

COUNCIL OF EUROPE



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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

OPINION
OF THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)
ON THE DRAFT
COUNCIL OF EUROPE CONVENTION AGAINST MANIPULATION OF SPORTS
COMPETITIONS

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1. Following a letter by the Chair of the CDPC dated of 7 March 2014, the CDPC accepted by a large majority to agree by written procedure with the text of the criminal law provisions (Articles 15, 17 to 19, 21 to 23, 25, 26) of the draft Council of Europe Convention against Manipulation of Sports Competitions. A very few comments on the mentioned articles were presented by three delegations.
2. As a first general remark, the CDPC is in agreement with the criminal law provisions (listed in point 1 of the present opinion) that are under its direct responsibility. Other provisions of the draft Convention fall under the remit of other relevant Council of Europe conventional or monitoring bodies, such as Moneyval, GRECO or T-CY.
3. However, the CDPC is of the opinion that Article 19 paragraphs 1 and 2 should read as follows :

Article 19 – Jurisdiction

1. *Each Party shall adopt such legislative or other measures as may be necessary to establish jurisdiction over the offences referred to in Articles 15 to 17 this Convention where that offence is committed:*

- a. *in its territory; or*
- b. *on board a ship flying its flag; or*
- c. *on board an aircraft registered under its law; or*
- d. *by one of its nationals or by a person who has his or her habitual residence in its territory.*

2. *Each State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, 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.*

This is the text that was adopted by the members of the EPAS drafting Group at their 6th and last meeting held in Strasbourg on 21-22 January 2014.

4. Regarding Article 18 paragraph 4 of the draft Convention dealing with corporate liability, the CDPC is of the opinion that the text should be aligned with the most recent standard provision in this regard (Article 26 Paragraph 4 of the Lanzarote Convention and Article 11 paragraph 4 of the Medicrime Convention). The text should read as follows :

Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.

5. Finally, the CDPC is of the opinion that the relevant parts of the draft Explanatory Report should be amended in accordance with the changes made to the draft Convention as indicated in points 3 and 4 of the present opinion.