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Enlarged Partial Agreement on Sport (EPAS)

**PRELIMINARY DRAFT CONVENTION**

**AGAINST MANIPULATION OF SPORTS RESULTS**

## **Preamble**

The member States of the Council of Europe and the other States signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Recognising the value of fostering co-operation with the other States signatories to this Convention;

Bearing in mind the Committee of Ministers' Declaration on compliance with the commitments made by member States of the Council of Europe (Strasbourg, 10 November 2004);

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;

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;

Having regard to its Recommendations (92) 13Rev on the European Sports Charter; (2010)9 on the revised Code of Sports Ethics; (2005) 8 on the Principles of Good Governance in Sport and (2011) 10 on Promotion of the integrity of sports against manipulation of results, notably match-fixing;

In the light of the work and conclusions of the 11th Council of Europe Conference of Ministers responsible for Sport, held in Athens on 11 and 12 December 2008, in particular in the areas of match-fixing, corruption and illegal betting;

In the light of Resolution No. 1 of the 18th Council of Europe Informal Conference of Ministers responsible for Sport, held in Baku on 22 September 2010, on the Promotion of integrity of sports against the manipulation of sports results (match-fixing);

In the light of the work and conclusions of the 12th Council of Europe Conference of Ministers responsible for Sport, held in Belgrade on 15 March 2012, particular on drafting a new international legal instrument against manipulation of sports results;

Acknowledging that, as a rule, the sports movement is responsible for sport but that public authorities are invited, where appropriate, to develop mutual cooperation with the sports movements, in order to promote the values and benefits of sport;

Reaffirming that the nature of sport itself, based on fair-play and equal competition, requires that unethical practices and behaviours in sport be forcefully and effectively countered;

Aware of the pressures which modern society, marked among other things by the race for success and economic profits, brings to bear on sport;

Stressing their belief that the consistent application of the principles of good governance and ethics in sport would be a significant factor in helping to eradicate corruption, manipulation of sports results (match fixing) and other malpractices in sport;

Acknowledging that attempts to manipulate sports results constitute an important threat for the integrity of sport;

Expressing concerns on the involvement of organised crime in the manipulation of sports results, especially at international level;

Convinced that dialogue and cooperation among public authorities, sports organisations and betting operators, at national and international level, based on mutual respect and trust is essential in seeking effective common responses to challenges posed by the problem of manipulation of sports results;

Acknowledging the spontaneous efforts of and results already achieved by some international sports organisations, i.e. the International Olympic Committee, UEFA and SportAccord, in the fight against manipulation of sports results;

Believing that an effective fight against manipulation of sports results requires increased, rapid, sustainable and well-functioning national and international co-operation;

Have agreed as follows:

## **Chapter I – Purpose, guiding principles, definitions**

### **Article 1 – Purpose and scope**

Each Party shall provide, in its internal law, for the most appropriate and effective legal and administrative means against manipulation of sports results and ensure conditions for effective and sustainable co-operation of public authorities, sports organisations, betting operators and other stakeholders, as appropriate, at national and international level in the fight against manipulation of sports results.

### **Article 2 – Guiding principles**

Activities of and cooperation between public authorities, sports organisations, betting operators and other stakeholders, as appropriate, at national and international level in the fight against manipulation of sports results shall always ensure full respect for the following principles:

- a) protection of human rights
- b) legality
- c) integrity
- d) independence and autonomy of sport organisations and betting operators
- e) protection of sports ethics.

### **Article 3 – Data protection**

Each Party shall adopt such legislative and other measures as may be necessary to ensure that all measures against manipulation of sports results comply with relevant international data protection standards, particularly in the exchange of information between stakeholders.

### **Article 4 – Definitions**

For the purposes of this Convention:

- a) “manipulation of sports results” shall mean an arrangement on an irregular alteration of the course or the result of a sporting competition or any of its particular events (e.g. matches, races...) in order to obtain advantage for oneself or for others and remove all or part of the uncertainty normally associated with the results or the running of a competition;
- b) “sports betting” shall mean all sports betting-based games that involve wagering a stake with a monetary value in games in which participants may win, in full or in part, a monetary prize based, totally or partially, on chance or uncertainty of outcome. In particular:
  - a. «legal betting» shall mean all types of betting that are allowed on a specific territory or jurisdiction (e.g. by licence given by a regulator or recognition of licences given by the regulator of a third country);
  - b. «illegal betting» shall mean all types of betting that are not allowed on a specific territory or jurisdiction;
  - c. «irregular betting» shall mean all types of betting where irregularities and abnormalities in the bets placed or the event upon which the bets are placed can be identified;
- c) “athletes” shall be understood as sportsmen and sportswomen participating in organised sports activities, their support personnel and sports officials as well as anyone taking part in the activities of sports organisations in any role, including the owners of sports organisations;
- d) “insider Information” shall be understood as any information relating to any competition or event that a person possesses by virtue of his/her position towards athletes. Such information includes, but is not limited to, factual information regarding the competitors, the conditions, tactical considerations or any other aspect of the competition or event but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant competition or event ;
- e) «public authorities» shall be understood as authorities of Parties having responsibility for law enforcement, personal data protection, sport, sports betting and any other public authorities, as appropriate.

## **Chapter II – Prevention, co-operation and other measures**

### **Article 5 – Co-operation and coordination of national stakeholders**

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure effective co-operation and coordination of all public authorities in the fight against manipulation of sports results.
2. Each Party shall invite national sports organisations, betting operators and other interested organisations, where appropriate, to take part in activities for designing policies and actions to effectively fight manipulation of sports results and to ensure an overall approach on the basis of clear responsibilities of all those involved, as well as the definition of mechanisms of consultation, exchange of information and co-ordination between the stakeholders concerned. Public authorities may, where appropriate, act as co-ordinators of joint activities.
3. Each Party shall invite sports organisations and betting operators to co-operate in the fight against manipulation of sports results in order to clarify the respective commitments of both

partners to combat manipulation of sports results and to ensure that the exchange of information is sufficient to ensure that the betting monitoring systems set forth in Article 14 of this Convention allow sports organisations to apply sanctions and other measures set forth in Articles 9 and 22 of this Convention.

4. Each Party shall invite sports organisations and betting operators to increase awareness among their athletes, members and employees on the issue of manipulation of sports results and its consequences through education, training and publicity.

#### **Article 6 – Risk assessment and management**

Each Party shall develop measures to identify and manage risks associated with the manipulation of sports results, particularly in the context of the development of betting activities, and consider the establishment of a viable, equitable and sustainable regulatory framework to protect the integrity of sport. Sports organisations and betting operators shall be invited to do the same.

#### **Article 7 – Public encouragement and support**

1. Each Party shall encourage sports organisations, betting operators and other organisations, as appropriate, to adopt specific internal regulations for the protection of the integrity of sport.
2. Each Party shall adopt such legislative and other measures as may be necessary to enforce or promote the internal regulations set forth in Paragraph 1 by public standards or policies, in full compliance with general rules on the autonomy of sports organisations, betting operators or other organisations, as appropriate, and in particular with the principle of autonomy of sport.
3. Each Party shall consider adopting measures to financially support non-governmental organisations, particularly national sports organisations, clubs, athletes' organisations and organisations fighting corruption, which have the primary responsibility for implementing awareness-raising, educational and information programmes on manipulation of sports results.

#### **Article 8 – Protection of athletes**

Each Party shall adopt such legislative and other measures as may be necessary to encourage sports organisations to ensure good conditions for their professional athletes, including through schemes aimed at safeguarding their salaries and through bans on participation at different levels of competition for sports organisations failing to regularly fulfil their financial obligations towards their athletes.

#### **Article 9 – National sports organisations**

Each Party shall invite national sports organisations to adopt regulations concerning their respective rights, duties and best practices, in particular:

- a) rules against manipulation of sports results, in line with the standards adopted by the relevant international sports organisations; these rules may include:
  - i) rules on the prevention of conflicts of interest of athletes in particular by:
    - introducing bans on betting on their own events and/or competitions

- restricting the use or passing on of insider information;
  - prohibiting the provision or receipt of any gift or other benefit in circumstances that might reasonably have been expected to bring them into disrepute;
- ii) rules on the prevention and punishment of any offence established in accordance with this Convention and related breaches of codes of conduct;
  - iii) systems for possible cancellation of sports events or disqualification of competitors where a risk of fraud has been established/identified;
  - iv) obligations for athletes and accessories to report full details of any approaches or invitations to engage in conduct or incident that would amount to a breach of the rules related to manipulations of sports results;
  - v) duties to co-operate with any reasonable investigation carried out by the sports governing bodies or public authorities;
  - vi) effective, proportionate and dissuasive sanctions for athletes and accessories found to be in breach of these rules, such as temporary or permanent bans on further sports activities, reimbursement of pecuniary damage caused, etc;
  - vii) mechanisms for temporary prohibition of participation in sports activities of athletes under prosecution;
- b) supervisory procedures in the area of manipulation of sports results, especially the assessment of risks of manipulations related to competitions or events, e.g. in the framework of an appropriate betting monitoring system;
  - c) disciplinary procedures, in line with agreed international general principles of law and ensuring respect for the fundamental rights of suspected athletes; these principles include:
    - i) investigating and disciplinary bodies to be distinct from one another;
    - ii) the right of such persons to a fair hearing and to be assisted or represented;
    - iii) clear and enforceable provisions for appealing against any judgment given;
  - d) procedures for the mutual recognition of suspensions and other sanctions imposed by other sports organisations, including in other countries;
  - e) invitation to athletes to participate actively in the fight against manipulation of sports results;
  - f) mechanisms for swift and effective assistance and exchange of information, including of a spontaneous character, among relevant organisations on all aspects of concrete cases of manipulation of sport results;
  - g) mechanisms for education, training and publicity in order to raise awareness and knowledge among athletes on the issue of manipulation of sports results and its consequences;
  - h) codes of conduct for their managers.

#### **Article 10 – Referees and judges**

1. Each Party shall encourage sports organisations to select referees and judges at the latest possible stage before the competition or the event.

2. Each Party shall invite sports organisations to consider introducing random financial audits for referees and judges and to ensure regular scrutiny of their field decisions.
3. Each Party shall encourage sports organisations to introduce arrangements for recording and monitoring by sports experts competitions or events where there is risk of fraud.

#### **Article 11 – Financing of sports organisations**

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure full transparency of financing of sports organisations.
2. Each Party shall consider the possibility to helping sports organisations by funding mechanisms for combating the manipulation of sports results 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.
3. Each Party shall adopt such legislative or other measures to ensure that no public financial support is granted to individual sports organisations or athletes sanctioned for manipulation of sports results, for the duration of the sanction.
4. Each Party shall adopt such legislative and other measures as may be necessary to ensure that sponsors of sports organisations play no role in, and exercise no influence on, the sporting decisions taken by the sponsored team or individual athletes.
5. Each Party shall adopt such legislative and other measures as may be necessary to ensure that sports organisations do not accept a betting operator as a sponsor unless it holds an official licence, which is recognised in accordance with national and international legal provisions.

#### **Article 12 – Organisation of the betting market**

1. Each Party shall adopt such legislative and other measures as may be necessary to differentiate between legal and illegal forms of sports betting.
2. Each Party shall identify regulatory authority/ies for its betting market that are entrusted with the task of developing, establishing and monitoring the implementation of a legal framework for the betting market.

#### **Article 13 – Betting regulatory authority**

1. Each Party shall authorise its betting regulatory authority/ies to apply all relevant measures for the protection of the integrity of sports betting.
2. Each Party shall authorise its betting regulatory authority/ies to provide, in a timely manner, law enforcement agencies and other relevant public authorities with information on possible illegal and/or irregular sports betting and other breaches of relevant regulations.
3. Each Party shall adopt such legislative and other measures as may be necessary to ensure that betting regulatory authority/ies restrict the organisation of sports bets to the results of official and significant sports events for adults (unless minors compete in a competition for adults), possibly above a certain level.

4. Each Party shall authorise its betting regulatory authority/ies to explore the possibility of ensuring that no betting is allowed on a sports event unless the organiser of the event has been informed and has given prior approval, in accordance with the fundamental principles of international and national law.
5. Each Party shall authorise its betting regulatory authority/ies to take action against the betting operator in case of abuse by a betting operator of a position of sponsor, owner or part-owner of a sports organisation, leading to the manipulation of sports results or the misuse of insider information.
6. Each Party shall authorise its betting regulatory authority/ies to ensure the sharing of information between different betting monitoring systems and explore possibilities for the establishment of a consolidated betting monitoring system.

#### **Article 14 – Betting operators**

1. Each Party shall adopt such legislative and other measures as may be necessary to prevent conflicts of interest and misuse of insider information by the betting operators' owners and employees. In particular, they shall prevent them from:
  - a) betting on their own betting products;
  - b) influencing any sporting decision taken by athletes or teams in competitions offered for bets;
  - c) taking part as athletes or acting as sports officials in events and/or competitions for which they have been involved in compiling the odds.
2. Each Party shall adopt such legislative and other measures as may be necessary to ensure that betting operators prevent sports organisations from having a controlling interest in their companies.
3. Each Party shall invite betting operators to adopt self-regulatory rules, among others on:
  - a) the prevention of conflicts of interest for themselves, their owners and employees;
  - b) the prohibition of high-risk bets;
  - c) the limitation of the amounts of certain bets that are more risky;
  - d) the systematic use of credit cards or bank transfers for financial transactions above a certain amount;
  - e) the introduction of additional preventive measures for certain types of bets;
  - f) the establishment of betting monitoring systems and the co-operation with the sport or public monitoring systems for identification of suspicious bets;
  - g) mechanisms for sharing collected information with relevant public authorities, sports organisations and other betting operators;
  - h) development of channels for regular reporting of their findings on manipulation of sports results to the public.



4. Each Party shall adopt such legislative and other measures as may be necessary to ensure full transparency of all financial transactions related to betting in order to monitor suspicious bets with the relevant public authorities and/or sports organisations
5. Each Party shall adopt such legislative and other measures as may be necessary to ensure that betting operators swiftly report suspicious bets to the competent public authorities, as well as to sports organisations and other betting operators.
6. Each Party shall adopt such legislative and other measures as may be necessary to ensure that betting operators interrupt the validation of bets placed on matches for which a high probability of manipulation of sports results has been determined by the betting monitoring system/s.
7. Each Party shall adopt such legislative and other measures as may be necessary to ensure that teams or individual competitors under investigation or subject to sanctions for manipulation of sports results are banned or excluded from the betting offer.

### **Article 15 – Illegal sports betting**

With a view to combating manipulation of sports results each Party shall explore the possibilities of fighting against illegal sports betting, in particular targeting those websites which present a special risk for the integrity of sport as they are offering bets outside any integrity principles as described in this Convention, i.e. by considering the effectiveness and the efficiency of measures such as:

- a) restricting the access to those illegal websites in accordance with the international standards on the protection of freedom of expression and access to information;
- b) blocking financial flows between those illegal operators and players;
- c) prohibiting advertisement for these illegal betting operators.

### **Chapter III – Criminalisation and law enforcement**

#### **Article 16 – Legislative and other measures**

1. Each Party shall review its national law to ensure that, in accordance with the fundamental principles of its legal system:
  - a) any manipulation of sports results, as well as aiding or abetting to it, may be sanctioned as a criminal offence, when it involves corrupt practices, fraudulent practices, coercive practices or collusive practices.
  - b) manipulation of sports results generating proceeds is considered as a predicate offence for the criminal offence of money laundering;
  - c) legal persons may be held liable for any criminal or other illegal act provided for in the present Convention;
  - d) acts or omissions, when committed intentionally, in order to commit, conceal or disguise any criminal or other offence set forth in this Convention, in particular:
    - i. creating or using an invoice or any other accounting document or record containing false or incomplete information;

- ii. unlawfully omitting to make a record of a payment;

may be sanctioned as a criminal offence.

2. Each Party shall adopt such legislative and other measures as may be necessary, in accordance with the fundamental principles of its legal system, to apply the relevant provisions on cybercrime (e.g. the Budapest Convention on Cybercrime of 23 November 2001 - ETS No. 185) to criminal or other illegal acts, committed using computer systems related to manipulation of sports results or illegal and irregular bets.
3. Each Party shall adopt such legislative and other measures as may be necessary to provide effective and appropriate protection for:
  - a) those who, in good faith, report the criminal offences established in accordance with this Convention or otherwise co-operate with the investigating or prosecuting authorities;
  - b) witnesses who give testimony relating to these offences.
4. Each Party shall adopt legislative and other measures enabling the preservation of computer data and other records relating to sporting bets.
5. Each Party shall adopt legislative and other measures as may be necessary to ensure that betting operators and sports organisations which do not voluntarily co-operate in submitting data in their possession or under their control are obliged to do so, in the framework of betting monitoring systems. Betting operators and sports organisations should be subject to effective, proportionate and dissuasive sanctions, including pecuniary ones, and other measures in the event that they do not co-operate with public authorities or if they hinder the collection of electronic evidence in the field of sporting bets.
6. Each Party shall consider whether customer identification in sporting bets transactions could be monitored in the framework of the prevention of money laundering.

#### **Article 17 – Jurisdiction**

1. Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over a criminal offence established in accordance with this Convention where:
  - a) the offence is committed in whole or in part in its territory;
  - b) or on board a ship flying the flag of that Party; or
  - c) on board an aircraft registered under the laws of that Party; or
  - d) the offender is one of its nationals.
2. Each State 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 jurisdiction rules laid down in paragraphs 1 b through 1 d of this article or any part thereof.
3. If a Party has made use of the reservation possibility provided for in paragraph 2 of this article, it shall adopt such measures as may be necessary to establish jurisdiction over a criminal offence

established in accordance with this Convention, in cases where an alleged offender is present in its territory and it does not extradite him to another Party, solely on the basis of his nationality, after a request for extradition.

4. This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.
5. 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 prosecution.

#### **Article 18 – Law enforcement**

1. Each Party shall adopt such measures as may be necessary to ensure that public authorities, as well as any public official, co-operate, in accordance with national law, with those of its authorities responsible for investigating and prosecuting criminal offences:
  - a) by informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the criminal offences established in accordance with this Convention has been committed, or
  - b) by providing, upon request, to the latter authorities all necessary information.
2. Each Party shall review its national law to ensure that law enforcement agencies have all appropriate investigative means such as monitoring of communications, seizing of material, covert surveillance, monitoring of bank accounts and other financial investigations in the fight against manipulation of sports results, especially in cases of manipulation of competitions offered for bets;
3. Each Party shall adopt legislative and other measures to ensure, in accordance with the national law and on the basis of applicable bilateral and multilateral treaties, the use of effective channels for the exchange of intelligence and information related to the investigation and/or prosecution of manipulation of sports results at national and international level.
4. Each Party shall assist other Parties to the fullest extent possible and ensure spontaneous exchange of intelligence and information on manipulation of sports results 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 provide, upon request, all necessary information to the national, foreign or international authority requesting them.
5. Each Party shall identify a focal point to collect and centralise information provided by sports organisations and betting operators and to advise and support sports organisations and betting operators seeking co-operation with law enforcement on exchange of intelligence or possible prosecution, taking into account the existing national structures.

#### **Chapter IV – Sanctions**

##### **Article 19 – Different sanctions and measures**

1. Each Party shall ensure that criminal, administrative and disciplinary sanctions may be applied to manipulation of sports results and related activities.
2. Each Party shall entrust application of criminal and administrative sanctions to its public authorities and application of disciplinary sanctions to sports organisations, betting operators and other organisations, if appropriate.
3. Each Party shall ensure application of additional measures accompanying primary sanctions, such as temporary or permanent ban for further sports activities of sanctioned athletes, suspension or withdrawal of licences for sanctioned betting operators and closing of internet sites.
4. Each Party shall ensure that all procedures leading to the application of sanctions set forth in Paragraph 1 are in line with agreed international general principles of law and shall ensure respect for the fundamental rights of suspected persons; these principles include:
  - a) prohibition of the imposition of more than one sanction for the same offence;
  - b) investigating and sanctioning bodies to be distinct from one another;
  - c) the right of such persons to a fair hearing and to be assisted or represented;
  - d) clear and enforceable provisions for appealing against any judgment given.

#### **Article 20 – Criminal sanctions and measures**

1. Having regard to the serious nature of the criminal offences referred to or established in accordance with this Convention, each Party shall provide, in respect of those criminal offences, effective, proportionate and dissuasive sanctions and measures, including, when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.
2. Each Party shall ensure that legal persons held liable in accordance with Article 16 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.
3. Each Party shall adopt such legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences established in accordance with this Convention, or property the value of which corresponds to such proceeds.

#### **Article 21 – Administrative sanctions and measures**

1. Each Party shall adopt such legislative and other measures as may be necessary to sanction administrative violations established in accordance with this Convention by effective, proportionate and dissuasive sanctions and measures.
2. Each Party shall ensure the right of sanctioned persons to seek judicial protection against decisions on administrative sanctions.

**Article 22 – Disciplinary sanctions and measures**

1. Each Party shall invite sports organisations to apply effective, proportionate and dissuasive disciplinary sanctions and measures to breaches of their rules against manipulation of sports results, including the ones set forth in Article 9, Subparagraph a of this Convention.
2. Each Party shall invite betting operators to apply effective, proportionate and dissuasive disciplinary sanctions and measures to breaches of their self-regulatory rules, including the ones set forth in Article 14, Paragraph 3 of this Convention.
3. Each Party shall ensure recognition and enforcement of disciplinary decisions of sports organisations and betting operators in its legal system, and, where appropriate, support their enforcement by a designated public sports authority, by an umbrella sports organisation or by the betting regulatory authority.

**Chapter V – International co-operation****Article 23 – General principles and measures for international co-operation in criminal matters**

1. The Parties shall co-operate with each other, in accordance with the provisions of relevant international instruments on international co-operation in criminal matters, or arrangements agreed on the basis of uniform or reciprocal legislation, and in accordance with their national law, to the widest extent possible for the purposes of investigations and proceedings concerning criminal offences established in accordance with this Convention.
2. Where no international instrument or arrangement referred to in paragraph 1 is in force between Parties, articles 24 to 29 of this chapter shall apply.
3. Articles 24 to 29 of this chapter shall also apply where they are more favourable than those of the international instruments or arrangements referred to in paragraph 1.

**Article 24 – Mutual legal assistance**

1. The Parties shall afford one another the widest measure of mutual legal assistance by promptly processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute criminal offences established in accordance with this Convention.
2. Mutual legal assistance under paragraph 1 of this article may be refused if the requested Party believes that compliance with the request would undermine its fundamental interests, national sovereignty, national security or *ordre public*.
3. Parties shall not invoke bank secrecy as a ground to refuse any co-operation under this chapter. Where its domestic law so requires, a Party may require that a request for co-operation which would involve the lifting of bank secrecy be authorised by either a judge or another judicial authority, including public prosecutors, any of these authorities acting in relation to criminal offences.

### **Article 25 – Extradition**

1. The criminal offences established in accordance with this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.
2. If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence established in accordance with this Convention.
3. Parties that do not make extradition conditional on the existence of a treaty shall recognise criminal offences established in accordance with this Convention as extraditable offences between themselves.
4. Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.
5. If extradition for a criminal offence established in accordance with this Convention is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case to its competent authorities for the purpose of prosecution unless otherwise agreed with the requesting Party, and shall report the final outcome to the requesting Party in due course.

### **Article 26 – Spontaneous information**

Without prejudice to its own investigations or proceedings, a Party may without prior request forward to another Party information on facts when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request by that Party under this chapter.

### **Article 27 – Central authority**

1. The Parties shall designate a central authority or, if appropriate, several central authorities, which shall be responsible for sending and answering requests made under this chapter, the execution of such requests or the transmission of them to the authorities competent for their execution.
2. Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of paragraph 1 of this article.

### **Article 28 – Direct communication**

1. The central authorities shall communicate directly with one another.
2. In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by the judicial authorities, including public prosecutors, of the requesting Party to such authorities of the requested Party. In such cases a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.
3. Any request or communication under paragraphs 1 and 2 of this article may be made through the International Criminal Police Organisation (Interpol).
4. Where a request is made pursuant to paragraph 2 of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.
5. Requests or communications under paragraph 2 of this article, which do not involve coercive action, may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.
6. Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this chapter are to be addressed to its central authority.

#### **Article 29 – Information**

The requested Party shall promptly inform the requesting Party of the action taken on a request under this chapter and the final result of that action. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

#### **Article 30 – Sports governing bodies**

1. At the international level, particular self-regulatory and disciplinary responsibilities in the fight against manipulation of sports results lie with sports governing bodies and their affiliated national organisations.
2. Each Party shall explore possibilities to develop or enhance co-operation with sports governing bodies and their affiliated national organisations in the fight against sports manipulation, especially in the areas of financing of sport, as set forth for national sports organisations in Article 11 of this Convention and exchange of information as set forth in Article 26 of this Convention.

#### **Article 31 – Recognition of sanctions of sports governing bodies**

Each Party shall ensure recognition and enforcement of disciplinary decisions of sports governing bodies and their affiliated national organisations in its legal system, and, where appropriate, support their enforcement by a designated public sports authority or by an umbrella sports organisation.

### **Article 32 – Exchange of information between Parties and sports governing bodies**

1. Without prejudice to its own investigations or proceedings, a Party shall with or without prior request directly forward to sports governing bodies or their affiliated national organisations information on facts when it considers that the disclosure of such information might assist sports governing bodies and their affiliated national organisations in initiating or carrying out their inquiries or proceedings concerning manipulation of sports results.
2. Sports governing bodies or their affiliated national organisations may promptly inform public authorities of the Party under Paragraph 1 of this article of the action taken on the basis of received information and the final result of that action.
3. Without prejudice to its own inquiries or proceedings, sports governing bodies and their affiliated national organisations may with or without prior request directly forward to public authorities of the Party information on facts when it considers that the disclosure of such information might assist the Party in initiating or carrying out their investigations or proceedings concerning criminal offences established in accordance with this Convention.
4. Each Party under Paragraph 3 of this article shall promptly inform sports governing bodies or their affiliated national organisations of the action taken on the basis of received information and the final result of that action.

### **Article 33 – Umbrella organisations of betting regulatory authorities, lotteries and/or betting operators**

1. At the international level, particular self-regulatory and disciplinary responsibilities in the fight against manipulation of sports results lie with the umbrella organisations of betting regulatory authorities, lotteries and/or betting operators, in the framework of the rules set up by their respective national regulators.
2. Each Party shall consider adopting such legislative and other measures as may be necessary to ensure participation of its betting regulatory authority/ies in the umbrella organisation of betting regulatory authorities facilitating international co-operation and, among others, establishing a sustainable dialogue with umbrella organisations of lotteries and/or betting operators on harmonisation of measures against manipulation of sports results at the international level.
3. Each Party shall explore possibilities to develop or enhance co-operation with umbrella organisations of betting regulatory authorities, lotteries and/or betting operators in the fight against manipulation of sports results, especially in the areas of restrictions of sports betting as set forth in Articles 13 and 14 of this Convention, betting monitoring systems and monitoring of and reporting on suspicious bets as set forth in Article 14 of this Convention and fighting illegal sports betting as set forth in Article 15 of this Convention.

## **Chapter VI – Follow up**

### **Article 34 – Conventional Committee**



1. For the purposes of this Convention, a Conventional Committee is hereby set up.
2. Any Party shall be represented on the Conventional Committee by three experts, representatives of relevant public authorities responsible for sport, law-enforcement and betting regulation.. Each Party shall have one vote.
3. Any State which is not a Party to this Convention may be represented on the Conventional Committee by an observer.
4. The Conventional Committee may invite any State which is not a Party to the Convention and any sports or other organisation, if appropriate, to be represented by an observer at its meetings.
5. 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 the entry into force of the Convention. It shall subsequently meet whenever necessary, at least once a year at the initiative of the Conventional Committee itself or a Party.
6. A majority of the Parties shall constitute a quorum for holding a meeting of the Conventional Committee.
7. The Conventional Committee shall meet in private.
8. Subject to the provisions of this Convention, the Conventional Committee shall draw up and adopt by consensus its own Rules of Procedure.
9. Necessary secretariat services to the Conventional Committee shall be provided by the Secretary General.

#### **Article 35 – Functions of the Conventional Committee**

1. The Conventional Committee shall monitor the application of this Convention. It may in particular:
  - a) keep under review implementation of the provisions of this Convention, mainly through examination of national evaluation reports drawn up by means of questionnaires and through examination of information provided by sports governing bodies and umbrella organisations of betting regulatory authorities, lotteries and/or betting operators;
  - b) hold consultations with relevant sports governing bodies and umbrella organisations of betting regulatory authorities, lotteries and/or betting operators;
  - c) make recommendations to the Parties concerning measures to be taken for the purposes of this Convention;
  - d) keep relevant international organisations and the public informed about the activities undertaken within the framework of this Convention;
  - e) make recommendations to the Committee of Ministers of the Council of Europe concerning non-member States of the Council of Europe to be invited to accede to this Convention;
  - f) propose amendments to articles of this Convention ;
  - g) submit to the International Forum on Sports integrity reports on the results of the monitoring of application of the Convention;

- h) make any proposal for improving the effectiveness of this Convention
  - i) approve as by-law to the Convention any revision thereto and fix the date for the relevant decisions to enter into force of
    - a. the list of bet types considered as high-risk bets and “more risky bets”, referred to in Articles 14.3b) and c) ;
    - b. the criteria for defining “suspicious bets”, referred to in Article 14.5;
    - c. the criteria for defining websites which present a special risk for the integrity of sport, referred to in Article 15.
2. In order to discharge its functions, the Conventional Committee may, on its own initiative, arrange for meetings of experts or for consultative or assessment visits in the State Parties.

### **Article 36 – Reports of the Conventional Committee**

After each meeting, the Conventional Committee shall forward to the State Parties a report on its work and on the functioning of the Convention.

### **Article 37 – International Forum on Sports integrity**

1. An International Forum on Sports integrity is hereby established to improve the capacity of and co-operation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation.
2. The Secretary General of the Council of Europe shall convene the International Forum on Sports integrity not later than one year following the entry into force of this Convention. Thereafter, regular meetings of the International Forum on Sports integrity shall be held in accordance with the rules of procedure adopted by the Forum.
3. The International Forum on Sports integrity shall adopt rules of procedure and rules governing the functioning of the activities set forth in this article, including rules concerning the admission and participation of observers, and the payment of expenses incurred in carrying out its activities.
4. The International Forum on Sports integrity shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including:
  - a) Facilitating activities by States Parties under chapters II to V of this Convention,
  - b) Facilitating the exchange of information among States Parties on patterns and trends in manipulation of sports results and on successful practices for preventing and combating it, through, inter alia, the publication of relevant information as mentioned in this article;
  - c) Co-operating with relevant international and regional sports, betting and other organizations and mechanisms and non-governmental organizations;
  - d) Making appropriate use of relevant information produced by organisations and mechanisms under sub-paragraph c for combating and preventing manipulation of sports results in order to avoid unnecessary duplication of work;

- e) Reviewing periodically the implementation of this Convention by its States Parties as assessed by the Conventional Committee in accordance with Article 35 of this Convention;
  - f) Making recommendations to the Conventional Committee to improve this Convention and its implementation;
  - g) Taking note of the technical assistance requirements of States Parties with regard to the implementation of this Convention and recommending any action it may deem necessary in that respect,
  - h) Considering the establishment of a permanent international body for the fight against manipulation of sports results.
5. For the purpose of paragraph 4 of this article, the International Forum on Sports integrity shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through information provided by the Conventional Committee as foreseen in Article 35 of this Convention.
  6. Delegation of each State Party for the International Forum on Sports integrity shall be composed of representatives of public authorities, sports organisations and betting operators.

#### **Article 38 – Secretariat**

1. The Secretary General of the Council of Europe shall provide the necessary secretariat services to the International Forum on Sports integrity.
2. The secretariat shall:
  - a) Assist the International Forum on Sports integrity in carrying out the activities set forth in Article 37 of this Convention and make arrangements and provide the necessary services for the sessions of the International Forum on Sports integrity;
  - b) Upon request, assist States Parties in providing information to the International Forum on Sports integrity as foreseen in Article 37, paragraph 5 of this Convention; and
  - c) Ensure the necessary coordination with the secretariats of relevant international and regional organisations and mechanisms.

### **Chapter VII – Final provisions**

#### **Article 39 – Signature and entry into force**

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.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
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.

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.

#### **Article 40 – Accession to the Convention**

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe after consulting the Contracting States to the Convention, may invite the European Union as well as any State not a member of the Council of Europe 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.
2. In respect of any State 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.

#### **Article 41 – Territorial application**

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.
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.
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.

#### **Article 42 – Relationship to other conventions and agreements**

1. This Convention does not affect the rights and undertakings derived from international multilateral conventions concerning special matters.
2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.
3. If two or more Parties have already concluded an agreement or treaty in respect of a subject which is dealt with in this Convention or otherwise have established their relations in respect of that subject, they shall be entitled to apply that agreement or treaty or to regulate those

relations accordingly, in lieu of the present Convention, if it facilitates international co-operation.

#### **Article 43 – Effects of the Convention**

1. The purpose of the present Convention is also to supplement applicable multilateral or bilateral treaties or arrangements as between the Parties, including the provisions of:
  - i. the European Convention on Extradition, opened for signature in Paris, on 13 December 1957 (ETS No. 24);
  - ii. the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 20 April 1959 (ETS No. 30);
  - iii. the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 17 March 1978 (ETS No. 99).
2. If two or more Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established their relations on such matters, or should they in future do so, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly. However, where Parties establish their relations in respect of the matters dealt with in the present Convention other than as regulated therein, they shall do so in a manner that is not inconsistent with the Convention's objectives and principles.
3. Nothing in this Convention shall affect other rights, restrictions, obligations and responsibilities of a Party.

#### **Article 44 – Federal clause**

1. A federal State may reserve the right to assume obligations under chapters II, III and IV 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 Chapter V.
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 forth in chapters III and IV. Overall, it shall provide for a broad and effective law enforcement capability with respect to those measures.
3. With regard to the provisions of this Convention, the application of which comes under the jurisdiction of 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.

#### **Article 45 – Reservations**

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 17, paragraph 2 and Article 44, paragraph 1.

#### **Article 46 – Status and withdrawal of reservations**

1. A Party that has made a reservation in accordance with Article 45 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 such a later date.
2. A Party that has made a reservation as referred to in Article 45 shall withdraw such reservation, in whole or in part, as soon as circumstances so permit.
3. The Secretary General of the Council of Europe may periodically enquire with Parties that have made one or more reservations as referred to in Article 45 as to the prospects for withdrawing such reservation(s).

#### **Article 47 – Amendments**

1. Amendments to the articles of this Convention may be proposed by a Party, the Conventional Committee or the Committee of Ministers of the Council of Europe.
2. Any amendment proposed by a Party, by the Conventional Committee or the Committee of Ministers shall be communicated to the International Forum on Sports integrity at least two months before the meeting at which it is to be considered. The International Forum on Sports integrity shall submit to the Committee of Ministers its opinion on the proposed amendment, where appropriate after consultation with the relevant sports governing bodies and umbrella organisations of betting regulatory authorities, lotteries and/or betting operators.
3. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the International Forum on Sports integrity and may adopt the amendment.
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.
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.

#### **Article 48 – Settlement of disputes**

1. EPAS shall be kept informed regarding the interpretation and application of this Convention.
2. In case of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the EPAS, to an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.

**Article 49 – Denunciation**

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.
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.

**Article 50 – Notification**

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 State which has acceded to, or has been invited to accede to, this Convention of:
  - a) any signature;
  - b) the deposit of any instrument of ratification, acceptance, approval or accession;
  - c) any date of entry into force of this Convention in accordance with Articles 39 and 40;
  - d) any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at \_\_\_\_\_, this \_\_\_\_\_ 2012, 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.