

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 3.1α

Articles 1 to 9 and 14 to 25 have been updated according to amendments and comments made at the 4th meeting of the Drafting Group.

DRAFT TEXT

New Nr	Old Nr (v. 2.2)		COMMENT ¹
0,00	0,00	Preamble	
0,01	0,01	The member States of the Council of Europe and the other signatories to this Convention,	<u>Note</u> : The intention is not to keep “States signatories” (as the EU may be a signatory). Check the possible use of “Parties” or “signatories”. New drafting validated by DLAPIL.
0,02	0,05	Considering that the aim of the Council of Europe is to achieve a greater unity between its members;	
0,03	0,09	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;	
0,04	0,08	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;	<u>Note</u> : Consider to use “sports ethics” instead of “ethical principles”
0,05	0,03 0,04 0,20	Aware that every country and every type of sport in the world may potentially be affected by the manipulation of sports competitions and emphasising that this phenomenon, as a global threat to the integrity of sport, needs a global response which must also be supported by States which are not members of the Council of Europe;	<u>Notes</u> : Based on German drafting
0,06	0,22	Expressing concern about the involvement of organised crime in the manipulation of sports competitions and about its cross-border nature;	<u>Note</u> : Re-drafted (simplified)
0,061			<u>Note</u> : Re-consider a reference to T-CY (ETS 185), without inviting every State to ratify it.
0,07	0,24	Acknowledging the results already achieved in the fight against the manipulation of sports competitions;	
0,08	0,26 0,06	Convinced that an effective fight against the manipulation of sports competitions requires increased, rapid, sustainable and properly functioning national and international co-operation;	

¹ This column includes:

- Notes: technical working notes 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.

New Nr	Old Nr (v. 2.2)		COMMENT ¹
0,09	0,10	Having regard to Recommendations of the Committee of Ministers No. (92) 13 rev on the revised European Sports Charter; CM/Rec (2010) 9 on the revised Code of Sports Ethics; Rec (2005) 8 on the principles of good governance in sport and CM/Rec (2011) 10 on promotion of the integrity of sport to fight against the manipulation of results, notably match-fixing;	
0,10	0,11 0,13 0,14	In the light of the work and conclusions of the following ministerial conferences: <ul style="list-style-type: none"> - the 11th Council of Europe Conference of Ministers responsible for Sport, held in Athens on 11 and 12 December 2008; - the 18th Council of Europe Informal Conference of Ministers responsible for Sport, held in Baku on 22 September 2010, on promotion of the integrity of sport against the manipulation of results (match-fixing); - the 12th Council of Europe Conference of Ministers responsible for Sport, held in Belgrade on 15 March 2012, particularly in respect of the drafting of a new international legal instrument against the manipulation of sports results; 	
0,11	0,23	Convinced that dialogue and co-operation among public authorities, sports organisations and betting operators at national and international level on the basis of mutual respect and trust are essential in the search for effective common responses to the challenges posed by the problem of the manipulation of sports competitions;	
0,12	0,16	Reaffirming that the nature of sport itself, based on fair play and equal competition, requires unethical practices and behaviour in sport to be forcefully and effectively countered;	
0,13	0,19	Emphasising their belief that consistent application of the principles of good governance and ethics in sport would be a significant factor in helping to eradicate corruption, the manipulation of sports competitions and other kinds of malpractice in sport;	

New Nr	Old Nr (v. 2.2)		COMMENT ¹
0,14	0,17	Acknowledging that [at the international level] particular self-regulatory and disciplinary responsibilities in the fight against the manipulation of sports competitions lie with international sports organisations and their affiliated national organisations;	<u>Note:</u> Formerly in art. 30.1 Consider whether “at international level” is needed, as it refers to international organisations.
0,15	0,15	Acknowledging that, as a general rule, the sports movement is responsible for sport, but that public authorities should, where appropriate, act with the sports movement to protect the integrity of sport;	<u>Note :</u> Redrafted (simplified)
0,16	0,21	Acknowledging that the development of betting activities [, particularly of illegal sports betting,] may increase the risks of such manipulation;	<u>Note:</u> Amendments proposed by France - not yet discussed by Drafting group
0,17	0,25	Noting that the manipulation of sports competitions may be related or unrelated to betting, and that it should be tackled in both cases;	<u>Note :</u> Check consistency once the other provisions are adopted
0,18	0,02	Emphasising the right of governments to decide on national lottery and gambling policies;	<u>Notes :</u> Inspired form the wording from Rec/CM(2011)10
0,19	0,27	Have agreed as follows:	
1	1	Chapter I – Purposes, guiding principles, definitions	
1,001	1,001	Article 1 – Purpose and main objectives	
		1. This convention has the purpose to protect the integrity of sport threatened by the manipulation of sport competitions;	<u>Comment :</u> <u>Whether or not...</u>
1,01	1,01	2. For this purpose the convention has the main objectives to : a. to prevent, deter, detect and combat national or transnational manipulation of national and international sport competitions; b. to promote national and international cooperation between the public authorities concerned, as well as with the relevant bodies or organisations particularly those representing the sports movement and betting operators; . [The fight against doping is excluded from the scope of this Convention.]	<u>Note:</u> Re-drafted to focus on purpose and scope and avoid issues regarding legislation in this provision. (inspired from ETS 201) <u>Comment:</u> Illustrate which bodies and authorities are covered by these general categories. Rephrase or comment the last sentence to make clear that there can be connections between doping and match-fixing Consider to “exclude doping” in the provision on definitions
2,0	2,0	Article 2 – Guiding principles	<u>Note:</u> Consider whether this article could be removed in the light of the new art. 37
2,01	2,01	Activities in the fight against the manipulation of sports	<u>Note :</u>

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		competitions shall ensure respect for the following principles:	<p>Elements already included in art. 1 (Activities “of and cooperation between public authorities, sports organisations, betting operators and other stakeholders, as appropriate, at national and international level”), including a possibly misleading reference to “stakeholders”, were removed.</p> <p><u>Note:</u> Explain in comments why “when possible” (e.g. respecting the autonomy of sport is not always possible for the police) ou supprimer cet ajout.</p>
2,02	2,02	a. human rights;	
2,03	2,03	b. sports ethics;	<p><u>Comment :</u></p> <ul style="list-style-type: none"> Reference to Recommendation on the revised Code of Sports Ethics (2010/9) which includes due reference to the integrity of sport. It is therefore proposed to delete integrity as a separate principle (formerly 2.4). <p>Includes integrity</p>
2,04	2,04	c. lawfulness;	
2,05	2,05	d. proportionality;	
2,06	2,07		<u>Comment :</u> reference to CM rec (2011)3 and Olympic Charter (2.5)
2,07	2,08	e. protection of private life and personal data.	
		Activities in the fight against the manipulation of sports competitions shall also, when possible, ensure respect of the autonomy of sports organisations.	
3,0	4,0	Article 3 – Definitions	
3,01	4,01	For the purposes of this Convention:	
3,10	4,10	1 “Sports competition” means any real competitive sport event organised by a sport organisation or any other person [in accordance with the rules recognised by a sports organisation, which appears on the list in Appendix 4 and recognized by them.	<p><u>Note :</u> This proposal has not yet been discussed in Plenary = every match, every race, ... <u>Clarify consistency with the current definition of sports organisation</u></p> <p><u>Comment :</u> Make sure it covers the professional leagues. Competitor : individuals or teams</p>
3,20			<p><u>Note:</u> Proposal from the preparatory meeting.</p>
3,30	4,20	3. “Manipulation of sports competitions” means an intentional arrangement, act or omission resulting in an improper alteration of the course or result of a sports competition in order to obtain an undue advantage for oneself or for others. The fight against doping is excluded from the scope of this	<p><u>Note :</u> Check whether the bit “influenced by a non exclusive sporting interest” is consistant with the intention to have a broad, non-criminal definition.</p>

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		definition.	<p><u>Comments:</u></p> <ul style="list-style-type: none"> • Consider specifying that “undue” means with regard to the applicable laws or sports regulations. • Comment on “improper alteration” and “intentional arrangement • Comments should stress that this is a general definition, not intended to define the scope of criminal offences. • Doping is excluded because international collaborative and harmonization tools for the fight against doping already exists such as the World Code and the UNESCO Convention.Against Doping in Sport.
3,40	4,30	4. “Sports betting” means any wagering of a stake of monetary value which may result in a consumer winning a prize of monetary value, wholly or partly on the basis of [chance or] the uncertainty of an occurrence related to a sports competition. In particular:	<p><u>Note:</u></p> <p>Re-check the linguistic versions and make sur that the reference to chance is relevant.</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 remote operators, and private ones or public ones, of any kind (bookmakers, pure players, lotteries, ...), notwithstanding the type of bets (fixed odds, totaliser, ...)
3,41	4,31	a. “legal betting” means all sports betting activity whose type and operator are allowed under the law applicable law of the jurisdiction where the consumer is;	<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. <p>Make clear that it is about Sports betting</p>
3,42	4,32	b. “illegal betting” means all sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located;	>> Check whether one could write and/or
3,43	4,33	d. “suspicious” means all sports betting activity where irregularities and anomalies in the bets placed or the relevant competition are identified; [“Irregular betting” shall mean all sports betting activity inconsistent with observed or anticipated market patterns, or inconsistent with patterns o individual behaviour.]	<p><u>Note :</u></p> <p>Make sure that the difference between irregular and suspicious is clear and relevant.</p> <p><u>Comment:</u></p> <p>Criteria to typify irregular and suspicious bets will be further developed by the Conventional Committee.</p>

New Nr	Old Nr (v. 2.2)		COMMENT ¹
3,44	4,34	c. “presumably suspicious betting” means all sports betting activity presumed to be suspicious within the meaning of Article 3.4.c of this Convention; [Suspicious betting shall mean all sports betting activity believed to be either criminal in nature or in contravention of sporting codes of conduct.]	<u>Note</u> : Consider another English translation <u>Question</u> : >>
3,50	4,40	5. “Competition stakeholders” means any persons belonging to one of the following categories:	<u>Comments</u> : <ul style="list-style-type: none"> • The definition of “athletes” and “athlete support personnel” are drawn from the Unesco anti-doping convention). • “the owners, shareholders, executives and staff of the organisers and promoters of sports competitions” covers referees, official judges or stewards • Make sure there is no confusion between the “officials” in 3.4.b and in 3.4.c <u>Note</u> : <ul style="list-style-type: none"> • Consider whether these categories are covering physical persons only or physical and legal persons. • Refer to supporters in the relevant provisions • + Add a comment on supporters and their role Make sure that the case of sponsors is addressed
3,51	4,41	a. “athletes” means any persons [or group of persons] participating in sports competitions;	
3,52	4,42	b. “athlete support personnel” means any coach, trainer, manager, agent, team staff, [team] official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions;	<u>Comment</u> : Club officials of club participating to the competition are covered by this category
3,53	4,43	c. “officials” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and promote sports competitions, e.g. referees, as well as any other accredited persons. It also covers the executives and staff of the sports organisations under the aegis of which the competition is taking place.	<u>Comments</u> : <ul style="list-style-type: none"> • “the owners, shareholders, executives and staff of the organisers and promoters of sports competitions” covers referees, official judges or stewards. • Accredited personnel, including journalists Participating entities (e.g. club officials) are covered by art. 3.5.b.
3,60	4,44	[2. “Sports organisations” [, at national or international level,] means any organisation [legal person/organisation with legal status] which governs a sport or organises official competitions in that sport, at its own level.]	>> move right after the definition of competitions >> reconsider whether this definition is needed + add reference to players union where needed <u>Comments</u> : <ul style="list-style-type: none"> • continental is international • local is national • national organisation includes national confederations

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			<p><u>Question:</u></p> <p>Seek advice from DLAPIL to clarify the options in the second brackets.</p>
3,70	4,45	7. “Insider information” means any information relating to any competition that a person possesses by virtue of his/her position. Such information includes, but is not limited to, factual information about the competitors, conditions, strategies or any other aspect of the competition or event, but excludes any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition;	
3,70	4,46		<p><u>Comment:</u></p> <p>If this definition is kept, mention examples in the comments.</p> <p><u>Note :</u></p> <p>pay attention to the case of EU (compatible with the use of “State” ?)</p>
4,0	5,0	Chapter II – Prevention, co-operation and other measures	
4,01	5,01	Article 4 – Domestic co-ordination	<p><u>Note :</u></p> <ul style="list-style-type: none"> This article focuses on coordination; specific cooperation duties were transferred to other articles. <p>T-PD Bur proposed that mention be made of the idea that the stakeholders might consider jointly determining the type of data required to satisfy the designated purposes. These elements were moved to the section on « Exchange of information ».</p>
4,1	5,1	1. Each Party shall co-ordinate the policies and action of all the public authorities concerned with the fight against the manipulation of sports competitions.	<p><u>Comment:</u></p> <p>mention the possible use of “national contact points” presented in the COM Communication</p>
4,2	5,2 5,3	2. Each Party shall encourage sports organisations and betting operators within its jurisdiction to co-operate in the fight against the manipulation of sports competitions and, where appropriate, entrust them to implement the relevant provisions of this Convention.	<p><u>Note :</u></p> <p>Detailed consideration on exchange of information, as well as on betting monitoring systems, shall be addresses in the relevant section</p> <p>Possible reference to Players’ unions (see solution in art 5)</p>
5,0	6,0	Article 5 – Risk assessment and management	
5,01	6,01	Each Party shall, [where necessary] in co-operation with sports organisations, betting operators and other relevant stakeholders, develop measures to identify, analyse, evaluate, mitigate and manage the risks associated with the manipulation of sports competitions.	<p><u>Comment :</u></p> <p>For this purpose, Parties may consider using a recognised framework like the ISO framework for risk management</p> <p>Combine long term risk assessment and rapid</p>

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			<p>response capacity</p> <p>Other relevant stakeholders may includes referees, supporters, athletes, ...</p> <p>Note:</p> <p>Refer to every risk for the integrity of sport in the preamble</p>
6,0	7,0	Article 6 – Public encouragement and support	
6,01	7,01	Each Party shall encourage sports organisations, betting operators and other relevant stakeholders , to establish effective risk management procedures and adopt [as appropriate] specific internal policies, standards and procedures to protect the integrity of sport, and may adopt such legislative or other measures as may be necessary to enforce or promote those policies, standards and procedures.	<p><u>Comment:</u></p> <p>Mention the reference of the provisions referring to expected measures from sports organisations and betting operators.</p>
7,0	8,0	Article 7 – Sports organisations	
7,001	8,01	Each Party shall encourage sports organisations within their jurisdiction to adopt and implement, rules against the manipulation of sports competitions and principles of good governance, inter alia:	<p><u>Notes :</u></p> <p>Make sure that the conflict of interest is covered</p>
7,01	8,3	;	
7,02	8,4 8,11	b. rules to prevent conflicts of interest , prohibiting competition stakeholders from betting on those sports competitions in which they participate and restricting the use or dissemination of insider information;	
7,03	8,2	c. rules to guarantee that sports organisations comply with their obligations towards athletes, under contracts or regulations or in other forms, and to enable national sports organisations to impose sanctions;	<p><u>Comment :</u></p> <p>e.g. system of licenses granted to clubs</p>
7,04	8,4	d. supervisory procedures of the running of the competitionsin respect of the manipulation of sports competitions;	<p><u>Comment :</u></p> <p>Covers both expertise to assess warnings issued by betting monitoring systems and supervision of sporting events with sport experts (e.g. referee inspectors)</p> <p>>> try to redraft to better reflect the comment and supervision of financial transactions</p>
7,05	8,5	e. disciplinary procedures;	<p><u>Comment :</u></p> <p>Those shall be in line with agreed international general principles of law and shall ensure respect for the fundamental rights of suspected persons.</p>
7,06	8,6	f. procedures for the mutual recognition [bilateral or multilateral level] of suspensions and other sanctions imposed by other sports organisations, including those in other countries;	<p><u>Comment :</u></p> <p>Multilateral under the coordination of international sports organisations</p>
7,07	8,7	g. measures whereby competition stakeholders play an active part in the fight against the manipulation of sports competitions, through the adoption of rules requiring them to report in detail any approach, any	<p><u>Note :</u></p> <p>Check that facilitation and protection of whistle blowers is covered elsewhere</p>

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		incentive to behave in a certain way and any incident which may constitute an infringement of the rules against the manipulation of sports competitions;	
		Mechanisms and procedures to facilitate secure [whistle-blowers].	<u>Comment</u> Give example hotline, independent place, ombudsman, anonymity, trustful point of contact, open culture Possible to rephrase “whistleblower”
7,08	8,8	h. measures to raise awareness among competition stakeholders as well as supporters of the manipulation of sports competitions and its consequences, through education, training and the dissemination of information;	other relevant stakeholders cover players unions, supporters, ...
7,09	8,10	i. systems whereby relevant officials are appointed at the latest possible stage before the competition;	
8,0	11,0	Article 8 – Measures regarding the financing sports organisations	
8,1	11,1	1. Each Party shall adopt such legislative or other measures as may be necessary to ensure appropriate transparency vis-à-vis the relevant public authorities regarding the financing of sports organisations, which are financially supported by the Party..	<u>Comment</u> : This provision does not refer to the use of public funding, but refer to the expected transparency regarding the governance and funding (maintenance of proper accounts).
8,2	11,2	2. Each Party shall consider the possibility of helping sports organisations by funding mechanisms to combat the manipulation of sports competitions.	<u>Comment</u> : The way should be left at the discretion of parties : 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
8,3	11,3	3. Each Party shall where necessary consider withholding financial support or inviting sports organisations to withhold financial support from competition stakeholders sanctioned for manipulating sports competitions, for the duration of the sanction.	<u>Note</u> : inspired from the drafting of ETS135 art.4.3b Norway will propose a new drafting of this provision.
		4. Where appropriate, each Party shall take steps to withhold some or all financial or other sportrelated support from sports organisations that does not effectively apply regulations for combatting manipulation of sports competitions.	Note From unesco wording
9,0	13,0	Article 9 – Measures regarding the betting regulatory authority or other responsible authority/ies	
9,10	13,1 13,2	1. Each Party shall identify one or more responsible authorities entrusted with the implementation of betting market regulation and with the application of all relevant measures to protect the integrity of sports competitions in relation to sports betting. Such measures []/[shall] provide for, inter alia:	<u>Comment</u> : <ul style="list-style-type: none"> Clarify that regulatory authorities are not those which set the political frame Stress that it applies in any market organisations. State that art. 13 applies <u>Note</u> :

New Nr	Old Nr (v. 2.2)		COMMENT ¹
			Reconsider the article and assess the consequences of both options
9,11	13,21 14,5	a. the organisation, at appropriate times, of exchanges of information with and between other relevant authorities about illegal, suspicious or irregular sports betting and other infringements of the relevant regulations;	<u>Comment</u> : Explain “other relevant public authorities” and “appropriate time” (means in particular that suspicious and irregular bets should be swiftly reported to the regulatory or other responsible authority or to the national platform)
	14,5		
9,12	13,22	b. where appropriate the restriction of the supply of sports betting, following consultation with the national sports organisations and betting operators, particularly excluding sports competitions - which are designed for under 18’s or - where the organisational conditions and stakes in sporting terms are adequate;	<u>Comment</u> : Include reference to the recommendation mentioned in 35.1.i.a.
9,13	13,23	c. the advance transmission of information about the types and the objects of betting products to the relevant sports competition organisers;	<u>Note</u> <u>Ensure consistent translation of “betting product” in French or remove “product”</u> <u>Comments:</u> <ul style="list-style-type: none"> • Explain the type and the use of the information (in principle: operator, type and object of the bets - no information regarding the total amount of bets, the transactions, the customers etc.); • The Conventional committee shall consider how to simplify and facilitate the exchange of information. It will define exactly the type of information which should be shared and how the information will be used. • Explain that the information may be transmitted directly to the organisers for competitions taking place inside its jurisdiction or via the concerned national platforms for competitions taking place outside its jurisdiction. • Explain that information can be transmitted either by the responsible authorities, or by the betting operators directly and, where appropriate, under the supervision of their authorities. <u>Note</u> : If “may” is preferred in the header, this para may be moved in another alinea e.g. “Each Party shall ensure prior transmission of information about [new] types of betting products to the relevant sports competitions organisers.”
9,14	14,34	d. the systematic use in sports betting of means of	<u>Comment</u> :

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		payment allowing significant financial flows to be traced, particularly the senders, recipients, amounts [and payment account numbers used];	Amount defined by national law by the Parties No intention to harmonise
9,15	14,37	e. the setting up of [appropriate] mechanisms to prevent competition stakeholders from betting on those sports competitions in which they participate, in co-operation with sports organisations;	Comment : flexibility
9,16	14,6	f betting operators to be asked to stop validating bets placed on sports competitions in respect of [suspicious/...] which a high probability of manipulation has been ascertained;	<u>Note</u> : With Polish amendment Use defined words
9,17	14,7	g. specific limitation of the supply of sports betting, taking into account the irregularities found in terms of the manipulation of sports competitions.	<u>Note</u> : With Dutch amendment Danish hesitations
		<u>Article 9bis (12)</u> Each Party shall identify a national platform addressing manipulation of sports competition. The national platform shall : a) Serve as an information hub, collecting and disseminating information relevant to the fight against manipulation of sports competitions to the relevant organisation and authorities b) Coordinate the fight against manipulation of sports competition; c) Cooperate with the relevant organisation and authorities at national and international level, including national platforms in other states	Move to art. 12
10,0	14,0	Article 10 – Sports betting operators	
10,1	14,1	1. Each Party shall, in order to prevent the influencing of any sporting decision taken by competition stakeholders in sports competitions offered for betting, adopt such legislative or other measures as may be necessary to prevent conflicts of interest and misuse of insider information by any natural or legal persons directly or indirectly involved in supplying betting products. In particular, these measures shall focus on prevention of the following risks, as well as any other emerging risks:	
10,11	14,11	a. the placing of bets via their own betting products;	
10,12	14,12	b. the abuse of a position as sponsor or part-owner of a sports organisation to facilitate the manipulation of a sports competition or to misuse insider information;	<u>Note</u> : Consider to reoplace “part-owner” by “competition stakeholder”
10,13	14,13	c. participation by competition stakeholders in	

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		sports competitions for which they have been involved in compiling the odds;	
10,14	14,20	d. the holding of a controlling interest in sports organisations;	
10,15	14,20	e. the holding by sports organisations of a controlling interest in their companies.	<u>Note</u> : Consider to reoplace “sports organisations” by “competition stakeholder”
10,20	14,38 5,4	2. Each Party shall undertake to encourage its betting operators, and through them the international organisations of betting operators, to raise awareness among their owners and employees of the issue of manipulation of sports competitions and its consequences, through education, training and the dissemination of information.	
		3. Each Party shall adopt such legislative or other measures as may be necessary to ensure that betting operators swiftly report [suspicious/irregular] bets to the competent public authority responsible for betting regulation and monitoring.	
11,0	15,0	Article 11 – The fight against illegal sports betting	
11,01	15,01	With a view to combating the manipulation of sports competitions, each Party shall explore the ways of fighting against operators of illegal sports betting and shall consider adopting co-ordinated measures, in accordance with the applicable law, such as:	
11,1	15,1	a. direct and indirect restriction of access to illegal online betting operators, in accordance with the national and international standards on the protection of freedom of expression and access to information, and closure of illegal land-based sports betting operators;	<u>Comment</u> : Explain direct and indirect way to restrict access to physical and on-line operators (e.g. closing them, bringing them to legality, IP blocking, DNS blocking, dereferencing them from search engines, prevent hosting, ...)
11,2	15,2	b. blocking of financial flows between illegal sports betting operators and customers;	
11,3	15,3	c. prohibition of advertising for those illegal sports betting operators;	<u>Comment</u> : This also covers sponsoring of competitors taking part in national competitions within the jurisdiction.
11,4	15,4	d. raising of customers’ awareness of the risks associated with illegal sports betting.	
12,0	32,0	Chapter III – Exchange of information	
12,001	32,001	Article 12 – Exchange of information between competent public authorities, sports organisations and betting operators	<u>Note</u> : Consider whether “stakeholders” in these art. 12 and 13 should be defibned or replaced.
12,1	32,1 33	1. Each Party shall facilitate and explore possible ways of developing exchanges of information and co-operation between the relevant public authorities, sports organisations and betting operators, in order to fight	

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		against the manipulation of sports competitions at both national and international level.	
12,11	14,36	a. To this end, each Party shall undertake to set up mechanisms for sharing the relevant information collected between the responsible public authorities, national and international sports organisations and betting operators, in accordance with the rules on data protection.	
12,12	32,1	b. Each Party shall in particular consider facilitating exchanges of factual information, in accordance with its domestic law, when such information might assist other stakeholders in initiating or carrying out investigations or proceedings concerning the manipulation of sports competitions.	<u>Comment:</u> Explain “information on facts”
12,2	32,2	2. The organisation receiving such information shall, where possible, promptly inform the organisation sharing the information of the action taken on the basis of the information received and of the final result of that action.	Note : “ The organisation <u>or the authority...</u> ”
12,3	33,4	3. Each Party shall explore possible ways of developing or enhancing co-operation and exchange of information in the context of the fight against illegal sports betting as set out in Article 11 of this Convention.	
12,4	22,4	4. Each Party shall, in accordance with international and national law and on the basis of the applicable bilateral and multilateral treaties, assist other Parties to the fullest extent possible, shall facilitate spontaneous exchange of intelligence and information about the 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 shall provide, upon request, all necessary information to the national, foreign or international authority requesting it.	
13,0	3,0	Article 13 – Personal data protection	
13,1	3,1	1. Each Party shall adopt such legislative or other measures as may be necessary to ensure that all measures against the manipulation of sports competitions comply with relevant data protection standards[, as laid down in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981 and in its Additional Protocol of 2001,], particularly when information is exchanged between stakeholders.	
13,2	3,1	2. The Parties shall adopt such legislative or other measures as necessary to guarantee that betting operators, sports organisations and any other stakeholders covered by this Convention take the requisite measures in order to ensure that, when	

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		personal data are collected, processed and exchanged, irrespective of the nature of those exchanges, due regard is given to the principles of lawfulness, adequacy, relevance and accuracy, and also to data security and the rights of data subjects.	
	3,1	3. The Parties shall provide in their laws that the stakeholders are to ensure that data are only exchanged for the purposes of this Convention and that the exchange does not go beyond the necessary minimum for the pursuit of the stated purposes of the exchange.	
13,4	3,1	4. Each Party shall invite the various stakeholders to implement the requisite technical means to ensure the security of the data exchanged and to guarantee their reliability and integrity, as well as the availability and integrity of the systems and the identification of their users.	<u>Comment</u> : Mention the consultation committees as a possible way to address these issues.
14,0	16,0	Chapter IV – Substantive criminal law and law enforcement co-operation	
14,01	16,01	Article 14 – Manipulation of sports competitions	
14,1	16,1	1. Each Party shall ensure that its domestic laws enable to criminally sanction manipulation of sport competitions when it involves either coercive practices or corrupt practices or fraudulent practices[as defined by their national law [or binding international treaties]] .	<u>Note</u> : “French-German” compromise proposal proposed as starting point by the 4 th drafting group.
15,0	17,0	Article 15 – Laundering of the proceeds of criminal offences entailing the manipulation of sports competitions	
15,1	17,1	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 Article 6, paragraphs 1 and 2, of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141), [and in Article 9, paragraphs 1 and 2, of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS No 198)] under the conditions referred to therein, when the predicate offence consists of [any of the criminal [****]] offences established in accordance with Article 14 of this Convention, in so far as the Party has not made a reservation or declaration with respect to those offences or does not consider such offences to be serious ones for the purposes of the money laundering legislation;	<u>Note</u> : Amendments proposed by the Netherlands, which took inspiration from Art. 13 of the Criminal law convention on corruption (ETS 173). <u>Question</u> Check again with Moneyval : <ul style="list-style-type: none"> - the consequences of this reference to art 6 - how to specify the predicate offence in a simple way <u>Comment</u> : “Reservation” refers to reservation to ETS141.
15,2	17,2	2. Each Party shall consider including the manipulation of sports competitions in its money	<u>Note</u> : Move to section 2? (art. 9 or 10)

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		launders prevention framework; in requiring sports betting operators to apply customer due diligence, record keeping and reporting requirements.	Requires additional Consultations.
16,0	17,21	Article 16 – Aiding and abetting	
16,1	17,22	Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the aiding and abetting of the commission of any of the criminal offences established in accordance with art.14 [and 15] of this Convention.	<p><u>Note:</u> Amendments proposed by Netherlands to move up the former Art. 19 (Aiding or abetting)</p> <p><u>Comment:</u> Refer to organised crime and UNTOC</p>
17,0	18,0	Article 17 – Corporate liability	
17,1	18,1	<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 offences established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as a member of an organ of the legal person, who has a leading position within the legal person, based on:</p> <p>a. a power of representation of the legal person; or</p> <p>b. the authority to take decisions on behalf of the legal person; or</p> <p>c. the authority to exercise control within the legal person;</p> <p>as well as for involvement of such a natural person as accessory or instigator in the above-mentioned offences.</p>	<p><u>Note:</u> Amendments proposed by the Netherlands, taking inspiration from Article 26 of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (ETS 201)</p> <p><u>Comment</u> For the purpose of this convention , a legal person shall mean any entity having legal personality under the applicable law, except for States or public bodies in exercise of State Authority and for public international organisations.</p> <p>>> (to be checked with CDPC)</p>
17,2	18,2	2. Other than in the cases already provided for in paragraph 1, each Party shall take the necessary measures to ensure that a legal person can be held liable when 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 this Convention for the benefit of that legal person by a natural person acting under its authority.	
17,3	18,3	3. The liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators instigators of, or accessories to, the criminal offences referred to in paragraph 1.	<p><u>Comment:</u> Explain “instigator”</p> <p>Check whether “instigators” are covered by the substantial provision (e.g. aiding or abetting)</p>
18,0	21,0	Chapter V – Jurisdiction, criminal procedure and law enforcement measures	
18,01	21,01	Article 18 – Jurisdiction	<p><u>Note:</u></p> <ul style="list-style-type: none"> Drafting inspired from ETS 201, art. 25 <p>Depending on the Conventions, provisions on</p>

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			"Jurisdiction" may be part of Substantive criminal law provision or part of another chapter.
18,1	21,1	1. Each Party shall adopt such legislative or other measures as may be necessary to establish jurisdiction over a [criminal] offence established in accordance with this Convention where that offence is committed:	<u>Note:</u> Amendments proposed by the Netherlands and based on a classical approach on jurisdiction (see comment)
18,11	21,11	a. in its territory; or	
18,12	21,12	b. on board a ship flying its flag; or	
18,13	21,13	c. on board an aircraft registered under its law; or	
18,14	21,14	d. by one of its nationals or by a person who has his or her habitual residence in its territory.	
18,15	21,15		
18,2	21,2	2. Each [Party]/[State or the European Union] 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 rules on jurisdiction laid down in paragraph 1.d of this article.	
18,3	21,3	3. Each Party shall take the necessary legislative or other measures to establish jurisdiction over offences established in accordance with this Convention in cases in which 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.	Check linguistic consistency
18,4	21,4	4. 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 the purposes of prosecution.	
18,5	21,5	5. 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 domestic law.	
19,0	22,0	Article 19 – Investigations and judicial proceedings	>> Move 19 to preamble
19,1	22,1	1	<u>Comment (>> move to 12) :</u> According to the seriousness of the conduct, this cooperation may include, e.g. : 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

New Nr	Old Nr (v. 2.2)		COMMENT ¹
			latter authorities all necessary information. Explain “undue delay” <u>Note:</u> Wording of Art. 49 ETS 210
19,2	22,2		>> Move to preamble <u>Comment :</u> According to the seriousness of the conduct, these means may include, e.g. : monitoring of communications, seizing of material, covert surveillance, monitoring of bank accounts and other financial investigations
19,3	22,3		>> Move to preamble
20,0	23,0	Article 20 – Cybercrime and electronic evidence	>> Question to T-CY : need to refer to ‘cybercrime’ (electronic evidence is ok)
20,1	23,1	Each Party shall adopt such legislative or other measures as may be necessary to ensure, in accordance with the fundamental principles of its legal system, that the relevant provisions on cybercrime and electronic evidence apply to criminal offences established in accordance with this Convention.	
21,0	24,0	Article 21 – Measures to secure electronic evidence	<u>Note :</u> This article refers to measures defined in art. 15, 16, 17, 19, 20, 21 T-CY
21,1		Each Party shall adopt legislative or other measures to secure electronic evidence [such as]/[through] the expedited preservation of stored computer data, expedited preservation and partial disclosure of traffic data, production orders, search and seizure of stored computer data, real-time collection of traffic data and the interception of content data [, in accordance with its domestic law], when investigating offences mentioned at Article 14.	>> Consult with T_CY to develop/explain these measures without reproducing the articles of T_CY
22,0	25,0	Article 22 – Protection measures	
22,1	25,1	1. Each Party shall consider such measures as may be necessary to provide effective and appropriate protection for: a. persons who provide information concerning criminal offences established in accordance with this Convention or otherwise co-operate with the investigating or prosecuting authorities; b. witnesses who give testimony concerning these offences c. when necessary, members of the family of persons referred to in subparagraphs a and b.	<u>Comment</u> Specify that this is in particular about protection of person approached by or under pressures from criminal organisations.
22,1	30,2		<u>Comment</u> e.g. coerced players

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23,0	26,0	Chapter VI – Sanctions and measures	
23,01	27,0	Article 23 – Liability and application of sanctions	
23,1	26,1	1. Subject to the legal principles of the Party, liability[/sanction] in cases of manipulation of sports competitions may be criminal, civil or administrative.	<u>Note</u> : Get advise from CDPC on sanction or liability
23,2		2. Criminal, civil or administrative liability shall not exclude any disciplinary liability established by sports organisations.	Note : keep this provision in mind when we discuss recognition
		Article 24 – Criminal sanctions on natural persons	
24,1	27,1	1. Each Party shall take the necessary legislative and/or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and deterrent sanctions, including monetary sanctions, taking account of their seriousness. These sanctions shall include, for offences established in accordance with Article 14 when these are committed by natural persons, penalties involving deprivation of liberty which may give rise to extradition.	<u>Notes</u> : Based on art. 12 of medicrime <u>Comment</u> Refers to criminal provision (art 14)
		Art. 24bis Sanctions against legal persons	
24,2	27,2	Each Party shall take the necessary legislative and/or other measures to ensure that legal persons held liable in accordance with Article 17 are subject to effective, proportionate and dissuasive sanctions, including criminal or non-criminal monetary sanctions and may include other measures such as: a. a temporary or permanent disqualification from exercising commercial activity; b. placng under judicial supervision; c. a judicial winding-up order.	
		Article 25bis – Other measures	
24,3	27,3	3. Each Party shall take the necessary legislative and other measures to: a. permit seizure and confiscation of: goods, documents and other instrumentalities used to commit the offences established in accordance with this Convention or to facilitate their commission; ii the proceeds of these offences, or property whose value corresponds to such proceeds; b. take any other appropriate measures in response to an offence in order to prevent future offences.	Comment: Applicable to legal persons too. Note Consider whether these measures are relevant in the context of manipulation of sports competitions – check the added value. (>> give example from past investigations) Explain in particular the relevance of b) in this article in expklanatory comment (or move to preventative measures or delete)
25,0	26,01	Article 25 – Other sanctions	Double check in anti-doping convention

New Nr	Old Nr (v. 2.2)		COMMENT ¹
25,1	26,2	1. Each Party shall adopt, where appropriate, such legislative or other measures in respect of acts which are punishable under its domestic law as may be necessary to punish infringements established in accordance with 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.	<u>Comment:</u> Administrative sanctions These sanctions may be taken in addition or, where appropriate, instead of criminal sanctions.
25,2	26,31	2. Each Party shall ensure that administrative measures are applied, which might be done by the regulatory or any other responsible authorities, in accordance with its domestic law.	<u>Comment :</u> the administrative measures, such as suspension or withdrawal of licences for sanctioned betting operators and closing of internet sites
		Article 25bis – Other measures	
24,3	27,3	3. Each Party shall take the necessary legislative and other measures to: a. permit seizure and confiscation of: i. the goods, documents and other instruments used to commit the offences established in accordance with this Convention or to facilitate their commission; ii. the proceeds of those offences, or property of a value corresponding to those proceeds; b. take any other appropriate action in response to an offence in order to prevent future offences.	<u>Note :</u> Applicable to legal persons too. Consider whether all these measures are relevant in the context of manipulation of sports competitions – check the added value. Check the relevance of b) in this article (move to preventative measures or delete)
26,0	29,0	Article 26 – Disciplinary sanctions and measures	<u>Comment:</u> Mention relevant principle as part of the comments, to echo ETS 135 and simplify the drafting.
26,1	29,1	1. Each Party shall encourage its sports organisations and through them the international sports organisations to apply specific, effective, proportionate and dissuasive disciplinary sanctions and measures to infringements of their internal regulations against the manipulation of sports competitions.	
26,2	29,2		
27,0	30,0	Chapter VII – International co-operation in judicial and other matters	<u>Note :</u> PC-OC Mod suggested that the different forms of co-operation should be reflected in the headings.
27,01	30,01	Article 27 – Measures with a view to international co-operation in criminal matters	<u>Note :</u> Norwegian drafting based on ETS 201, art. 38 <u>Question :</u> Does this title exclude cooperation in civil and administrative matters ?
27,1	30,1	1. The Parties shall co-operate with each other, in	<u>Note :</u>

New Nr	Old Nr (v. 2.2)		COMMENT ¹
		accordance with the provisions of this Convention and in accordance with the relevant applicable international and regional instruments and arrangements agreed on the basis of uniform or reciprocal legislation and with their domestic law, to the widest extent possible for the purposes of investigations or proceedings concerning the offences established in accordance with this Convention, including seizure and confiscation.	PC-OC Mod recognised that the absence of more specific provisions on extradition and mutual legal assistance could be a weakness. Another shortcoming mentioned was the absence of provisions concerning legal co-operation on civil and administrative matters in relation to possible civil or administrative liability of legal persons.
27,2	30,2	2. The Parties shall co-operate to the widest extent possible, in accordance with the relevant applicable international, regional and bilateral treaties on extradition and mutual legal assistance in criminal matters, concerning the offences established in accordance with this Convention.	
27,3		3. In matters of international co-operation, whenever dual criminality is considered to be a requirement, it shall be deemed to have been fulfilled, irrespective of whether the laws of the requested Party place the offence within the same category of offence or use the same term to denominate the offence as the requesting Party, if the conduct underlying the offence in respect of which assistance is requested is a criminal offence under the laws of both Parties.	<u>Note:</u> German proposal with 2 nd paragraph, to foresee dual criminality in order to enable the investigators to collaborate. <u>Question:</u> Get advise from PC-OC
27,4	30,3	4. If a Party that makes extradition or mutual legal assistance in criminal matters conditional on the existence of a treaty receives a request for extradition or legal assistance in criminal matters from a Party with which it has no such treaty, it may, acting in full compliance with its obligations under international law and subject to the conditions provided for by its own domestic law, consider this Convention to be the legal basis for extradition or mutual legal assistance in criminal matters in respect of the offences established in accordance with this Convention.	
		[5. any request of cooperation under this article may be made through the International Criminal Police Organization –INTERPOL.]	Note : New proposal from Interpol
28,0	37,0	Article 28 – Other measures with a view to international co-operation in respect of prevention	
28,1	30,4	Each Party shall endeavour to integrate, where appropriate, the prevention of and fight against the manipulation of sports competitions in development assistance programmes for the benefit of third States.	
29,0	30bis	Article 29 – International co-operation with sports organisations	
29,1	30bis,1	1. Each Party shall explore possible ways of developing or enhancing co-operation with international sports organisations in the fight against the manipulation of sports competitions.	

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29,2	31	2. The Parties shall, where appropriate and in accordance with their own domestic law, ensure mutual recognition and enforcement in their legal system of the disciplinary decisions of international sports organisations and their affiliated national organisations which are consistent with this Convention, and, where appropriate, shall support their enforcement by a designated public sports authority or by a responsible national sports organisation.	<p><u>Note:</u> Compare the wording with UNESCO Convention and 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>If the “national” is removed in art. 25.2, this provision may be removed.</p>
30,0	34,0	Chapter VIII – Follow up	
30,01	34,01	Article 30 – Conventional Committee	
30,1	34,1	1. For the purposes of this Convention, a Conventional Committee is hereby set up.	
30,2	34,2	2. Any Party may be represented on the Conventional Committee by one or more delegates, including representatives of relevant public authorities responsible for sport, law enforcement and betting regulation. Each Party shall have one vote.	
30,3	34,4	3. The Conventional Committee may invite any State which is not a Party to the Convention, any body and any sports or other organisation, if appropriate, to be represented by an observer at its meetings.	<p><u>Note:</u> Former 34.3 deleted, as suggested by DLAPIL</p> <p><u>Comment :</u> Give examples (CDPC, GRECO)</p>
30,4	34,5	4. Meetings of 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 entry into force of the Convention. It shall subsequently meet whenever a meeting is requested by at least one third of the Parties or by the Secretary General.	<p><u>Note:</u> as suggested by DLAPIL</p>
30,5	34,8	5. Subject to the provisions of this Convention, the Conventional Committee shall draw up and adopt by consensus its own Rules of Procedure.	
30,6	34,9	6. The Conventional Committee shall be assisted by the Secretariat of the Council of Europe in carrying out its functions.	<p><u>Note:</u> Wording proposed by DLAPIL, based on ETS 185 and 196</p>
31,0	35,0	Article 31 – Functions of the Conventional Committee	
31,1	35,1	1. The Conventional Committee shall follow up the	

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		application of this Convention. It may in particular:	
31,11	35,11	a. keep under review the implementation of the provisions of this Convention;	<u>Comment:</u> Both by Parties and by private entities under their jurisdiction.
31,12	34,13	b. make recommendations to the Parties concerning measures to be taken for the purposes of this Convention, in particular with respect to international co-operation;	<u>Comment :</u> Where appropriate, these recommendation will be prepared in coordination with the other relevant bodies of the Council of Europe preparing recommendation on these issues (e.g. GRECO)
31,13	34,19	c. adopt, particularly as recommendations set out as appendices to this Convention, following the publication of explanatory documentation and after appropriate consultations:	<u>Note:</u> Ensure consultation of betting and sports organisations and justification.
31,131	34,191	1) the criteria restricting the supply of betting set out in Article 9.1.b of this Convention;	
31,132	34,192	2) the list of criteria for defining irregular and suspicious betting, referred to in Article 4.2 of this Convention;	
31,133	34,193	3) the criteria to be met by international sports organisations in order to benefit from the exchange of information referred to in Article 12.1 of this Convention;	
		4) the list of sports organisations responsible for the sports which are relevant to this Convention;	<u>Comment</u> Based on the list of Olympic sports organisations and organisations recognised by the IOC, as well as professional leagues.
31,14	34,14	d. keep relevant international organisations and the public informed about the activities undertaken within the framework of this Convention;	
31,15	34,15	e. prepare an opinion on States requesting accession, for the attention of the Committee of Ministers of the Council of Europe, prior to the accession of any States which are not members of the Council of Europe;	<u>Note :</u> Revised in the light of DLAPIL opinion
31,16	34,17	f. submit to the enlarged Conventional Committee reports on the follow-up of application of this Convention;	
31,17	35,12	g. hold consultations with relevant international organisations, networks and associations; as well as experts, in particular on: <ul style="list-style-type: none"> the implementation of this Convention; the enhancement of international co-operation and exchange of information; co-operation in respect of betting monitoring. 	<u>Note :</u> Consider to add “the type of data required to satisfy the designated purposes of the convention”.
31,18	34,18	h. make proposals with a view to improving the effectiveness of this Convention and of the recommendations appended thereto.	<u>Comment:</u> Including possible amendments

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31,2	34,2	2. In order to discharge its functions the Conventional Committee may, on its own initiative, arrange meetings of experts.	
31,3	34,3	3. The Conventional Committee may, on its own initiative, arrange consultative visits – with the prior agreement of the respective Parties – or assessment visits to the Parties.	<u>Comment:</u> Peer review mechanism
32,0	37,0	Article 32 –Enlarged Conventional Committee	
32,1	37,1	1. The Conventional Committee may hold meetings or parts of its meetings in an enlarged composition in order to improve co-operation between the Parties, sports organisations and betting operators so as to achieve the objectives set out in this Convention and to promote the implementation thereof.	
32,2	37,2	2. The Secretary General of the Council of Europe shall convene a meeting of the enlarged Conventional Committee no later than one year after the entry into force of this Convention. Subsequent meetings of the enlarged Conventional Committee shall be held in conjunction with meetings of the Conventional Committee.	
32,3	37,3	3. The enlarged Conventional Committee shall be organised in three colleges, representing public authorities, sports organisations and betting operators. Its decisions shall be taken through separate voting in each college and may be accompanied, where appropriate, by minority reports. The Rules of Procedure of the Conventional Committee shall include rules concerning admission to and participation in the enlarged Conventional Committee and concerning the payment of expenses incurred in carrying out its activities.	
32,4	37,6	4. Each Party's delegation to the enlarged Conventional Committee shall be composed of representatives of public authorities, sports organisations and betting operators.	<u>Note :</u> Consider practical difficulties
32,5	37,5	5. For the purposes of paragraph 4 of this article, the enlarged Conventional Committee shall acquire the necessary knowledge of the measures taken by Parties in implementation of this Convention and the difficulties encountered by them in doing so, through information provided by them and through information provided by the Conventional Committee in compliance with Article 33	

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		of this Convention.	
32,6	37,4	6. The enlarged Conventional Committee shall adopt advisory opinions and agree on activities in order to achieve the objectives set out in paragraph 1 of this article,	
32,61	37,41	a. facilitating the activities of the Parties under chapters II to V of this Convention,	
32,62	37,42	b. facilitating the exchange of information among the Parties about patterns and trends in the manipulation of sports competitions and successful practices for preventing and combating this, through, inter alia, the publication of the relevant information mentioned in this article;	
32,63	37,44	c. enhancing the appropriate use of the information produced by betting monitoring systems in order to avoid unnecessary duplication of work;	
32,64	37,45	d. periodically reviewing the implementation of this Convention by its Parties, as assessed by the Conventional Committee in accordance with Article 32 of this Convention;	
32,65	37,46	e. making recommendations to the Conventional Committee in order to improve this Convention and its implementation;	
32,66	37,47	f. taking note of Parties' technical assistance requirements with regard to the implementation of this Convention and recommending any action that it deems to be necessary in that respect;	<u>Amendment: Finland</u>
32,67	37,48	g. advising the Conventional Committee on the drafting of the recommendations appended to this Convention.	<u>Amendment: Denmark</u>
33,0	36,0	Article 33 – Reports of the Conventional Committee	
33,1	36,1	After each meeting, the Conventional Committee shall forward to the Parties a report on its work and on the functioning of the Convention, based on: a. the information provided by the Parties and observers; b. the information provided by the other participants in the enlarged Conventional Committee; c. the advisory opinions of the enlarged Conventional Committee; d. the decisions of the Conventional Committee.	
33,0	39,0	Chapter IX – Final provisions	
33,01	39,01	Article 34 – Signature and entry into force	
33,1	39,1	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.	
33,2	39,2	2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the	

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		Secretary General of the Council of Europe.	
33,3	39,3	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.	
33,4	39,4	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.	
34,0	40,0	Article 35 – Accession to the Convention	
35,1	40,1	1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Contracting States to the Convention, may invite the European Union and any State which is not a member of the Council and which has not participated in its elaboration 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.	<u>Note:</u> Amended by DLAPIL
35,2	40,2	2. In respect of any State or the European Union 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.	<u>Note:</u> Amended by DLAPIL
35,3	40,3	3. A Contracting Party which is not a member of the Council of Europe shall contribute to the financing of the Committee of Parties in a manner to be decided by the Committee of Ministers upon consultation of that Party.	<u>Note :</u> Provision suggested by DLAPIL, according to recent decisions of the Committee of Ministers.
36,0	42,0	Article 36 – Effects of the Convention and relationship with other conventions and agreements	<u>Note :</u> Former article 42 and 43 where merged to prevent overlapping
36,1	42,1	1. This Convention does not affect the rights and obligations [of Parties] under international multilateral conventions concerning specific subjects [to which they are Parties].	<u>Note:</u> Russian amendment to be confirmed
36,11	43,1	This Convention supplements in particular, where appropriate, applicable multilateral or bilateral treaties or arrangements between the Parties, including the provisions of:	<u>Question:</u> Consider with DLAPIL whether this provision may be transposed into recitals of the preamble.

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36,111	43,11	a. the European Convention on Extradition, opened for signature in Paris, on 13 December 1957 (ETS No. 24);	
36,112	43,12	b. the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 20 April 1959 (ETS No. 30);	
36,113	43,13	c. the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, opened for signature in Strasbourg on 8 November 1990 (ETS No. 141).	<u>Note</u> : Amended according to PC-OC opinion
36,2	42,2	2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, in order to supplement or strengthen the provisions thereof or to facilitate the application of the principles embodied therein.	
36,3	43,2 42,3	3. If two or more Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established relations in respect of such matters, or if they should do so in future, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly. However, when Parties establish relations in respect of the matters dealt with in this Convention other than as provided for therein, they shall do so in a manner that is not inconsistent with the Convention's objectives and principles.	
36,4	43,3	4. Nothing in this Convention shall affect other rights, restrictions, obligations and responsibilities of a Party.	
37,0		Article 37 – Conditions and safeguards	<u>Note</u> : Proposal by T-CY
37,1		1. Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in Chapters II to VII are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality.	
37,2		2. Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, inter alia include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power	

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		or procedure.	
37,3		3. To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this chapter upon the rights, responsibilities and legitimate interests of third parties.	
38,0	41,0	Article 38 – Territorial application	
38,1	41,1	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.	<u>Question to DLAPIL:</u> It is possible to exclude territorial application or not to include such a provision?
38,2	41,2	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.	
38,3	41,3	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.	
39,0	44,0	Article 39 – Federal clause	
39,1	44,1	1. A federal State may reserve the right to assume obligations under Chapters II, IV, V and VI 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 Chapters III and VII.	<u>Note:</u> DLAPIL drew the attention on the fact that a Federal clause may not be necessary. Russia may suggest a simpler Federal clause. The Art. XXIV.12 of the General Agreement on Tariffs and Trade 1994, may provide an example : <i>Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territories.</i>
39,2	44,2	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 out in Chapters III and VII. Overall, it shall provide for a broad and effective law enforcement capability with respect to those measures.	
39,3	44,3	3. With regard to the provisions of this Convention, the application of which comes under the jurisdiction of	

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		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.	
40,0	45,0	Article 40 – Reservations	
40,1	45,1	1. 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 18, paragraph 2 and [in Article 39, paragraph 2]. No other reservation may be made.	<u>Note:</u> Amended by DLAPIL. Discuss whether reservation should be restricted.
40,2	46,1	2. A Party that has made a reservation in accordance with paragraph 1 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 that later date.	
40,3	46,2	3. A Party that has made a reservation as referred to in Article 40 shall withdraw such reservation, in whole or in part, as soon as circumstances so permit.	
40,4	46,3	4. The Secretary General of the Council of Europe may periodically ask Parties that have made one or more reservations as referred to in paragraph 1 about the prospects of withdrawal of such reservation(s).	
41,0	47,0	Article 41 – Amendments	
41,1	47,1	1. Amendments to articles of this Convention may be proposed by any Party, the Conventional Committee or the Committee of Ministers of the Council of Europe.	
41,2	47,2	2. Any amendment proposed by a Party, the Conventional Committee or the Committee of Ministers shall be communicated by the Secretary General of the Council of Europe to the Parties, to the member States of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention or which enjoy observer status with the Council of Europe, to the European Union, to any State which has been invited to sign this Convention and to the Conventional Committee at least two months before the meeting at which it is to be considered. The Conventional Committee shall submit to the Committee of Ministers its opinion on	<u>Note :</u> Proposed by DLAPIL

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		the proposed amendment, where appropriate after consultation with the relevant organisation.	
41,3	47,5	3. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Conventional Committee and may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.	
41,4	47,4	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.	
41,5	47,5	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.	
42,0	48,0	Article 42 – Settlement of disputes	<u>Note:</u> This provision may not be necessary
42,1	48,1	1. The Conventional Committee, in close co-operation with the relevant Council of Europe intergovernmental or scientific committees shall be kept informed regarding the interpretation and application of this Convention.	<u>Note :</u> Drafting suggested by DLAPIL
42,2	48,2	2. In the event of a dispute between Parties as to the interpretation of this Convention, they shall seek a settlement of the dispute through negotiation, conciliation or arbitration, or any other peaceful means of their choice.	
42,3		3. The Committee of Ministers of the Council of Europe may establish settlement procedures which may be used by the Parties to a dispute, subject to their consent.	<u>Note :</u> Check translation
43,0	49,0	Article 43 – Denunciation	
43,1	49,1	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.	
43,2	49,2	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.	
44,0	50,0	Article 44 – Notification	
44,1	50,1	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 Party which has acceded to, or has been invited to accede to, this Convention of:	
44,11		a. any signature;	
44,12		b. the deposit of any instrument of ratification,	

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		acceptance, approval or accession;	
44,13		c. any date of entry into force of this Convention in accordance with Articles 34 and 35;	
44,14		d. any reservation and any withdrawal of a reservation made in accordance with Article 40;	
44,15	50,14	e. any other act, notification or communication relating to this Convention.	
44,2		In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.	
44,3		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.	