



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 05/L –075

**ON THE PREVENTION AND SANCTIONING OF VIOLENCE AND
NEGATIVE PHENOMENA AT SPORTS EVENTS**

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

**LAW ON THE PREVENTION AND SANCTIONING OF VIOLENCE AND
NEGATIVE PHENOMENA AT SPORTS EVENTS**

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

1. With this Law there shall be set the measures for the prevention and sanctioning of violence and negative phenomena at sports events, the obligations of the organizer of the sports event, competences of official bodies on imposing measures on the prevention and sanctioning of violence at sports events, fixing and other phenomena.

2. This law is in accordance with The Treaty of the Functioning of the European Union, (consolidated version) OJ C 326/47, date 26.10.2012 and is partially harmonized in the

applicable parts for the Republic of Kosovo, with the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches 19.08.1985 ETS No: 120.

Article 2 **Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Sports event** - organized sports events with competitive or non-competitive nature;

1.2. **Organizer of the sports event** - natural or legal person who undertakes certain actions for organizing a sports event;

1.3. **Timing of the sports event** – the time interval before, during and after the sports event;

1.4. **Participants of the sports event** - all persons who are present at the sports events, on the premises where the sports event is taking place, sport people, sports officials, spectators, fans, stewards, police etc;

1.5. **Sports venue** - the facility where sports events take place, space for spectators/fans, and other associated facilities (sanitary, sports wardrobe, etc.);

1.6. **Sports ground** - the area where sports activity, sports events, competitions are being performed and the surrounding space that serves to practice sports activity unimpeded, and the spectators part;

1.7. **Grandstand** – the regulated space in the sports facility for placement of spectators, respectively sports ground space designated for spectators, if the facility does not have a grandstand;

1.8. **High risk sports event** – all those sports activities in which the risk for violence outbreak is high;

1.9. **Spectators – the audience** – all the people who are watching a certain sports event from their relevant stands;

1.10. **Fans** – organized groups of spectators, registered as NGOs that support their sports teams;

1.11. **Ministry** – the relevant Ministry for Culture, Youth and Sports;

1.12. **KOC** – Kosovo Olympic Committee;

1.13. **Police** – Kosovo Police;

1.14. **Stewards** – adult persons assigned by the organizer of the sports event for maintaining law and order, during the time the sports event is taking place and they have distinctive signs;

1.15. **Fixing** –action that directly or indirectly restricts, damages or eliminates the real competition in sports competitions, through fixing the results related to the sports bettings.

Article 3 **The organization of sports events**

1. In accordance with this law, KOC, Sports Federations, sports associations, sports organizations and sports clubs may organize sports events.
2. Natural or legal persons who have made an agreement in advance with the groups mentioned in paragraph 1 of this Article, can also organize sports events.
3. The organizer of the sports event is obligated to cooperate with the Kosovo Police in order to ensure holding a sports event.
4. The organizer of the sports event is obligated to take all the necessary actions to ensure the sports event, and particularly must take care of the preventive measures for violence outbreak and misbehaviour.

Article 4 **Violence, misbehaviour, fixing and negative phenomena at sports events**

1. Violence, misbehaviour, fixing and negative phenomena at sports events is considered:
 - 1.1. physical assault against each participant at a sports event, whether direct participants of the sports event or spectator, or physical fights between participants or spectators – fans;
 - 1.2. throwing objects at the playing area or at spectators/fans stands;
 - 1.3. display of propaganda material at the sports facility offending racial, national religious or other feelings;
 - 1.4. taking actions that promote hate and may lead to physical assaults;
 - 1.5. damaging the sports facility, sports equipment, installations and other equipment in the sports facility;

- 1.6. actions that impede the entry or exit of participants at sports events, obstructing the holding of the event or causing insecurity to participants or other persons at the sports facility;
- 1.7. unauthorized entry into the premises of the sports facility and terrain;
- 1.8. unauthorized entry into the official premises and official venue passes, or at the part of the grandstand that is appointed to the guest team supporters;
- 1.9. smuggling alcoholic drinks, psychotropic substances or other intoxicating substances, and using them inside the sports facility;
- 1.10. smuggling and using the pyrotechnic devices, tools and other objects into the sports facilities, the use of which can cause insecurity to participants of the sports event;
- 1.11. burning of requisites (identifying signs of status, clubs etc.) or other items inside the sports facility;
- 1.12. using masks or other items with the aim of concealing the identity (face concealment);
- 1.13. results that have not been achieved based on the principle of real competition and based on merits;
- 1.14. any manipulation or fixing of the results in national and international sports competitions.

CHAPTER II

MEASURES FOR THE PREVENTION OF VIOLENCE, MISBEHAVIOURS, NEGATIVE PHENOMENA AND FIXING AT SPORTS EVENTS

Article 5

Preventive measures

1. With the purpose of preventing the violence, misbehaviours, negative phenomena, manipulations and fixing at sports events, heads, officials of KOC, members of the federations, sports clubs and organizer of the sports event shall be obligated to:
 - 1.1. contribute to good organization of the behaviour of fans and their clubs;
 - 1.2. provide the necessary information about fans the official representative, the approximate number of fans, propaganda material, etc;

- 1.3. coordinate activities with the fans of the clubs, when participating to sports events organized as guests;
- 1.4. in coordination with the Kosovo Police, determine which sports events are considered of high risk and what additional measures should be taken by the organizer of the sports event in accordance with the Law and other regulations;
- 1.5. influence and contribute to the proper behaviour and actions of the players, the officials, before, during and after the sports event, according to the relevant hierarchy;
- 1.6. notify in writing the official bodies: Kosovo Police, State Prosecution Office and National Council for prevention of the violence misbehaviours, negative phenomena, manipulations and fixing at sports events;
- 1.7. report in writing on cases when there is information on manipulation or fixing of the sports match. Report shall be delivered within fifteen (15) days to the competent bodies according to sub-paragraph 1.6 of this Article;
- 1.8. assign official or national or international professional monitoring company for monitoring the sports events in the respective Federations;
- 1.9. heads, officials of KOC, members of federations, sports clubs or organizer of sports event shall be obliged to undertake the necessary measures that in every national or international sports competition the results to be based on the principle of real and right competition and based on merits;
- 1.10. heads, officials of KOC, members of federations, sports clubs or organizer of sports event shall be liable, to prevent every negative phenomena of manipulation and fixing of the results in national and international sports competitions .

CHAPTER III

MEASURES TO BE TAKEN AT SPORTS EVENTS

Article 6

Organizational measures

1. The organizer of the sports events is obligated to engage the adequate custodian service, or to engage a legal person to perform services for the physical safety and maintaining order at sports events.
2. While performing services for physical safety and maintaining order at sports events, caretaking service or the legal person who offers these services is obligated:

- 2.1. to prevent and remove persons from the facility where the sports event is taking place, if they are under the influence of alcohol or other prohibited substances, or when regarding that their behaviour can drive to violence outbreak or illegal acts;
- 2.2. to ensure that the visiting team fans can enter and exit and have a special grandstand allocated inside the sports facility;
- 2.3. To ensure that spectators sit in certain seats for spectators, in accordance with the available number of seats and the space capacity-grandstand;
- 2.4. To ensure the sports ground with the adequate physical separation so as to prevent the spectators from entering into the sports ground and passing to the divided part for the other club fans;
- 2.5. to prohibit smuggling alcoholic drinks or other substances banned in the sports facility;
- 2.6. to prohibit smuggling items that could be used for causing violent acts, such as pyrotechnic devices, sticks, glass bottles or items which may impede the normal organization of the sports event, such as mirrors, lasers, loud sound apparatus, or propaganda material which incite national, racial, religious hatred;
- 2.7. to stop and hand to the police the person who disturbs public order or acts violently during the sports event;
- 2.8. while doing their trusted job, security custodian service has the right to use proportional force in case the threat is directed at him, spectators, players or to other persons who are present and when the attack is directed towards the destruction or damage of the parts of sports facility and its preparatory parts;
- 2.9. to strictly prohibit the presence of the person or group of persons at the sports venue who are banned from participation in one or more sports events, based on the relevant legal measures;
- 2.10. to warn, or to remove the person who with his action or inaction, can cause violence, endanger the safety of the participants, or impede the continuation of the sports event;
- 2.11. the organizer of the sports event can make an agreement with the representative of the guest fans, to give custody together during the sports event;
- 2.12. the organizer is obligated to convey guidance and advice to the guest team, spectators - visiting fans participating at the sports event in the language they speak;

2.13. the organizer of the international character sports event is obligated to enable the representatives of each sports organization to address to their supporters in necessary cases.

3. The organizer is obligated to cooperate with the Kosovo Police, in order to apply the measures and orders dealing with the maintenance of order and public peace.

4. The organizer is obligated to provide special areas in the sports facility for other competent authorities such as: police, medical service, fire-fighters and other bodies that provide public services.

Article 7

National Council for prevention and sanctioning of violence and negative phenomena at sports events

1. Ministry shall, according to this Law, establish the National Council for prevention and sanctioning of violence and negative phenomena at sports events (hereinafter Council).

2. Council shall be composed of five (5) members, amongst which:

2.1. one (1) member from the State Prosecution Office- chairman;

2.2. one (1) member from the Police General Directorate

2.3. one (1) member from Kosovo Olympic Committee;

2.4. one (1) member from the respective federation; and

2.5. one (1) member from the Ministry.

3. Organization and coordination of the work of Council shall be done by the Ministry.

4. Duties and responsibilities of the Council shall be defined by sub-legal act issued by the Ministry.

CHAPTER IV

MEASURES TO BE TAKEN AT HIGH RISK SPORTS EVENTS

Article 8

Preventive measures

1. Council, KOC, sports federations and sports clubs in the Republic of Kosovo, respectively the organizer of the sports event could announce a high risk sports event by the official letter of the competent authority of the relevant sports organization, or by the proposal of the Kosovo Police, when under certain circumstances it is estimated that it might come to violence or misbehaviour of spectators-fans.
2. At high risk sports events the organizer is obligated:
 - 2.1. to achieve cooperation with representatives of sports clubs in order to exchange information reciprocally;
 - 2.2. within seventy-two (72) hours prior to the sports event, to inform the Kosovo Police and other competent bodies, other sports organizations concerned, and if necessary, athletes who participate at sports event;
 - 2.3. to appoint a responsible person who is competent to implement the measures foreseen by this law in cooperation with bodies of public order enforcement;
 - 2.4. to act according to certain rules and guidelines in consultation with the Kosovo Police.

Article 9

Obligations of the organizer at high risk sports events

1. When organizing a high risk sports event, the organizer is obligated:
 - 1.1. to ensure that the sale of tickets for guest team fan groups to be at certain spots, separate and in sufficient distance from each other;
 - 1.2. to ensure that the sale of tickets does not exceed the number of seats that exist in the facility, and only to be issued tickets with the number of the corresponding seat. Sports facilities that have no stands, the number of spectators is set by the relevant sports federation;
 - 1.3. to arrange seating in the numbered seats matching with the number of the issued tickets;

1.4. to cooperate with the sports organizations/clubs participating at sports events for the sale of tickets to their fans;

1.5. to appoint a special entry - exit for spectators and guest fan groups, if expected coming or going in greater numbers;

1.6. to ensure that through the program of the sports event or other means of information to sway the audience into behaving correctly.

Article 10 **Obligations of the organizer for keeping relevant records**

1. In cooperation with sports clubs that take part in sports event, the organizer is obligated to ensure keeping records on the identity of the person who is sold the tickets, or who represents the club. According to the official request, these records are given to the appropriate security bodies.

2. For the high risk sports event, the organizer is obligated to ensure that the tickets are sold only to persons who have identification documents.

3. The organizer is obligated to ensure that a person can not be sold more than seven (7) tickets.

4. At high risk sports event, the organizer is obligated to prohibit persons from entering the sports event, if they do not have an identification document, respectively persons younger than sixteen (16) years old, except if they are under the supervision of a parent or legal custodian.

5. The organizer of the sports event or the distributor, at the ticket sales spot shall stop selling tickets or distributing them to the person to whom is imposed the security measure - banned from participating in certain sports events, until the termination of the security measure.

6. Kosovo Police and respective federation shall retain the evidence with the data of persons who have been engaged in violent acts at sports event.

7. Records with the personal data of perpetrators of the criminal offence during the sports event must contain:

7.1. personal information of fans (name, last name, parent's - custodian's name, place and date of birth, ID number, their photograph, their fan group affiliation, legal measures for the antecedent prohibited actions which are committed in and outside of the country;

7.2. these records are kept for five (5) years;

8. Ticket resale is prohibited.

Article 11
Ticket sales outside sports venue

On the day of the high risk sports event, tickets for spectators – guest fans, can be sold also at certain locations outside venue where the sports event will take place.

Article 12
Obligations of the organizer for providing technical conditions

1. The organizer must ensure that the high risk sports event takes place in the facility where the following conditions are provided:
 - 1.1. appropriate protectors in front of the sports facility, in order to divide and guide fan groups of participating teams;
 - 1.2. appropriate protectors to prevent fans from entering into the sports ground;
 - 1.3. appropriate protectors to divide opposite fan groups inside the sports facility;
 - 1.4. clear and visible display of relevant markings at the entrance and exit in all parts of the sports facility;
 - 1.5. quality of seats for spectators shall be according to the standards of the relevant international federations;
 - 1.6. it has the designated area for the members of the Council, the person authorized by the Kosovo Police and competent officials to keep order and peace at sports event. These persons, from this area, should have a clear view of the ground and the fans – participants;
 - 1.7. it has the technical preparation for recording at the entrance - exit and monitoring the behaviour of the fans inside the sports facility;

CHAPTER V
MEASURES WHICH ARE TAKEN BY COMPETENT STATE AUTHORITIES

Article 13
Measure which are undertaken by the Kosovo Police

1. Kosovo Police shall, on the occasion when the high risk sports event takes place, undertake all necessary measures to prevent violence and misbehaviour.

2. Measure which are undertaken by Kosovo Police, but not limited only in the following measures:

2.1. to require groups of fans to come to a certain direction when they arrive or leave, respectively when they leave the sports facility;

2.2. to demand from the organizer of the sports event to eliminate the apparent deficiencies at the sports facility or deficiencies encountered during the organization of sports events, which to a certain extent may affect the safety of participants at the sports event;

2.3. to ask the organizer of the sports event to develop the integrated management plan of civil emergency;

2.4. Kosovo Police prior to the high risk sports event, need at least four (4) hours before the sports event begins, to check the sports facility where the sports event will be held;

2.5. the official in charge of the sports organisation, in accordance with the Kosovo Police, after the official conclusion that there are significant deficiencies for the safety of participants, have the authority to stop holding respectively resuming the sports event.

CHAPTER VI COVERING THE EXPENSES RELATED TO THE IMPOSED MEASURES

Article 14 Covering the expenses

1. The organizer of the sports event shall cover the expenses related to the measures foreseen from Article 5 to Article 12 of this Law.

2. The organizer may enter into a contract with the relevant Institutions of the Republic of Kosovo to carry out certain tasks associated with the provision of the sports event, and taking measures to prevent violence and misbehaviour of spectators, those that are not competence of regular duties for keeping peace and public order.

3. Revenue deriving as a result of the undertaking of measures shall be transferred to the budget of the Republic of Kosovo.

CHAPTER VII PUNITIVE MEASURES

Article 15 Application of the legislation in force

1. For the actions set out in Article 4 of this Law there shall be applied the provisions of the relevant criminal legislation in the Republic of Kosovo.
2. For the actions set out in Article 4 of this law, for which there are no elements of criminal acts, there are applied the provisions of the relevant legislation for minor offences.

Article 16 Penalties for legal persons

1. Federations, sports clubs, sports associations or other legal persons that organize sports events shall be fined from ten thousand (10,000) Euro to fifty thousand (50,000) Euro, if they do not:

- 1.1. ensure the safe holding of the sports event foreseen in Article 3 of this Law;
- 1.2. have power over implementing the measures foreseen in Article 3 of this Law;
- 1.3. undertake preventive measures foreseen in Article 8 of this Law;
- 1.4. train or do not engage the adequate caretaking service;
- 1.5. cooperate with the Kosovo Police;
- 1.6. during the holding of a sports event, do not ensure the presence of medical service and do not cooperate with competent authorities;
- 1.7. during the holding of a sports event, do not provide special places for the officials of the competent authorities or organizations, public services and public officials who are in charge of monitoring the sports event;
- 1.8. announce the relevant high risk sports event;
- 1.9. undertake relevant measures before, during and after the high risk sports event, according to Article 9 of this Law;
- 1.10. ensure the keeping of records set for the sale of tickets of high risk sports event and do not submit it to the Kosovo Police according the official request;

1.11. ensure that at a high risk sports event the tickets are sold only to persons who have identification documents;

1.12. ensure that a person can be sold up to seven (7) tickets;

1.13. ensure that the persons younger than sixteen (16) years old, while the sports event is taking place, are not allowed to enter into the sports facility without the care of a parent or the legal custodian;

1.14. ensure if the ticket sale is done in contradiction to the conditions foreseen by this Law;

1.15. ensure that the sports event will take place at the appropriate sports facility;

1.16. ensure if alcohol is sold inside the sports facility despite the prohibition, and the responsible persons do not report it to the competent authorities.

Article 17

Penalties for natural persons

Natural persons may be fined from one thousand (1.000) Euro to five thousand (5.000) Euro for the actions performed which are foreseen by Article 4 of this Law.

Article 18

The imposition of other legal measures

Besides the penalty for minor offense, other measures foreseen by the Criminal Code shall be imposed to natural and legal persons that have conducted criminal offences during the sports events.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 19

Transitional provisions

1. Norms and rules for public gatherings of citizens-Law No.03/L-118 for Public Gatherings shall be applied in organization of sports events.

2. KOC, sports federations, sports clubs, sports associations and other natural and legal persons that deal with the organization of the sports events, should harmonize their legal acts with this Law within six (6) months from the moment of entry into force of this Law.

Article 20
Sub-legal acts

Ministry shall, within six (6) months from the entry into force of this Law, issue sub-legal acts for its implementation.

Article 21
Entry into force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.05/L - 075
29 December 2016

President of the Assembly of the Republic of Kosovo

Kadri VESELI