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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**INFORMATION DOCUMENT**

**BACKGROUND INFORMATION ON THE FEASIBILITY OF AN ADDITIONAL  
PROTOCOL TO THE COUNCIL OF EUROPE CRIMINAL CONVENTION ON  
CORRUPTION (ETS NO. 173)**

Secretariat of  
the Directorate General of Human Rights and Rule of Law (DGI)

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## **Background information on the feasibility of an additional protocol to the Council of Europe Criminal Convention on Corruption (ETS No. 173)**

In June 2012, the Committee of Ministers of the Council of Europe invited the CDPC, in co-operation with GRECO and EPAS, to consider the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption which could expand the scope of application of its provisions to the private non-profit sector, notably sport.

As a follow up to this decision of the Committee of Ministers the CDPC decided to 'instruct the Secretariat, in order to allow the CDPC and GRECO to form a view on this matter, to send out a short questionnaire and invite delegations to reply to four questions relating to the situation in the Member States on corruption in the private non-profit sector'.

These four questions were:

1. Which corrupt practices/phenomena in non-profit sectors (such as sport, humanitarian aid, politics, trade unions etc.) if any, are not covered by the existing legal provisions on bribery in your country?
2. Are there any plans or intentions in your country to address these practices/phenomena and possible legal lacunae related thereto?
3. Are you aware of any studies on these practices/phenomena that have been carried out in your country?
4. What are, in your view, the (perceived) legal difficulties in criminalizing these practices/phenomena?

29 replies to the Questionnaire were received and compiled in a CDPC document (CDPC (2012) 19 Bil Rev). A summary of the replies to each question by the member States was drawn up by the CDPC in document CDPC (2013) 3.

Following the responses to these questions, the CDPC, at its meeting on 28-31 May 2013 agreed "that in the majority of countries that replied (...) corrupt practices in the non-profit sector was covered by existing legislation". It therefore came to the conclusion that "there is no need for such a protocol".

On 17-21 June 2013, the GRECO plenary convened for its 60<sup>th</sup> plenary meeting in Strasbourg and agreed that it was premature to take a firm decision on whether a protocol was necessary as the question merited further consideration, notably in light of the outcome of the work underway within the Enlarged Partial Agreement on Sport (EPAS) on a draft Convention against manipulation of sports competitions.

Following this plenary meeting in Strasbourg, GRECO issued a response on 5 September 2014 stating that "it would be highly desirable from GRECO's perspective if the CDPC would commission a feasibility study (or set up a working party) on the advisability of amending the Convention or complementing it with an Additional Protocol with a view to covering the non-profit sector which has up until now not received much attention in terms of corruption risks and the applicable legal framework (...)."

At its meeting on 2-3 October 2014, the Bureau of the CDPC agreed to instruct the Secretariat to prepare an information document containing background information on this issue so that the CDPC can take a decision on the GRECO's request at the forthcoming CDPC plenary meeting from 1-4 December 2014.