

Strasbourg, 25 May 2018

EPAS(2018)14rev
(T-MC(2018) 38)

Enlarged Partial Agreement on Sport (EPAS)

Making a quantum leap towards political and legal commitments in the fight against the manipulation of sports competitions thanks to the Macolin Convention

Informal Networking Event, Moscow, 14 June 2018

organised by the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe in co-operation with the Ministry of Sports of the Russian Federation

1. Currently there are a limited number, if at all any, trans-national legally binding instruments in this domain.
 - 1.1 Certain important aspects of offences related to sport are covered by existing international conventions on corruption, money-laundering and organised crime (United Nations and Council of Europe conventions).
 - 1.2 National legislations on those issues generally exist in most of the Council of Europe member states. However, the manipulation of sports competitions does involve corrupt practices that are not covered by international conventions nor by national laws notably with regard to appropriately sanctioning serious offences when related to sport.
 - 1.3 Fewer than 20 countries have recently amended or adopted specific laws criminalising their approach to combating certain manipulations, notably match-fixing and illegal/irregular betting (see UNODC/IOC “[Model Criminal Law Provisions for the Prosecution of Competition Manipulation](#)”, 2013 and UNODC/ICSS “[Resource Guide on Good Practices in the Investigation of Match-Fixing](#)”, 2016).
 - 1.4 The fact that there is currently no enforceable legally binding instrument at international level and that member states have other limited possibilities to harmonise their national legislations regarding the fight against sports manipulations, is creating a fragmented approach which has negative consequences, notably:

- such cross-sectorial and/or transnational actions require a sound legal framework within which to act, which is currently non-existent;
 - actions taken by the different stakeholders are isolated or not co-ordinated, and/or not sufficiently supported by their institutions, resulting in a surplus use of resources and energy;
 - isolated actions are not secured and are not sustainable, which may lead to discouragement of certain actors, and limit the effectiveness of their actions;
 - agencies that are required to act within a restrictive legal or administrative environment are not ready to address the complexity of the problem;
 - national public authorities feel powerless because they are insufficiently connected with their counterparts in other countries.
2. The Macolin Convention is the first and, currently, the only binding instrument defining national and trans-national co-operation in the specific field of manipulation of sports competitions at international level.
- 2.1 The Macolin Convention was drafted by countries and organisations from all over the world and proposes a common understanding of the phenomenon, including definitions for relevant aspects of the domain (of the actual offence, of stakeholders, of competition, of offences within the convention, etc.);
- 2.2 It provides the manipulation of sports competitions with its own domain of competence;
- 2.3 It defines the best way to optimise national legislation and establishes a firm legal basis for national and transnational judicial co-operation;
- 2.4 It provides innovative structural solutions to facilitate cross-sectorial co-operation including between the public and private sectors, as well as national and international co-ordination (notably via national platforms).
3. The EU institutional deadlock which continues to prevent EU member states from ratifying the Macolin Convention is delaying the entry into force of the convention from the European perspective, impacting the implementation of global actions. It is moreover important to understand that the need for an international legal instrument and the increased awareness of the convention by countries worldwide means that it is moving ever closer to its entry into force - with or without the EU member states. EU member states are invited to consider the significance of being involved in the statutory follow-up committee when working on breaking the deadlock, especially as they took the initiative for the adoption of this text.
- 3.1 It slows down the scope and the rhythm of legal reforms and creates obstacles for harmonisation;
4. However, this should have no impact on non EU member states, as the convention is sound and flexible enough to include all perspectives and types of legislation. It provides countries with the opportunity to be at the forefront of the legislative climate in protecting sports integrity.
5. Ministers responsible for sport have to reassert their strong commitment to the Macolin Convention in order to maintain the political momentum. Four years after the adoption of the Macolin Convention, the situation is critical. The convention is close to entering into force, with only 2 more key ratifications needed worldwide. Meanwhile, criminal networks are taking advantage of the absence of an international legal framework in order to continue corrupting sports competitions.

- 5.1 The promotion of the ratification of the Macolin Convention foreseeing its entry into force is the best way to strengthen legally binding commitments and to involve as many countries as possible in its statutory follow-up committee, which will then guide the implementation of the convention and consequently have a significant impact on the fight against the manipulation of sports competitions, as well as providing guidance, legislative basis and transnational facilitation of the convention's national platforms;
- 5.2 Council of Europe members states that have already signed the convention should find the means (when legally possible) to initiate the ratification process (taking into account the time needed to ensure compliance to the convention); the entry into force of the convention will restore and sustain the desired political momentum with them being directly involved.
- 5.3 EU members states should keep trying, notably at political level, to pressure the European institutions into finding a solution to a situation which cultivates a detrimental perception of European institutions incapable of providing a sufficient response to a public issue. They are invited to prepare the national legislative terrain in order to be ready to ratify without delay as soon as the EU institutional deadlock is solved; the Council of Europe Secretariat is prepared to assist interested countries, notably through project activities.
- 5.4 Ministers responsible for sport should develop, by all means, their capacity to act in the fight against the manipulation of sports competitions, having been given this mandate by the member states themselves in 2009, in particular through the effective implementation of the Macolin Convention. The Council of Europe is currently in the best possible position to maintain and strengthen the coherence of a “Macolin Community” and to convince the different stakeholders to work together.
6. The Macolin Roadmap proposes a coherent strategy for implementing these objectives, based on three components:
 - 6.1 Developing the existing groups of actors that have been organised into operational networks¹ in order to better measure and address the threats posed by sports manipulations with regard to their specific fields of competencies, and to clarify the roles and responsibilities of each of the actors before then developing tools and mechanisms to facilitate inter-group synergies (“network of networks”);
 - 6.2 Accelerating the establishment of functional and balanced National Platforms as a strategically key support for states to build their compliance to the Macolin Convention, and as a framework for exchanging experience and good practices. The Council of Europe's **Group of Copenhagen** (Network of National Platforms) created in 2016 already plays a key role towards achieving this objective, developing operational tools based on experience to enhance the efficiency of the National Platforms, as well as their trans-national co-operation, and to help law enforcement agencies to increase investigations and sanctions against the manipulation of sports manipulations – entry into force of the convention will boost the legitimacy and effectiveness of the National Platforms, giving them a stronger legislative framework;
 - 6.3 The international dimension of the Macolin Convention will be promoted and countries will be encouraged to become Parties, through concrete operational activities for a legally sound

¹ This concerns the diverse networks related to public authorities (especially the Network of Ministries, the Network of Betting Regulatory Authorities and the Network of Prosecutors and Judiciaries, all oversee by the Council of Europe, but also the Network of Police oversee by INTERPOL, the diverse networks related to sport movement (including the one oversee by the IOC), the networks related to the Betting Operators (including those oversee by the World Lotteries Association European Lotteries and by ESSA)

functionality through the “Keep Crime out of Sport Plus – fight against the manipulation of sports competitions 2018-2020” project (KCOOS+). Operational activities target countries and their national stakeholders worldwide through specific assistance and multi-country seminars in their process towards ratification by providing technical and legal assistance and consultancy to facilitate national and regional co-operation and co-ordination. (www.coe.int/kcoos).

6.4 The 3rd International conference on the fight against the manipulation of sports competitions – Promotion and Implementation of the Macolin Convention (Strasbourg, 24-25 September 2018) towards which all the current efforts invested within the Macolin Roadmap will converge. The conference will focus on National Platforms. It will be the best opportunity to involve on the one hand, all members already involved in structured national co-operation and on the other hand, to provide a constructive insight into the legal and functional benefits of the convention to other countries interested in ratifying the convention.

Issues for discussion

Participants are invited to:

- **comment on this assessment of the situation;**
- **share their views on the urgency of the situation;**
- **identify obstacles countries face and that prevent them from making steps forward;**
- **suggest which political initiatives and supporting measures would help to overcome these obstacles;**
- **indicate the feasibility of their state signing and/or ratifying the convention (notably non-EU member states).**