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NOTE

From: Presidency

To: Delegations

Subject: Draft Council Conclusions concerning the need to prevent and counter the use of pyrotechnics in spectator areas of football stadia and other sports venues

Delegations will find in the Annex a revised draft Council Conclusions concerning the need to prevent and counter the use of pyrotechnics in spectator areas of football stadia and other sports venues, to be discussed during the meeting of the LEWP on 6 September 2022. The document contains minor amendments based on the comments received during and after the LEWP on 20 July 2022.

The changes in the revised document are underlined: additions are marked with **bold underlined**, deletions with ~~strikethrough~~.

**Draft Council Conclusions concerning the need to prevent and counter the use of pyrotechnics
in spectator areas of football stadia and other sports venues.**

THE COUNCIL OF THE EUROPEAN UNION,

- (1) Having regard to Article 2 (Right to Life), Article 3 (1) (Right to physical integrity) and Article 31(1) (Right to working conditions which respect his or her health safety and dignity) of the Charter of Fundamental Rights of the European Union
- (2) Having regard to the European Union's objective of providing citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation.
- (3) Having regard to the health, safety and security of the millions of European citizens who traverse Europe annually to attend European football matches and tournaments (and other sports events).
- (4) Having regard to the health, safety and security of the many thousands of European citizens who participate, officiate, organise and provide essential safety, security and other functions in football stadia and other sports venues.
- (5) Having regard to variations among Member States regarding (i) their constitutional, judicial, cultural and historical circumstances and (ii) the character and severity of pyrotechnic use associated with football and other sports events.
- (6) Having regard to available data evidencing the widespread use of pyrotechnics by football supporters inside football stadia at recent tournaments and other football matches with an international dimension, and national competition matches in Member States.

- (7) Having regard to the unequivocal findings of an independent scientific study of the health and safety risks associated with the use of pyrotechnics in football stadia¹, which concluded, inter alia, that no safe use of pyrotechnic devices is possible in spectator areas within football stadia and other sports arenas².
- (8) Having regard to the injuries sustained by spectators, players and officials and public and private safety and security personnel deployed in football and other sports venues both through overtly criminal and celebratory use of pyrotechnics.
- (9) Having regard to the seriousness of this issue and the fact that use of pyrotechnics in football and other sports venues is a criminal or administrative offence in the legal frameworks in the majority of Member States.
- (10) Having a regard for national governments, football authorities³ and clubs, police and other applicable agencies in each country to work in partnership in order to implement national laws and protect the health and safety of spectators, players, officials and public, private safety and security personnel and others participating in football matches.
- (11) Having regard to the strategic objective set out in the Council of the European Union 2018 and subsequent Work Programmes on further measures designed to maximise safety and security in connection with sports events, in particular football matches, with an international dimension, which recommended the adoption by each Member States of a national integrated, multi-agency approach to preventing and countering the use of pyrotechnics in football, and other sports stadia;
- (12) Having regard to Directive 2013/29/EU of 12 June 2013 on the harmonisation of the laws of the Member States, where Member States may adopt national measures to limit the use or sale of certain categories of pyrotechnic articles to the general public especially for reasons of public security or health and safety;

¹ Report of the Study on "Pyrotechnics in Stadia: Health and Safety issues relating to the use of pyrotechnics in football stadia" by Dr Tom Smith (in collaboration with expert colleagues from across Europe) in November 2016.

² Spectator areas include the entrances, concourses and tribunes.

³ National football associations or international football associations.

(13) Having regard to Council Recommendation 2022/915/EU of 9 June 2022 on operational law enforcement cooperation, which provides guidance and standards to improve cross-border cooperation in the European Union.

THE COUNCIL:

CALLS on Member States, through their law enforcement agencies **and other relevant public authorities**, to develop a national comprehensive strategy to preventing and combatting the possession and use of pyrotechnics in football stadia.

ENCOURAGES Member States to adopt and implement a national, integrated, multi-agency strategy in respect of all football matches played in stadia and apply the measures in respect of other international and national sports events played in sports arenas where appropriate.

STRESSES that, in developing their national approach, Member States should consider the annexed model components of a national, integrated, multi-agency strategy.

EMPHASISES that the Council will evaluate the implementation of this Conclusion within three years of its adoption with a view of adopting further measures to tackle the problem of pyrotechnic use in football and other sports venues, and in other confined spaces associated with such sports events.

Preventing and Tackling the Use of Pyrotechnics in Football Stadia and other Sports Arenas where appropriate

Model Components of a National Integrated, Multi-Agency Approach

The recommended components within are presented in thematic sections for ease of reference, however it is stressed that the recommended measures will overlap and need to be developed and implemented as part of a comprehensive approach.

The emphasis within is on the use of pyrotechnics in football stadia but can be applied to other sports venues where appropriate.

The themes covered are:

1. Strategy Narrative and Principles
2. Communication
3. National Co-ordination Arrangements
4. Stadium Safety and Security Management Arrangements
5. Policing Football Strategies and Operations
6. Prosecution and Adjudication Authorities
7. Training Arrangements

Summary of Model Components.

1. Strategy Narrative and Principles (see also communications below)

- a) The strategy narrative should focus solely on health and safety imperatives and reject any suggestion of alternative motivation⁴.
- b) To reinforce this narrative, the strategy should be designed and delivered with the aim of marginalising the influence of individuals and groups who continue to use, or encourage the use of, pyrotechnics in stadia, notwithstanding the risks posed to fellow supporters and others.
- c) To enhance perceptions of legitimacy of the strategy among supporters, the narrative should highlight the intention to protect human health and safety and pursue policies and sanctions which target perpetrators rather than supporters generally.
- d) To further enhance perceptions of legitimacy **not only** among **supporters** **all relevant actors**, the narrative should encourage and facilitate the participation of supporters in the development of non-pyrotechnic orchestrations/manifestations of fan support in stadia.

2. Communication

- a) The strategy narrative should be underpinned by a proactive multi-agency communication and media handling strategy, customised to meet national needs and circumstances, designed to:
 - highlight the findings of the independent scientific study;
 - inform and influence the perceptions of all parties, including supporters, governmental, public and practitioners engaged in the planning and operational arrangements for football events;

⁴ Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles

- explain how and why the use of pyrotechnics in stadia is posing a substantive short and long term health and safety risks to users, fellow supporters, stadium and emergency service personnel, players and officials and others;
 - explain the consequential need for preventative and enforcement measures designed to protect spectators, stadium and emergency service personnel and others from the health and safety risks posed by pyrotechnic use in stadia.
- b) The communication and media strategy should make full use of high quality educational and explanatory materials, which could maximise the impact of national, multi-agency, communication, educational and preventative campaigns.

3. National Co-ordination Arrangements

- a) To demonstrate high level political commitment and facilitate effective multi-agency co-ordination, the development and application of the strategy should be led by a responsible body at governmental level.
- b) The strategy should be comprehensive, compliant with established European good practices, and support the harmonisation of the national legislative and regulatory framework with a view to incorporating provisions which:
- provide clarity on the roles and responsibilities of each agency engaged in football stadium safety and security operations;
 - recommend that all the relevant public and football authorities are empowered, enabled and obliged to act effectively against the use of pyrotechnics within football stadia;
 - recommend to ensure that it is a criminal or administrative offence for any person to use, or be in possession of, any pyrotechnical device, or component part, on entry or whilst inside a football stadium;

- recommend to ensure that it is a criminal or administrative offence for a club or stadium owner, manager, operator, employee (direct or contracted), or third party to encourage or facilitate the use of pyrotechnics by supporters in stadia;
- make it a criminal or administrative offence for persons to import or distribute pyrotechnics, which were used with aim of being used in football stadia;
- recommend to directly link stadium safety certification and stadium licensing arrangements with application of comprehensive stadium safety management arrangements incorporating, inter alia, an effective strategy on preventing and countering the use of pyrotechnics.

4. Stadium Safety and Security Management Arrangements

- a) The strategy should ensure a consistent approach to preventing and countering the use of pyrotechnics in stadia in respect of both domestic and international matches.
- b) The strategy should oblige the football authorities to co-ordinate the preparation and use of model provisions on preventing and countering the use of pyrotechnics in stadia for inclusion in stadium safety regulations and stadium safety and security operations.
- c) The strategy should provide the recommendation to ensure that football authorities, clubs and Supporter liaison Officers to engage with supporter groups regarding the risks associated with the use of pyrotechnics in stadia.
- d) The strategy should provide the recommendation to ensure that football authorities and clubs to work with the police in identifying and targeting individuals who use a pyrotechnic device, and those individuals who orchestrate use of pyrotechnics.
- e) The strategy should encourage regulatory/disciplinary bodies and other relevant stakeholders to consider options designed to promote and facilitate alternative (non-pyrotechnic) development of supporter orchestrations in football stadia.

5. Policing Football Strategies and Operations

- a) The strategy should require policing policy makers, and practitioners to ensure that policing football operations are planned and delivered in full recognition that the use of all pyrotechnical devices in stadia can pose significant public health and safety risks and, as such, should be prevented and countered.
- b) The strategy should encourage appropriate use of the possibility set out in the Directive 2013/29/EU allowing Member States to adopt national measures to prohibit or restrict the possession, use and/or the sale of pyrotechnic articles on grounds of public order, security, health and safety.
- c) The strategy should target for exclusion and other sanctions, individuals who use, organise or facilitate pyrotechnic use, or who are in possession of pyrotechnic devices or components, within football stadia.
- d) The strategy should include measures designed to enforce the EU Directive on Pyrotechnic Articles 2013/29 regarding product certification and supply controls, and the classification and transport provisions set out in the Agreement on Transport of Dangerous Goods in Europe (ADR).
- e) The strategy should encourage the relevant public authorities to identify and pursue measures to disrupt and prevent the illegal importation and distribution (including via on-line sources) of pyrotechnic and the facilitation of illegal pyrotechnic use in stadia, and target perpetrators for the imposition of sanctions and exclusion measures. Where appropriate, stakeholders such as UEFA, national associations and clubs may be involved in imposing access restrictions on the basis of past behaviours.

6. Prosecution and Adjudication Authorities

- a) The strategy should include arrangements for ensuring that prosecution bodies and judicial and administrative adjudication authorities fully understand the health and safety risks associated with the use of pyrotechnic devices inside football stadia.

7. Training Arrangements

- a) The strategy should ensure that sessions on preventing and responding to the use of pyrotechnics in stadia are included in the training of all stadium safety and security personnel, irrespective of whether such staff are directly employed or contracted.
 - b) The strategy should ensure that national and pan-European policing football training events should include sessions on the need to prevent and counter the use of pyrotechnics.
 - c) The strategy should ensure that national and pan-European joint training of stadium safety (security) officers and police personnel should include sessions on preventing and countering the use of pyrotechnics in stadia.
 - d) The strategy should encourage the football authorities and clubs to raise awareness among players and match officials regarding the need to avoid any contact with pyrotechnics and, in the case of relevant actors such as players, coaches and managers to avoid knowingly or inadvertently encouraging or supporting the use of pyrotechnics.
 - e) The strategy should become a tool for educating and training supporter groups about the risk posed by the use of pyrotechnics in stadiums.
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