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Strasbourg, 9 November 2012

Dear Mr Salazar,

I would like to thank you very much for the letter dated 9 October 2012 which you sent to me on behalf of the CDPC Bureau.

Following the decision of the Deputies, the EPAS Governing Board has adopted a framework and timetable for the process of negotiating a draft international convention to combat the manipulation of sports results.

One of the challenges we face with this process is bringing together various expertise to tackle an issue which is relevant to different authorities and should be addressed with some coordination by various stakeholders.

It was for this reason that it was decided not to prepare the project within the EPAS Governing Board itself, but to establish an ad hoc drafting group gathering, on an equal footing, expertise from sport policy, betting regulation and law enforcement and appointed by the permanent representations. Indeed, we did not try to divide the draft into different parts for preparation by different committees, but to elaborate one draft to be discussed and elaborated in a process of exchange and cooperation involving these different kinds of expertise and backgrounds.

In this spirit, we welcome that the CDPC appointed a representative to the Drafting Group, and we very much look forward to working with Ms Lisuchova. We would appreciate any strengthening of the delegations from partner committees where appropriate. Hence, should the CDPC decide to strengthen its delegation to the drafting group (or to some meetings, such as the specialised meeting on law-enforcement issues), it would be welcome to do so.

I will also continue to monitor the involvement of all the authorities concerned in the national delegations and to ask the secretariat to remind those participating countries who have not included a law enforcement expert in their delegation, to do so. I am pleased to send to you the current list of appointed national delegations; should you see an opportunity to convince some parties to complete their delegation with a criminal law expert, we would very much appreciate it.



Moreover, depending on the issues, the drafting group may also decide to seek advice from other committees, and I hope that the CDPC will be able either to advise on some issues or to help identify experts who may advise the drafting group.

In addition, the drafting group may also designate its experts to make presentations or hold exchanges of views with other committees which may wish to obtain information on the project or to take a stand on parts of the project relevant to their mandate. If the CDPC would envisage such an opportunity, please let me know the date of the meeting to allow the drafting group to designate a representative.

Concerning the substantial comment you made on the preliminary draft, I should state that to my knowledge, this document was prepared on the basis of the feasibility study (to which the CDPC in particular contributed with its opinion) and on the recommendation of the Committee of Ministers.

In fact the project should not focus on criminal law, as the intention was to address several other issues and measures and not to establish a new criminal offence. However, the new instrument is aimed at facilitating cooperation and coordination between stakeholders and criminal law, as many match-fixing cases are connected with organised crime.

The only substantial criminal law provision (art. 16) is supposed to be formulated in a flexible way that allows states parties to cover any referred behaviour with general criminal law provisions. Indeed there are still cases of some states where the legal framework does not allow investigations to be carried out, or to positively answer to the request of judicial co-operation, due to loopholes in the existing legislation. The drafting group will consider how the ratification of this convention can ensure that states parties are committed to addressing such loopholes. Of course, we will appreciate the input from the CDPC experts addressing this challenge. Concerning the relevance and the drafting of criminal procedural draft provisions, the opinion of criminal law and law enforcement experts will be essential.

I was also informed that the CDPC was following up the proposal of the Committee of Ministers, to consider the feasibility of an additional protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), which could expand the scope of application of its provisions to the private non-profit sector, notably sport. I would be grateful if you could let us know whether EPAS may contribute to this assessment, and if so, in which way. The EPAS secretariat would be able to refer to corruption cases, which were referred to in the press or addressed by disciplinary investigations, but not by criminal law - some of our member states pay strong attention to being able to address corruption within the governance of the sports movement with criminal law on corruption. However, I do understand that your work does not focus on sport and we will contribute upon request by the CDPC and according to your needs.

I look forward to continuing to cooperate with the CDPC. Your advice and contribution to the preparation was both precious and helpful. The preparation of a possible convention leads us to go one step further in the consideration of specific draft provisions. While overviewing the progress of work in the drafting group, I will further pay attention to the involvement of all relevant specialised competences and encourage constructive work between experts from different backgrounds.

Yours sincerely,



Ewa Markowicz  
Chair of the Governing Board of EPAS

CC : Harri Syväsalmi