

Strasbourg, 27 February 2013

EPAS (2013) 16

Enlarged Partial Agreement on Sport (EPAS)

Drafting Group of a draft international convention
to combat the manipulation of sports Competitions

DRAFT CONVENTION

AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

VERSION 2

DRAFT TEXT	COMMENT ¹
Preamble	
The member States of the Council of Europe and the other States signatory hereto,	
Considering that the aim of the Council of Europe is to achieve a greater unity between its members;	
Recognising the value of fostering co-operation with the other States signatories to this Convention;	
Bearing in mind the Committee of Ministers' Declaration on compliance with the commitments made by member States of the Council of Europe (Strasbourg, 10 November 2004);	
Considering that it is necessary to further develop a common global and European framework for the development of sport, based on the notions of pluralist democracy, rule of law, human rights and ethical principles;	
Considering the conclusions of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), which recommended the continuation of Council of Europe activities which serve as references in the field of sport;	
Having regard to its Recommendations (92) 13Rev on the European Sports Charter; (2010)9 on the revised Code of Sports Ethics; (2005) 8 on the Principles of Good Governance in Sport and (2011) 10 on Promotion of the integrity of sports against manipulation of results, notably match-fixing;	
Recalling the Convention on Cybercrime (ETS No. 185);	<p><u>Question:</u></p> <p>It is possible to include a recital calling upon member states to ratify an instrument? (need an example)</p> <p><u>Note:</u></p>

1. _____

¹ This column includes:

- Notes: technical note for the attention of the drafting group, reference to existing convention, which were used as source of inspiration etc.
- Comments: information to be included in the explanatory report
- Questions: issues to clarify in the next step of the process, possibly with advise from external experts.

DRAFT TEXT	COMMENT ¹
	Drafting inspired from the recitals of ETS 201.
In the light of the work and conclusions of the 11th Council of Europe Conference of Ministers responsible for Sport, held in Athens on 11 and 12 December 2008, in particular in the areas of match-fixing, corruption and illegal betting;	
In the light of Resolution No. 1 of the 18th Council of Europe Informal Conference of Ministers responsible for Sport, held in Baku on 22 September 2010, on the Promotion of integrity of sports against the manipulation of sports results (match-fixing);	
In the light of the work and conclusions of the 12th Council of Europe Conference of Ministers responsible for Sport, held in Belgrade on 15 March 2012, particular on drafting a new international legal instrument against manipulation of sports results;	
Acknowledging that, as a rule, the sports movement is responsible for sport but that public authorities are invited, where appropriate, to develop mutual cooperation with the sports movements, in order to promote the values and benefits of sport;	
Reaffirming that the nature of sport itself, based on fair-play and equal competition, requires that unethical practices and behaviours in sport be forcefully and effectively countered;	
Acknowledging that at the international level, particular self-regulatory and disciplinary responsibilities in the fight against manipulation of sports competitions lie with international sports organisations and their affiliated national organisations;	<u>Note:</u> formerly 30.1
Aware of the pressures which modern society, marked among other things by the race for success and economic profits, brings to bear on sport;	
Stressing their belief that the consistent application of the principles of good governance and ethics in sport would be a significant factor in helping to eradicate corruption, manipulation of sports competitions (e.g. match fixing) and other malpractices in sport;	
Acknowledging that attempts to manipulate sports competitions constitute an important threat for the integrity of sport and that the development of illegal betting, could increase the risks of such manipulations;	

DRAFT TEXT	COMMENT ¹
Expressing concerns on the involvement of organised crime in the manipulation of sports competitions, especially at international level;	
Convinced that dialogue and cooperation among public authorities, sports organisations and betting operators, at national and international level, based on mutual respect and trust is essential in seeking effective common responses to challenges posed by the problem of manipulation of sports competitions;	
Acknowledging the spontaneous efforts of and results already achieved by some sports organisations in the fight against manipulation of sports competitions, as well as those achieved by some betting operators and through their associations;	
Noting that the manipulation of sports competitions can be betting related or non-betting related and that both should be tackled with equal emphasis and importance;	
Believing that an effective fight against manipulation of sports competitions requires increased, rapid, sustainable and well-functioning national and international co-operation;	
Have agreed as follows:	
Chapter I – Purpose, guiding principles, definitions	
Article 1 – Purpose and scope	
Each Party shall provide, in its internal law, for the most appropriate and effective legal and administrative means against manipulation of sports competitions and ensure conditions for effective and sustainable co-operation of public authorities, sports organisations, betting operators and other stakeholders, as appropriate, at national and international level in the fight against manipulation of sports competitions. The fight against doping is excluded from the scope of this convention.	
Article 2 – Guiding principles	
Activities of and cooperation between public authorities, sports organisations, betting operators and other stakeholders, as appropriate, at national and international level in the fight against manipulation of sports competitions shall always ensure full respect for the following principles:	

DRAFT TEXT	COMMENT ¹
1. human rights	
2. sports ethics	
3. legality	
4. proportionality	
5. integrity	
6. autonomy of sports organisations	
Article 3 – Personal data protection	
Each Party shall adopt such legislative or other measures as may be necessary to ensure that all measures against manipulation of sports competitions comply with relevant international personal data protection standards, particularly in the exchange of information between stakeholders.	
Article 4 – Definitions	
For the purposes of this Convention:	
<p>1. “Manipulation of sports competitions” means an (intentional) arrangement, action or avoidance resulting in an improper alteration of the course or result of a sports competition [(particularly each performance comparison within the competition rules of the sport movement)] or any of its particular parts (e.g. matches, races) in order to obtain an (illegal) advantage (particularly for the purpose of causing a financial – notably through irregular betting – or another benefit) for oneself or for others and remove all or part of the uncertainty properly associated with the outcome or the running of a competition with the consequence of jeopardizing the integrity of sport.</p> <p>This definition shall be prejudice to the criminal offenses set forth in accordance with the Chapter III of this Convention</p>	<p><u>Notes:</u></p> <ul style="list-style-type: none"> • This definition is the “German proposal”. • Consider re-drafting “performance comparison” or deleting the brackets and adding a definition for “sports competitions” (keep in mind the proposal from VP GdRP in EPAS(2012)57rev). • Consider deleting “illegal” or specifying that it means “illegal with regard to the applicable laws or sports regulations”. <p><u>Comments:</u></p> <ul style="list-style-type: none"> • Comments should stress that this is a general definition, not intended to

DRAFT TEXT	COMMENT ¹
	<p>define the scope of criminal offenses.</p> <ul style="list-style-type: none"> • In this convention, reference to competitions also covers “or any of its individual events”.
<p>2. “sports betting” shall mean all games that involve wagering a stake with a monetary value, in which participants may win, in full or in part, a prize with a monetary value, based totally or partially, on chance or uncertainty of an occurrence related to a real sports competition. In particular:</p>	<p><u>Comments:</u></p> <ul style="list-style-type: none"> • specify that sport means any activity considered as sport according to the applicable national law (e.g. horse races may be considered as a sport in some countries and not in others). • A stake with monetary value means a stake involving an economic sacrifice. • Following this definition, “betting operators” may cover physical (retail) or on-line operators, and private ones or public ones, of any kind (bookmakers, pure players, lotteries, ...), notwithstanding the type of bets (fixed odds, totaliser, ...) <p><u>Note:</u> redrafting to ensure correspondence of both linguistic versions.</p>
<p>a. «legal betting» shall mean all betting activity whose type and operator are allowed on the jurisdiction of the consumer in accordance with the applicable law;</p>	<p><u>Comments:</u></p> <ul style="list-style-type: none"> • “Applicable law” may include national law, EU law or law of federated entities. • Betting activities may be allowed by law, by licence given by a regulator or by automatic recognition of licences of a third country.

DRAFT TEXT	COMMENT ¹
b. «illegal betting» shall mean all betting activity whose type or operator are not allowed on the jurisdiction [of the consumer] / [where the consumer is located], in accordance with the applicable law;	
c. «irregular betting» shall mean all types of betting where irregularities and abnormalities in the bets placed or the competition upon which the bets are placed can be identified;	
d. «suspicious betting» shall mean all betting activity where unusual or abnormal characteristics can be identified with regard to the aims of the present Convention;	
3. «competition stakeholders» shall be understood as persons participating in competitions or taking part, directly or indirectly, in their organisation such as athletes, their support personnel and sports officials, referees, official judges or stewards, the owners, shareholders and executives of sports organisations, organisers of sports competitions, as well as all accredited personnel within the competition, including journalists;	<p><u>Note:</u> Where appropriate one may use the target groups used in the UNESCO anti-doping convention (athletes/athlete support personal).</p>
4. «sports organisations», at local, national, continental or international level, shall be understood as any organisation, which rules a sport and/or organises official competitions of this sport, at their respective level.	<p><u>Question:</u> Is there a need to distinguish Continental from International ones (considering that Continental organisations are international)? Are there provisions in this draft convention where it would be relevant to refer to international (worldwide) sports organisations while excluding the continental organisations?</p>
a. «national sports organisations» shall be understood as organisations in charge of a sport (e.g. National Football Federation), of sport activities with a specific group (e.g. National University Sports Federation) in a specific State or territory.	<p><u>Note:</u> Consider moving the examples into the explanatory comments.</p>
b. «international sports organisations» shall be understood as organisations which are competent for the running of international sport or multi sports competitions.	

DRAFT TEXT	COMMENT ¹
<p>5. «insider Information» shall be understood as any information relating to any competition or event that a person possesses by virtue of his/her position towards athletes. Such information includes, but is not limited to, factual information regarding the competitors, the conditions, tactical considerations or any other aspect of the competition or event but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant event or competition ;</p>	<p><u>Notes:</u> This concept is referred to only in art. 14. Consider removing the definition or using it in other provisions. The wording proposed by IOC was not discussed by the specialised Groups and may be considered: <i>“Inside Information” means any non-public information about a Competition or Participant (including, but not limited to, information concerning the weather and/or condition of the field of play or strategy or any injury or other factor affecting a Participant) held by or known to a Participant by virtue of his or her position, participation or other form of involvement in the competition/sport</i></p>
<p>6. «public authorities» shall be understood as authorities of Parties having responsibility for law enforcement, personal data protection, sport, sports betting and any other public authorities, as appropriate.</p>	
<p>Chapter II – Prevention, co-operation and other measures</p>	
<p>Article 5 – Co-operation and coordination of national stakeholders</p>	
<p>1. Each Party shall adopt such legislative or other measures as may be necessary to ensure effective co-operation and coordination of all public authorities in the fight against manipulation of sports competitions.</p>	<p><u>Comment:</u> mention the possible use of “national contact points” presented in the COM Communication</p>
<p>2. Each Party shall invite national sports organisations, betting operators and other interested organisations, where appropriate, to take part in activities for designing policies and actions to effectively fight manipulation of sports competitions</p>	

DRAFT TEXT	COMMENT ¹
<p>and to ensure an overall approach on the basis of clear responsibilities of all those involved, as well as the definition of mechanisms of consultation, exchange of information and co-ordination between the stakeholders concerned. Public authorities may, where appropriate, act as co-ordinators of joint activities.</p>	
<p>3. Each Party shall invite sports organisations and betting operators to co-operate in the fight against manipulation of sports competitions in order to clarify the respective commitments of both partners to combat manipulation of sports competitions and to ensure that the exchange of information is sufficient to ensure the effectiveness of the betting monitoring systems and national platforms set forth in Article 13 and 14 of this Convention.</p>	
<p>4. Each Party shall invite sports organisations and betting operators to increase awareness among their athletes, members and employees on the issue of manipulation of sports competitions and its consequences through education, training and publicity.</p>	
<p>Article 6 – Risk assessment and management</p>	
<p>Each Party shall develop measures to identify and manage risks associated with the manipulation of sports competitions, particularly in the context of the development of betting activities, and consider the establishment of a viable, equitable and sustainable regulatory framework to protect the integrity of sport, in consultation with key stakeholders. Sports organisations and betting operators shall be invited to do the same.</p>	
<p>Article 7 – Public encouragement and support</p>	
<p>Each Party shall encourage sports organisations, betting operators and other organisations, as appropriate, to adopt specific internal regulations for the protection of the integrity of sport and adopt such legislative or other measures as may be necessary to enforce or promote these regulations by public standards or policies, in full compliance with the principle of autonomy of sport, and taking into account the specific economic nature of those organisations.</p>	<p>[Comment: <u>Mention the reference of the provisions referring to expected measures from sports organisations and betting operators.</u>]</p>

<p>OPTION A</p> <p>Article (A)8 – National sports organisations</p>	<p><u>Note :</u></p> <ul style="list-style-type: none"> • In option A, (Finnish proposal) the new article replaces former articles 8 to 10. • Option A better fulfil the request to simplify these articles, whereas Option B tries to take into account the specific conclusions from the specialised group on sport. In any case, if there is a need for further coordination with or support for harmonisation of the sports regulation by the sports movement, it could be covered by using a recommendation of the Conventional Committee, which will be an appropriate and flexible tool to elaborate on more specific issues.
<p>Each Party shall invite national sports organisations to adopt and implement regulations and recommendations concerning their respective rights, duties and best practices, in particular:</p> <ol style="list-style-type: none"> 1. regulations and recommendations on good governance of sport organisations and codes of conduct for competition stakeholders. 2. regulations, such as club licensing regulations, which guarantee that sport organisations respect contractual, statutory and other obligations towards athletes and enable national sports organisation to impose sanctions, such as bans on participation, for violation of these obligations. 3. regulations against manipulation of sports competitions, in line with the standards adopted by the relevant international sports organisations; 4. supervisory procedures in the area of manipulation of sports competitions, especially the assessment of risks of manipulations related to competitions or events, e.g. in the framework of an appropriate betting monitoring system; 5. disciplinary procedures, in line with agreed international general 	

<p>principles of law and ensuring respect for the fundamental rights of suspected athletes;</p> <ol style="list-style-type: none"> 6. procedures for the mutual recognition of suspensions and other sanctions imposed by other sports organisations, including in other countries; 7. invitation to athletes to participate actively in the fight against manipulation of sports competitions; 8. mechanisms for co-operation as well as swift and effective assistance and exchange of information, including of a spontaneous character, among relevant organisations and authorities on all aspects of concrete cases of manipulation of sport competitions; 9. mechanisms for education, training and publicity in order to raise awareness and knowledge among athletes on the issue of manipulation of sports competitions and its consequences 10. systems to select referees and judges at the latest possible stage before the competition or the event 11. monitoring systems for competitions and events where there is risk of manipulation. 	
<p>OPTION B</p> <p>Article (B)8 – Reduction of risk factors</p>	<p><u>Note</u>: Two different proposals were suggested for the re-drafting of art. 8: to elaborate on “protection” (and to move whistle-blower reference to this article) measures and to include “good governance” and other “risk factors”. The latter one was chosen.</p>
<p>Each Party shall undertake to encourage the sports organisations in their jurisdiction to adopt and implement regulations, recommendations and measures falling within their competence concerning their respective rights, duties and best practices, in particular:</p> <ol style="list-style-type: none"> 1. regulations and recommendations on good governance of sport organisations and codes of conduct for competition stakeholders. 2. regulations, such as club licensing regulations, which guarantee that sport organizations respect contractual, statutory and other obligations towards athletes and enable national sports organisation to impose sanctions, such as bans on participation, for breach of these obligations. 3. regulations, recommendations and measures aiming at the protection of [athletes] / [competition stakeholders] from gambling 	

<p>addiction or excessive debts.</p>	
<p>Article (B)9 – National sports organisations</p>	
<p>Each Party shall invite national sports organisations to adopt regulations and recommendations concerning their respective rights, duties and best practices, within the framework adopted by the relevant international sports organisations; these rules and recommendations may include, in particular:</p>	<p><u>Note:</u> If the wording “invite” is not suitable, the drafting group may consider adopting the wording of ETS135 art. 7.1 “undertake to encourage their sports organisations [and through them the international sports organisations] to formulate and apply all appropriate measures, falling within their competence...”</p> <p><u>Note:</u> competition organisers are covered by the definition of sports organisations</p> <p><u>Note:</u> Address separately the case of International organisations located in the national jurisdiction</p>
<p>1. rules on the prevention of conflicts of interest of [athletes] / [competition stakeholders];</p>	<p><u>Question:</u></p> <p><u>Is there a need for coordination of minimal standards about these rules relating conflicts of interest, or is it satisfactory to address these standards in explanatory or illustrating comments?</u></p> <p><u>Comment:</u></p> <p><u>These rules include :</u></p> <ul style="list-style-type: none"> • <u>bans on betting on some competitions, in particular in their own ones;</u> • <u>restricting the passing on of insider information;</u> • <u>prohibition of influencing any decision taken by betting operators about bets on their</u>

	<u>own sport / competition, or to play any function, including consultant or adviser to betting operators.</u>
2. systems for possible cancellation of sports competitions or disqualification of competitors where a risk of manipulation has been established/identified;	
3. obligations for athletes to report full details of any approaches or invitations to engage in conduct or incident that would amount to a breach of the rules related to manipulations of sports competitions set forth in this Convention; while providing them with appropriate protection and identifying competent persons responsible for receiving such reports.	<u>Comment:</u> “appropriate protection” covers data-protection and appropriate protection against any unjustified sanctions.
4. duties to co-operate with any reasonable investigation carried out by the international sports organisations or public authorities [and obligation to report suspicion of criminal offences [established]/[set forth] in this Convention] to judicial authorities;	
5. effective, proportionate and dissuasive sanctions for competitions stakeholders found to be in breach of these rules;	
6. mechanisms for temporary prohibition of participation in sports activities of competition stakeholders under prosecution;	
7. systems to select referees and judges at the latest possible stage before the competition or the event.	
8. supervisory procedures in the area of manipulation of sports competitions, especially the assessment of risks of manipulations related to competitions or events, and monitoring systems for competitions and events where there is risk of manipulation;	<u>Comment:</u> Risk assessment shall take into account the kind of bets offered on the competition.
9. disciplinary procedures, in line with agreed international general principles of law and ensuring respect for the fundamental rights of suspected athletes;	<u>Comment:</u> the deleted principles, which are part of the corresponding provision in ETS 135, may be mentioned in the comments.
10. procedures for the mutual recognition of suspensions and other sanctions imposed by other sports organisations, including in other countries;	<u>Questions:</u> It is possible for the Sports movement to enforce mutual recognition? What would be the

	<p>appropriate way to do so?</p> <p>Is there basic commitment to move in that direction?</p>
11. mechanisms for swift and effective assistance and exchange of information, including of a spontaneous character, among relevant organisations on all aspects of concrete cases of manipulation of sports competitions;	
12. measures for education, training and publicity in order to raise awareness and knowledge among competition stakeholders on the issue of manipulation of sports competitions and its consequences;	
Article 11 – Measures related to the financing of sports organisations	
1. Each Party shall adopt such legislative or other measures as may be necessary to ensure appropriate transparency of financing of sports organisations.	
2. Each Party shall consider the possibility to helping sports organisations by funding mechanisms for combating the manipulation of sports competitions either through direct subsidies or grants or by taking the cost of such mechanisms into account when determining the overall subsidies or grants to be awarded to those organisations.	
3. Each Party shall take appropriate steps to withhold the grant of subsidies from public funds, [for training purposes,] to individual sports organisations or athletes sanctioned for manipulation of sports competitions, for the duration of the sanction.	<u>Note:</u> inspired from the drafting of ETS135 art.4.3b
[4. Each Party shall adopt such legislative or other measures as may be necessary to ensure that sports organisations do not accept a betting operator as a sponsor unless it holds an official licence, which is recognised in accordance with national and international legal provisions.]	<u>Note:</u> This provision may be deleted, provided art. 15.3 also covers sponsoring.
	<u>Note:</u> <ul style="list-style-type: none"> Former art. 11.4 cancelled because it is not about financing of sports organisations, but prevention of conflicts of interest. Moreover, such a provision should not focus

	<p>on sponsoring, but it should reflect the provisions applicable to betting operators in art. 14.1b, c d and 14.2.</p> <ul style="list-style-type: none"> • Former art. 12 moved to 13.1.
Article 13 – Betting regulatory authority or other relevant authority/ies	
1. Each Party shall identify the relevant authority/ies for its betting market that are entrusted with the task of developing, establishing and monitoring the implementation of a legal framework for the betting market.	
2. Each Party shall authorise the relevant authority/ies to apply the relevant measures for the protection of the integrity of sports betting. In particular :	<u>Note</u> : This item should be presented as a header introducing the following items, and completed by the other items.
a) Each Party shall authorise its relevant authority/ies to provide, in a timely manner, law enforcement agencies and other relevant public authorities with information on possible illegal and/or irregular sports betting and other breaches of relevant regulations.	
b) Each Party shall adopt such legislative or other measures as may be necessary to enable the relevant authority/ies to restrict the organisation of sports bets within sports competitions in which minors are not predominant participants and whose organisational conditions and sporting stakes are sufficient and of a nature to reduce the likelihood of risks of manipulations. In this regard, each Party shall foresee that its relevant authority/ies can restrict the organisation of sports bets, following consultation with the national sports organisations and legal betting operators while taking account of the recommendation established in conformity with provisions set out in article 35 1.i.a.	<u>Comment</u> : explain “relevant authority/ies”
c) Each Party shall ensure prior transmission of information to sports competition organisers [or to national platforms for competitions taking place outside its jurisdiction], by the betting operators directly or via the intermediary of its regulatory authority/ies or other relevant authority [and, where appropriate, under its supervision] on the bets offered and registered in its territory.	<p><u>Comments</u>:</p> <ul style="list-style-type: none"> • Explain the type and the use of the information; • The Conventional committee shall consider how to facilitate the exchange of information.

	<u>Note</u> : moved to 14.1.d
d) Each Party shall authorise its betting regulatory authority/ies to ensure the sharing of information between different betting monitoring systems and explore possibilities for the establishment of a consolidated betting monitoring system in co-operation with the sports organisations.	<u>Note</u> : need to further discuss IOC comment and consider updating this provision in the light of the definition of national platforms
3. Each Party shall identify, taking into account the existing national structures, a national platform responsible for setting up a national betting surveillance mechanism in view of the aims of the present Convention. This national betting surveillance platform shall be responsible for gathering and centralising information provided by sports organisations and betting operators and, where appropriate shall proceed to flag intelligence liable to entail criminal classification to the relevant public authorities and to flag intelligence liable for classification under the regulations of the sports organisations to the latter. This national platform shall exchange information relevant to the objectives of the present Convention with national platforms of other Parties and, failing the existence of such a platform on the territory where the sporting competition concerned is being held, with the organiser of the latter [and with the betting operators].	<u>Note</u> : Specify the responsibility to communicate to the public and specify how (principles).
Article 14 – Betting operators	
1. Party shall adopt such legislative or other measures as may be necessary to prevent conflicts of interest and misuse of insider information by the betting operators’ owners and employees. In particular, they shall prevent them from:	
a) betting on their own betting products;	<p><u>Questions</u>: Which is the most adequate rule?</p> <ul style="list-style-type: none"> • “their own products”? • “betting products offered in the territory or in the jurisdiction”? • “betting products they contributed to develop or when they compiled the odds”? • a flexible rule to decide according to the situation?
b) influencing any sporting decision taken by [athletes or teams] /	

[competition stakeholders] in competitions offered for bets;	
c) taking part as [athletes or acting as sports officials] / [competition stakeholders] in events and/or competitions for which they have been involved in compiling the odds.	
d) abusing a position of sponsor or part-owner of a sports organisation, facilitating a manipulation of sports competitions or misusing insider information.	
2. Each Party shall adopt such legislative or other measures as may be necessary to ensure that betting operators prevent sports organisations or [competition stakeholders] from having a controlling interest in their companies [and to ensure that sports organisations prevent betting operators as well as their owners and employees from having a controlling interest in their organisations].	
3. Each Party shall invite betting operators to adopt self-regulatory rules, among others on:	<p><u>Comment:</u> self-regulation means granting responsibility to operators, who may have to be accountable. (Need communication and commitment)</p> <p><u>Question:</u> it is possible to take into account and to coordinate self-regulation at international level?</p> <p><u>Note:</u> make sure that any recommendation aimed at setting-up an international co-ordinated framework for self-regulation (in particular the risk assessment with specific criteria) is consulted with the relevant international (sport and betting operators) organisations.</p>
a) the prevention of conflicts of interest for themselves, their owners and employees;	
b) the prohibition of high-risk bets;	<p><u>Comment:</u></p> <p>The risk may lie in the person, the circumstances, the type of bet or the event offered to bets.</p>

c) the limitation of the amounts of certain bets that are more risky;	
d) the systematic use of ways of payment allowing financial flows to be traced, in particular the senders, the receivers, the amounts and the payment account numbers used;	
e) the establishment of betting monitoring systems and the co-operation with the sports organisations and public monitoring systems for identification of suspicious bets;	
f) mechanisms for sharing collected information with relevant public authorities, sports organisations and other betting operators;	
g) mechanisms for preventing athletes to bet on their own sport	<u>Note:</u> Specify relevant target group (athletes, officials, competition stakeholders, ...)
4. Each Party shall adopt such legislative or other measures as may be necessary to ensure [full] / [adequate] transparency of all betting transactions related to betting in order to monitor suspicious bets with the relevant public authorities.	<u>Question:</u> It is possible to specify the information needed?
5. Each Party shall adopt such legislative or other measures as may be necessary to ensure that betting operators swiftly report suspicious bets to the competent public authorities, as well as to sports organisations and other betting operators.	
6. Each Party shall adopt such legislative or other measures as may be necessary to ensure that betting operators interrupt the validation of bets placed on competitions for which a high probability of manipulation has been determined by the relevant public authority.	
7. Each Party shall adopt such legislative or other measures as may be necessary to allow specific limiting of a betting offer, taking into account irregularities found in terms of manipulation of sports competitions.	
Article 15 – Illegal sports betting	
With a view to combating manipulation of sports competitions, each Party shall explore the possibilities of fighting against operators of illegal sports betting, and shall consider adopting coordinated measures such as:	
1. restricting directly and indirectly the access to those illegal betting operators in accordance with the international [and national] standards on the protection of freedom of expression	<u>Comment:</u> Explain direct and indirect way to restrict access to physical

and access to information;	and on-line operators (e.g. closing them, bringing them to legality, IP blocking, DNS blocking, dereferencing them from search engines, prevent hosting, ...)
2. blocking financial flows between those illegal operators and players;	
3. prohibiting advertisement for these illegal betting operators;	<u>Comment:</u> This also covers sponsoring of competitors taking part in national competitions within the jurisdiction.
4. raising the awareness of consumers on the risks associated with illegal operators.	
OPTION A Chapter III – Substantive criminal law	<u>Note:</u> Option A includes minimal harmonised criminal offences; it is based on the “French proposal”, as elaborated by the Specialised group on law-enforcement.
Article (A)16 – Manipulation of sports competitions through coercion	
Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law the acts threat or use of force or other forms of coercion, when committed intentionally to impose an arrangement, an action or an avoidance to alter the natural and fair course of a sports competition.	<u>Comment:</u> <ul style="list-style-type: none"> • Coercion also covers blackmail, poisoning, abduction, abuse of power or of a position of vulnerability • <u>This</u> does not cover “rough play” or agreement among a team to use rough play.
Article (A)17 –Active bribery of sports events [yielding a profit]/[related to betting]	
Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally in order to obtain an advantage of financial value [through irregular betting], the promising, offering or	<u>Notes:</u> <ul style="list-style-type: none"> • Option A1: “in order to obtain an advantage of

<p>giving, directly or indirectly, of any undue advantage to any person, for themselves or for anyone else, whereby the latter alters the natural and fair course of a sports competition</p>	<p>financial value”</p> <ul style="list-style-type: none"> • Option A2: “in order to obtain an advantage of financial value through irregular betting” • A1 is broader and would allow to put a reservation to restrict the meaning to irregular betting <p>Question:</p> <p>What would be the consequence of replacing « any person » with « competition stakeholder »?</p> <p>Comment:</p> <p>Advantage of financial value = direct (e.g. betting revenue, bonus money), or indirect (e.g. betting capital gain of your share in the club, opportunity for cheaper transfer fees, grant from the IF to your club, sponsoring opportunities...).</p>
<p>Article (A)18 – Passive bribery of sports competitions offered for betting</p>	
<p>Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law, the request or receipt by any person, directly or via a third party, of any undue advantage or the acceptance of an offer or a promise, for himself or herself or for anyone else, whereby he or she alters the natural and fair course of a sports competition offered for betting.</p>	<p><u>Question:</u> What would be the consequence of replacing « any person » with « competition stakeholder » ?</p>
<p>Article (A)19 – Fraud through manipulation of sports competitions yielding a profit [related to betting]</p>	<p><u>Note:</u></p> <p>Drafting inspired from ETS 185 art. 8.</p>
<p>Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by the alteration of the natural and fair course of a sports competition, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself</p>	<p><u>Note:</u></p> <p><u>Option A1:</u> “an economic benefit for oneself or for another person”</p> <p><u>Option A2:</u> “an economic benefit for oneself or for</p>

or for another person [through irregular betting].	another person through irregular betting”
[Article (A)20 – Fraud through manipulation of sports competitions yielding a profit unrelated to betting	<u>Note</u> : In case Option A1 is chosen in art. 17 and 19, this article can be deleted. In case Option A2 is chosen in art. 17 and 19, such an art. 20 may allow addressing with flexibility (possible reservation) remaining cases yielding a profit.
Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by the alteration of the natural and fair course of a sports competition, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.]	
OPTION B	<u>Note</u> : Option with flexible reference to existing criminal offences
Chapter III – Implementation of criminal law	
Article (B)16 – Legislative and other measures	
Each Party shall ensure that in accordance with its national laws, manipulation of sports competitions may be sanctioned as a criminal offence, [when it involves coercive practices, corrupt practices or fraudulent practices] / [when it is committed with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person];	<u>Note</u> : <ul style="list-style-type: none"> • Option B1 : “when it involves coercive practices, corrupt practices or fraudulent practices” • Option B2 : “when it is committed with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person” <u>Comment</u> : Define “coercive practices, corrupt practices or fraudulent practices”, e.g.

	inspired from the EBRD Integrity Guidelines ² .
Article (A)21 B(17) – Money laundering of proceeds from criminal offences of manipulations of sports competitions	
<p>1. Each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Products from Crime (ETS No. 141), Article 6, paragraphs 1 and 2, under the conditions referred to therein, when the predicate offence consists of any of the criminal offences established in accordance with Articles 16[to 20] of this Convention, to the extent that the Party has not made a reservation or a declaration with respect to these offences or does not consider such offences as serious ones for the purpose of their money laundering legislation.</p> <p>2. Each Party shall consider to include manipulations of sports competitions into its anti-money laundering prevention framework.</p>	<p><u>Note</u>: cf. ETS 173, art.13</p> <p><u>Question to Moneyval</u>: should this cover art. 16 to 19 or 16 to 20?</p> <p><u>Question</u>: Should this provision be redrafted in case art. 16 option B is preferred? (e.g. “shall consider adopting”)</p>

1. _____

² *Corrupt practices*

“*Corrupt Practice*” means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party. In implementing this definition, the EBRD will be guided by the following principles:

(a) The conduct in question must involve the use of improper means (such as bribery or kickbacks) by someone to induce another person to act or to refrain from acting in the exercise of his duties, in order to obtain or retain business, or to obtain an undue advantage. Antitrust, securities and other violations of law that are not of this nature fall outside of the definition of corrupt practices but may still be scrutinised under alternative procedures.

(b) It is acknowledged that foreign investment agreements, concessions and other types of contracts commonly require investors to make contributions for bona fide social development purposes or to provide funding for infrastructure unrelated to the project. Similarly, investors are often required or expected to make contributions to bona fide local charities. These practices are not viewed as *Corrupt Practices* for purposes of these definitions, so long as they are permitted under local law and fully disclosed in the payer’s books and records. Similarly, an investor will not be held liable for corrupt or fraudulent practices committed by entities that administer bona fide social development funds or charitable contributions.

(c) In the context of conduct between private parties, the offering, giving, receiving or soliciting of corporate hospitality and gifts that are customary by internationally-accepted industry standards shall not constitute corrupt practices unless the action violates applicable law.

(d) Payment by private sector persons of the reasonable travel and entertainment expenses of public officials that are consistent with existing practice under relevant law and international conventions will not be viewed as *Corrupt Practices*.

(e) The EBRD does not condone facilitation payments; such payments, whether they are criminalised or not. Such payments, which are illegal in most countries, are dealt with in accordance with relevant local laws and international conventions.

Fraudulent practices

“*Fraudulent Practice*” means any action or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial benefit or to avoid an obligation. In implementing this definition, the EBRD will be guided by the following principles:

(a) An action, omission, or misrepresentation will be regarded as made recklessly if it is made with reckless indifference as to whether it is true or false. Mere inaccuracy in such information, committed through simple negligence, is not enough to constitute a “*Fraudulent Practice*”.

(b) *Fraudulent Practices* are intended to cover actions or omissions that are directed to or against the EBRD. The expression also covers *Fraudulent Practices* directed to or against an EBRD member country in connection with the award or implementation of a government contract or concession in a project financed by the EBRD. Frauds on, or other illegal behaviour directed against, other third parties are not condoned. Such behaviour may represent an impediment to doing business with EBRD.

Coercive practices

“*Coercive Practice*” means impairing or harming, or threatening to impair or harm directly or indirectly, any party or the property of the party to influence improperly the actions of a party. In implementing this definition, the EBRD will be guided by the following principles:

(a) *Coercive Practices* are actions undertaken for the purpose of bid rigging or in connection with public procurement or government contracting or in furtherance of a *Corrupt Practice* or a *Fraudulent Practice*.

(b) *Coercive Practices* are threatened or actual illegal actions such as personal injury or abduction, damage to property, or injury to legally recognizable interests, in order to obtain an undue advantage or to avoid an obligation. It is not intended to cover hard bargaining, the exercise of legal or contractual remedies or litigation in such implementation.

Article (A)22 (B)18 – Corporate liability	Cf. ETS 185 or 197
<p>1. Each Party shall adopt such legislative or other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence [established in accordance with] / [set forth in] this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on:</p> <p>a. a power of representation of the legal person; or</p> <p>b. an authority to take decisions on behalf of the legal person; or</p> <p>c. an authority to exercise control within the legal person;</p> <p>2. In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence [established in accordance with] / [set forth in] this Convention for the benefit of that legal person by a natural person acting under its authority.</p> <p>3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.</p> <p>4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.</p>	<p><u>Question:</u> Should this provision be redrafted in case art. 16 option B is preferred? (e.g. shall consider adopting”)</p>
Article (A)23 (B)19 – Aiding or abetting	
<p>Each Party shall adopt such legislative or other measures as may be necessary to establish as offences, when committed intentionally, aiding or abetting the commission of any of the offences [established in accordance with article (A)16 to (A)20] / [set forth at article (B)16] of the present Convention.</p>	<p><u>Question:</u> Should this provision be redrafted in case art. 16 option B is preferred? (e.g. “shall consider adopting”)</p>
Chapter IV– Jurisdiction, procedural criminal provisions and law enforcement measures	
Article 21 – Jurisdiction	<p><u>Note:</u> drafting inspired from STE 201, art. 25</p> <p><u>Note:</u> Depending on the Convention, provisions on “Jurisdiction” may be part of Substantive criminal law provision or part of another chapter.</p>

1. Each Party shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:	
a. in its territory; or	
b. on board a ship flying the flag of that Party; or	
c. on board an aircraft registered under the laws of that Party; or	
d. by one of its nationals; or	
e. by a person who has his or her habitual residence in its territory..	
2. Each Party shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.	
3. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraph 1.e of this article.	
4. For the prosecution of the offences [established in accordance with Articles 16, 17, 18, 19, and 20 of this Convention] / [set forth at article 16 of this Convention], each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards paragraph 1.d is not subordinated to the condition that the acts are criminalised at the place where they were performed.	
5. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to limit the application of paragraph 4 of this article, with regard to offences established in accordance with Article 18, paragraph 1.b, second and third indents, to cases where its national has his or her habitual residence in its territory.	
6. For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1.a, and 21 of this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards	

paragraphs 1.d and e is not subordinated to the condition that the prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed.	
7. Each Party shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged offender is present on its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality.	
8. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.	
9. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law	
Article 22 – Law enforcement	
1. Each Party shall adopt such measures as may be necessary to ensure that public authorities, as well as any public official, cooperate, in accordance with national law, with those of its authorities responsible for investigating and prosecuting criminal offences:	
a) by informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the criminal offences referred to in this Convention has been committed, or	
b) by providing, upon request, to the latter authorities all necessary information.	
2. Each Party shall review its national law to ensure that law enforcement agencies have appropriate investigative means such as monitoring of communications, seizing of material, covert surveillance, monitoring of bank accounts and other financial investigations in the fight against manipulation of sports competitions, in cases of manipulation of competitions which are covered by criminal provisions ;	
3. Each Party shall adopt legislative or other measures to ensure, in accordance with the national law and on the basis of applicable bilateral and multilateral treaties, the use of effective channels for the exchange of intelligence and information related to the investigation and/or prosecution of manipulation of sports	

competitions at national and international level.	
4. Each Party shall assist other Parties to the fullest extent possible and enable spontaneous exchange of intelligence and information on manipulation of sports competitions between national, foreign and international authorities, where there are reasonable grounds to believe that any offence established in accordance with this Convention has been committed, and provide, upon request, all necessary information to the national, foreign or international authority requesting them.	<u>Question</u> : Should this provision be moved to another chapter?
	<u>Note</u> : The former paragraph Nr 5 is covered by the art. 13.3
Article 23 – Cybercrime	
Each Party shall adopt such measures as may be necessary to ensure, in accordance with the fundamental principles of its legal system, that the relevant provisions on cybercrime apply to criminal offences set forth in accordance with this Convention.	
Article 24 – Preservation and management of electronic data	
<p>1. Each Party shall adopt legislative or other measures as may be necessary to ensure that betting operators and sports organisations which do not voluntarily co-operate in submitting data in their possession or under their control are obliged to do so, in accordance with the fundamental principles of its legal system. Betting operators and sports organisations should be subject to effective, proportionate and dissuasive sanctions, including pecuniary ones, and other measures in the event that they do not co-operate with public authorities or if they hinder the collection of electronic evidence in the field of sporting bets.</p> <p>2. Each Party shall adopt legislative or other measures enabling the preservation of electronic data on customer identification, stakes, and betting operators, for the duration required for the investigation, but not exceeding... months.</p>	
Article 25 – Protection measures	
<p>Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for:</p> <p>a. those who report the criminal offences set forth in accordance with this Convention or otherwise co-operate with the investigating or prosecuting authorities;</p> <p>b. witnesses who give testimony concerning these offences.</p>	

Chapter V – Sanctions	
Article 26 – Different sanctions and measures	
<p>1. Subject to the legal principles of the Party, the liability in cases of manipulation of competitions may be criminal, civil or administrative. It is complemented by a disciplinary liability, which fall in the remit of the competences of the sports organisations.</p>	<p><u>Note</u>: inspired from usual positions on corporate liability. ETS 174 and 182 refer to administrative law in their explanatory memorandum and may be source of inspiration.</p> <p><u>Question</u>: Is this way to refer to possible administrative measures/sanctions appropriate, considering that some States do not know administrative sanctions?</p>
<p>2. Each Party shall entrust application of sanctions and measures established in accordance with national law to its public authorities and application of disciplinary sanctions to sports organisations.</p>	
	<p><u>Note</u>: need to discuss in plenary the relevance and, where appropriate, the possible drafting of tactical behaviours, that would in principle, fall in the remit of the disciplinary competences of sports organisations.</p> <p><u>Comment</u>: explain that every case that is not covered by criminal provisions falls into the remit of sports movement.</p> <p>Possible to illustrate in comments with example of “tactical behaviour”</p>
<p>3. Each Party shall ensure application of the sports organisations’ disciplinary sanctions accompanying the criminal sanctions, [such as temporary ban for further sports activities of sanctioned persons]; the same applies for the administrative measures, [such as suspension or withdrawal of licences for sanctioned betting operators and closing of internet sites], which might be taken by the relevant authority in accordance to the national</p>	<p><u>Note</u>: the examples mentioned between square brackets may be moved to the comments.</p>

law.	
4. Each Party shall ensure that all procedures leading to the application of sanctions set forth in Paragraph 1 are in line with agreed international general principles of law and shall ensure respect for the fundamental rights of suspected persons.	<u>Comment</u> : mention relevant principle as part of the comments, to echo ETS 135 and simplify the drafting.
Article 27 – Criminal sanctions and measures	
1. Having regard to the serious nature of the criminal offences [referred to or specified]/[established] in accordance with this Convention, each Party shall provide, in respect of those criminal offences, effective, proportionate and dissuasive sanctions and measures[, including, when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.]	<u>Question</u> : Check whether the current wording is sufficient to ensure that at least one of these incriminations is considered as a “serious offense” in the sense of the UNTOC. <u>Note</u> : In case Option A is chosen at art. 16, the wording “established” will be preferred to “referred to or specified”
2. Each Party shall ensure that legal persons held liable in accordance with Article (B)16 [Articles (A)16 to (A)20] and with article (A)22 (B)18, shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions[, including monetary sanctions.]	
3. Each Party shall adopt such legislative or other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences referred to in this Convention, or property the value of which corresponds to such proceeds.	
Article 28 – Other possible sanctions and measures under the national law	<u>Questions</u> : <ul style="list-style-type: none"> • Is there a risk in establishing different categories of sanctions and measures? • Does it help countries with administrative law and is it acceptable to countries without administrative law? • Would it be simpler to merge the articles on criminal sanctions and other possible sanctions and measures?
1. Each Party shall adopt, where appropriate, such legislative or other measures in respect of acts which are punishable under	<u>Note</u> : inspired from STE 182

<p>the national law, as may be necessary to sanction violations set forth in this Convention by effective, proportionate and dissuasive sanctions and measures following proceedings brought by the administrative authorities[, where the decision may give rise to proceedings before a court having jurisdiction.].</p>	<p>art. 1.3 <u>Question:</u> Is this way to refer to possible administrative measures/sanctions appropriate, considering that some States do not know administrative sanctions?</p>
<p>2. Each Party shall ensure the right of sanctioned persons to seek judicial protection against decisions on administrative sanctions.</p>	
<p>Article 29 – Disciplinary sanctions and measures</p>	
<p>1. Each Party shall [invite]/[allow]/[entrust] sports organisations to apply effective, proportionate and dissuasive disciplinary sanctions and measures to breaches of their rules against manipulation of sports competitions, including the ones set forth in Article 9, Subparagraph a of this Convention.</p>	
<p>OPTION A</p> <p>2. Each Party shall ensure recognition and enforcement of disciplinary decisions of [national] sports organisations in its legal system, and, where appropriate, support their enforcement by a designated authority or by a relevant organisation.</p> <p>OPTION B</p> <p>2. Each Party shall, recognise disciplinary decisions of [national] sports organisations and enable their enforcement in accordance with its national law.</p>	
<p>Chapter V – International co-operation</p>	
<p>Article 30 – General principles and measures for international co-operation</p>	<p><u>Note:</u> drafting inspired from ETS 201, art. 38</p> <p><u>Question:</u> PC-OC is welcome to advise in particular on this part.</p> <p>Please check whether such an article would be compatible both with option A or option B on criminal provisions, and, where appropriate, which changes should be brought to fit with a “recommendation” approach (Option B).</p>

1. The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of :	
a. preventing and combating manipulations of sports competitions;	
b. protecting and providing assistance to victims;	
c. investigations or proceedings concerning the offences established in accordance with this Convention.	
2. Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.	
3. If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty receives a request for legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider this Convention the legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.	
4. Each Party shall endeavour to integrate, where appropriate, prevention and the fight against manipulations of sports competitions assistance programmes for development provided for the benefit of third states.	
Article 30bis – International co-operation with International Sports organisations	
Each Party shall explore possibilities to develop or enhance co-operation with international sports organisations and their affiliated national organisations in the fight against sports manipulation, especially in the areas of financing of [specific measure to defend the integrity of] sport, as set forth for national sports organisations in Article 11 of this Convention and exchange of information as set forth in Article 13.3 and 32 of this Convention.	
Article 31 – Recognition of sanctions of international sports organisations	
States Parties shall, where appropriate and in accordance with national law, ensure recognition and enforcement in their legal	<u>Note</u> : Compare the wording with UNESCO Convention and

<p>system of disciplinary decisions of international sports organisations and their affiliated national organisations that are consistent with this convention, and, where appropriate, support their enforcement by designated public sports authority or by the relevant national sports organisation.</p>	<p>try to adopt a wording based in the UNESCO one, at art. 16: <i>[Recognizing that the fight against doping in sport can only be effective when athletes can be tested with no advance notice and samples can be transported in a timely manner to laboratories for analysis,]States Parties shall, where appropriate and in accordance with domestic law and procedures (...) mutually recognize the [doping control procedures and test results management, including the] sport sanctions [thereof,] of any [anti-doping]organization that are consistent with [the Code.]</i></p>
<p>Article 32 – Exchange of information between Parties and international sports organisations</p>	
<p>1. Without prejudice to its own investigations or proceedings and to the applicable data protection provisions, a Party shall consider, in accordance with national law, with or without prior request, directly or via the national platform mentioned in art. 13.3, forwarding to international sports organisations or their affiliated national organisations information on facts when it considers that the disclosure of such information might assist international sports organisations and their affiliated national organisations in initiating or carrying out their inquiries or proceedings concerning manipulation of sports competitions.</p>	<p><u>Question:</u> Delegations pointed out that sharing this kind of information with “NGOs” based in foreign countries won’t be possible. The option of setting up criteria and to grant the Conventional committee with the competence to recognise organisations fulfilling these criteria will be explored: What are the criteria and guarantees that are expected from international private organisations for potentially benefiting from such information flows?</p>
<p>2. International sports organisations or their affiliated national organisations shall promptly inform public authorities of the Party under Paragraph 1 of this article of the action taken on the basis of received information and the final result of that action.</p>	
<p>3. Without prejudice to its own inquiries or proceedings, international sports organisations and their affiliated national</p>	

<p>organisations shall with or without prior request directly forward to public authorities of the Party information on facts when it considers that the disclosure of such information might assist the Party in initiating or carrying out their investigations or proceedings concerning criminal offences referred to in this Convention.</p>	
<p>4. Each Party under Paragraph 3 of this article may promptly inform international sports organisations or their affiliated national organisations of the action taken on the basis of received information and the final result of that action.</p>	
<p>Article 33 – Exchange of information between national betting surveillance platforms, betting regulatory authorities, sports organisations and legal betting operators</p>	
<p>1. At the international level, an exchange of information and co-operation shall be enabled between the national betting surveillance platforms, the betting regulatory authorities, the sports organisations and the betting operators, in order to fight against the manipulation of sports competitions and in particular to establish sustainable dialogue on harmonising preventative measures, detection and enforcement.</p>	
<p>2. Each Party shall authorise its betting regulatory authority/ies [or the relevant authority/ies] to co-operate at an international level with betting regulatory authorities.</p>	
<p>3. Each Party shall ensure co-operation and exchange of information between national betting surveillance platforms where they exist.</p>	
<p>4. Each party shall explore possibilities to develop or enhance co-operation and exchange of information in the area of fighting illegal sports betting as set forth in Article 15 of this Convention.</p>	
<p>Chapter VI – Follow up</p>	
<p>Article 34 – Conventional Committee</p>	
<p>1. For the purposes of this Convention, a Conventional Committee is hereby set up.</p>	
<p>2. Any Party shall be represented on the Conventional Committee by three experts, representatives of relevant public authorities responsible for sport, law-enforcement and betting regulation. Each Party shall have one vote.</p>	

3. Any State which is not a Party to this Convention may be represented on the Conventional Committee by an observer.	
4. The Conventional Committee may invite any State which is not a Party to the Convention and any sports or other organisation, if appropriate, to be represented by an observer at its meetings.	
5. The Conventional Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held as soon as reasonably practicable, and in any case within one year after the date of the entry into force of the Convention. It shall subsequently meet whenever necessary, at least once a year at the initiative of the Conventional Committee itself or a Party.	
6. A majority of the Parties shall constitute a quorum for holding a meeting of the Conventional Committee.	
7. The Conventional Committee shall meet in private.	
8. Subject to the provisions of this Convention, the Conventional Committee shall draw up and adopt by consensus its own Rules of Procedure.	
9. Necessary secretariat services to the Conventional Committee shall be provided by the Secretary General.	
Article 35 – Functions of the Conventional Committee	
1. The Conventional Committee shall monitor the application of this Convention. It may in particular:	
a) keep under review implementation of the provisions of this Convention, mainly through examination of national evaluation reports drawn up by means of questionnaires and through examination of information provided by international sports organisations, the networks of betting regulatory authorities and the international associations of betting operators;	
b) hold consultations with relevant international sports organisations, the networks of betting regulatory authorities and the international associations of betting operators;	
c) make recommendations to the Parties concerning measures to be taken for the purposes of this Convention;	<u>Note</u> : ensure that these recommendations can be monitored
d) keep relevant international organisations and the public informed about the activities undertaken within the framework of this	

Convention;	
e) make recommendations to the Committee of Ministers of the Council of Europe concerning non-member States of the Council of Europe to be invited to accede to this Convention;	
f) propose amendments to articles of this Convention ;	
g) submit to the International Forum on Sports integrity reports on the results of the monitoring of application of the Convention;	
h) make any proposal for improving the effectiveness of this Convention and recommendation set-up as appendixes thereto;	
i) adopt as a recommendation set out as an appendix to this Convention, following the publication of explanatory documentation and consultation within the International Forum on Sports Integrity, any revision thereto and fix the date for the relevant decisions to enter into force of:	<u>Note</u> : consultation of betting and sports organisations and documentation.
i. the list of criteria to typify some bets as “high-risk” bets and “more risky bets”, referred to in Articles 14.3b) and c) ;	
ii. the list of criteria for typifying “suspicious bets”, referred to in Article 14.5;	
[iii. criteria to be fulfilled by international sports organisations to benefit from information exchange as mentioned at Article 32 of this Convention;]	
2. In order to discharge its functions, the Conventional Committee may, on its own initiative, arrange for meetings of experts or for consultative or assessment visits in the State Parties.	
Article 36 – Reports of the Conventional Committee	
After each meeting, the Conventional Committee shall forward to the State Parties a report on its work and on the functioning of the Convention.	
Article 37 – International Forum on Sports integrity	
1. An International Forum on Sports integrity is hereby established to improve the capacity of and co-operation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation.	
2. The Secretary General of the Council of Europe shall convene the International Forum on Sports integrity not later than one year following the entry into force of this Convention. Thereafter,	

regular meetings of the International Forum on Sports integrity shall be held in accordance with the rules of procedure adopted by the Forum.	
3. The International Forum on Sports integrity shall adopt rules of procedure and rules governing the functioning of the activities set forth in this article, including rules concerning the admission and participation of observers, and the payment of expenses incurred in carrying out its activities.	
4. The International Forum on Sports integrity shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including:	
a) Facilitating activities by States Parties under chapters II to V of this Convention,	
b) Facilitating the exchange of information among States Parties on patterns and trends in manipulation of sports competitions and on successful practices for preventing and combating it, through, inter alia, the publication of relevant information as mentioned in this article;	
c) Co-operating with relevant international and regional sports, betting and other organizations and mechanisms and non-governmental organizations;	
d) Making appropriate use of relevant information produced by organisations and mechanisms under sub-paragraph c for combating and preventing in order to avoid unnecessary duplication of work;	
e) Reviewing periodically the implementation of this Convention by its States Parties as assessed by the Conventional Committee in accordance with Article 35 of this Convention;	
f) Making recommendations to the Conventional Committee to improve this Convention and its implementation;	
g) Taking note of the technical assistance requirements of States Parties with regard to the implementation of this Convention and recommending any action it may deem necessary in that respect;	
[h) Considering the establishment of a permanent international body for the fight against manipulation of sports competitions.]	
5. For the purpose of paragraph 4 of this article, the International Forum on Sports integrity shall acquire the necessary knowledge of the measures taken by States Parties in implementing this	

Convention and the difficulties encountered by them in doing so through information provided by them and through information provided by the Conventional Committee as foreseen in Article 35 of this Convention.	
6. Delegation of each State Party for the International Forum on Sports integrity shall be composed of representatives of public authorities, sports organisations and betting operators.	
Article 38 – Secretariat	
1. The Secretary General of the Council of Europe shall provide the necessary secretariat services to the International Forum on Sports integrity.	
2. The secretariat shall:	
a) Assist the International Forum on Sports integrity in carrying out the activities set forth in Article 37 of this Convention and make arrangements and provide the necessary services for the sessions of the International Forum on Sports integrity;	
b) Upon request, assist States Parties in providing information to the International Forum on Sports integrity as foreseen in Article 37, paragraph 5 of this Convention; and	
c) Ensure the necessary coordination with the secretariats of relevant international and regional organisations and mechanisms.	
Chapter VII – Final provisions	
Article 39 – Signature and entry into force	
1. This Convention shall be open for signature by the member States of the Council of Europe and by non-member States which have participated in its elaboration.	
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.	
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least three member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraphs 1 and 2.	

<p>4. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of its consent to be bound by the Convention in accordance with the provisions of paragraphs 1 and 2.</p>	
<p>Article 40 – Accession to the Convention</p>	
<p>1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe after consulting the Contracting States to the Convention, may invite the European Union as well as any State not a member of the Council of Europe to accede to this Convention. The decision shall be taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.</p>	
<p>2. In respect of any State acceding to the Convention under paragraph 1 above, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.</p>	
<p>Article 41 – Territorial application</p>	
<p>1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.</p>	
<p>2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.</p>	
<p>3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.</p>	

Article 42 – Relationship to other conventions and agreements	
1. This Convention does not affect the rights and undertakings derived from international multilateral conventions concerning special matters.	
2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.	
3. If two or more Parties have already concluded an agreement or treaty in respect of a subject which is dealt with in this Convention or otherwise have established their relations in respect of that subject, they shall be entitled to apply that agreement or treaty or to regulate those relations accordingly, in lieu of the present Convention, if it facilitates international co-operation.	
Article 43 – Effects of the Convention	
1. The purpose of the present Convention is also to supplement applicable multilateral or bilateral treaties or arrangements as between the Parties, including the provisions of:	
a) the European Convention on Extradition, opened for signature in Paris, on 13 December 1957 (ETS No. 24);	
b) the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 20 April 1959 (ETS No. 30);	
c) the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 17 March 1978 (ETS No. 99).	
2. If two or more Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established their relations on such matters, or should they in future do so, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly. However, where Parties establish their relations in respect of the matters dealt with in the present Convention other than as regulated therein, they shall do so in a manner that is not inconsistent with the Convention's objectives and principles.	

3. Nothing in this Convention shall affect other rights, restrictions, obligations and responsibilities of a Party.	
Article 44 – Federal clause	
1. A federal State may reserve the right to assume obligations under chapters II, III and IV of this Convention consistent with its fundamental principles governing the relationship between its central government and constituent States or other similar territorial entities provided that it is still able to co-operate under Chapter V.	
2. When making a reservation under paragraph 1, a federal State may not apply the terms of such reservation to exclude or substantially diminish its obligations to provide for measures set forth in chapters III and IV. Overall, it shall provide for a broad and effective law enforcement capability with respect to those measures.	
3. With regard to the provisions of this Convention, the application of which comes under the jurisdiction of constituent States or other similar territorial entities, that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States of the said provisions with its favourable opinion, encouraging them to take appropriate action to give them effect.	
Article 45 – Reservations	
4. By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservations provided for in Article 17, paragraph 2 and Article 44, paragraph 1.	
Article 46 – Status and withdrawal of reservations	
5. A Party that has made a reservation in accordance with Article 45 may wholly or partially withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect on the date of receipt of such notification by the Secretary General. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date on which the notification is received by the Secretary General, the withdrawal shall take effect on such a later date.	

6. A Party that has made a reservation as referred to in Article 45 shall withdraw such reservation, in whole or in part, as soon as circumstances so permit.	
7. The Secretary General of the Council of Europe may periodically enquire with Parties that have made one or more reservations as referred to in Article 45 as to the prospects for withdrawing such reservation(s).	
Article 47 – Amendments	
1. Amendments to the articles of this Convention may be proposed by a Party, the Conventional Committee or the Committee of Ministers of the Council of Europe.	
2. Any amendment proposed by a Party, by the Conventional Committee or the Committee of Ministers shall be communicated to the International Forum on Sports integrity at least two months before the meeting at which it is to be considered. The International Forum on Sports integrity shall submit to the Committee of Ministers its opinion on the proposed amendment, where appropriate after consultation with the relevant international sports organisations and umbrella organisations of betting regulatory authorities, lotteries and/or betting operators.	
3. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the International Forum on Sports integrity and may adopt the amendment.	
4. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.	
5. Any amendment adopted in accordance with paragraph 3 of this article shall come into force on the first day of the month following the expiration of a period of one month after all Parties have informed the Secretary General of their acceptance thereof.	
Article 48 – Settlement of disputes	
1. EPAS shall be kept informed regarding the interpretation and application of this Convention.	
2. In case of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the EPAS, to	

an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.	
Article 49 – Denunciation	
1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.	
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.	
Article 50 – Notification	
1. The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in the elaboration of this Convention as well as any State which has acceded to, or has been invited to accede to, this Convention of:	
a) any signature;	
b) the deposit of any instrument of ratification, acceptance, approval or accession;	
c) any date of entry into force of this Convention in accordance with Articles 39 and 40;	
d) any other act, notification or communication relating to this Convention.	
2. In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.	
3. Done at _____, this _____ 2013, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.	