
RECOMMENDATIONS

on judicial cooperation in criminal matters in relation to major sports events

On 17 and 18 June 2015, Eurojust hosted a meeting of national experts from Member States that have recently organised major sports events, namely Portugal, the Netherlands, Sweden, Belgium, Austria, the UK and France. Experts from the European Commission, the European Judicial Network (EJN) and Eurojust also contributed to the discussions.

The meeting provided a platform for exchanging views on how practitioners could be better assisted in this field, as well as sharing and exchanging experience in preventing, investigating and prosecuting crimes that might be committed in relation to major sports events.

Discussions have resulted in the identification of recommendations to provide guidance in the field of judicial cooperation at European level in relation to major sports events for the future, in particular to the UEFA European Championships in 2016 and 2020.

Taking into consideration that such recommendations:

- ✓ enable Member States and their judicial authorities to adopt a common and efficient judicial cooperation approach in criminal matters in relation to major sports events;
- ✓ intend to provide a comprehensive knowledge repository of the judicial aspects of organising and conducting major sports events, to which all Member States can contribute and from which they can benefit;
- ✓ are not intended to replace any domestic provisions or guidelines on judicial cooperation in criminal matters; and
- ✓ should be reviewed and updated as appropriate, in accordance with future experience and further development of best practice,

participants have agreed upon and adopted the following recommendations:

1) Exchange of general information prior to major sports events

a) On the basis of a risk analysis conducted at police level, the competent judicial authorities of the host State should identify the most relevant participating States and, if considered necessary, neighbouring States, to establish contact with their competent judicial authorities.

b) The establishment of contacts between the competent judicial authorities of the host State and other States can be facilitated by the EJN and/or Eurojust.

c) For the purposes of transparency and additional deterrence, the host State's competent judicial authority should inform the competent authorities of participating States and, if considered necessary, the neighbouring States, at a minimum, of the following:



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- applicable criminal and administrative offences and their sanctions;
 - whether specific procedures can be applied when criminal offences are committed during a major sports event (*e.g.* fast track or summary procedures); and
 - intended sentencing standards for first-time offenders (as far as applicable with regard to the independence of judiciary and prosecution under the law of the host State).

d) Competent authorities of participating States or neighbouring States should be invited to provide information to the competent authorities of the host State, at a minimum, on the following:

- whether they have jurisdiction over crimes committed on the territory of the host State during major sports events; and
- possibilities of and legal requirements for the transfer of criminal proceedings from the host State to participating States or any other legal options for cooperation between these States (including by making use of the information available on the EJN website¹).

2) Exchange of case-related information and evidence during a major sports event

a) Council Decision 2009/319 on the establishment of the European Criminal Records Information System (ECRIS) provides a standardised format for the electronic exchange of information extracted from criminal records of EU nationals between the Member States. The central authority of the host State should be prepared to handle a large number of requests for information extracted from criminal records during the sports events. For this purpose, the host State should ensure sufficient capacity by concluding special arrangement with other Member States' central authorities or by setting up a fast-track procedure for the period of the sports events.

b) Using the already existing cooperation channels at police level (*e.g.* national football information centre set up and run by the police on the basis of Council Decision 2002/348/JHA), particularly for obtaining background information on the suspects and information on ongoing investigations against the same suspects in other Member States.

c) Competent judicial authorities of the host State should cooperate with the competent authorities of participating States and neighbouring States through a network of event-dedicated contact points:

- Such single contact points should be able to act (*e.g.* liaise with the judicial authorities in its State of origin) on a 24-hour/7-day basis.
- On the request of the host State, the EJN and Eurojust can provide assistance in the setting up of such a network (*e.g.* by the identification of contact points in certain Member States);

¹ Concise practical information on the legal requirements for various forms of judicial cooperation, including transfer of criminal procedures, may be found on the EJN website under *Fiches Belges* (*e.g.* currently, information on transfer of criminal procedures is available for some Member States under measure 407). Nevertheless, for additional information the EJN Judicial Library may be also consulted. These e-tools are available [here](#).

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- Eurojust National Members could be considered as single points of contact for their Member States; and
 - Liaison prosecutors deployed to the host State by participating States can perform the role of single points of contact. In this situation, clear guidance is needed from the host State regarding the expectations of the role of liaison prosecutors and the added value from their presence on the spot (in relation to regular contact points posted to the territory of another Member State).

d) The scope of Article 7 of the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (2000 MLA Convention) should be explored by the host State and participating States to speed up the exchange of evidence.

3) Choice of forum for the prosecution, trial and execution of sentences regarding event-related crimes

a) When dealing with foreign supporters who have committed a crime during a major sports event, host States should attempt to conclude criminal procedures and impose sentencing on the spot. Transfer of sentenced persons to their State of origin for the execution of sentence imposed could be considered.

b) Prior to the sports event, the host State should develop a strategy for achieving the goal referred to under point 3a), also taking into account, for example, whether participating States have jurisdiction over crimes committed on the territory of the host State in relation to a major sports event, and other criteria indicated in the Eurojust 'Guidelines for Deciding "Which jurisdiction should prosecute?"' (see Annex to [Eurojust Annual Report 2003](#)).

c) The single points of contact referred to under point 2c) can be used to consider or conduct the transfer of criminal proceedings by the host State.

4) Fast-track procedures

If possible under the host State's national law, fast-track procedures should be applied to criminal proceedings to avoid the need for mutual legal assistance requests in criminal matters at a later stage between the competent authorities of the host State and participating States.