Judicial authorities.	Through both IT and non-IT tools.	Member States must ensure that there are legal remedies available to those who wish to challenge an EEW, for example through court procedures.	The European evidence warrant has not yet been implemented by the majority of Member States and a proposal for its replacement by a European Investigation Order, covering a wider range of evidence gathering, is being negotiated.	
EU and International Communication Facilitators							
Europol	EIS, AWF and Siena.	Gathering, maintaining, analysing and disseminating information as well as supporting the Member States with the coordination of their investigative operations.	Information related to transnational investigations, more specifically, persons, identity documents, cars etc.	Police authorities.	Through IT tools.	Protection of data and classification of information according to "security categories".	All 27 Member States.
	National Units and Europol liaison officers.	Facilitate communication between EU law enforcement authorities and cooperation partners.	Criminal intelligence information.	Law enforcement authorities.	Through non IT tools.		All 27 Member States.
Interpol	I-24/7 network, I-link, National Central	Provide targeted training, expert investigative support, relevant data and secure communications channels.	Data in particular about persons, stolen and lost travel documents, stolen vehicles, Fingerprints, DNA profiles, Stolen Works of Art.	Law enforcement authorities in the MS and third countries.	Through both IT and non-IT tools	National Central Bureaus and international entities shall retain, at all times, control over the processing of their data, in accordance with The INTERPOL's Rules on the	190 member countries

Instrument/ facilitator/tool	Purpose	Type of information gathered/exchanged	Authorities having access to the information gathered	Communication tool (IT/non-IT)	Procedural standards used and data protection	Level of implementation/transposition
Bureau, notices, databases.		firearms references.			Processing of Data (entered into force on 1 July 2012).	
EU decentralised communication facilitators and tools						
SIRENE and Schengen Information System	Improve police and judicial cooperation in criminal matters, visas, immigration and free movement of person as well as to hold a number of specific alerts on people, vehicles and property.	Persons wanted for extradition to another Member State; Missing persons; Requests for reports on witnesses and people for court appearances; Request information reports on major criminals and linked vehicles; and Stolen vehicles, trailers, firearms, identity documents and registered banknotes Under SIS II: also photographs and fingerprints.	Authorities responsible for border control and other police and customs checks and national judicial authorities and Europol and Eurojust.	Through both IT and non-IT tools.	Processing of sensitive categories of data (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and data concerning health or sex life) is prohibited under SIS II. Any person will have the right to request access to data relating to him/her (personal data*) that has been entered in SIS II.	The UK and IE have opted for partial but significant Schengen cooperation, broadly in police and judicial cooperation including the SIS, but excluding access to alerts relating to refusals of entry for third-country nationals.
ECRIS	Facilitate efficient sharing of information pertaining to criminal convictions of EU citizens between EU Member States.	Criminal convictions.	Judges, prosecutors.	Through IT tools.	Article 9 of the Council Framework Decision 2009/315/JHA details the conditions for the use of personal data.	Most of the Member States have transposed the Council Decision but interconnection of Criminal Records across the EU is still partial.
Passenger Name Records	Collect, store and analyse PNR data for law enforcement purposes.	PNR data includes passenger name, passport information, telephone numbers, travel agent, credit card number, history of flight schedule changes, seat	Law enforcement authorities, Airlines.	Through non-IT tools.	PNR data may only be used for the purpose of fighting serious crime and terrorist offences. Law enforcement authorities in EU States must depersonalise the data one month after the flight and may not	The Commission proposed a Directive on PNR which is currently being negotiated in the Council The Instruments' coverage benefits from the opting-in of the UK and Ireland. However, following Protocol

Instrument/ facilitator/tool	Purpose	Type of information gathered/exchanged	Authorities having access to the information gathered	Communication tool (IT/non-IT)	Procedural standards used and data protection	Level of implementation/transposition
		preferences and other information.			retain it for more than five years in total. EU States should not be able to access the databases of air carriers but they must request the data. Rules giving passengers the right to access, rectify and delete their data and the right to compensation and to judicial remedies are also provided.	22 of the Lisbon Treaty, Denmark is not bound by the agreements.
<u>Communication facilitators and tools at Member State level</u>						
National Football Information Points	Act as the direct and central contact point for the exchange of relevant information. Facilitate international police cooperation in connection with football matches.	Strategic information: information specifying all aspects of the event, with particular reference to security risks involved in it; Operational information: information providing an accurate picture of proceedings in the course of the event; Tactical information: information enabling those in charge of operations to take appropriate action for the purposes of maintaining order and security in connection with the event. Personal data on individuals actually or potentially posing a threat to law and order and security.	NFIPs, Law enforcement authorities, security services.	Through IT and non IT tools.		
Police and Customs	Support structure for exchanging information and	Data which is typically most often exchanged is that on	Border agencies, border guards	Through both non- IT and IT tools.		

Instrument/ facilitator/tool	Purpose	Type of information gathered/exchanged	Authorities having access to the information gathered	Communication tool (IT/non-IT)	Procedural standards used and data protection	Level of implementation/transposition
Cooperation Centres	providing support to the activities of the operational agencies responsible for police, border and customs tasks in the border area.	drivers, vehicles, vehicle status, vehicle's ownership, driving licenses, telephone subscribers, validity of identity documents, residence permits and visas, etc.	and the police.			

Shortcomings related to the main legal instruments for information exchange at EU level

The incomplete implementation of operational data exchange between the Member States under the Prüm Decision still hampers the exchange on DNA profiles, fingerprint data and vehicle registration data with a cross-border dimension. This might currently jeopardise the effective exchange of information on TVO and the prevention of the phenomenon across the EU when it comes to the exchange of biometric and vehicle data. Similarly, the incomplete transposition of the Swedish Initiative by the Member States might reduce the effectiveness of exchange of intelligence information between law enforcement authorities concerning TVO.

Some shortcomings also arise in relation to the use of MLA and MR instruments as not all Member States have ratified the 2001 MLA Convention Protocol. Other limitations exist when Member States attempt to exchange information, with some countries unable to use MLA to their advantage. In addition to the use of MLA, the European Evidence Warrant can also be used by the Member States when exchanging information on TVO. However, this instrument has not been implemented by all the Member States and a new proposal is currently being negotiated.

The shortcomings in MLA and the insufficient use of the European Evidence Warrant currently affect the effective transmission of information on TVO from one Member State to another. This might lead to cases where investigations and prosecutions involving TVO are not successfully carried out by the competent national authorities.

The 2010 International Centre for Migration Policy Development (ICMPD) study on the status of information exchange amongst law enforcement authorities in the context of existing EU instruments confirms that by indicating that one of the main obstacles encountered by authorities when exchanging information is "signed but not ratified agreements on police co-operation [that] hinder efficient cross-border information exchange".

Shortcomings related to communication facilitators and tools

Concerning the use of SIS, the United Kingdom and Ireland have opted-out from certain aspects of the Schengen Convention, thereby excluding access to alerts relating to refusals of entry for third-country nationals.

Other shortcomings concerning the use of SIS have been identified related to data retention on the impact on free movement of people. For example, in one Member State, TVO arrested during an international meeting received an order to leave the country from the police. This order was based on the assumption that the persons constituted a danger to public order. On the basis of this order, these individuals have been inserted in law enforcement databases such as SIS. However, following the expulsions the foreigners' detention has been declared by the competent judge as unlawful. This judicial decision was not reflected/taken into account within SIS as the names of the individuals expelled were not removed. These individuals therefore experienced problems when travelling abroad (for reasons other than attending a public event).

Also, the personal information included in SIS might be misleading as a person might be dangerous in one situation/context but not in another. Accordingly, the on-going management of the use of the alert is all-important. In many respects the use of the alert should be event and intelligence specific. "Labelling" individuals can thus be misleading. According to the stakeholders interviewed, more information on the content of the offence is needed in order to understand when and where an individual can pose a threat to public order. This can be achieved through the exchange of supplementary information at the time of the creation of an alert.

Shortcomings in the exchange of information on TVO through SIS and Europol might also occur due to the fact that the latter exclusively focus on serious criminal offences. While some of the TVO-related offences might be considered as serious (as for example murder, grievous bodily injury, racism and xenophobia, arson, sabotage), others do not fall under the "serious crime" label as they are linked to administrative offences. As Europol's mandate and

SIS's alerts are restricted to serious criminal cases, a share of TVO is expected to be excluded from the scope of these two information management tools.

In relation to football events, the NFIP plays an important role in each Member State, being responsible for the facilitation of international cooperation in connection with football matches. Close links are maintained between the NFIP and the police, with the NFIP being part of a police unit in several Member States.

Though NFIPs exist in each Member State, the roles they play vary considerably. In some Member States, the NFIP is purely responsible for exchanging information on football events. In others, the NFIP is also involved in exchanging information on other sporting events occurring at national level.²² This causes significant challenges due to the different levels of workload associated with events in Member States and therefore the different resources available for responding to information requests.

With regard to exchanges at EU level, the NFIP's mandate is limited to football events. Other types of public gatherings are thus not included in NFIPs' scope, which means they only address part of the TVO phenomenon.

2.3.1.2 Inefficiencies in existing information exchange

Currently, inefficiencies occur when exchanging information on TVO. Six Member States reported that these inefficiencies are mainly due to delays in exchanging information on TVO. In the absence of a specific system for exchanging information on TVO, requests or messages are often sent at the same time through different channels, leading to delays in the treatment of requests and duplication of effort.

Some of the Member States consulted for this Study stated that difficulties in information exchange and evidence on TVO are due to the fact that cooperation in this field is mainly based on MLA. Indeed, the MLA Convention's mechanism for exchanging information shows a number of shortcomings, for example:

- Long delays or inaccuracy of information obtained;
- Member States are not obliged to comply with MLA requests; and
- Non-standardisation issues such as language barriers and differences in legal terminology which – in some cases – may deter judicial authorities from placing requests in the first place in consideration of the time and expenses involved.²³

Evidence gathered through the ICMPD study indicates that delays are also experienced because of the following different reasons:

- Internal processes when requests are sent to other public institutions within the country;
- Unavailability of information;
- Lack of personnel to deal with the request;
- The need to obtain legal approval for exchange;
- Technical problems in retrieving data (system failure etc.);
- Prior court permission being required or information having to be obtained from other domestic institutions; and
- Complexity, scope and nature of the case.

Box 2.1 below presents examples, where delays in receiving information and a lack of communication from national authorities in other Member States prevented the national authorities from taking action to stop violent disruptions during large scale political events.

Box 2.1 Examples of delays in receiving information from other national authorities and insufficient information exchange

²² As stated in consultations

²³ Unisys (2006) p.20

Member State A – political event

According to a report drafted by Member State A following the political event, international cooperation activities during planning for TVO had modest effects. More specifically, the report points out that the exchange of information between Member States has been inadequate to prevent violent disruptions by TVO.

The report states that this was partly due to difficulties for foreign law enforcement and intelligence services seeking to obtain information on TVO - mainly due to the fact that TVO are not part of organised structures but they have a strong capacity to gather instantaneously. Also, national data protection rules impeded the transfer of personal information to the Member State A authorities.

The report also argued that certain types of TVO are not considered as a priority in all Member States. Other Member State authorities are more focussed on anti-nuclear protests and less on anti-globalisation movements. Therefore, there is a lack of intelligence information on anti-globalisation offenders.

The lack of information from other Member States prevented law enforcement authorities to develop an exhaustive list of dangerous individuals, who could have been denied entry to the national territory. The closure of the borders and the suspension of the Schengen Agreement are considered to have been useful measures. However, in the absence of an exhaustive list of dangerous individuals or alerts on the SIS, border controls could not result in the identification of TVO.

On the other hand, cooperation with other external authorities was assessed as effective during the event, especially in case of arrest or detention of foreign nationals. The exchange of information concerning past convictions of arrested individuals was very effective.

Member State B – Political Event

During a political event, after thousands of TVO were taken into custody, national authorities experienced problems due to the poor exchange of information between Member States. A lot of information provided was deemed by the Member State to be too event-specific or arriving too late for preventive measures to be taken. Despite the request of national authorities to specific Member States to provide information about TVO, most of them did not respond to the request before the event.

In the case of an international football event, the information provided was not adequate to the needs of national authorities (i.e. too specific, not detailed enough or arriving too late). The latter also noted a lack of cooperation between Member States in exchanging information on TVO. This issue was also raised regarding Right Wing Extremists events, along with language-related problems.

Six of the Member State stakeholders consulted for this Study stated that problems in the exchange of information on TVO currently occur because of infrastructures, channels and systems being technically redundant. Yet the ICMPD study argues that such problems, which inhibit the effective exchange of information, only occur very rarely. The survey conducted by the ICMPD showed that 86% of stakeholders consulted indicated that IT problems which cannot be overcome quickly are hardly ever experienced.

In addition to IT based systems (such as Europol Information System, SIENA, and SIS) national authorities also use non-IT based systems to exchange information on TVO as follows: telephone (reported by 11 Member States), E-mail (reported by three), meetings (one) and fax (five). Some of the stakeholders consulted reported that personal data (though it seems only in a minority of cases) or information on events is transmitted using these communication channels. Often, the latter are used to gather complementary information and in urgent cases, in order to avoid delays linked to the use of IT information systems. Though these communication channels improve the speed of the information exchange, it is possible that they create confusion amongst authorities and are likely to increase the risk of data protection breaches.

Box 2.2 below shows a practical example provided by one NFIP showing the strengths and weaknesses of exchanging information on TVO using non-IT communication channels. The example shows how non-IT systems can in practice speed up the exchange of information

and, consequently, the application of measures to prevent violent disruption by TVO. However, the example also shows that the types of data exchanged are limited (for example personal data are not usually exchanged using non-IT systems), therefore not allowing the Member State to obtain comprehensive information.

Box 2.2 Practical example: use of non-IT systems

A football match was hosted in Member State A involving teams from Member State A and Member State B. The Member State B NFIP informed the Member State A NFIP by phone that a group of 1,000 fans were going to travel to Member State A to attend the football match. The information provided by the Member State B NFIP only covered the number of people and the travel information. For example, details on the time and route the buses carrying the Member State B fans were going to take were provided.

The main communication channel used within this example was a non-IT system, i.e. several telephone calls between Member States' NFIPs.

The Member State B NFIP specified that the travel route included crossing through Member State C. Member State A NFIP proceeded to contact the Member State C NFIP. The Member State C NFIP provided information to the Member State A NFIP on the border check controls about the buses used by travelling fans. Information included details about the time, the number of buses and their licence plates which were expected to arrive in Member State A.

Once the information, both from the Member State B and Member State C NFIPs, was received the data was analysed and a plan for public order protection was put into place. The plan was implemented 12hrs before the expected arrival. Thus, at the Member State A border police officers were already expecting the Member State B fans and they proceeded to check them, looking for dangerous/illegal items (bats, fireworks etc.). Subsequently the Member State B buses were escorted by Member State A police patrol to the stadium and they were escorted on their way back to the border as well.

In summary:

- Information exchange channel: NFIP contact person through telephone contact
- Type of information exchanged: number of foreign fans travelling to attend the match by bus, travel information, such as time of departure, travel route and number of buses.

It was stressed that the names or specific information on the football fans were not provided. Thus the Member State A NFIP did not know if the incoming fans posed a threat to public order, or if the Member State B fans had criminal records or previous convictions on public order offences.

2.3.2 Existence of differences in definitions, national measures and applicable offences

In addition to the current lack of a specific instrument for exchanging information on TVO, there are strong differences in the definition/understanding of the TVO phenomenon in Member States as well as in the national measures established to deal with it. This is often an obstacle to the effective exchange of information on these individuals and the implementation of a concerted approach to deal with the phenomenon across the EU.

The overall lack of common legal standards in the exchange of information on TVO has been highlighted a number of Member States consulted, leading to information being unsuccessful exchanged. Also the ICMPD study showed that 47% of the stakeholders consulted believed that national legal environments were too diverse to ensure an efficient cross-border exchange of information.

There are differences in the definition/understanding of the TVO phenomenon

At EU level, no definition of "travelling violent offender" currently exists. In past policy documents and instruments, different references are made, including "troublemakers" as well as "risk supporters" and the related term "non-risk supporters". The concept of "risk supporters" and "non-risk supporters"²⁴ was included in the 2010 Council Resolution

²⁴ A "Risk Supporter" is defined as "a person, known or not, who can be regarded as posing a possible risk to public order or anti-social behaviour, whether planned or spontaneous, at or in connection with a football event"

"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".²⁵

The 2010 Resolution also makes reference to "troublemakers", though no definition is provided for this group of individuals.

In addition to the concept of "risk supporters", Commission Regulation 820/2008 "laying down measures for the implementation of the common basic standards on aviation security" makes reference to the concept of "potentially disruptive passengers".²⁶

Finally, the Prüm Decision (Council Decision 2008/615/JHA) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime²⁷ includes a very broad definition as it provides for the exchange of personal data on "final convictions or other circumstances give reason to believe that the data subjects will commit criminal offences at the events or pose a threat to public order and security". Council Decision 2008/616/JHA lays down the "necessary administrative and technical provisions for the implementation"²⁸ of Council Decision 2008/615/JHA.

The definitions existing in the Member States in relation to TVO vary significantly. While no legal definition of TVO exists in the Member States, most countries have a functional definition in place. But these differ greatly between Member States.

Within these definitions, TVO seem to fall under the following different concepts:

- Hooligan;
- Risk supporter;
- Violent Troublemaker; and
- Violent Fan.

Despite the different understanding/definitions, there are some common elements (depending on the Member State) such as:

- Reference to violence (seven Member States);
- Reference to the disturbance of public order(three Member States);
- Reference to sports events and football events(seven Member States);
- Reference to mass gathering or major event(two Member States);
- Reference to travelling(four Member States); and
- Reference to the existence of a reasonable suspicion or past conviction for violent acts during an event (three Member States).

A **"Non-Risk Supporter"** is defined as "a person, known or not, who can be regarded as posing no risk to the cause of or contribution to violence or disorder, whether planned or spontaneous, at or in connection with a football event".

²⁵ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:165:0001:0021:EN:PDF>

²⁶ **Deportees** - persons who had legally been admitted to a Member State by its authorities or who had entered a Member State illegally, and who at some later time are formally ordered by the Authorities to leave that Member State;

Inadmissible persons - persons whose entry to a Member State is refused by the competent authorities and who are being transported back to their country of departure, or to any other country where the persons are admissible; and

Persons in lawful custody - persons either under arrest or convicted by a court of law who have to be transported.

²⁷ Available at http://ec.europa.eu/anti_fraud/documents/data-protection/council_decision_2008_615_en.pdf

²⁸ Article 1 of Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation particularly in combating terrorism and cross border crime, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:210:0012:0072:EN:PDF>

The analysis for this Study shows that most Member States have codified their corresponding concepts to TVO in national legislation. Great differences exist between Member States with regard to the nature of codification, with Member States including their functional definition of TVO under criminal definitions under penal law, and/or specific sports law or solely under "soft law" such as handbooks and guidelines.

The nature of the codification in the Member States affects the type of penalty imposed on TVO since some Member States will impose a criminal sanction or penalty, while other Member States would impose a civil or administrative sanction.

Most of the Member States consulted pointed out that the lack of common definition leads to problems in exchanging information on TVO because the different definitions limit the type of information which can be exchanged and the thresholds for exchanging certain details. However, the majority of stakeholders, classified this problem only as small or medium. In one Member State, the lack of definition of TVO is considered to be a problem only outside the sports arena as within football event planning and action the concept of "risk fan" is currently working well.

Nonetheless, Member States consulted stated that the introduction of a common definition of TVO would greatly facilitate the exchange of information between Member States. Establishing a common definition would also clarify the use of exchange systems. For example, a focus on the severity of the TVO related offences would justify the use of EU systems, such as Europol's tools and the SIS, which focus on the exchange of information in relation to serious cross-border crime.

There are different measures for dealing with TVO across the EU

A number of measures are undertaken by Member States to deal with TVO once information on offenders has been exchanged. The measures are oriented towards prevention, aimed at decreasing the level of risk posed by the presence of TVO. These preventive measures are used during the three main phases of travel: pre-departure, entry and post-arrival. These measures mainly include the following:

- Imposition of a banning order to restrict travel;
- Detention for a limited period; and
- Strengthening of border checks.

Concerning the first point, under the Danish Presidency a consultation was undertaken in the Member States on the existence of banning measures to prevent risky fans from attending football matches. The replies indicated that the majority of the Member States (18 and Croatia) have banning measures in place in order to restrict attendance of dangerous individuals to sports events.

Such banning orders, however, are provided under different laws, i.e. administrative, criminal or civil law. Five Member States indicated that the banning measures are set out under their administrative law, whereas three Member States set out the measures under both administrative and criminal law. Measures set out strictly under criminal law were identified in four Member States and Croatia. Two Member States have set out the banning measures both under criminal and civil law, whereas in two other Member States, the measures are only identified under civil law. Finally, in one Member State, banning measures are provided under administrative, civil and criminal law. The differences in law applied for the banning order can create difficulties when attempting to impose such a ban in other Member States due to them not being able to mutually recognise the bans.

In some Member States, in addition to banning orders set out in national legislation, Football Clubs and their Associations also have their own banning systems. That is the case of seven Member States. For example, in one Member State private legal action can be taken by the Football Association or the Football League. In another Member State, the banning measures are not set within the national law but only by the Football Authorities.

Though most Member States have banning orders in place, the extent to which these extend to exit bans differs greatly. In less than half of EU Member States, the measures which are

imposed on individuals can be extended in order to prevent them from travelling to attend an event in another territory. For example, in one Member State legislation includes provisions which allow the prohibition of exit from the territory, based on individually specific factual circumstances, for citizens, persons entitled to free movement and third-country nationals. In two other Member States, the individual who is subject to a ban which is applied to football matches extends to those occurring outside the territory. The bans also cover international matches, with the person subject to a banning order required to report regularly to a police station while the team they support plays abroad. This is therefore considered to be an indirect exit ban. In another Member State, the misdemeanour court may oblige the individual to not only report to the police station but to also hand over a passport seven days prior to the event.

The authorities responsible for the issuing and implementation of the banning orders as well as the coverage of the bans also vary between the countries.

Box 2.3 presents case studies carried out for this Study. They show that national authorities put in place a variety of preventive measures prior to and during events (including legislative and soft measures). The interviews also identified some shortcomings in the measures applied. Box 2.3 below presents this information for some Member States.

Box 2.3 – preventive measures undertaken in Member States prior to the organisation of events

Member State A – international summit

The following preventive measures were undertaken prior to the summit:

- Law enforcement exchange visits;
- Creation of an international policing unit with police representatives from other countries involved in the meeting;
- Analysis of the threat and categorisation of TVO and their modus operandi into "blocs";
- Body searches;
- Establishment of a list of dangerous individuals to be refused entry at the borders with information received from foreign authorities; and
- Reinforcement of border checks re-establishment

During the event

- Detention of foreign nationals.

Problems with the measures

Some of the preventive measures traditionally undertaken towards suspected offenders could not be applied to TVO, for example wiretapping, body searches, preventive custody, house searches, etc. Also, in an absence of a comprehensive information exchange with foreign authorities, the effectiveness of preventive measures decreases. For example, national authorities were not able to establish a comprehensive list of dangerous TVO.

Member State B – international football event

The following preventive measures were undertaken prior to the event:

- Signature of a 'Memorandum of Understanding on Ensuring Safety' with foreign police forces;
- Banning orders were imposed, in accordance with the law, which provided for a stadium ban as well as the collection of information from foreign institutions about their nationals with bans imposed on them;
- Information was collected and processed in accordance with the provisions of the Member State's 'Act to deal with security at large events' which outlines the scope of the information collected at events, including football matches. This information includes data on persons against whom criminal proceedings or against requested that the punishment for an act committed in connection with massive sporting event and persons who received a final judgment and penalty for a crime or offence committed in connection with mass sporting events.
- Creation of a 'Police Command Centre' coordinating activities undertaken by the Police in the

country;

- Creation of an 'Information Exchange Centre' including foreign police officers and other representatives of security forces;
- Introduction of temporary border controls at the internal borders of the Schengen area between the dates of the event, as well as on selected flights and (marine) ferries;
- Creation of additional border control posts; and,
- Refusal of entry at the borders for individual listed as being a threat to public security;

During the event:

- Border Guard officers jointly operated, processing travellers at four main border crossings, ensuring a smooth flow of traffic through the so-called "Green EURO corridors" prepared for football fans and guests attending the Championship; and
- Creation of records for people sanctioned abroad with a ban from major events; detention of foreign nationals.

Member State C – international football event

The following preventive measures were undertaken prior to the sporting event

- TVO were defined as "Risk Fans" based on the definition in Annex 4 of the 'European handbook recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension'. In addition, risk fans were further defined accordingly three categories: category A (the peaceful fan), category B (the violent prone fan), and category C (violent seeking fans);
- Establishment of national and international reporting procedures;
- Identity checks;
- Imposition of reporting requirements;
- Introduction of stadium bans to individuals who were violent at the past at football events and are therefore prevented from attending football events nationwide;
- Imposition of travel restriction and custody through area bans imposed by police forces;
- Strengthening of police forces deployed in strategic locations;
- Support by foreign trained scene-spotters present at the football events in order to identify troublemakers;
- Targeted controls at the borders; and
- Temporary and ad hoc measures at the Schengen borders.

Problems with the measures

National authorities were overall satisfied with the measures adopted, especially in relation to the categorisation of risk fans. However, they pointed out that the insufficient level of information exchange on foreign fans, with other countries, created problems in the activation of some of the measures listed above.

Member State C – International political event

The following preventive measures were undertaken prior to the event:

- Creation of an event specific unit to establish the security strategy for the summit and implement it;
- Entry restrictions;
- Monitoring on trains.

Problems with the measures

The information received by other national authorities on potentially dangerous individuals was insufficient/inadequate to enable the activation of measures such as custody of foreign nationals.

Member State D – International Conference

The following preventive measures were undertaken prior to the event:

A two-step approach was undertaken: (1) prior contacts which included the exchange of non-personal data; and (2) on-the-spot contacts at the event.

(1) Prior contacts

- Contacts were established with EU and non-EU countries in order to alert police from abroad about potential requests from Member State D regarding TVO and the need for prompt replies;
- National police exchanged information with police authorities abroad in order to identify the potential scale of the incoming TVOs and the means of entering the country. This exchange was facilitated by the request for information that did not contain personal sensitive information which could be used to control potential TVO at the border. Contacts were taken via Sirene, Europol and Interpol. *There was no use of prior banning order to enter the country.* Exchange took place well in advance of the event which supported subsequent cooperation during the event.

(2) On the spot contacts

- Liaison officers were used to address the issue of potential TVO during the event, with the national police having invited liaison officers from a number of countries to the police headquarters. The liaison officers were present during the event at the police headquarters. A total of approximately 15 liaison officers were present, mostly from EU Member States.
- The liaison officers undertook research on retained nationals from their countries directly via their own information channels. For countries where no liaison officers were in place, the national police made contact primarily via the Sirene office and via Interpol for third countries.

Type of information collected prior to the event

- Non personal sensitive information (estimates of number of expected incoming TVO, means of transport (including data on vehicles)), expected arrivals.

Type of information during the event

- Name, home address, personal identification numbers (for retained individuals); in a few cases fingerprints. Financial data was only collected where people retained were to be deported.

Member State E

The following preventive measures are undertaken prior to events

Football Events

- NFIP is the main tool for the exchange of information for football events;
- Undertaking of Risk assessments; and
- Signature of memorandum of understanding for football events with other countries on a bilateral basis.

Other Events

- National public authorities enter into bilateral exchange of information, for example by contacting the Security Service of the other Member State concerned;
- Signature of bilateral agreements with other Member States at local level; and
- Adoption of a contingency strategy which is usually tailored to the type of event in question. The size of the event would dictate the seniority of the responsible authorities to draft the strategy.

For all events, Member State E imposes banning orders which are issued by the courts. There are also legislative measures to prevent individuals from travelling. For example, the authorities can request a banned person give up their passport for the length of the ban. Such measures prevent the individual from leaving the country. Member State E also has orders where people are requested to be at a certain place at a certain time in order to prevent such person from attending an event.

Problems encountered

The main difficulties encountered are data protection issues. If there are requests for personal data,

the national authorities have to justify this request which involves an administrative burden as well as longer periods of time to process the request.

The diversity of measures and the application of different legal regimes can lead to different procedural safeguards being applied and, possibly, to unequal treatment of TVO across the EU. This can also create confusion amongst stakeholders as to the best channel to use to exchange information on TVO. It can lead to delays and inefficiencies in the prevention of violent disruptions of public events.

There are differences in the offences associated to the TVO phenomenon and different penalties applied

In this Study, Member States identified different types of offences that can be committed by individuals which they believe to be TVO. Box 2.4 below provides an overview of these offences, which relate mostly to football supporters.

Box 2.4 Common offences committed by TVO in Member States

- Assault (one Member State)
- Violent disorder (seven Member States);
- Criminal damage (five Member States);
- Offences against the person (five Member States);
- Breach of anti-social behaviour order (one Member State);
- Petty hooligan actions (five Member States);
- Endangering the safety of citizens (four Member States);
- Violation of the rules and standards relating to explosive devices (two Member States);
- Riots and acts of violent (two Member States);
- Racism and Nazism support (one Member State);
- Vandal acts against public buildings (one Member State);
- Theft at service stations (one Member State);
- Use of pyrotechnics (one Member State);
- Violation of electric supply networks (one Member State).

Case study interviews indicated that the existence of different TVO-related offences can cause confusion amongst national authorities as to which offence should be applicable in certain cases.

In one case study country for example, the list of offences related to TVO behaviours is very broad and includes resistance to public officer, devastation and plundering, violence on persons, damage, and arms possession. In some cases, other types of offences are also considered in relation to TVO, such as for example, criminal conspiracy.

Finally, the penalties associated with the related offences also vary across the Member States. The penalties diverge as different regimes can be applied when dealing with TVO. As criminal penalties are stronger compared to administrative penalties, the application of different regimes might lead to unequal treatment of TVO across the EU.

Some of the stakeholders consulted for this Study stated that there is a need to harmonise these penalties in order to reduce the differences leading to unequal treatment of offenders across the EU.

2.4 Specific problems

The main general problems identified in relation to the exchange of information on TVO and the approaches taken to the management of the TVO phenomenon are:

- Lack of coordinated approach to dealing with the TVO phenomenon across the EU;
- Lack of clarity on which channel to use to exchange information on TVO;
- Needs of national authorities not being met; and
- Application of different data protection standards.

These are described in turn below.

2.4.1 Lack of coordinated approach to dealing with the TVO phenomenon across the EU

Stakeholder consultations undertaken for this Study showed that, in addition to "legislative" differences, problems currently exist due to the different approaches to dealing with TVO in the Member States. Factors that have been highlighted by the stakeholders as main obstacles in the identification of TVO and the exchange of information include:

- The existence of different levels of information on the phenomenon, different type of information on TVO and problems in exchanging some information on TVO;
- The existence of a variety of actors dealing with TVOs in the Member States, human resources and financial problems; and
- The reticence of national authorities to engage in cooperation because of the low priority placed on the TVO phenomenon in some Member States.

These are described in turn below.

Existence of different levels of information on the phenomenon, different type of information on TVO and problems in exchanging some information on TVO

Some national authorities consulted in the context of this study (five Member States) stated that in the majority of Member States, insufficient and outdated information is available on TVO, events organised that may pose a risk procedures to be used to prevent the risk and other important factors. This lack of information impacts negatively on the extent to which the risks generated by TVO can be prevented.

A prosecutor stated that there are currently no statistics kept at central level concerning the events involving TVO. Also, information on the judicial outcomes following the disrupted events is not gathered centrally. It is therefore very hard to have a clear and comprehensive picture of the TVO situation. Moreover, some of the NFIPs (three Member States) stated that risk assessments linked to events are not available for all countries.

Differences in the type of information shared by national authorities were also highlighted as problematic by nine Member States. Two Member States highlighted this as a key issue leading to problems in exchanging information on TVO.

More specifically, three Member States stated that problems are encountered when exchanging data about persons such as their identity, DNA, fingerprints, criminal convictions, and other personal data. This is mainly due to differing data protection laws existing in the Member States. Also, as identified by the ICMPD study, in some cases Ministries of Justice are responsible for information disclosure for certain categories of data usually required for police work, and this consequently requires judicial involvement. Such situations certainly hinder or at least slow down significantly cross-border information exchange.

46% of the police authorities consulted by the ICMPD stated that data protection concerns constitute a major obstacle in cross-border information exchanges. This has been confirmed by the stakeholders consulted for this study. One stated that the differences between national data protection systems impede and delay effective exchange of information on dangerous individuals.

Financial data also causes some problems. Such data is not exchanged in some Member States while in others it can only be provided following judicial authorisation.

Problems also arise with communication data in some Member States. For example, in one Member State telecom subscribers' data are available while for other type of data judicial authorisation is needed. The ICMPD study also indicated the existence of problems concerning communication data. Member States very clearly identified difficulties with the exchange of telecommunication data such as subscriber's details (particularly mobile, prepaid and other), which are one of the most needed and requested pieces of information for law enforcement authorities. Different national legal systems hinder access to national providers and consequently hamper efficient cross-border exchange of these kinds of information. In some EU Member States these kinds of data can be easily obtained from

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private companies while in other countries they are only accessible with prior judicial approval. In one Member State consulted, private companies require compensation from Law Enforcement Authorities when providing such types of data.

The Study questionnaire responses indicate that Member States' NFIP cannot exchange all types of information and also identified financial data and communication data as problem areas. Moreover, the two NFIPs stated that problems are sometimes encountered when sharing general information (strategic, operational and tactical) with some Member States.

Finally, the ICMPD study found that one of the key legal problems relates to the sharing of classified (confidential) information. When confidential information is received, it is very difficult to share it with other Member States, other agencies in the receiving Member State or only a narrow range of authorised persons have access to it. The existence of different national (internal) classifications in Member States regarding the same types of data significantly hinders the effectiveness of cross-border information exchanges.

Existing of a variety of actors dealing with TVOs in the Member States, human resources and financial problems

A number of actors, at national, EU and international levels, are involved in information exchange on TVO. Stakeholder consultations showed that the police play the most important role in the exchange of information in all Member States. In addition to police units being responsible for information exchange, border police can play a particularly important role in supervising the movement of risk supporters and hooligans travelling across borders.

As far as football events are concerned, Member States' NFIP is the most important actor. But other organisations and institutions also play a role. This includes sporting organisations and associations which cooperate with the NFIP in providing information on travelling supporters. For example, in some Member States the Football Association helps to cooperate and exchange information with international organisations.

Europol and Interpol liaison officers are also important actors in the exchange of information on TVO (and identified as such by the majority of Member States consulted as well as FIFA). Stakeholders identified Interpol as a key communication facilitator for exchanging information. Interpol's involvement primarily concerns information exchange relating to third countries, including EU neighbouring countries (e.g. Ukraine), as well as relating to the biggest sporting events, such as the World Cup and European Championships. With regard to FIFA competitions, Interpol plays an important role in the elaboration of General Security Plans for events with national bureaux contributing to the exchange of information on spectators of participating countries. Europol is, on the other hand, considered an important actor to exchange information concerning motorcycle gangs. However, its scope is restricted both geographically (covering only the EU Member States) and concerning its mandate (transnational serious crime).

In the current situation, the existence of a multitude of actors involved in the exchange of information on TVO can create confusion amongst national authorities when issuing requests for information or when information on TVO needs to be shared. The results of the survey carried out for the ICMPD study show that 47% of the stakeholders consulted indicated that problems are triggered by the existence of a broad variety of national administrative structures, which makes it difficult to know who to contact at what level. It highlighted that Members States sometimes send their requests through two or three communication channels due to uncertainty about how to reach the correct recipients. This is because there may be several agencies that are responsible, depending on circumstances.

Problems were highlighted in this Study in relation to the resources within different national structures allocated to exchange of information on TVO. Authorities from nine Member States consulted stated that the financial and human resources are very limited. One stakeholder indicated that this is a growing problem – for example, as a result of the financial crisis in the EU, the budget available to NFIPs has been cut. They stated that the human resources allocated to NFIPs significantly vary across the Member States – from one staff member to more than 10 people. The Study questionnaires also indicated that some

problems also arise due to the lack of NFIPs or other contact points responsible for security of sports events in some countries.

Reluctance of national authorities to engage in cooperation because of the low priority placed on the TVO phenomenon in some Member States

In some Member States TVO are not considered a priority due, for example, to the very limited extent of the phenomenon in some countries. As stated by some national authorities consulted, the low priority of the phenomenon might generate some reluctance in exchanging and sharing information with the authorities of other Member States. This was highlighted as a particular serious problem by one stakeholder consulted.

2.4.2 Lack of clarity on which channel to use to exchange information on TVO

Handbooks have been created at EU level outlining rules and obligations relating to police cooperation at international events, such as sporting and political gatherings. They provide helpful guidelines to the Member States when organising them. The guidelines outline the type of information which should be shared, such as tactical information as well as information on personal data. The Handbooks also encourage further cooperation between Member States at all stages of events, which can be considered as preventive measures.

Despite the existence of such Handbooks and guidance, there is confusion amongst national authorities as to the best placed instrument to use to exchange information on TVO. This was a finding of the ICMPD study. Member States consulted considered that there is no clear EU guidance on the selection of the best placed communication channels or information exchange systems in the context of transnational investigations. In this context it is interesting to note that the Commission's Communication on a European Information Exchange Model (EIXM)²⁹ recommends a more systematic use of the Europol channel and the SIENA communication tool.

The answers to the ICF GHK questionnaire also indicated confusion amongst practitioners in some Member States on which instrument to apply when exchanging information on TVO. The lack of supporting tools and activities such as exchange of best practice and study visits was also highlighted as a problem. One NFIP stated that exchange of best practices could further enhance the common standard of measures.

Some NFIPs pointed out that supporting instruments such as the NFIP website can be useful. However, other stakeholders indicated that the NFIP website could be improved to better support information exchange and sharing of best practice.

2.4.3 Needs of national authorities not being met

Generally, while there is room for improvement in terms of standardisation and rendering information flows more efficient, cross-border exchange of information between EU Member States on TVO, particular concerning football, can be said to function reasonably well.

Especially, this was identified by many NFIP representatives, which suggests that exchange of information on TVO attending football events is overall more effective than in other areas. This is because the NFIP network is based on a specific legislative framework setting out roles and responsibilities for the contact points, regulating the type of information exchanged and providing templates for the exchange of information.

National law enforcement officers and prosecutors from five Member States consulted for this study also stated that the level of exchange of information on TVO is satisfactory overall. Most of the stakeholders also commented that this might be due to the fact that the TVO phenomenon is limited and therefore information does not need to be exchanged often. The majority of the Ministry's replies also showed that there is overall satisfaction with the level of information exchanges and, more specifically, with the following: the scale of information exchanged, the type and relevance of the information provided and the information exchange systems in place. However, one Member State stated that, with the exception of

²⁹ COM (2012) 735 of 7 December 2012

information exchange concerning international football games, the exchange of information on other TVO phenomena is not satisfactory when faced with problems at political and other large scale events.

Despite overall satisfaction with information exchange on TVO, most of the interviews pointed out that there are some needs to be addressed in order to make the system more effective. First of all, the majority of stakeholders consulted stated that the most urgent needs to be addressed for national authorities are the need to have a common definition of TVO and to improve the legislation concerning information exchanges and other measures concerning TVO. Therefore, law enforcement authorities feel that a legislative gap exists in this area and that EU level action is required to address present shortcomings. National stakeholders also think that there is confusion concerning the currently available instruments and that an overall lack of awareness exists concerning the procedures to follow. Four Member States stated that there is a need to improve the knowledge concerning the procedures to follow and actions to be taken to prevent and manage disruption during events while two Member States indicated that there is a need to clarify the use of available instruments.

Human and financial resources allocated nationally to the exchange of information on TVO and for the organisation of events are also considered, by the stakeholders consulted, as another issue to be addressed. Four Member States pointed out that there is a need to strengthen the human and financial resources of bodies responsible for information exchange while three stated that there is a need to strengthen the human and financial resources of bodies responsible for the organisation of events which could be subject to violent disruptions.

According to the stakeholders consulted, coordination and cooperation issues also arise when exchanging information and dealing with TVO. According to three Member States there is an overall need to improve coordination between relevant actors while five Member States, there is a specific need to improve the judicial cooperation aspects of information exchange, for example by introducing mutual recognition of certain measures. Linked to cooperation, three Member States also highlighted that there is a need to enhance trust between actors responsible for information exchange. One Member State pointed out that it would be helpful to establish Single Points of Contact, responsible for exchanging information on TVO, in all the Member States.

Also, specifically related to NFIPs, stakeholders in four Member States pointed out that, in order to establish effective cooperation, there is a need to establish NFIP counterparts responsible for security of sports events in all Member States and in some third countries.

Finally, some stakeholders highlighted that law enforcement needs also related to the need to improve technical solutions for information exchange as well as the need to improve the need to improve data security.

2.4.4 Application of different data protection standards possibly leading to breaches

Framework Decision 2008/977/JHA applies to 'personal data which for the purpose of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties are transferred between different Member States' (Article 1 (2) (a)), or which, 'after having been transferred between different Member States are subsequently transferred to a third country or international organisation' (Article 13).³⁰ However, the Framework Decision does not apply to domestic processing operations by competent police or judicial authorities in the Member States, or to direct transfers from a Member State to third countries or an international organisation. Therefore, issues may arise when Member States cooperate bilaterally with third countries and exchange personal data on TVO travelling to and from the countries in question. In these instances, data protection standards set by the Framework Decision would not apply, with national standards therefore applicable. This could lead to differences in protection and therefore to unequal treatment of TVO.

³⁰ Available at http://ec.europa.eu/justice/data-protection/document/review2012/sec_2012_72_annexes_en.pdf

The Council Common Position 2005/69/JHA on exchanging certain data with Interpol places an obligation on Member States to take the necessary measures to allow for the exchange of data between competent law enforcement authorities and Interpol. However, the provisions of the 2008 Framework Decision do not apply to direct exchanges of personal data by Member States with Interpol. The Framework Decision would however apply if personal data had first been exchanged between Member States and then transferred to Interpol, as provided for in Article 13 of the Framework Decision.

For bilateral exchanges of information between Member States, EU data protection rules would apply with regard to the TVO phenomenon and would be covered by EU legislation in place. However, issues exist in relation to data retention of criminal and police records, with differences existing concerning Member States' retransmission, weeding and retention rules. Police and judicial cooperation can suffer as a result of differences in data retention practices across the Member States. The application of different data retention rules at the national level is a concern for the protection of data relating to TVO since, as outlined in the sections above, different types of offences and levels of seriousness are associated with the TVO phenomenon, depending on the definition used in the Member State. This could therefore lead some Member States to retaining personal data on TVO for a long period if the definition of TVO at national level is associated with more serious criminal offences, in comparison to other Member States where TVO are categorised in an administrative form. These differences in retention lengths could have a negative impact on the equal protection of personal data within EU Member States.

Consultations undertaken in the context of this study confirmed that data protection issues and breaches can occur when exchanging information on TVO through different channels.

2.5 Main effect: TVO not being identified and violence associated with TVO not being prevented

As a result of the shortcomings in the exchange of information on TVO, divergent national legislations and procedures as well as measures applied, TVO are not identified to an adequate extent and the violence associated with TVO is not prevented.

Stakeholder consultations indicated that there is an insufficient judicial follow up of information exchange concerning TVO. Yet, the numbers of instances, where preventive measures are not implemented are considered to be low. As stated by the national law enforcement and prosecutors interviewed, the proportion of cases where the information received in a foreign TVO led to an arrest, detention or prosecution of the individual have been estimated by national law enforcement authorities and prosecutors to amount to 5-10% or to a very marginal proportion.

2.6 Baseline scenario

The baseline or status quo indicates how the identified problems are likely to evolve (worsening, improvement, irreversible consequences) without additional public intervention, taking account of existing forthcoming EU interventions other than the present proposal. The baseline scenario also provides the basis for comparing the Policy Options.

The table below presents, for each of the problems discussed above, some considerations concerning the possible developments without EU intervention as well as the foreseen effects.

Table 2.3 Baseline scenario

Problems	Developments without EU intervention	Effect
Existence of the TVO phenomenon across the EU	It is expected that the TVO phenomenon will continue to grow without any EU intervention. In particular, it is expected that recreational, political and environmental elements are going to experience more violent disruptions in the future. On the other hand, violence during football events is expected to be prevented effectively due to the cooperation within the NFIP. Moreover, it is envisaged that new types of events might occur, such as recreational events inspired by social media. Such events will lead to an increased need to exchange information on individuals crossing borders for the purposes of causing violence.	Limited worsening of the current situation due to an increasing number of social media triggered events being organised.
Existence of a multitude of instruments for the exchange of information on TVO	Without further EU intervention, it is expected that Member States will continue to use the existing instruments for the exchange of information on TVO. It is expected that Member States will increasingly use mutual recognition over the coming years though this principle will not be directly applicable to measures relating to TVO. An uneven coverage of legal instruments for information exchange will continue to occur without EU intervention, with inefficiencies in existing information channels also continuing. Though Member States, through continued cooperation, may begin to take similar approaches for combating the phenomenon of TVO, including through the use of the same channels, this will not always be guaranteed with a piecemeal approach therefore continuing to be taken. It is considered that the exchange of information will gradually improve due to the introduction of SIS II which will allow Member States to exchange additional types of information such as photos, fingerprints etc. as well as link existing alerts. It is envisaged that the added features of SIS II will lead to Member States using the existing alerts more often. However, due to the low number of Member States using the Article 99 alert under SIS, Member States may continue to be slow to begin using the Article 36 alert under SIS II.	Limited improvement of the current situation in relation to the inefficiencies in information exchange due to an increase use of MR instruments and SIS II. However, no improvement is foreseen in relation to the existence of a multitude of instruments to exchange information on TVO.
Existence of differences in, definitions, national measures and applicable offences	Differences will continue to exist in the Member States in national measures, definitions and applicable offences. Without the introduction of a definition of TVO, whether it is a working or legal definition, Member States will continue to differ in their interpretation of which individuals fall under such a concept. This will also therefore continue to influence the preventive measures which are imposed on such individuals as well as the offences such individuals can be convicted of, whether they are criminal or administrative.	Limited worsening of the current situation. The TVO phenomenon is expected to grow but coordination efforts will be hampered by a lack of common terms across legal and other frameworks
Lack of coordinated approach to dealing with the TVO phenomenon across the EU	Without EU intervention, there will continue to be a lack of a coordinated approach to deal with the TVO phenomenon relating to the following: <ul style="list-style-type: none">■ Existence of different levels of information on the phenomenon, different type of information on TVO and problems in exchanging some information on TVO;■ Existing of a variety of actors dealing with TVOs in the Member States, human resources and financial problems; and■ Reticence of national authorities to engage in cooperation because of the low priority placed on the TVO phenomenon in some Member States.	Worsening of the current situation – in the absence of EU action, the lack of information on the TVO phenomenon and the variety of actors involved is expected to lead to further confusion and delays in cooperation ultimately leading to TVO not being identified and violence associated with TVO not being prevented

Lack of clarity on which channel to use to exchange information on TVO	In the absence of an EU intervention, confusion amongst national stakeholders on which instrument to use for the exchange of information on TVO will continue to exist. This will lead to inefficiencies in dealing with the TVO phenomenon, which is expected to grow in the future.	Limited worsening of the current situation due to lack of appropriate guidance on which instruments to use when exchanging information on TVO. This is expected to ultimately lead to TVO not being identified and violence associated with TVO not being prevented
Application of different data protection standards	Data protection standards will continue to develop over the coming years. The principles enshrined in the 1995 Data Protection Directive will be updated and modernised in order to guarantee private rights. A new Directive will be adopted on protecting personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities. Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters has a limited scope of application since it applies only to cross-border data processing and not to processing activities by the police and judicial authorities at national level. The proposed Directive's scope is not limited to cross-border data processing but applies to all processing activities carried out by "competent authorities". The proposal introduces the obligation for Member States to ensure easily accessible and understandable information, with the right of access to their personal data ensured. A provision is included, which sets out the general principles for data transfers to third countries or international organisations in the area of police and judicial cooperation in criminal matters. This will be of importance in relation to TVO. The proposed Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data will also reinforce the safeguards currently in place within the Data Protection Directive.	Limited improvement of the current situation due to better protection of personal data in police cooperation and exchange of information between Member States. However, the information management tools and channels used to exchange information on TVO will still apply different safeguards and protection standards (and linked to different definitions), therefore leading to different outcomes in the protection of individuals.
Needs of national authorities not being met	Though it can be assumed that there will be continued cooperation between the NFIPs in the future in relation to football and other sporting events and that such information exchange will continue to function well, the needs of national authorities in relation to other large scale public gatherings will continue to not be met without any EU intervention.	Limited improvement of the current situation as a consequence of an improvement in information exchange (see above). However, in the absence of EU action, this improvement would be only limited

2.7 Analysis of subsidiarity and proportionality and EU right to act

The problem assessment has shown several deficiencies with respect to the approach taken across the EU to deal with the TVO phenomenon. This concerns not only the exchange of information on these individuals but also the different approaches taken to define them and to deal with violent disruptions of public events in the EU.

The TVO phenomenon is expected to increase in the future as it is envisaged that new types of events might occur, such as recreational events inspired by social media. These events represent a cost to society, expressed in high costs incurred by the law enforcement authorities, the judiciary and direct costs to citizens who have been victims of violent acts.

The problems are also affecting the extent to which the EU can realise an area of security, justice and freedom.

Such events will lead to an increased need to exchange information on individuals crossing borders for the purposes of causing violence. The exchange of information between Member States has improved over the years, but Member States still encounter numerous obstacles, mainly because of their lack of understanding and proper use of the available instruments and also due to some reluctance to engage in such cooperation due to the low priority placed on the TVO phenomenon in some countries. As a result, TVO are not adequately identified and that violence associated to the phenomenon is not being sufficiently prevented.

When considering the principle of *necessity*, the issues to be addressed are entirely of a transnational nature, as they relate to a phenomenon (TVO) worsened by a lack of common approach to dealing with the phenomenon across the EU and inefficiencies in exchanging information on these individuals.

The evidence gathered shows that the problems currently encountered are not dealt with satisfactorily by the Member States. The analysis has shown that, whilst some Member States are more active and proactive in using existing tools and channels, ultimately they suffer from the low level of cooperation of others. Therefore, common action at the EU level would be more effective in solving the problems identified compared to action by individual (or a group of) Member States.

It is however important to consider the proportionality of any EU action. First, some of the problems linked to TVO seem fairly limited. It was estimated that there are 28 disrupted events (for each category of event) per year while the average number of persons arrested per type of event per year amounts to 1,506. Moreover, the TVO phenomenon is not equally "distributed" across the EU as some Member States hardly ever deal with TVO. Therefore, EU action might be disproportionate in those Member States experiencing low levels of violence linked to TVO.

Finally, any EU action in this field should be assessed against the possible negative effect of creating yet another structure/body/channel for the exchange of information between national authorities in the home affairs area. The potential benefits risk being largely outweighed by the potential disadvantages resulting from the additional burden/responsibilities on stakeholders.

With regard to subsidiarity, the Study has shown that Member States rely on instruments at EU level to strengthen bilateral and multilateral cooperation. Due to the cross-border nature of the phenomenon, the current problems existing could not purely be resolved by Member States taking action at national level and thus requires the EU to act.

Possible EU action in this field is supported by several important policy documents at EU level concerning the right to act and, more specifically, embedded in the Treaty on the Functioning of the European Union (TFEU). The Stockholm Programme called on the Commission to "examine how best to promote that Member States' competent authorities can exchange information on travelling violent offenders including those attending sporting events or large public gatherings". In addition, Article 87 TFEU provides that "the Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences". Article 87(2) provides that measures can be established, in accordance with the ordinary legislative procedure, regarding the "collection, storage, processing, analysis and exchange of relevant information".

3 Policy objectives

In order to properly assess the options for action, we identify a set of general and specific policy objectives. Setting objectives in this way assists in determining and elaborating the political and operational orientation for the options and hence ensure that they can be assessed in order to determine their effectiveness.

Table 3.1 below presents the general and specific objectives proposed. These have been elaborated based on the objectives included in the proposal of this study and adapted to better link with the problems identified.

Table 3.1 Policy objectives

General objectives	Specific objectives
To improve the management of public events and to prevent violent behaviours during these events by TVO.	To improve the information available on TVO across the EU.
	To render the exchange of information on TVO more effective.
	To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU.

4 Policy options

On the basis of the objectives and of the recommendations and the options included in the Interim Report of this study (and presented at the experts' meeting in July), the following four packages of Policy Options are presented:

- Package 0. Status Quo;
- Package 1. Defining TVO;
- Package 2. Gathering information on TVO and on public events including TVO; and
- Package 3. Exchanging information on TVO and cooperation between relevant actors

Table 4.1 below provides an overview of the alternative sub-options included in each package.

Table 4.1 Overview of the types of action and the alternative options

<i>Package 0. Status Quo</i>
No changes to the current situation.
<i>Package 1. Defining TVO</i>
1.1 Introducing a new definition of TVO in existing handbooks and legislation. <ul style="list-style-type: none"> 1.1.1 Introducing a category of TVO in the existing handbooks. 1.1.2 Introduction of definition of TVO in existing legislation.
1.2 Introduction of a common definition of TVO in new legislative instrument.
<i>Package 2. Gathering information on TVO and on public events including TVO</i>
2.1 Improving the information available on TVO and events.
2.2 Imposing an obligation to record and "classify" TVO.
2.3 Establishing a TVO database in each Member State.
<i>Package 3. Exchanging information on TVO and cooperation between relevant actors</i>
3.1 Strengthening guidance and evaluation.
3.2 Establishing a network of national contact points for the exchange of information on TVO in the Member States. <ul style="list-style-type: none"> 3.2.1 Extending the scope of NFIPs. 3.2.2 Creating a new network.
3.3 Making use of a specific information exchange mechanism. <ul style="list-style-type: none"> 3.3.1 Emphasise the use of existing alerts in SIS II. 3.3.2 Introduction of a new type of alert for sharing information on TVO within SIS. 3.3.3 Use existing Europol platforms and Interpol notices. 3.3.4 Establishment of a new mechanism for the exchange of information on TVO.
3.4 Introduction of a European Banning Order.

The sub sections below provide a short description of the Policy Options listed above.

4.1 Description of the Policy Options

This section of the Report provides more information on the content of the options selected. Each of these options will be assessed against the Policy Options and an additional set of criteria presented in Section 5 below. The assessments are presented in section 5.

4.1.1 Package 0 - Status Quo

No changes to the current situation as highlighted in Section 2.6 (baseline scenario) above, though developments will occur in relation to data protection provisions and it is foreseen that the Member States will increasingly make use of the provisions of SIS II for the exchange of information.

4.1.2 Package 1 - Defining TVO

This package of Policy Options aims to address the general problem "existence of differences in national practices, procedures and approaches to dealing with TVO across the EU", more specifically, the existence of different definitions (or the absence of definition) of TVO in the Member States.

As discussed with the Commission, the definition / concept should consider the following aspects:

- The definition should focus on the behaviour and the actions of individuals ("what they do"), rather than describing them ("what they are") as individuals. Thus the focus should be on individuals' (intended) criminal disruptive behaviour and actions;
- The definition should have a cross-sector approach, focusing on criminal behaviour during different types of events. For example, sport hooligans, activists and any other area affected by the problem of travelling violent offenders;
- The definition should establish a clear connection between the behaviour and the criminal act during an event. Thus the definition should stress the criminal nature of the action and should consider the link of the criminal intent or misbehaviour and the use of violence in order to disrupt an event and incur into public order infringements. The definition thus should avoid the tendency of "failing to recognise the impact of" the criminal behaviour by just considering these individuals only as "trouble-makers."; and
- The definition should consider not only the individuals' actions but also the impact of their actions in a global event. Thus, the group approach to disruption should be considered, as well as the possible links of these groups to organised crime.

The key elements of a working definition should also include:

- The fact that the person is travelling across the border to a (large scale, public) event;
- The fact that the person has the intent to engage in criminal behaviour/unlawful disruption; and
- Typical offences concerning public order infringements.

Based on the mapping undertaken/information collected in the first phase of this assignment, the following three definitions were proposed by the Study Team for discussion with the Expert Panel:

- **Definition focussing on the risk of committing violence** - A TVO is an individual who travels to another Member State to attend a public gathering and risks, due to his/her past actions or present affiliations, being involved in a violent act, either alone or with like-minded individuals, by means of one (or more) of the following : disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks;
- **Definition focussing on the intent/pre-meditation of the individual** - A TVO is an individual who travels to another Member State with the particular intention/pre-meditation of committing a violent act at a public gathering, either alone or with like-minded individuals, by means of one (or more) of the following : disrupting public order,

damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks;

- **Definition focussing on motivations based on ideology or common beliefs** - A TVO is an individual who travels to another Member State to attend a public gathering with the motivation to express their ideology or common beliefs, either alone or with like-minded individuals, with such actions risking resulting in violent behaviour, by means of one (or more) of the following: disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks.

The definitions proposed to the Commission were discussed with the Expert Panel. It was agreed that the definition of TVO should focus on the concept of "suspicion" of intending to commit a violent offence and should take into account similar offences which might have previously been committed by an individual. It was agreed that the definition focussing on motivations based on ideology or common beliefs could violate the fundamental rights of individuals, particularly relating to the freedom of thought, conscience and religion (Article 10), the freedom of expression (Article 11) and the freedom of assembly (Article 12). The Expert Panel suggested taking account of the current provisions of Article 36(2) of Council Decision 2007/553/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II).³¹ The Study Team considered that the wording of Article 36(2) could be reflected in the definition of a TVO. In order to ensure that both serious criminal and administrative offences were taken into account, due to the different practices in the Member States, reference was not made to the 32 offences provided for under the European Arrest Warrant, since many of those offences would not fall under the scope of TVO, such as terrorism.

The following definition is subsequently proposed:

A TVO is an individual who travels to another Member State to attend a public gathering and either:

- (a) is reasonably suspected of intending to commit, either alone or with like-minded individuals, a serious criminal or administrative offence by means of one (or more) of the following: disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks; or*
- (b) risks, on the basis of past convictions related to similar offences, to commit, either alone or with like-minded individuals, a serious criminal or administrative offence by means of one (or more) of the following: disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks.*

The blue box below presents the alternative options identified.

³¹ Article 36(2) provides that "an alert may be issued for the purposes of prosecuting criminal offences and for the prevention of threats to public security: (a) where there is clear indication that a person intends to commit or is committing a serious criminal offence, such as the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA; or (b) where an overall assessment of a person, in particular on the basis of past criminal offences, gives reason to suppose that that person will also commit serious criminal offences in the future, such as the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA.

Policy Option 1.1 Introducing a new definition of TVO in existing Handbooks and legislation

The following definition would be proposed: A TVO is an individual who travels to another Member State to attend a public gathering and either:

(a) is reasonably suspected of intending to commit, either alone or with like-minded individuals, a serious criminal or administrative offence by means of one (or more) of the following: disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks; or

(b) risks, on the basis of past convictions related to similar offences, to commit, either alone or with like-minded individuals, a serious criminal or administrative offence by means of one (or more) of the following: disrupting public order, damaging infrastructure, harming individuals, encouraging/undertaking racist and xenophobic attacks.

Policy Option 1.1.1 Introducing a category of TVO in the existing handbooks

Under this option, existing law enforcement cooperation tools will be modified to include a specific category concerning "TVO". Such tools could include, for example, the Handbook for the use of police authorities and services at international events such as meetings of the European Council as well as the Handbook for the cooperation between Member States to avoid terrorist acts at the Olympic Games and comparable sporting events.

Policy Option 1.1.2 Introduction of definition of TVO in existing legislation

Under this option, a common definition of TVO will be identified and included as an Annex to existing EU legislative instruments laying down provisions concerning information exchange, such as for example:

- Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities and EU Member States;
- Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border co-operation, particularly in combating terrorism;
- Council Decision 2009/371/JHA establishing Europol;
- Council Decision 2007/553/JHA on establishment, operation and use of the second generation SIS;
- Convention implementing the Schengen Agreement (which established SIRENE in Article 92);
- Bilateral/multilateral agreements between the Member States; and
- Other

Policy Option 1.2 Introduction of a common definition of TVO in new legislative instrument

This option foresees the adoption of a common definition within a new EU legislative instrument which would purely relate to TVO.

4.1.3 Package 2 - Gathering information on TVO and on public events including TVO

The options included in Package 2 aim to improve the availability of information on the TVO phenomenon and on TVO individuals. This would, ultimately, lead to an effective and efficient exchange of information.

The blue box below presents the alternative options identified and includes some questions for discussion.

Policy Option 2.1 Improving the information available on TVO

Under this option, an obligation on Member States to keep updated statistics on TVO and related offences would be introduced. The central criminal police offices will be required to collect data on the number of TVO identified in relation to sports and other events, their 'organisational structure', type of offences committed, number of TVO detained, arrested, convicted, etc.

The option could also introduce an obligation on the Member States to regularly produce risk assessments in relation to the events organised. At present, Member States are encouraged to provide risk assessments as part of existing Handbooks. However, such provisions are currently not binding on the Member States.

Policy Option 2.2 Imposing an obligation to record and "classify" TVO

This option would introduce an obligation to Member States to "classify" offenders as TVO and record information on them accordingly, for example in their police or criminal and police records. This will allow for their swift identification and, where necessary, exchange of information on them. Possibly, the obligation could be added to a new legislative instrument (see option 1.1.2). This option could complement option 2.1 above.

Policy Option 2.3 Establishing a TVO database in each Member State

This option foresees the establishment of a specific database on TVO. Police authorities in each Member State would collect information and intelligence on TVO and record this into a new database (i.e. 27 databases will be created). Possibly, the obligation to establish a national database could be added to a new legislative instrument (see option 1.1.2).

The database will be managed by the national central criminal police offices (the managing authority) in the Member States. The information included in the database should include the following:

- Personal data;
- Information on the event attended;
- Information on the travel route; and
- Offences associated.

Such information could be available to external actors (outside of the managing authority) at all times or only linked to specific public events.

When developing the option, the following technical and practical elements would be looked at:

- The design of the system's physical architecture;
- Technical aspects which have a bearing on the protection of personal data;
- Technical aspects having significant financial or technical consequences; and
- The development of security requirements.

4.1.4 Package 3 - Exchanging information on TVO and cooperation between relevant actors

The options included in Package 3 aim to facilitate and improve the exchange of information on TVO. The options address the general problem "Existence of a multitude of instruments for the exchange of information on TVO".

The blue box below presents the alternative options identified and includes some questions for discussion.

Policy Option 3.1 Strengthening guidance and evaluation

This option involves updating the existing Handbooks on transnational cooperation in relation to sports events and international gatherings. This would provide assistance to national authorities by clarifying the use of available instruments and provide guidance on the application of the existing information channels for the exchange of information on TVO. The updating process would also focus on preventive actions which should be taken in order to prevent and manage disruption during events as well as on the division of tasks and responsibilities/coordination between relevant cross-border actors. Under this option, best practice would be shared and study visits undertaken in order to enhance the understanding of different systems and actors in place.

This option also foresees enhanced evaluation of events occurring in the Member States which were affected by TVO. This would focus on the measures undertaken by the Member States affected in relation to information exchange as well as other preventive measures. This option would include the sharing of best practice, peer reviews and study visits. The work of the Council of Europe Standing Committee could be used as a model for such evaluation.

Policy Option 3.2 Establishing a network of national contact points for the exchange of information on TVO in the Member States

Policy Option 3.2.1 Extending the scope of NFIPs

Under this option, the coverage of the NFIP network would be extended to cover political events. The Council Decision establishing the NFIP network would need to be amended in order to extend the scope of action of the contact points.

Policy Option 3.2.2 Creating a new network

In addition to NFIPs, under this option a new network of national contact points would be established, to coordinate the exchange of information on "other TVO", for example political activists. The network could be created through the new legislative instrument referred to under Policy Option 1.2 above. By creating a new network, all groups of persons falling under the definition of TVO would be covered.

Single points of contact in each Member State would be created. They would act as the direct central contact point for exchanging relevant information on all other categories of TVO not covered by the NFIP. The points of contact would also facilitate international police cooperation on the movement of these TVO between Member States for large scale events. In addition to exchanging relevant information and facilitating international police cooperation, the new network could undertake risk assessments on large scale events with a cross-border dimension in order to prevent violence being committed by TVO.

It is expected that the single points of contact for the network would contain representatives from the Ministries of Interior in the Member States or law enforcement authorities who currently deal with such groups at national level. In some Member States, the single points of contact for the new network might include the same representatives from the NFIP network. This would depend, however, on the internal organisation of the Member State.

The new network would draw upon the experiences of the NFIP, particularly with regard to lessons learnt in exchanging information on TVO in the sporting context, in order for best practices to be adopted.

Policy Option 3.3 Making use of a specific information exchange mechanism

Policy Option 3.3.1. Emphasise the use of existing alerts in SIS II

Under this option, Member States would be encouraged to make use of the new possibilities provided by the SIS II in order to issue alerts on TVO. This could be done through a non-legislative instrument (i.e. EC recommendations), accompanied by guidelines describing/clarifying the functioning of the new system and explaining how to make best use of it in relation to TVO.

Policy Option 3.3.2 Introduction of a new type of alert for sharing information on TVO

within SIS

Under this option, a new type of alert "for sharing information" could be introduced in the Schengen Information System. Data on TVO could be entered into the system with a specific "note" or "code", which would link the data to a "TVO-related offence". This would entail a modification to the legislative basis governing SIS II with respect to alert procedures. Such legal basis defines the alerts on persons and objects that will be entered in SIS II for facilitating police and judicial cooperation in criminal matters. It also includes provisions on the conditions and procedures for issuing these alerts and on the authorities that will have a right to access this data.

These amendments might touch upon the following issues:

- Category of alerts;
- Conditions and procedures for issuing these alerts;
- Processing of data relating to alerts;
- Conditions for data access and protection;
- Conditions for issuing alerts on refusal of entry or stay for non-EU nationals;
- Provisions on the technical aspects and operation of SIS II; and
- Responsibilities of the management authority and of participating countries

A precondition for this is the establishment of a definition of TVO or at least some minimum common criteria to define a TVO. The option might also consider the extension of the national authorities having access to the SIS due to the new kind of data exchanged.

Policy Option 3.3.3 Use existing Europol platform and Interpol notices

Under this option, Europol will be given a formal platform as the focal point of information exchange on TVO. This would entail a modification of Council Decision of 6 April 2009 establishing Europol to include a specific mandate for Europol to "host" a new information exchange system on TVO. Rules and procedures for data processing, access and protection would need to be included in the revised Council Decision. Under this option, Member States would be able to use the Interpol "notices" in the context of a specific event in order to exchange information bilaterally. Interpol "notices" are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information. The following notices could be used:

- Red Notices - the persons concerned are wanted by national jurisdictions for prosecution or to serve a sentence based on an arrest warrant or court decision;
- Blue Notices - to collect additional information about a person's identity, location or activities in relation to a crime;
- Green Notice - to provide warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries; and
- Orange Notice - to warn of an event, a person, an object or a process representing a serious and imminent threat to public safety.

Policy Option 3.3.4 Establishment of a new mechanism for the exchange of information on TVO

Under this option, a new supporting mechanism for information exchange on TVO will be established. This could, for example, consist of linking the national databases established under option 2.3 above or the creation of a centralised database.

If a database is chosen as the main exchange mechanism, the following technical and practical elements will need to be addressed:

- The design of the system's physical architecture;
- Technical aspects which have a bearing on the protection of personal data;
- Technical aspects having significant financial or technical consequences; and
- The development of security requirements.

Alternatively, the exchange mechanism could also consist of more 'manual' sharing of information recorded as part of option 2.2 above.

Appointed Member State authorities (e.g. those part of the network under Policy Option 3.2) would be in charge of processing and (if relevant) exchanging the information on TVO. The mechanism could be created as part of the new legislative instrument referred to under Policy Option 1.2 above.

Policy Option 3.4 Introduction of a European Banning Order

A European Banning Order would introduce the mutual recognition (based on MR principles) by

Member States of a banning order (administrative, criminal or civil) imposed by another Member State. As far as possible, the banning order should relate to specific event bans though where necessary, for events where this is not possible (i.e. manifestations) the banning order could include geographical limitations.

5 Assessment and comparison of the Policy Options

This section of the Report firstly presents the methodology for undertaking the assessment of the impacts of the options both from a qualitative and a quantitative point of view (Section 5.1). Secondly, the assessment of each Policy Option is presented in assessment grids (Section 5.2). Finally, the section provides a comparative analysis of the ratings provided to the options. This comparison will be the basis for identifying the preferred Policy Option in Section 6.

5.1 Methodology

First, all the Policy Options including the status quo option are assessed against the specific policy objectives, which have been identified as follows:

- To improve the information available on TVO across the EU;
- To render the exchange of information on TVO more effective ; and
- To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU.

Grids have been prepared in order to assess each of the options presented in Section 4. In the grid, the anticipated impacts have been assessed based on a rating scale (-5 to +5), as follows:

5 - Maximum possible positive effect/impact

4 - Very large positive effect/impact

3 - Large positive effect/impact

2 - Moderately positive effect/impact

1 - Small positive impact

0 - No/marginal impact

-1 - Small negative effects

-2 - Moderately negative effect/impact

-3 - Large negative effect/impact

-4 - Very large negative effect/impact

-5 - Maximum possible negative effect/impact

Second, for the assessment of the **indirect costs and benefits**, these are based on the following key assumptions:

- In terms of **benefits**, the Policy Options will, to a lesser or greater extent, contribute to the **prevention** of TVO-related crimes (e.g. because individuals can be stopped at borders / entry points of event venues) and help to **act faster when such crimes are happening** (e.g. because individuals can be quickly identified and arrested). This would hence reduce the damages associated with such crimes.

In order to quantify and monetise these benefits, the above first require an estimate of the costs associated with crimes committed by TVO. Whilst some estimates are available, e.g. in relation to the G8 in Genoa (Italy) where it is estimated that the total damages amounted to 60 million euro, data overall is very scarce. However, it is possible to come up with a 'guesstimate' as to the average damages resulting from an event disturbed by TVOs.

Quantifying the benefits is challenging because some assumptions need to be made as to the % by which TVO-related crimes and hence the damages resulting from these would be reduced by implementing certain Policy Options.

- In the qualitative assessments of the **indirect costs**, it is assumed that, **the better TVO-related crimes are prevented and dealt with, the higher the costs for investigation, prosecution, trials and even imprisonment** would be, as such actions would require greater efforts from law enforcement and judicial authorities in particular.

In order to quantify and monetise these costs, whilst reasonably good data is available on the costs of policing and justice in the Member States (using a combination of CEPEJ and Eurostat data), again the challenge is to make an assumption as to the % by which such costs would increase. In earlier impact assessment studies, ICF GHK has linked this to the above % by which the Policy Option is expected to generate certain benefits (e.g. using the same proportional increase), but still it would be necessary to estimate the % of benefits generated.

Third, the assessment focusses on the **social impacts** and **impacts on fundamental rights**, namely:

- Relevant social impacts, such as public health / perception of safety; and,
- Relevant fundamental rights:
 - Protection of personal data (Article 8)
 - Non-discrimination (Art. 21)
 - Freedom of movement
 - Right to an effective remedy and fair trial (Art. 47).

These have been assessed in a qualitative manner.

When the Policy Options present a potential breach of these rights, mitigating measures are discussed. Also, when the options constitute a potential limitation of any of these rights, the necessity and proportionality of the Policy Option is reviewed.

Finally, additional assessment criteria concerning the feasibility of the options have been included. These are:

- Stakeholders' acceptability; and
- Risks associated with the implementation of the option.

5.2 Assessment of options

This section presents the impacts of the Policy Options outlined in Section 4. These considerations were discussed during the Expert Panel meeting organised on 26 September 2012.

5.2.1 Package 0. Status Quo

Table 5.1 Assessment of Policy Option 0 – Status Quo

Criteria	Rating	Explanation
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	0	The result of no action will lead to no improvement relating to the information currently available on TVO across the EU. Though it is envisaged that Member States might gradually become more aware of the TVO phenomenon as time progresses, due to further events (particularly recreational events such as social media triggered events) and problems occurring, the current situation will not help to improve the information available on TVO unless Member States take concerted actions themselves to ameliorate the situation.
To render the exchange of information on TVO more effective	0	It is considered that the exchange of information on TVO will gradually improve due to the introduction of SIS II which will allow Member States to exchange additional types of information such as photos, fingerprints etc. as well as link existing alerts (ex. individuals with vehicles, etc.). It is envisaged

Criteria	Rating	Explanation
		that the added features of SIS II will lead to Member States using the existing alerts more often. However, due to the low number of Member States using the Article 99 alert under SIS, Member States may still continue to be slow to use the Article 36 alert under SIS II, if they are not explicitly encouraged to do so.
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	0	Gaps in legislative approaches in Member States may be gradually reduced over the coming years due to the increased use of MR instruments and the increased introduction of common minimum standards in the area of criminal law. Though this will bring improvements to the overall situation in the Member States, it will not provide major improvements to reducing the gaps existing in relation to Member State approaches towards combating the TVO phenomenon.
Assessment of costs and economic impacts		
Direct costs	0	No additional costs associated.
Indirect costs	0	No additional costs associated.
Benefits	0	No benefits.
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	0	If no action is taken to combat the phenomenon of TVO, citizens' perception of safety and crime levels will remain the same with continued issues arising when large scale public gatherings occur which are attended by TVO.
Protection of personal data (Article 8)	0	Member States will continue to use different methods for exchanging information on TVO and will exchange different types of information on TVO, including personal data. This may lead to problems continuing to arise relating to the different data protection standards being applied within the Member States.
Non-discrimination (Art. 21)	0	By not introducing a fixed definition of TVO, a risk will continue to exist that Member States use varying concepts of TVO ranging from public order offences to extremism. This will have large implications on such individuals if preventive measures are imposed on them such as banning orders, custodial measures etc. This will therefore contribute to discrimination against individuals, depending on the Member State imposing the measures. The use of different systems, including different procedural standards, might impact on the level of data protection, possibly leading to an unequal treatment of TVO across the EU. Finally, the different definitions of TVO in the Member States and different TVO related offences and penalties associated might leading to unequal treatment of offenders across the EU (i.e. with penalties in some Member States being stronger).
Freedom of movement	0	No impact.
Right to an effective remedy and fair trial (Art. 47)	0	Different administrative and criminal standards will continue to be in place in the Member States which could jeopardise the right to an effective remedy and fair trial.
Other effects		
Stakeholders' acceptability	0	Stakeholders' acceptability for the status quo would be relatively high since Member States seem to be satisfied overall with the level of information exchange, especially regarding the NFIP. Though some improvements

Criteria	Rating	Explanation
		could be made to the exchange of information on other large scale public gatherings, Member States consulted outlined the effectiveness of sharing information bilaterally, where necessary, with many indicating that there was no need for further action due to the lack of a TVO problem in their territory.
Risks associated with the implementation of the option	0	The phenomenon of TVO will continue to exist over the coming years, with new types of events arising, such as events arising from social media and the continued existence of political activities. By not taking any action in this area, the new types of events will not be sufficiently protected against the risks associated with TVO, with further damage to property and individuals occurring.

5.2.2 Package 1 - Defining TVO

Table 5.2 Assessment of Option 1.1 Introducing a new definition of TVO in existing Handbooks and legislation and Option 1.2 Introduction of a common definition of TVO in new legislative instrument

Criteria	Rating	Explanation
		1.1 Introducing a new definition of TVO in existing handbooks and legislation
		1.2 Introduction of a common definition of TVO in new legislative instrument
Alternative sub-options		1.1.1 Introducing a category of TVO in the existing handbooks
		1.1.2 Introduction of definition of TVO in existing legislation
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	2	By introducing a definition in the existing handbooks, national authorities would be able to easily identify individuals in their Member States who fall under the category of TVO. Indirectly, this would assist them in identifying the information which needs to be gathered on these individuals.
	3	By introducing a definition of TVO in existing legislation, Member States would have a clear and common understanding of which individuals fall under the definition of TVO. This could remedy difficulties currently faced by Member States when they cannot identify what information should be gathered. Identification of who qualifies as a TVO could assist Member States when gathering information. This would improve the information available on TVO since Member States would no longer face difficulties in determining who should be considered a TVO. It is envisaged that this option would have more of a positive impact than option 1.1.1 since Member States would be obliged to adopt the definition included in legislation since it is binding upon them. This would therefore reduce the risk of Member States interpreting the definition widely in order to take into account their own concepts.
	3.5	As with option 1.1.2, a positive impact is envisaged. It is considered that this might have a slightly more positive impact since a new instrument would be explicitly created for TVO. Such an instrument would be more transparent, with the definition being a main provision of the instrument, compared to option 1.1.2 where the definition would be inserted as a "side" provision in existing legislation. The creation of such an instrument could provide a new impetus for Member States.
To render the exchange of information on TVO more effective	3	By introducing a category of TVO in the existing Handbooks, no ambiguity would exist amongst national authorities (law enforcement, NFIP etc.) as to who falls under the category of TVO. This would
	4	Introducing a definition of TVO in existing legislation would have a slightly more positive impact than Policy Option 1.1.1 since the definition would be legally binding which would thereby place an obligation on Member
	4	This proposal would have the same impact as option 1.1.2.

Criteria	Rating	Explanation
<div> <div>1.1 Introducing a new definition of TVO in existing handbooks and legislation</div> <div>1.2 Introduction of a common definition of TVO in new legislative instrument</div> </div>		
Alternative sub-options		<div> <div>1.1.1 Introducing a category of TVO in the existing handbooks</div> <div>1.1.2 Introduction of definition of TVO in existing legislation</div> </div>
		<div> <div>therefore facilitate the exchange of information between Member States, avoiding confusion and thereby rendering the process more effective. This option would also be able to be realised in the short term, which would assist in quickly improving the exchange of information on TVO.</div> <div>States to apply the same definition of TVO. This would therefore contribute more to the effectiveness of information exchange since no ambiguity would exist between the Member States as to who information should be exchanged on.</div> </div>
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	2	<div> <div>3 This option could assist in reducing gaps in legislative approaches. The introduction of a definition in the Handbook could provide Member States with a reference point on which to amend their own legislation, in order to be in line with the EU approach. Though the definition would be included in "soft" law, it is considered that Member States would still take the definition into consideration due to their current reliance on the provisions of the existing handbooks.</div> <div>4 Introducing a definition of TVO in existing legislation would have a positive impact since it would oblige Member States to use the definition at national level and require them to amend their own legislation. This could therefore lead to gaps being reduced, since the application of a common definition in all Member States, which lists the types of offences and criteria for determining TVO, would also contribute to other approaches being more closely interlinked, such as the preventive measures applicable to the TVO phenomenon.</div> </div>
Assessment of costs and economic impacts		
Direct costs	0	<div> <div>-2 No administrative costs are associated with this option since introducing a category of TVO would not require the amendment of legislation.</div> <div>-2 High costs would be associated with this option since a number of legislative instruments would need to be updated in order to introduce a definition of TVO. If five legislative instruments were amended, this would amount to a minimum administrative</div> <div>-2 High costs would be associated with this option since a legislative instrument would need to be introduced. This would amount to an administrative cost at EU level of a minimum of €26 000 or a maximum of</div> </div>

Criteria	Rating	Explanation
1.1 Introducing a new definition of TVO in existing handbooks and legislation		
1.2 Introduction of a common definition of TVO in new legislative instrument		
Alternative sub-options	1.1.1 Introducing a category of TVO in the existing handbooks	1.1.2 Introduction of definition of TVO in existing legislation
		cost at EU level of approximately €73 000 ³² or a maximum administrative cost of €93 000 ³³ . The running costs for this option are relative low however so it would be relatively cost-efficient in the longer term. With regard to administrative costs at Member State level, this would amount to a minimum of €35 000 or a maximum of €87 000. ³⁴
		€41 000. The running costs for the option are relatively low within this administrative cost however so the option could be cost-efficient in the longer term. With regard to the administrative costs at Member State level, this would amount to record keeping costs of approximately between €7 000 and €17 000.
Indirect costs	-1	It is envisaged that the option would have some indirect costs associated with it as by introducing a category of TVO, information exchange and measures imposed by the Member States would improve which could therefore lead to more action being taken by law enforcement authorities and the judiciary. Additional information might also be gathered in order to meet the new definition.
	-2	The introduction of a definition of TVO in existing legislation would lead to indirect costs since it is expected that gaps in legislative measures would be reduced which would subsequently lead to more effective measures for combating the phenomenon. This would increase the workload for law enforcement authorities and the judiciary.
	-2	Same indirect costs as option 1.1.2
Benefits	2	This option would help Member States identify individuals who should be considered as TVO. By introducing such a concept in existing handbooks, less
	2	Same benefits as option 1.1.2
	2	Same benefits as option 1.1.2

³² Estimates included in the assessment tables were rounded up, with full calculations available in the Annex.

³³ It was estimated that at least five instruments would need to be amended at a cost of approximately €14 550 (minimum) or €18 600 (maximum).

³⁴ It was estimated that the administrative costs would be between approximately €7 000 and €17 000 per instrument.

Criteria	Rating	Explanation
<div> <div>1.1 Introducing a new definition of TVO in existing handbooks and legislation</div> <div>1.2 Introduction of a common definition of TVO in new legislative instrument</div> </div>		
Alternative sub-options		<div> <div>1.1.1 Introducing a category of TVO in the existing handbooks</div> <div>1.1.2 Introduction of definition of TVO in existing legislation</div> </div>
		<p>confusion will arise amongst national authorities. This will therefore lead to a more effective system for combating TVO, thereby reducing the damages caused by the phenomenon.</p>
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	2	<div> <div>This option would assist in more adequately addressing the phenomenon of TVO. More effective information exchange could contribute to a more efficient system for combating the TVO phenomenon. This would therefore reduce crime levels associated with the TVO phenomenon and consequently increase the citizen's perception of safety and that justice was being done.</div> <div>2</div> <div>As with option 1.1.1, the introduction of a definition of TVO would help to better address the phenomenon in the Member States through better information exchange. The positive impact of this would therefore contribute to further preventive measures which would increase perception of safety and justice being done.</div> <div>2</div> <div>A slightly more positive impact is envisaged than option 1.1.2 since the introduction of a new instrument specifically focused on TVO could be considered by citizens as a clear example of work being undertaken to combat the phenomenon and therefore to ensure public safety and the better administration of justice.</div> </div>
Protection of personal data (Article 8)	0	<div> <div>No impact is envisaged.</div> <div>0</div> <div>No impact is envisaged.</div> <div>0</div> <div>No impact is envisaged.</div> </div>
Non-discrimination (Art. 21)	1	<div> <div>Though there is a risk of categorising individuals and linking them to violent offences, it is envisaged that the introduction of a definition of TVO will in fact reduce the risk of discrimination in the Member States since national authorities will be provided with a guideline as to who should be considered a TVO.</div> <div>2</div> <div>The same impact as option 1.1.1 is envisaged though it is foreseen that the impact could be slightly more positive since the introduction of a definition of TVO in legislation would make the definition legally binding upon the Member States, thereby ensuring that all Member States apply the same definition of TVO.</div> <div>2</div> <div>Similar impact as option 1.1.2.</div> </div>

Criteria	Rating	Explanation
<div> <div>1.1 Introducing a new definition of TVO in existing handbooks and legislation</div> <div>1.2 Introduction of a common definition of TVO in new legislative instrument</div> </div>		
Alternative sub-options		<div>1.1.1 Introducing a category of TVO in the existing handbooks</div> <div>1.1.2 Introduction of definition of TVO in existing legislation</div>
Freedom of movement	-1	<div> <div>-1</div> <div>The introduction of a definition of TVO could have a negative impact on the freedom of movement since the exchange of information could lead to preventive measures being undertaken by Member States in order to stop individuals categorised as TVO from travelling abroad. This would have a negative impact on the right to freedom of movement of EU citizens. Due to the fact that the definition is based on behaviour and not the type of event, an individual who is classified as a TVO due to offences occurring at a football event might, in the future, be prevented from travelling to another Member State to attend another large-scale gathering such as a political manifestation. In order to help prevent such a negative impact on freedom of movement, any preventive measure should be limited to the field of activity of the specific TVO in question and related events.</div> </div> <div> <div>-2</div> <div>The same impacts as option 1.1.1 are envisaged though the introduction of a legal definition would lead to less flexibility in the implementation of the definition at national level which could lead to Member States being very strict with its interpretation. This could result in breaches in freedom of movement of TVO being unnecessarily restricted.</div> </div> <div> <div>-2</div> <div>Similar impact as option 1.1.2.</div> </div>
Right to an effective remedy and fair trial (Art. 47)	1	<div> <div>2</div> <div>The option would have a positive impact on the right to an effective remedy and fair trial since introducing a category of TVO would allow Member States to begin approximating their approaches for the prevention of this phenomenon. This would contribute to Member States</div> </div> <div> <div>2</div> <div>A slightly more positive impact than option 1.1.1 is envisaged since Member States would have a legally binding definition which would have to be enforceable at national level. This would contribute to reducing gaps in approaches for treating TVO which would thereby help to further guarantee rights under</div> </div> <div> <div>2</div> <div>As option 1.1.2.</div> </div>

Criteria	Rating	Explanation
<div> <div>1.1 Introducing a new definition of TVO in existing handbooks and legislation</div> <div>1.2 Introduction of a common definition of TVO in new legislative instrument</div> </div>		
Alternative sub-options		<div> <div>1.1.1 Introducing a category of TVO in the existing handbooks</div> <div>1.1.2 Introduction of definition of TVO in existing legislation</div> </div>
		<div> <div>treating TVO in the same manner, thereby ensuring that their rights under Article 47 are similarly protected.</div> <div>Article 47.</div> </div>
Other effects		
Stakeholders' acceptability	3	<div> <div>It is considered that this option would be accepted by stakeholders since the introduction of a definition in existing handbooks would provide guidance while still allowing some flexibility in action at national level and in how TVO are defined at national level.</div> <div>2</div> <div>It is considered that this option would be less acceptable by national authorities since the inclusion of a definition of TVO in legislation would lead to restrictions in the individuals who could possibly fall within the category of TVO. This could create an obstacle in the future and therefore be considered as limited. Moreover, the introduction of a fixed definition would cause significant problems in relation to national legal systems due to the different standards and laws (both criminal and administrative) that currently apply with regard to TVO.</div> <div>1</div> <div>In addition to the difficulties identified under option 1.1.2, stakeholder acceptability for this option could be low due to the limited support for introducing a new legislative instrument which would focus solely on TVO.</div> </div>
Risks associated with the implementation of the option	-1	<div> <div>The option risks having negative impacts on fundamental rights depending on the categorisation of TVO. This is particularly the case in relation to violating the freedom of movement of EU citizens. Moreover, there is a slight risk that Member States will not benefit from the option since it would be introduced into "soft" law.</div> <div>-2</div> <div>The option risks having negative impacts on fundamental rights if the definition of TVO is very limited. Moreover, an agreement by Member States on a definition could be very time consuming and may result in a definition which is not all encompassing.</div> <div>-3</div> <div>As option 1.1.2.</div> </div>
		<div> <div>Risks associated with long political negotiations in order to agree on a</div> </div>

Criteria	Rating	Explanation
Alternative sub-options	1.1 Introducing a new definition of TVO in existing handbooks and legislation	
	1.2 Introduction of a common definition of TVO in new legislative instrument	
	1.1.1 Introducing a category of TVO in the existing handbooks	1.1.2 Introduction of definition of TVO in existing legislation
common definition should also be taken into account.		

5.2.3 Package 2 - Gathering information on TVO and on public events including TVO

Table 5.3 Assessment of Option 2.1 Improving the information available on TVO and events, Policy Option 2.2 Imposing an obligation to record and "classify" TVO and Policy Option 2.3 Establishing a TVO database in each Member State

Criteria	Rating	Explanation
Alternative sub-options		2.1 Improving the information available on TVO and events
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	3	By obliging Member States to keep updated statistics on TVO and related offences, this option would have a medium positive impact on improving the information available since all Member States would keep data at the national level. This would reduce the difficulties which currently exist in trying to assess the scale of TVO activity within the EU.
	4	By imposing an obligation to record and classify TVO within police or criminal records, the information available on TVO would be significantly improved since data on these individuals would be readily available. This, however, implies that a common definition on TVO was previously established.
	5	The establishment of a TVO database in each Member State would significantly improve the information available since police authorities in each Member State would collect information and intelligence on TVO and record this into the new database. The database would include personal data, information on the event attended and, on the travel route as well as offences associated with the individual. This would therefore ensure that all Member States had the same type of information available on TVO. Also, the information would be available to foreign authorities, upon request.

Criteria	Rating	Explanation		
Alternative sub-options		2.1 Improving the information available on TVO and events	2.2 Imposing an obligation to record and "classify" TVO	2.3 Establishing a TVO database in each Member State
To render the exchange of information on TVO more effective	2	The exchange of information on TVO would be rendered more effective since greater information would be available, including data on the number of TVO identified in past events and the types of offences committed. Though the storing of statistics would allow Member States to exchange information on the extent of the TVO phenomenon in past years and therefore assist in risk assessment, no personal data would be stored. Therefore the information which is available may not be that which would be most beneficial to exchange with other Member States for preventing future events.	4	5
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	0	No impact is envisaged.	0	1
Assessment of costs and economic impacts				
Direct costs	-2	This option has low costs associated with its implementation. Overall, at EU level, the direct costs are calculated to range between	-3	-4

Criteria	Rating	Explanation		
Alternative sub-options		2.1 Improving the information available on TVO and events	2.2 Imposing an obligation to record and "classify" TVO	2.3 Establishing a TVO database in each Member State
		a minimum of €115 000 and a maximum of €183 000. At national level, the total direct costs could range from a minimum of €181 000 and a maximum of €518 000.	considered that the option would be relatively cost efficient in the longer term. At EU level, the total direct costs are calculated to range from between approximately €134 000 and €210 000. At Member State level, the direct costs could range from between approximately €715 000 and €966 000.	costs would range from between approximately €159 000 and €222 000. At Member State level, such costs would be approximately between €2 124 000 and €3 442 000.
Indirect costs	-1	It is envisaged that this option will have low indirect costs since it is not expected that improving the information available on past events will greatly render the overall combat of TVO more effective.	-2	-2
			This option would assist Member States in combating the phenomenon of TVO since more information would be available at national level. This would therefore allow for a more effective system to prevent crime which would increase the activities of the law enforcement authorities as well as the judiciary in investigations, prosecutions and imprisonment.	Establishing a TVO database in each Member State would create indirect costs since it is expected that Member States would be provided with an effective tool for helping to combat crimes committed by TVO. This would therefore lead to more actions being taken by law enforcement authorities as well as the judiciary since the information available to them could lead to more investigations and prosecutions.
Benefits	1	The option will have a benefit in providing Member States with better knowledge of the overall scale of the TVO phenomenon in their Member States. This will allow them to better plan for future events which will lead to better combating the phenomenon and thereby reducing associated damages.	1	2
			It is envisaged that this option would render the exchange of information on TVO more effective which would therefore assist law enforcement authorities in combating the phenomenon. The option would contribute to better administration of justice and crime prevention.	This option would benefit the overall combat of crime, thereby reducing the damages associated with TVO offences. The establishment of a database would contribute to the reduction of the TVO phenomenon, thereby increasing the effectiveness of crime prevention.
Assessment of social impacts and impacts on fundamental rights				
Social effects, including public health, perception of safety, etc.	1	By obliging Member States to keep statistics on TVO and the related offences, information would be publicly available and transparent. The public could have access to the number	1	2
			This option would make the exchange of information more effective since the information would be directly relevant for the prevention of the TVO	The establishment of a TVO database could have positive social effects since the databases would greatly assist in combating the phenomenon. It is assumed that further

Criteria	Rating	Explanation
Alternative sub-options		<p>2.1 Improving the information available on TVO and events</p> <p>of TVOs apprehended as well as the offences related to them. This could increase both the perception that justice is being done as well as the perception of public safety by publishing statistics on the actions undertaken by law enforcement and judicial authorities.</p> <p>2.2 Imposing an obligation to record and "classify" TVO</p> <p>phenomenon at future events. It is assumed that a more effective information exchange will lead to a better prevention of crime associated with TVO. This would in the end contribute to the citizens' perception that public health and safety is being maintained.</p> <p>2.3 Establishing a TVO database in each Member State</p> <p>violent disorder would be prevented at future events which would contribute to the better protection of public health and safety.</p>
Protection of personal data (Article 8)	0	<p>This option would have no impact since Member States would only keep statistics on the TVO phenomenon and would not store personal data.</p> <p>0 No impact.</p> <p>-2 By establishing a TVO database in each Member State, the protection of personal data would be negatively impacted since police authorities would record information and intelligence on TVO. The rules for storing and keeping such information would differ in each Member States, depending on the national rules. This could therefore lead to the inadequate protection of personal data. Issues could arise as to the "necessity" of storing such information on a database for a long period of time.</p> <p>The protection of personal data could also be violated if Member States use the information stored in their national database for purposes of cooperation with other authorities, and possibly bilateral cooperation with other Member States.</p> <p>A solution to mitigate data protection risks is to allow the exchange of information, included in the national databases, with other national authorities only in relation to specific public events (and not at all times). Purpose limitation and data retention periods could also be introduced in order to mitigate the negative impacts as well as ensuring that</p>

Criteria	Rating	Explanation		
Alternative sub-options		2.1 Improving the information available on TVO and events	2.2 Imposing an obligation to record and "classify" TVO	2.3 Establishing a TVO database in each Member State
Non-discrimination (Art. 21)	0	No impact is envisaged.	-1 This option could have both positive and negative impacts on non-discrimination. Member States would have to agree on how to classify TVO and on what information should be recorded at national level. Though this would ensure that Member States apply similar practices, the information which is stored in the police or criminal files could lead to discrimination in relation to future activities such as travel or attending large scale events. Measures would therefore need to be taken to ensure that the information stored is only used to prevent violent activity at events related to TVO in question, and is not used for other means.	-1 The option could have both positive and negative impacts on non-discrimination. Member States would have to agree on the different information to be stored on TVO within the national database. This would ensure that all Member States store the same type of information on these individuals, thereby guaranteeing that no Member State stores more (or less) information than another. The option has a negative impact also however in that individuals who have their personal data stored on the database due to being classified as TVO could be discriminated against in the future should they wish to travel abroad due to their link to serious administrative or criminal offences. Provisions would therefore need to be put in place to ensure that the data is only used for a specific purpose and that preventive measures resulting from the use of such data are only applied in situations which are relevant to the particular TVO's field of activity.
Freedom of movement	0	No impact.	-1 The option would have a slight negative impact on the freedom of movement. The obligatory classification of TVO may lead to additional preventive measures being applied to combat the TVO phenomenon. Though in some	-2 A similar impact to option 2.2 is envisaged though the establishment of a TVO database in each Member State is expected to render information exchange more effective and subsequently the combating of TVO activities. This could lead to increased risks for individuals being classified in the

Criteria	Rating	Explanation		
Alternative sub-options		2.1 Improving the information available on TVO and events	2.2 Imposing an obligation to record and "classify" TVO	2.3 Establishing a TVO database in each Member State
			respects, these measures will be well founded, the classification of TVOs may lead to some individuals having their movement restricted without a reasonable basis for such restrictions. Provisions would therefore need to be introduced in order to ensure that freedom of movement is only restricted for preventive reasons in relation to activities and events directly relevant to the TVO in question.	databases and having banning orders and other preventive measures imposed on them. Provisions would therefore need to be introduced to ensure that preventive measures are only imposed against the TVO in situations which are relevant to their particular case. Safeguards would also need to be put in place to guarantee purpose-limitation for the data stored on the database.
Right to an effective remedy and fair trial (Art. 47)	0	No impact.	0	No impact.
Other effects				
Stakeholders' acceptability	3	The stakeholder acceptability for this option would be high since Member States should already keep statistics on crimes, including the related types of offences. Though it might be difficult for some Member States to agree on the concept of TVO for the purposes of storing statistics, the option is considered to be beneficial without resulting in many resources being spent. Moreover, the burden imposed on Member States with this option would entirely depend on the number of TVO existing at national level.	1	The option has some stakeholder acceptability since Member States consulted accepted that there would be a benefit to recording further information on TVO, based on a definition, whether it is a working definition or a legal definition. Moreover, Member States already have police or criminal records in place in which such information could be stored.
			-2	It is envisaged that this option would not be accepted by many of the stakeholders consulted. It has been questioned by a number of Member States as to whether there is in fact a <u>need</u> to establish a database which is specific to TVO, due to the low experience of the TVO phenomenon in the majority of Member States consulted. It is considered that only a few Member States facing considerable challenges with TVO would welcome this option.
Risks associated with the implementation of the option	-1	This option risks not being correctly implemented in the Member States, with differences existing in the Member States as to the quality and amount of statistics stored. There is therefore a risk that the benefits of the option might not fully come to fruition.	-2	There is a risk that Member States will record and classify information on TVO in an uneven way which could lead to the violation of fundamental rights.
			-3	There is a risk that Member States will begin to exchange information in the TVO database bilaterally. This could lead to violations of the protection of personal data if Member States have different safeguards in place. Moreover, the storing of the data could be considered to be unfounded and

Criteria	Rating	Explanation
Alternative sub-options	2.1 Improving the information available on TVO and events	2.2 Imposing an obligation to record and "classify" TVO 2.3 Establishing a TVO database in each Member State unnecessary in a number of instances. Also, there is a risk that the establishment of national databases would not be proportionate to the problem at stake and would result, especially in the Member States with low TVO risk, in budgetary inefficiencies.

5.2.4 Package 3 Exchanging information on TVO and cooperation between relevant actors

Table 5.4 Assessment of Policy Option 3.1 Strengthening guidance and evaluation

Criteria	Rating	Explanation
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	1	<p>This option would have a small positive impact on improving the information available on TVO across the EU.</p> <p>By evaluating past events, providing best practice and undertaking study visits, Member States would be aware of the type and amount of information that is necessary to successfully prevent the phenomenon of TVO. This could contribute to Member States acting to improve the information currently available on TVO at national level and therefore across the EU.</p>
To render the exchange of information on TVO more effective	3	<p>Updating the existing Handbooks on transnational cooperation will provide assistance to national authorities by clarifying the use of available instruments and highlighting those which are of most benefit to combating the phenomenon of TVO. This would make the exchange of information more effective. Guidance would also be provided on the application of the existing information exchange channels which would assist Member States when exchanging information and thus make it more effective in the future.</p>
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	1	<p>This option could have a limited positive impact on reducing gaps in legislative approaches. By strengthening guidance on transnational cooperation, Member States may be able to identify areas where improvements could be made in the legislative structure in order to improve the current situation dealing with the TVO phenomenon. Moreover, the evaluation of past events and the provision of best practice would indicate the difficulties and success factors which occurred when trying to combat the TVO phenomenon at past events, with many of the difficulties linked to the gaps in legislative approaches.</p>
Assessment of costs and economic impacts		
Direct costs	-2	<p>Low set up costs are associated with this Policy Option though the running costs will be at a medium level. At EU level, the overall direct costs will be approximately between €300 000 and €441 000. At Member State level, the total direct costs will be approximately between €375 000 and €564 000.</p>
Indirect costs	-1	<p>The option would have a slight indirect cost as it is expected that strengthening guidance and evaluation will lead to national authorities acting more effectively to combat the TVO phenomenon due to the additional information they will be provided with. This will therefore lead to a slight increase in the workload of national police and judicial authorities relating to investigations, prosecutions and possibly imprisonment.</p>
Benefits	2	<p>It is envisaged that this option will assist Member States in combating the TVO phenomenon more effectively and efficiently since the guidance provided by, for example, the exchange of best practice and through peer reviews will provide national authorities with a better insight on TVO and on the best ways to prevent crimes occurring. This will therefore lead to Member State authorities being able to act faster, thereby preventing damage occurring.</p>
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	2	<p>Strengthening guidance and evaluation will have a positive impact on dealing with the phenomenon of TVO.</p> <p>By sharing best practice, undertaking peer reviews and study visits, information would be publicly available on the measures undertaken by the Member States to ensure safety at large public gatherings. This would raise</p>

Criteria	Rating	Explanation
		citizens' perception of maintaining public safety. The evaluation studies demonstrating the damage which was prevented could also raise citizens' perception that crime is being adequately combated and that justice is being done.
Protection of personal data (Article 8)	0	The proposal is not envisaged to have an impact on the protection of personal data since the information which would be exchanged would be strategic information rather than personal information on individuals. This would also be the case for the information included in evaluations, peer reviews and other activities.
Non-discrimination (Art. 21)	1	It is envisaged that the option would have a positive impact on non-discrimination since strengthening guidance and evaluation would improve cooperation between Member States and reduce gaps which currently exist. This would help to ensure that Member States treat TVO in the same manner throughout the EU, thereby reducing the risk of discrimination.
Freedom of movement	0	No impact envisaged.
Right to an effective remedy and fair trial (Art. 47)	1	The option would have a positive impact on the right to an effective remedy and fair trial since strengthening guidance and evaluation could help to reduce the gaps which currently exist in the Member States, particularly with regard to the application of banning orders and custodial measures. This could therefore ensure equal treatment of TVO and subsequently enhance their rights under Article 47.
Other effects		
Stakeholders' acceptability	4	The option is considered to be politically acceptable by the stakeholders since this 'soft' option could have significant benefits for combating the phenomenon. No major obligations would be placed on Member States in this regard with Member States however benefitting greatly from the evaluations, peer reviews, exchange of best practices. Though Member States would have to participate in undertaking some of these measures, the benefits they would obtain would outweigh any burden imposed on them. In addition to Member State acceptability, UEFA highlighted their support for further follow up following sporting events in order to benefit from lessons learnt.
Risks associated with the implementation of the option	-1	The risk of 'evaluation fatigue' exists with this option with some Member States hesitant to participate in peer reviews and evaluations due to the time it takes to complete them.

Table 5.5 Assessment of Policy Option 3.2 Establishing a network of national contact points for the exchange of information on TVO in the Member States

Criteria	Rating	Explanation
		3.2.1 Extending the scope of NFIPs 3.2.2 Creating a new network
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	2	<p>By extending the coverage of the NFIP to cover political events, the information available on TVO would improve since there would be one focal point in each Member State. National authorities receiving information on TVO might therefore be more likely to directly provide this to the network. Moreover, the information would be processed centrally, thus improving its transparency.</p> <p>This option, might however, trigger risks associated with:</p> <ul style="list-style-type: none"> ■ Capacity problems; and ■ Hesitance to exchange data with other types of responsible national authorities (this is particularly due to the fact that not all NFIPs are law enforcement authorities and thus could apply different safeguards). <p>These risks are further elaborated below.</p>
To render the exchange of information on TVO more effective	2	<p>This option would have a positive impact on rendering the exchange of information more effective since the network would cover all individuals falling under the definition of TVO. By enlarging the network, more national authorities would be active in this area, with the contact between these authorities becoming better linked between the Member States. No confusion would exist as to who was responsible for exchanging information on TVO in the Member States, with the network being a readily accessible method for information exchange. However, difficulties could arise in exchanging the information, and thus affect the effectiveness of the exchange, due to the hesitance of some national authorities (dealing with political TVO) to cooperate with NFIPs.</p>
To reduce gaps in legislative approaches for dealing with the TVO	0	<p>No impact.</p>
	0	As option 3.2.2.

Criteria	Rating	Explanation
		3.2.1 Extending the scope of NFIPs
		3.2.2 Creating a new network
phenomenon across the EU		
Assessment of costs and economic impacts		
Direct costs	-3	It is envisaged that the option will have low set-up costs associated with it though there will also be medium running costs on an annual basis. At EU level, it is calculated that the total direct costs will be between approximately €87 000 and €139 000. At national level, the total direct costs will range between €389 000 and € 553 000.
		-3 The option will have low set-up costs but medium running costs linked to it. It is estimated that, at EU level, the total direct costs will range from between approximately €214 000 to €337 000. At national level, the total direct costs will range between €688 000 and €896 000.
Indirect costs	-2	The option will have indirect costs associated with it since it is expected that extending the scope of NFIPs will lead to better information exchange and cooperation between the Member States. This will therefore contribute to more effectively dealing with the TVO phenomenon, leading to an increase in investigations, prosecutions and also, in some cases, imprisonment.
		-1.5 The option will have indirect costs associated with it since creating a new network to deal with the TVO phenomenon will help to prevent the crimes committed by TVO. This will lead to more work for the police and judiciary. However, it is expected that the indirect costs associated with this option will be slightly lower than option 3.2.1 since it is expected that the latter will be more effective.
Benefits	2	The option will contribute to the better prevention of TVO related crimes since the extension of the scope of NFIPs will lead to a "TVO network" being established which will be seen as a one-stop shop for national authorities wishing to combat the phenomenon of TVO. This will lead to better effectiveness since national authorities will be able to cooperate, and subsequently, act faster to prevent crimes, thereby reducing the damages associated with TVO crimes.
		1.5 The option will contribute to the better prevention of TVO related crimes within political and other activities apart from sport. Information will be better exchanged between relevant national authorities which will help to prevent crimes from occurring, thereby reducing the damages associated with them.
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	2	By rendering the exchange of information on TVO more effective, it is envisaged that combating the phenomenon will also become much more effective. This will reduce the damage caused by TVO, thereby increasing citizens' perceptions that justice is being done and that the
		2.5 As option 3.2.1 though with a more positive impact since the exchange of information on TVO (not falling under the scope of NFIP) would be more effective. This would provide the public with a perception that national authorities were

Criteria	Rating	Explanation
		<div>3.2.1 Extending the scope of NFIPs</div> <div>3.2.2 Creating a new network</div>
		<div>level of safety and public order has increased.</div> <div>Moreover, by enhancing the NFIP and thereby creating a network which covers all types of TVO, Member States will have the perception that justice is being done, with a specific network established to combat this phenomenon when it occurs.</div> <div>effectively attempting to combat the phenomenon of TVO.</div>
Protection of personal data (Article 8)	-1	<div>This option could have an impact on the protection of personal data since the extended network would have access to large amounts of personal data on TVO. This personal data would not only relate to football hooligans but to political activists and extremists. The information gathered on these individuals may, in some instances, be sourced from intelligence. However, the Council Decision establishing the NFIP included detailed provisions for data protection, thus rendering this information channel secure. In order to mitigate the negative impacts of this option, the revised/new Council Decision would also need to include detailed data protection provisions in order to ensure that personal data on all types of TVO is correctly protected.</div> <div>-1</div> <div>As option 3.2.1</div>
Non-discrimination (Art. 21)	2	<div>By extending the scope of NFIPs to include all TVO, it is assumed that the risk of discrimination would decrease since all individuals falling under the concept of TVO would be covered under this network. This would ensure that Member States work in close cooperation with each other for all types of events, thereby also ensuring that the measures which they apply are similar. This would therefore ensure a better level of protection against discrimination, with equal treatment applied.</div> <div>2</div> <div>As option 3.2.1</div>
Freedom of movement	-1	<div>The option would have a slight negative impact on the freedom of movement. Though it is assumed that combating the TVO phenomenon would become more effective, there is a chance that individuals who are classified as TVO will have their movements reduced. This is particularly the case when no distinction is made between TVO who are sport fans and those who are political activists since there is a risk that all TVOs will be "pigeon-holed" into one classification. As a result their movements would be restricted every time they wish to cross the border</div> <div>-1</div> <div>As option 3.2.1</div>

Criteria	Rating	Explanation
		3.2.1 Extending the scope of NFIPs
		3.2.2 Creating a new network
		to another Member State. Any measures imposed therefore need to be specific to the TVO in question and their area of activity.
Right to an effective remedy and fair trial (Art. 47)	0	No impact is envisaged for the right to an effective and fair trial.
		0 No impact envisaged.
Other effects		
Stakeholders' acceptability	3	Following stakeholder consultation, it is considered that acceptability for this option will be high since the NFIP currently works very well in practice. Member States consulted welcomed the idea of extending the NFIP in order to cover all types of events falling under the TVO phenomenon. They seemed to be divided however, as to whether one TVO network should be established or whether the separation between political and sporting events should remain due to the different actors involved in this area.
		3 Stakeholder acceptability for this option is high, particularly for those Member States who consider that a new network should be established focusing on activities falling outside the scope of sport due to the major differences which exist in national structures between combating violence at sporting events and other types of events.
Risks associated with the implementation of the option	-2	The risk associated with the implementation of the option is that the national authorities responsible for football and politics are divided in the Member States. By simply extending the NFIP, conflicts might arise, with these authorities possibly hesitant to cooperate, and exchange information with one another when needed. Moreover, capacity problems could arise, particularly in smaller Member States, with NFIPs not having adequate human resources available to handle increased information flows. Moreover, there is a risk that not all NFIPs are able to exchange personal data. If information is only exchanged through NFIPs this could therefore limit its effectiveness.
		-1 There is a risk that yet another structure will be created in an environment already characterised by a complex set of arrangements.

Table 5.6 Assessment of Option 3.3 Making use of a specific information exchange mechanism

Criteria	Rating	Explanation
		3.3.1 Emphasise the use of existing alerts in SIS II
		3.3.2 Introduction of a new type of alert for sharing information on TVO within SIS
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	2	<p>This option would improve the information available on TVO across the EU. By increasing Member States' use of SIS II, more information would subsequently be available on TVO, when required.</p> <p>Due to the new mechanisms available with SIS II, additional types of useful information, such as photographs, could be inputted, thereby increasing the type of information available across the EU.</p> <p>However, this impact will depend on the willingness of national authorities to use SIS as the Recommendations would not have a binding effect on the Member States.</p>
To render the exchange of information on TVO more effective	3	<p>It is envisaged that this option would increase the use of alerts in SIS II, particularly in relation to Article 36, since the benefits of the existing alerts would be re-emphasised to Member States. This would assist Member States when exchanging information on TVO in relation to serious crime and would therefore render the information exchange more effective.</p> <p>However, this impact will depend on the willingness of national authorities to use SIS as the Recommendations would not have a binding effect on the Member States.</p>
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	0	No impact.
Assessment of costs and economic impacts		
Direct costs	-1	This option has low set up costs and administrative costs associated with it. At EU level, the total direct costs are estimated to be between approximately €53 000 and €68 000. At national level, it is estimated
	-2	This option has medium costs associated with it. At EU level, the total direct costs are estimated to be between €83 000 and €147 000. At Member State level, the total direct costs are

Criteria	Rating	Explanation	
		3.3.1 Emphasise the use of existing alerts in SIS II	3.3.2 Introduction of a new type of alert for sharing information on TVO within SIS
		that the minimum direct costs will be €46 000 and the maximum costs will be €75 000.	calculated to be, at a minimum, € 332 000, or at a maximum, € 582 000.
Indirect costs	-2	It is envisaged that the option would have indirect costs associated with it since the use of existing alerts in SIS II would contribute to combating the phenomenon of TVO through more effective information exchange. This would therefore lead to increased investigations, prosecutions and furthermore imprisonment of those TVOs apprehended.	-2 The indirect costs associated with the option are expected to be similar to those under option 3.3.1.
Benefits	3	This option would contribute to the prevention of TVO related crimes which would also reduce the damages associated with them, since the use of existing alerts in SIS II by Member States will increase the effectiveness of information exchange and thereby contribute to the use of more effective preventive measures.	4 It is expected that the option would have similar benefits as those envisaged for option 3.3.1. However, the benefits would be greater since Member States would know to directly use the system for exchanging information on TVO. Due to the user-friendliness of the system, less time would be taken up in determining what tool should be used and in using the alert mechanism.
Assessment of social impacts and impacts on fundamental rights			
Social effects, including public health, perception of safety, etc.	2	It is envisaged that this option would increase the efficiency and effectiveness of exchanging information on TVO, thereby leading to positive results in combating the phenomenon. This would therefore help to reduce the damages associated with TVO and increase the perception of maintaining public health and safety as well as improving the combating of crime affecting the citizen.	3 It is envisaged that the social impact would be slightly greater than option 3.2.1 since the introduction of a new type of alert could be perceived by the public as a sign of national authorities attempting to effectively combat the TVO phenomenon. Moreover, a new type of alert would render the exchange of information more effective, thereby contributing to the more efficient combat of crime.
Protection of personal data (Article 8)	0	This option would not have an impact on the protection of personal data due to the safeguards which already exist within SIS. Since the option would purely emphasise the use of existing alerts, it is not envisaged that any violations of personal data would occur.	0 Though the option proposes introducing a new type of alert for sharing information, no negative impact on the protection of personal data is envisaged since the safeguards which are already built into the SIS would continue to apply in this regard.
Non-discrimination (Art. 21)	-1	The option might have a negative impact on non-discrimination since it would only cover those TVO who are implicated in "serious" crime. Since Member States differ in their interpretation of this concept, some individuals may be discriminated more than others, depending on the	-1 A negative impact is envisaged for this option since Member States could use the alert to varying degrees. This would lead to some individuals being included in the new type of alert, with others not included, thereby leading to discrimination. This

Criteria	Rating	Explanation		
		3.3.1 Emphasise the use of existing alerts in SIS II		3.3.2 Introduction of a new type of alert for sharing information on TVO within SIS
		Member State in which they are present, thereby applying different standards as to those individuals who should be included in a SIS alert. The introduction of a definition which aims to be all encompassing, however, may mitigate this negative impact since the interpretation of what can be considered a "serious" crime may be more open for the Member States.		negative impact could be mitigated, however, if the definition is considered to encompass offences which all Member States consider to be serious.
Freedom of movement	0	There is no impact on freedom of movement as the alert seeks to locate a person not to prevent their movement. Any active measures would have to be taken under national law.	0	As option 3.3.1
Right to an effective remedy and fair trial (Art. 47)	0	No impact.	0	No impact.
Other effects				
Stakeholders' acceptability	2	Though many Member States have not made sufficient use of the SIS alerts, it is considered that the use of SIS II will increase due to the additional "tools" introduced and as a consequence of the EC Recommendations. It is therefore considered that the acceptability for this option would be high since Member States would benefit from an already existing mechanism to combat the TVO phenomenon, when necessary.	-2	Due to the need to modify the legislative basis for governing SIS II and the difficulties associated with introducing a new type of alert, the option may not be easily accepted by Member States, especially as the philosophy of an alert having an "action to be taken" would be changed by the new inclusion of "information sharing alerts". Moreover, since some Member States do not currently use the existing alerts, some would question what the benefits of introducing additional alerts would be.
Risks associated with the implementation of the option	-1	Only serious crime would be covered, thereby risking that the option is not effective enough for helping to combat the TVO phenomenon. Though the use of the SIS II alerts depends on the interpretation by the Member States, there is a risk that not all TVO activity would fall under the SIS II alert and therefore the alert would not be wide ranging enough.	-4	The implementation of the option could be very costly due to the technicalities involved with introducing a new alert. Moreover, unless the action which is to be undertaken by the alert is extremely specific, the issuance of an alert solely for TVO could be far too restrictive and arbitrary and could therefore be criticised by NGOs as well as the European Parliament.

Table 5.7 Assessment of Option 3.3 Making use of a specific information exchange mechanism

Criteria	Rating	Explanation
		3.3.3 Using existing Europol platforms and Interpol notices
		3.3.4 Establishment of a new mechanism for the exchange of information on TVO
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	1	<p>By providing Europol with a formal platform as the focal point of information exchange, information available on TVO might improve slightly though this would still depend on the motivations of the Member States to gather it.</p> <p>The information available on TVO across the EU would improve with the increased use of Interpol notices since Member States could take advantage of an elaborated system. This option would also improve the availability of information on TVO with countries outside the EU, when Member States cooperate with them.</p>
To render the exchange of information on TVO more effective	2	<p>Providing Europol with a mandate to host a new information exchange would make this process more effective. This would allow all information to be exchanged through this system, thereby avoiding any confusion and overlaps which currently exist as to what system should be used to exchange information. However, the information which could be exchanged could only relate to TVO involved in cross-border "serious crime". This therefore places a limitation on effectiveness of information exchange through Europol channels.</p> <p>The use of Interpol notices would render the exchange of information on TVO more effective, particularly with third countries. Since many events, such as the G8 summits and environmental protests, involve TVO from third countries, Member States would be enabled in exchanging information on third-country national TVO.</p>
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the	0	No impact.
		2
		The establishment of a new mechanism would help to reduce gaps in legislative approaches for dealing with the TVO phenomenon since certain criteria would need to be agreed on for inputting information into the database. This criteria would

Criteria	Rating	Explanation
3.3.3 Using existing Europol platforms and Interpol notices		3.3.4 Establishment of a new mechanism for the exchange of information on TVO
EU		be based on different definitions of individuals and offences, which would force Member States somewhat to ensure that they had similar approaches in place.
Assessment of costs and economic impacts		
Direct costs	-1	Medium set-up costs and low administrative costs are associated with this Policy Option. At EU level, the minimum overall costs will be €123 270, with the maximum costs estimated to be at €187 878. At Member State level, the minimum overall costs are estimated to be €104 222, with the maximum direct costs calculated at €246 866.
Indirect costs	-1	The better TVO related crimes are dealt with, with the use of the Europol and Interpol platforms, the higher the costs will be for investigating and prosecuting TVOs as well as imposing custodial sentences on them.
Benefits	2	The Policy Option will contribute to the prevention of TVO related crimes since Europol's intervention would assist national authorities in combating the phenomenon. The better information exchange will allow national authorities to act faster when crimes are about to occur.
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	2	By providing Europol with the mandate to exchange information on TVO, it is considered that the process will become more effective. This might have a slight positive impact since citizens would consider justice being done due to Europol's role in combating the phenomenon.
		2 The establishment of a new mechanism would have a positive social impact since citizens would perceive the TVO database as the key mechanism for exchanging information on this group. This would increase their perception that justice was being done and that Member States were undertaking action to

Criteria	Rating	Explanation
		<p>3.3.3 Using existing Europol platforms and Interpol notices</p> <p>3.3.4 Establishment of a new mechanism for the exchange of information on TVO</p>
		<p>By using Interpol notices, the option will increase the effectiveness of exchanging information on TVO with third countries. This would therefore have a positive impact on public health and the perception of safety with the better combating of the phenomenon.</p> <p>combat crime and improve public safety.</p>
Protection of personal data (Article 8)	1	<p>It is considered that the protection of personal data would increase since Europol would be given the formal platform as a focal point of information exchange. Due to the strict data protection rules which currently exist in Europol, it is considered that this option would in fact improve the situation which currently exists of exchanging information bilaterally between NFIPs, law enforcement authorities and others.</p> <p>The strict data protection rules currently existing at Interpol would also have a positive impact on the protection of personal data.</p> <p>-2 It is envisaged that this option could have a negative impact on the protection of personal data, particularly if the mechanism interlinked databases existing in the Member States. There would be a need to ensure that the same data protection safeguards were in place in order to ensure that personal data was protected at all times during information exchange measures. These would include placing purpose limitation on the use of the mechanism and the data exchanged as well as introducing data retention periods which safeguarded the protection of personal data and other rights.</p>
Non-discrimination (Art. 21)	-1	<p>A risk of discrimination exists with this option since Europol only has the mandate to deal with cross-border "serious" crime. Since some Member States do not classify the actions of TVO as serious crimes, some TVO may not be dealt with within Europol's competences. The issue of non-discrimination could also arise in relation to Interpol due to sport only seeming to fall under the scope of the alert system.</p> <p>-1 The option could have both positive and negative impacts on non-discrimination. Member States would have to agree on the different information to be shared within this mechanism. This would ensure that all Member States store the same type of information on these individuals, thereby guaranteeing that no Member State stores more (or less) information than another.</p> <p>The option has a negative impact in that individuals who have their personal data stored on the database when classified as TVO could be discriminated against in the future should they wish to travel abroad due to their link to serious administrative or criminal offences.</p>
Freedom of movement	0	<p>No impact</p> <p>-2 The establishment of a new mechanism is expected to render information exchange more effective and subsequently the combating of TVO activities. This could lead to increased risks for individuals being classified in the database and having</p>

Criteria	Rating	Explanation
3.3.3 Using existing Europol platforms and Interpol notices		3.3.4 Establishment of a new mechanism for the exchange of information on TVO
		banning orders and other preventive measures imposed on them. Provisions would need to be put in place, therefore, to ensure that preventive measures were only used when entirely relevant to combat the specific TVO activities related to the particular individual in question.
Right to an effective remedy and fair trial (Art. 47)	0	No impact.
Other effects		
Stakeholders' acceptability	-1	<p>Though some stakeholders would welcome Europol's involvement in the combating of the TVO phenomenon, the limitations arising from Europol's mandate have been highlighted by Member States as a particular problem in this regard.</p> <p>With regard to Interpol, the use of the alert system would depend on the motivation of member countries. However, Interpol is currently used and is considered to be beneficial for the exchange of information with third countries.</p>
Risks associated with the implementation of the option	-1	<p>There is a risk that the option could not be very effective due to the limitations existing in relation to Europol's and Interpol's mandates and therefore the obstacles which could possibly exist. The legal basis for Europol would also need to change resulting in a long implementation process.</p>
	-2	<p>The risks associated with the implementation of this option is that a new mechanism would be established which, though requiring significant maintenance costs, would not be often used due to the limited amount of TVO events occurring.</p>

Table 5.8 Assessment of Option 3.4 Introduction of a European Banning Order

Criteria	Rating	Explanation
Assessment of achievement of the policy objectives		
To improve the information available on TVO across the EU	0	This option would have no impact on improving the information available on TVO across the EU since the introduction of a European Banning Order would simply allow Member States to mutually recognise their own.
To render the exchange of information on TVO more effective	1	Due to the increased mutual trust associated with mutual recognition, it is envisaged that this option would have a slight positive impact on rendering the exchange of information on TVO more effective since Member States would be more willing to cooperate with one another
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	3	The option would reduce gaps in legislative approaches for dealing with the TVO phenomenon since the mutual recognition of preventive measures undertaken by Member States would help to ensure that no major issues arise when undertaking police cooperation. By beginning to mutually recognise Member State measures, Member States may also begin to make amendments in order to further align their national legislation.
Assessment of costs and economic impacts		
Direct costs	-3	High set-up and running costs are associated with this Policy Option. At EU level, the overall direct costs are calculated to be between approximately €162 000 and a maximum of €292 000. At national level, these amount to a between €709 000 and €1 287 000.
Indirect costs	-2	It is assumed that the indirect cost of this option will be relatively high since the better TVO related crimes are prevented and dealt with, the higher the costs for investigation, prosecution, trials and even imprisonment.
Benefits	3	It is envisaged that the Policy Option will contribute to the prevention of TVO related crimes since individuals will be stopped from committing offences at football events and other large scale gatherings. The introduction of a European Banning Order will also help national authorities to act faster when crimes are about to be committed.
Assessment of social impacts and impacts on fundamental rights		
Social effects, including public health, perception of safety, etc.	3	Similar to the European Arrest Warrant, the introduction of a European Banning Order would provide citizens with an increased perception that justice was being done since mutual recognition would facilitate procedures in the Member States. This would therefore assist in effectively combating the phenomenon of TVO, thereby helping to ensure public safety and the combat of crime.
Protection of personal data (Article 8)	-1	The option could have a slight negative impact on the protection of personal data since Member States would share information on individuals who have been issued with a banning order. Member States would therefore need to ensure adequate levels of data protection when exchanging such information.
Non-discrimination (Art. 21)	-1	This option would have a negative impact on non-discrimination since there is a risk that the banning order will not be applied strictly to the events for which the designated TVO is deemed to pose a threat. The elaboration of the banning order would therefore need to take this into account. This could outweigh the positive impact on non-discrimination since the mutual recognition of banning orders would in fact ensuring that all TVO are treated in the same manner.

Criteria	Rating	Explanation
Freedom of movement	-1	The right to freedom of movement would be negatively impacted since a European Banning Order could limit the movement of an individual from one Member State to another, with access to some Member States limited even though the individual in question does not pose a risk to it. The European Banning Order would therefore need to have provisions in place to ensure that banning movement from one Member State to another was only imposed in cases where no other option was available to restrict the TVO from committing an offence at an event.
Right to an effective remedy and fair trial (Art. 47)	0	No impact.
Other effects		
Stakeholders' acceptability	-1	Difficulties would arise relating to Stakeholders' acceptability due to the different practices currently existing in the Member States in relation to TVO. The complexities associated with mutual recognition would be highlighted by a number of Member States opposed to the concept due to the difficulties associated with mutually recognising measures imposed at a national level which differ significantly from one Member State to another. However, support has been expressed by some Member States during the stakeholder consultations and meeting of the Expert Panel.
Risks associated with the implementation of the option	-3	As with other mutual recognition instruments, such as the European Evidence Warrant, there is a risk that Member States will not sufficiently use it and that it will therefore not provide the benefits envisaged. There is also a risk that the option is not entirely feasible legally since it would encompass a number of different regimes therefore possibly creating further complexities.

5.3 Comparison of the Policy Options

This section provides a comparative assessment of the direct and indirect impacts, risks and trade-offs of the Policy Options elaborated and assessed in Sections 4 and 5.2 above. This comparison will enable the identification of the preferred Policy Option presented in Section 6.

Table 5.10 below presents the ratings given to the Policy Options.

The Policy Options receiving a high rating due to the extent to which they address the Policy Options are those: introducing a definition of TVO in existing legislation (Policy Option 1.1.2 and Policy Option 1.1.3); establishing a TVO database in each Member State (Policy Option 2.3); and establishing a new mechanism for the exchange of information on TVO (Policy Option 3.3.4).

In particular, the Policy Options establishing specific mechanisms purely aimed at combating the TVO phenomenon are expected to achieve very good results on addressing the problems in the current situation. Policy Option 3.3.3 (using Europol platforms and Interpol notices) would achieve the objective of rendering the exchange of information on TVO more effective. This is particularly the case in relation to the use of Interpol notices for the exchange of information with third countries.

In contrast, options receiving a lower score were those which did not adequately address the policy objectives. With regard to Policy Option 3.4 (introduction of a European Banning Order), though such a Policy Option would be beneficial to TVO and could indirectly improve mutual trust which would thus improve information exchange, the option does not have a direct positive impact on the policy objectives to be achieved.

Concerning the **social impacts and impacts on fundamental rights**, the Policy Options are considered to have medium level impacts on public health, perception of safety as well as perception that justice is being done. It is not expected that any Policy Option would have a very great social impact without being packaged with other Policy Options. Concerning non-discrimination, the introduction of a common definition as well as the extension of the scope of the NFIP was considered to provide the most positive impacts, though risks relating to "labelling" individuals as TVO could still exist.

Some Policy Options had negative impacts for the **protection of personal data**. This was particularly the case in relation to establishing a TVO database in each Member State (Policy Option 2.3) and establishing a new mechanism for the exchange of information on TVO (Policy Option 3.3.4). It was also envisaged that the **freedom of movement** would be negatively impacted by some Policy Options, particularly those relating to the introduction of a common definition (Package 1), as well as the establishment of databases (Policy Options 2.3 and 3.3.4). Though possible negative impacts were identified, it was considered that careful drafting of new instruments implementing these Policy Options could mitigate these to a large extent.

Concerning the **assessment of stakeholder acceptability** of the Policy Options proposed, those consulted in the context of the study gave a clear preference for the use of existing instruments and channels already in place. Reticence is expected in relation to those Policy Options which propose the introduction of a national database (Policy Option 2.3) and the establishment of a new mechanism specific for TVO (Policy Option 3.3.2) due to many Member States considering that there was not a sufficient need to introduce such measures. Hesitation was also expressed in relation to the use of platforms at Europol and Interpol due to the questions raised relating to their mandate for action.

As far as the **risks** of the options are concerned, the assessments presented indicate that all the options present these to a certain degree, which might lead to their failure. This is particularly the case in relation to the options establishing a database (Policy Option 2.3) or an EU wide mechanism for exchanging information (Policy Option 3.3.2). There are also risks associated with extending the scope of NFIPs (Policy Option 3.2.1) due to the reluctance of law enforcement agencies to exchange information with contact points which are not from the law enforcement area. The Policy Options which presented the less risk

related to those which suggested using existing mechanisms which currently work well at national, and EU level, for exchanging information on TVO. With regard to Policy Option 3.3.3, there are risks in relation to the use of existing Europol platforms due to the significant changes to be made to the legal basis of the agency.

Finally, with regard to the **economic costs** of the Policy Options, most options were considered to have a small to medium cost associated with them, particularly in relation to initial set-up costs, with running costs considered to be low in many instances. The Policy Options which were considered to be the most costly were once again those relating to the establishment of a database (Policy Option 2.3) or the introduction of an EU-wide mechanism (Policy Option 3.3.2).

Table 5.9 Comparison of Policy Option ratings

		Status Quo	1.1.1 Introducing a category of TVO in existing handbooks	1.1.2 Introduction of definition of TVO in existing legislation	1.2 Introduction of a common definition of TVO in new legislative instrument	2.1 Improving the information available on TVOs and events	2.2 Imposing an obligation to record and classify TVOs	2.3 Establishing a TVO database in each Member State	3.1 Strengthening guidance and evaluation	3.2.1 Extending the scope of RFPs	3.2.2 Creating a new network	3.3.1 Emphasise the use of existing alerts in SIS II	3.3.2 Introduction of a new type of alert for sharing information on TVOs within SIS	3.3.3 Using European platforms	3.3.4 Establishment of a new mechanism for the exchange of information on TVOs	3.4 Introduction of a European warning order
Policy objectives	To improve the information available on TVOs across the EU	0	2	3	3.5	3	4	5	1	2	2	2	3	1	5	0
	To make the exchange of information on TVOs more effective	0	3	4	4	2	4	5	2	2	2	2	4	2	4	1
	To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	0	2	3	4	0	0	1	1	0	0	0	0	0	2	3
Economic	Direct costs	0	0	-2	-2	-2	-3	-4	-2	-2	-2	-1	-2	-1	-1	-3
	Indirect Costs	0	1	2	2	1	2	2	1	2	1.6	2	2	1	3	2
	Benefits	0	2	2	2	1	1	2	2	2	1.6	3	4	2	3	3
Social and Fundamental Rights	Social effects	0	1	1		1	1	1	1	1	1	1	1	1	1	1
	Protection of personal data	0	0	2	3	0	0		2			0	0	+		
	Non discrimination	0	+	+	-	0	-	-	+	+	+	-	-	-	-	-
	Freedom of movement	0				0			2			0	0	2		
Other key issues	Right to an effective remedy and fair trial	0	+	+	-	0	0	2	+	2	2	0	0	2	0	0
	Stakeholders acceptability	0	+	+	-	+	+	-	+	+	+	+	-	-	-	-
Other key issues	Risks associated with the implementation of the option	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-

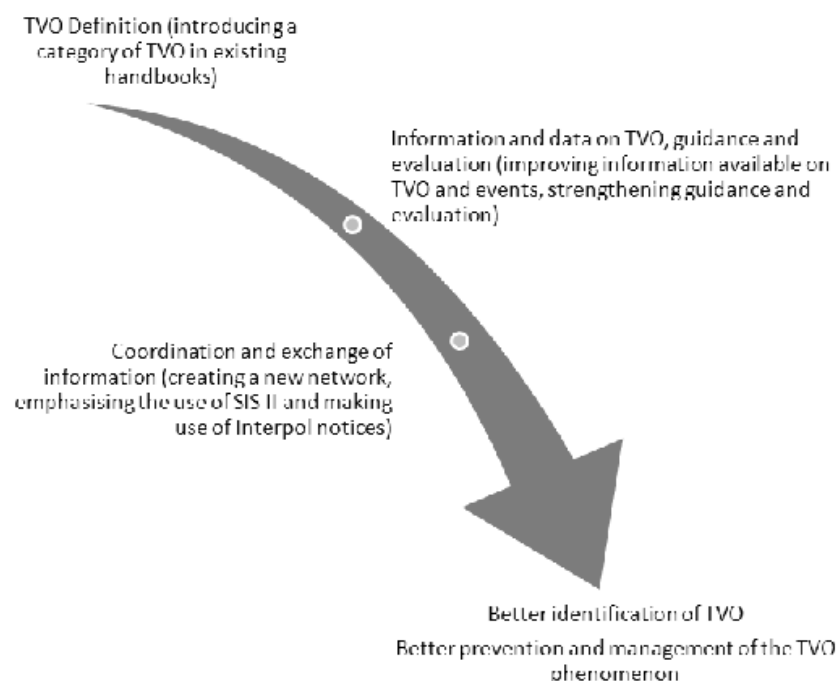
6 Preferred Policy Option

This Section of the Report provides considerations on the preferred Policy Option. It firstly presents the different components of the preferred option and includes an assessment of its impact in comparison with the status quo. Finally, the Section presents the monitoring and evaluation criteria for assessing progress made in the implementation of the option.

6.1 Elaboration of the preferred Policy Option

Following on from the assessment of each Policy Option in Section 5 above, Figure 6.1 provides an overview of the manner in which the Policy Options could be accumulated in order to improve the exchange of information on TVO.

Figure 6.1 Overview of preferred Policy Option



Based on the assessment of the individual Policy Options and their comparison, Policy Options from each package can be identified as preferred. They are the following:

- **Package 1:** Policy Option 1.1.1: Introducing a category of TVO in existing handbooks;
- **Package 2:** Policy Option 2.1: Improving the information available on TVO and events;
- **Package 3:** Policy Option 3.1: Strengthening guidance and evaluation;
Policy Option 3.2.2: Creation of a new network;
Policy Option 3.3.1: Emphasise the use of existing alerts in SIS II;
Policy Option 3.3.3: Using Interpol notices.

The preferred Policy Option is to combine these elements into a single package.

6.2 Assessment of the preferred Policy Option

This section of the report presents an assessment of the preferred Policy Option. The aim of this analysis is to assess the impacts of the preferred Policy Option as a "package" comprising elements coming from different Policy Options considered.

As for the individual assessments, the following criteria will be explored in turn:

- Policy objectives;
- The costs and economic impacts (direct costs, indirect costs and benefits);
- Social impacts and impacts on fundamental rights;
- The risks associated to the implementation of the Policy Options; and
- Stakeholder acceptability.

6.2.1 Policy objectives

The preferred Policy Option contributes to achieving the policy objectives set and thus would improve the current status quo in relation to gathering and exchanging information on TVO.

With regard to improving the information available on TVO across the EU, the introduction of a definition of TVO in existing handbooks will ensure that national authorities understand which individuals fall under the concept and will therefore facilitate the gathering of information on them. This will further be improved by imposing an obligation on the Member States to keep updated statistics on TVO and related offences, as well as the obligation to produce risk assessments in relation to events organised. These measures will streamline the current practices existing in Member States with different levels of information on the phenomenon currently existing. In the future, it will be ensured that the type of information gathered is the same in the Member States. The creation of a new, complimentary network for TVO not falling under the scope of NFIPs will also ensure that focus is placed on all relevant individuals. This would increase the level of information gathered on all TVO. Emphasising the use of existing alerts under SIS II will also contribute to improving the availability of information on TVO across the EU.

The exchange of information on TVO will be rendered more effective. Introducing a category of TVO in existing Handbooks will ensure that no ambiguity exists among national authorities as to who falls under it, which would therefore facilitate the exchange of information among Member States. Strengthening guidance and evaluation, particularly by updating existing Handbooks on transnational cooperation, will clarify the use of available instruments. Moreover, national authorities would also be provided with guidance on which existing information channels to use. In particular, emphasising the use of existing alerts in SIS II would ensure that the benefits associated with it would be extended to more national authorities. The increased use of Interpol notices will also contribute, particularly in relation to exchanging information with third countries. The creation of a new network would enable national authorities to exchange information more easily through the existing NFIPs as well as the new single points of contact, depending on the TVO in question. All groups of TVO would be covered at the national level. As a result the preferred option would improve coordination and provide greater clarity.

Gaps in legislative approaches for dealing with the TVO phenomenon across the EU will be reduced with the implementation of the preferred Policy Option, particularly with the introduction of a new category of TVO in existing Handbooks. This would provide Member States with a reference point on which to amend their legislation in order to provide a common EU approach. Providing a common definition within Member States would contribute to reducing existing differences in national measures (administrative, criminal) and possibly applicable offences.

6.2.2 Costs and economic impacts

The costs of implementing the preferred package are estimated to be low due to the soft measures associated with it. At EU level, it is estimated that the total direct costs will range

between €683 000 and €1 050 000. At national level, it is estimated that the total direct costs will range between €1 307 000 and €2 087 000. The costs are mainly associated with the creation of a new network and improving the information available on TVO, including strengthening guidance and evaluation and improving the use of Interpol notices.

The preferred package will have indirect costs on the criminal justice system since it is expected that more individuals considered to be TVO will be sanctioned. However, it is considered that this number will be minimal and is difficult to estimate.

The benefits associated with the preferred option relate to the reduction in damages caused to infrastructure following violent activities as well as the reduction in numbers of casualties due to the preventive effect of the package.

6.2.3 Social impacts and impacts on fundamental rights

The implementation of the preferred Policy Option would improve the effectiveness of information exchange on TVO and could streamline the legislative approach for dealing with the phenomenon in the Member States. This would consequently contribute to the combating of crime and help to ensure public safety and security. In addition, the public's perception that justice is being done can also be expected to increase. It is envisaged that the introduction of a common definition of TVO as well as the creation of a new network would contribute to this perception since public awareness of measures to tackle the phenomenon would increase.

With regard to non-discrimination, it is envisaged that the package of Policy Options will contribute slightly to improving the current situation. Though there is a risk of categorising individuals and linking them to violent offences by introducing a definition of TVO, its introduction could reduce the risk of discrimination in the Member States since national authorities will be provided with guidance as to who should be considered a TVO. The creation of a new network would also contribute to decreasing discrimination since cooperation in fighting the TVO phenomenon would be extended to TVOs who do not currently fall under the scope of the NFIP, thus covering environmental, recreational and political events. The right to an effective remedy and fair trial would also be positively impacted by the implementation of these options since they would help to ensure that all individuals falling under the scope of TVO are treated in the same manner.

Since the Policy Options would increase the exchange of information, more personal data may be exchanged which could lead to higher risks of a breach. It is therefore important to ensure that the possible negative impacts are mitigated by including detailed data protection provisions when creating a new network.

Finally, some minor negative impacts on the freedom of movement could result from the implementation of the preferred Policy Option. Since Member States will be able to identify TVO more easily due to the introduction of an agreed category, and combating the phenomenon will be rendered more effective with the establishment of a new network, Member States might increase their actions and take more preventive measures in order to stop individuals categorised as TVO from travelling abroad, thus reducing the right to freedom of movement of EU citizens. In order to help limit such a negative impacts, any preventive measure should be restricted to the field of activity of the specific TVO in question and to related events, with all actions needing to be proportionate.

6.2.4 Risks associated with the implementation of the preferred option

A number of risks are associated with the implementation of the preferred option. Most of the components of the preferred Policy Option would not be legally binding on the Member States but would rather be considered by them as attempting to influence their national policies and practices. There is therefore a risk that the participation of Member States and their willingness to implement some of the measures proposed at national level would be low, thereby reducing the effectiveness of the preferred option. Thus, the overall benefits of the option might not fully come to fruition.

The implementation of the preferred option might not be considered by Member States who do not experience any (or many) problems with TVO as proportionate, thereby resulting in a reticence to implement the measures. For those countries that do experience problems with TVO, there is still a risk that national authorities might consider the preferred Policy Option as not entirely necessary or imposing on them additional requirements and obligations (i.e. gathering statistics, creating contact points for a new network) which they do not have the capacity to address. In addition, it is envisaged that there could be some 'evaluation fatigue' which might jeopardise the effectiveness of the preferred option.

6.2.5 Stakeholder acceptability

Since the preferred Policy Option contains a number of measures which are considered to be "soft" and non-binding on Member States, stakeholders' acceptability is envisaged to be high. Though difficulties may occur in agreeing on a common definition to include in existing Handbooks as well as agreeing on statistics to be gathered, Stakeholders consulted have identified the need to have new tools in place for better information exchange.

Though the extent of the use of SIS II and Interpol currently differs amongst stakeholders, it is expected that national authorities would support the increased emphasis on using these tools as they are already established and have proven already to function well.

6.3 Monitoring and evaluation criteria

This section of the Report describes the monitoring and evaluation criteria that could be usefully applied to assess the impact of the preferred option. The approach to monitoring and evaluation is discussed with respect to the policy objectives that the preferred Policy Option will address.

Monitoring and evaluating the impact of the preferred Policy Option on an on-going basis is an important element for assessing the extent to which the Policy Option – and its constituent parts – is having the desired impact on the policy objectives.

Proposed core progress indicators have been developed and potential sources of data and evidence to inform those indicators are identified.

Table 6.1 Monitoring and Evaluation criteria

Policy objectives	Monitoring indicators	Sources of data and evidence
To improve the information available on TVO across the EU	<ul style="list-style-type: none"> ■ Number of Member States keeping statistics on TVO; ■ Number of TVO identified in Member States per type of event; ■ Number of TVO identified in Member States per offence committed; ■ Number of arrests/convictions of TVO in Member States; ■ Risk assessments produced; ■ Best practices produced and exchanged in the Member States; ■ Events evaluated in the Member States relating to TVO; and ■ Public availability of data in Member States. 	<ul style="list-style-type: none"> ■ Desk research including: <ul style="list-style-type: none"> - review of websites of national authorities (Ministries of Justice, Interior, Law Enforcement Authorities, other relevant actors); - review of reports published by newly created network; - review of reports published by national authorities; - review of reports published at European and international level (e.g. Interpol reports); and ■ Stakeholder consultations in the form of interviews, surveys.
To render the exchange of information on TVO more effective	<ul style="list-style-type: none"> ■ Number of cross-border cases where information was exchanged on TVO; 	<ul style="list-style-type: none"> ■ Desk research including: <ul style="list-style-type: none"> - review of websites of national

Policy objectives	Monitoring indicators	Sources of data and evidence
	<ul style="list-style-type: none"> ■ Number of cases where SIS II alerts were used in relation to TVO; ■ Number of cases where Interpol notices were used for exchanging information on TVO; ■ Number of cases where information on cross-border activity was exchanged through NFIP; ■ Number of cases where information on cross-border activity was exchanged through newly established network; ■ Share of cases where information was exchanged between Member States and third countries; ■ Number of national contact points under newly established network; ■ Number of people working in national contact point; and ■ Number of cases where cooperation occurred between newly established network and NFIP 	<p>authorities (Ministries of Justice, Interior, Law Enforcement Authorities, other relevant actors);</p> <ul style="list-style-type: none"> - review of reports published by newly created network; - review of reports published by national authorities; - review of reports published at European and international level (e.g. Interpol reports); and ■ Stakeholder consultations in the form of interviews, surveys with national authorities as well as interviews with SIS, SIRENE bureaus, Interpol.
To reduce gaps in legislative approaches for dealing with the TVO phenomenon across the EU	<ul style="list-style-type: none"> ■ Implementation of new definition in national legislation and practice; ■ Number of handbooks/recommendation etc. where the new definition was included; and ■ Implementation of new definition in other European instruments. 	<ul style="list-style-type: none"> ■ Desk research including: <ul style="list-style-type: none"> - review of national legislation and instruments; - review of European legislation; and ■ Stakeholder consultation in the form of interviews with national practitioners, European institutions including Council of the European Union, NFIPs, newly created network.
