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ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on the signing, on behalf of the European Union, of the Council of Europe Convention on the manipulation of sports competitions with regards to matters not related to substantive criminal law judicial cooperation in criminal matters



Council of Europe Treaty Series - No. 215

Council of Europe Convention on the Manipulation of Sports Competitions

Magglingen/Macolin, 18.IX.2014

Preamble

The member States of the Council of Europe and the other signatories to this Convention,

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

Considering the Action Plan of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), which recommends the continuation of Council of Europe activities which serve as references in the field of sport;

Considering that it is necessary to further develop a common European and global framework for the development of sport, based on the notions of pluralist democracy, rule of law, human rights and sports ethics;

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;

Expressing concern about the involvement of criminal activities, and in particular organised crime in the manipulation of sports competitions and about its transnational nature;

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5) and its Protocols, the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (1985, ETS No. 120), the Anti-Doping Convention (1989, ETS No. 135), the Criminal Law Convention on Corruption (1999, ETS No. 173) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005, CETS No. 198);

Recalling the United Nations Convention against Transnational Organized Crime (2000) and the Protocols thereto;

Also recalling the United Nations Convention against Corruption (2003);

Recalling the importance of effectively investigating without undue delay the offences within their jurisdiction;

Recalling the key role that the International Criminal Police Organization (Interpol) plays in facilitating effective co-operation between the law enforcement authorities in addition to judicial co-operation;

Emphasising that sports organisations bear the responsibility to detect and sanction the manipulation of sports competitions committed by persons under their authority;

Acknowledging the results already achieved in the fight against the manipulation of sports competitions;

Convinced that an effective fight against the manipulation of sports competitions requires increased, rapid, sustainable and properly functioning national and international co-operation;

Having regard to Committee of Ministers' Recommendations to member States Rec(92)13rev 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 the manipulation of results, notably match-fixing;

In the light of the work and conclusions of the following conferences:

– 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 (Baku, 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 (Belgrade, 15 March 2012) particularly in respect of the drafting of a new international legal instrument against the manipulation of sports results;

– the UNESCO 5th International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS V);

Convinced that dialogue and co-operation among public authorities, sports organisations, competition organisers and sports betting operators at national and international levels 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;

Recognising that sport, based on fair and equal competition, is unpredictable in nature and requires unethical practices and behaviour in sport to be forcefully and effectively countered;

Emphasising their belief that consistent application of the principles of good governance and ethics in sport is a significant factor in helping to eradicate corruption, the manipulation of sports competitions and other kinds of malpractice in sport;

Acknowledging that, in accordance with the principle of the autonomy of sport, sports organisations are responsible for sport and have self-regulatory and disciplinary responsibilities in the fight against manipulation of sports competitions, but that public authorities, protect the integrity of sport, where appropriate;

Acknowledging that the development of sports betting activities, particularly of illegal sports betting, increases the risks of such manipulation;

Considering that the manipulation of sports competitions may be related or unrelated to sports betting, and related or unrelated to criminal offences, and that it should be dealt with in all cases;

Taking note of the margin of discretion which States enjoy, within the framework of applicable law, in deciding on sports betting policies,

Have agreed as follows:

Chapter I – Purpose, guiding principles, definitions

Article 1 – Purpose and main objectives

1 The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport.

2 For this purpose, the main objectives of this Convention are:
- a to prevent, detect and sanction national or transnational manipulation of national and international sports competitions;
- b to promote national and international co-operation against manipulation of sports competitions between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

Article 2 – Guiding principles

1 The fight against the manipulation of sports competitions shall ensure respect, *inter alia*, for the following principles:
- a human rights;
- b legality;
- c proportionality;
- d protection of private life and personal data.

Article 3 – Definitions

For the purposes of this Convention:

1 "Sports competition" means any sport event organised in accordance with the rules set by a sports organisation listed by the Convention Follow-up Committee in accordance with Article 31.2, and recognised by an international sports organisation, or, where appropriate, another competent sports organisation.

2 "Sports organisation" means any organisation which governs sport or one particular sport, and which appears on the list adopted by the Convention Follow-up Committee in accordance with Article 31.2, as well as its continental and national affiliated organisations, if necessary.

3 "Competitions organiser" means any sports organisation or any other person, irrespective of their legal form, which organises sports competitions.

4 "Manipulation of sports competitions" means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.

5 "Sports betting" means any wagering of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition. In particular:
- a "illegal sports betting" means any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located;
- b "irregular sports betting" shall mean any sports betting activity inconsistent with usual or anticipated patterns of the market in question or related to betting on a sports competition whose course has unusual characteristics;
- c "suspicious sports betting" shall mean any sports betting activity which, according to reliable and consistent evidence, appears to be linked to a manipulation of the sports competition on which it is offered.

6 "Competition stakeholder" means any natural or legal person belonging to one of the following categories:
- a "athlete" means any person or group of persons, participating in sports competitions;
- 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, and all other persons working with the athletes;
- c "official" 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, as well as referees, jury members and any other accredited persons. The term also covers the executives and staff of the international sports organisation, or where appropriate, other competent sports organisation which recognises the competition.

7 "Inside information" means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding 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.

Chapter II – Prevention, co-operation and other measures

Article 4 – Domestic co-ordination

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.

2 Each Party, within its jurisdiction, shall encourage sports organisations, competition organisers and sports betting operators 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.

Article 5 – Risk assessment and management

1 Each Party shall – where appropriate in co-operation with sports organisations, sports betting operators, competition organisers and other relevant organisations – identify, analyse and evaluate the risks associated with the manipulation of sports competitions.

2 Each Party shall encourage sports organisations, sports betting operators, competition organisers and any other relevant organisation to establish procedures and rules in order to combat manipulation of sports competitions and shall adopt, where appropriate, legislative or other measures necessary for this purpose.

Article 6 – Education and awareness raising

1 Each Party shall encourage awareness raising, education, training and research to strengthen the fight against manipulation of sports competitions.

Article 7 – Sports organisations and competition organisers

1 Each Party shall encourage sports organisations and competition organisers to adopt and implement rules to combat the manipulation of sports competitions as well as principles of good governance, related, *inter alia*, to:

a prevention of conflicts of interest, including:
   – prohibiting competition stakeholders from betting on sports competitions in which they are involved;
   – prohibiting the misuse or dissemination of inside information*;*

b compliance by sports organisations and their affiliated members with all their contractual or other obligations;

c the requirement for competition stakeholders to report immediately any suspicious activity, incident, incentive or approach which could be considered an infringement of the rules against the manipulation of sports competitions.

2 Each Party shall encourage sports organisations to adopt and implement the appropriate measures in order to ensure:

a enhanced and effective monitoring of the course of sports competitions exposed to the risks of manipulation;

b arrangements to report without delay instances of suspicious activity linked to the manipulation of sports competitions to the relevant public authorities or national platform;

c effective mechanisms to facilitate the disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistle blowers;

d awareness among competition stakeholders including young athletes of the risk of manipulation of sports competitions and the efforts to combat it, through education, training and the dissemination of

information;

e the appointment of relevant officials for a sports competition, in particular judges and referees, at the latest possible stage.

3 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 rules against the manipulation of sports competitions, in particular those referred to in paragraph 1 of this article, as well as to ensure mutual recognition and enforcement of sanctions imposed by other sports organisations, notably in other countries.

4 Disciplinary liability established by sports organisations shall not exclude any criminal, civil or administrative liability.

Article 8 – Measures regarding the financing of sports organisations

1 Each Party shall adopt such legislative or other measures as may be necessary to ensure appropriate transparency regarding the funding of sports organisations that are financially supported by the Party.

2 Each Party shall consider the possibility of helping sports organisations to combat the manipulation of sports competitions, including by funding appropriate mechanisms.

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.

4 Where appropriate, each Party shall take steps to withhold some or all financial or other sport-related support from any sports organisations that do not effectively apply regulations for combating manipulation of sports competitions.

Article 9 – Measures regarding the betting regulatory authority or other responsible authority or authorities

1 Each Party shall identify one or more responsible authorities, which in the Party's legal order are entrusted with the implementation of sports betting regulation and with the application of relevant measures to combat the manipulation of sports competitions in relation to sports betting, including, where appropriate:

a the exchange of information, in a timely manner, with other relevant authorities or a national platform for illegal, irregular or suspicious sports betting as well as infringements of the regulations referred to or established in accordance with this Convention;

b the limitation of the supply of sports betting, following consultation with the national sports organisations and sports betting operators, particularly excluding sports competitions:
   – which are designed for those under the age of 18; or
   – where the organisational conditions and/or stakes in sporting terms are inadequate;

c the advance provision of information about the types and the objects of sports betting products to competition organisers in support to their efforts to identify and manage risks of sports manipulation within their competition;

d the systematic use in sports betting of means of payment allowing financial flows above a certain threshold, defined by each Party, to be traced, particularly the senders, the recipients and the amounts;

e mechanisms, in co-operation with and between sports organisations and, where appropriate, sports betting operators, to prevent competition stakeholders from betting on sports competitions that are in breach of relevant sports rules or applicable law;

f the suspension of betting, according to domestic law, on competitions for which an appropriate alert has been issued.

2 Each Party shall communicate to the Secretary General of the Council of Europe the name and addresses of the authority or authorities identified in pursuance of paragraph 1 of this article.

Article 10 – Sports betting operators

1 Each Party shall adopt such legislative or other measures as may be necessary to prevent conflicts of interest and misuse of inside information by natural or legal persons involved in providing sports betting products, in particular through restrictions on:

a natural or legal persons involved in providing sports betting products betting on their own products;
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 inside information;
c competition stakeholders being involved in compiling betting odds for the competition in which they are involved;
d any sports betting operator who controls a competition organiser or stakeholder, as well as any sports betting operator who is controlled by such a competition organiser or stakeholder, offering bets on the competition in which this competition organiser or stakeholder is involved.

2 Each Party shall encourage its sports betting operators, and through them, the international organisations of sports betting operators, to raise awareness among their owners and employees of the consequences of and the fight against manipulation of sports competitions, through education, training and the dissemination of information.

3 Each Party shall adopt such legislative or other measures as may be necessary to oblige sports betting operators to report irregular or suspicious betting without delay to the betting regulatory authority, the other responsible authority or authorities, or the national platform.

Article 11 – The fight against illegal sports betting

1 With a view to combating the manipulation of sports competitions, each Party shall explore the most appropriate means to fight operators of illegal sports betting and shall consider adopting measures, in accordance with the applicable law of the relevant jurisdiction, such as:
a closure or direct and indirect restriction of access to illegal remote sports betting operators, and closure of illegal land-based sports betting operators in the Party's jurisdiction;
b blocking of financial flows between illegal sports betting operators and consumers;
c prohibition of advertising for illegal sports betting operators;
d raising of consumers' awareness of the risks associated with illegal sports betting.

Chapter III – Exchange of information

Article 12 – Exchange of information between competent public authorities, sports organisations and sports betting operators

1 Without prejudice to Article 14, each Party shall facilitate, at national and international levels and in accordance with its domestic law, exchanges of information between the relevant public authorities, sports organisations, competition organisers, sports betting operators and national platforms. In particular, each Party shall undertake to set up mechanisms for sharing relevant information when such information might assist in the carrying out of the risk assessment referred to in Article 5 and namely the advanced provision of information about the types and object of the betting products to the competition organisers, and in initiating or carrying out investigations or proceedings concerning the manipulation of sports competitions.

2 Upon request, the recipient of such information shall, in accordance with domestic law and without delay, inform the organisation or the authority sharing the information of the follow-up given to this communication.

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.

Article 13 – National platform

1 Each Party shall identify a national platform addressing manipulation of sports competitions. The national platform shall, in accordance with domestic law, *inter alia*:
a serve as an information hub, collecting and disseminating information that is relevant to the fight against manipulation of sports competitions to the relevant organisations and authorities;
b co-ordinate the fight against the manipulation of sports competitions;
c receive, centralise and analyse information on irregular and suspicious bets placed on sports competitions taking place on the territory of the Party and, where appropriate, issue alerts;
d transmit information on possible infringements of laws or sports regulations referred to in this Convention to public authorities or to sports organisations and/or sports betting operators;

e co-operate with all organisations and relevant authorities at national and international levels, including national platforms of other States.

2 Each Party shall communicate to the Secretary General of the Council of Europe the name and addresses of the national platform.

Article 14 – Personal data protection

1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that all actions against the manipulation of sports competitions comply with relevant national and international personal data protection laws and standards, particularly in the exchange of information covered by this Convention.

2 Each Party shall adopt such legislative or other measures as necessary to guarantee that the public authorities and organisations covered by this Convention take the requisite measures in order to ensure that, when 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 Each Party shall provide in its laws that the public authorities and organisations covered by this Convention are to ensure that the exchange of data for the purpose of this Convention does not go beyond the necessary minimum for the pursuit of the stated purposes of the exchange.

4 Each Party shall invite the various public authorities and organisations covered by this Convention to provide 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 data exchange systems and the identification of their users.

Chapter IV – Substantive criminal law and co-operation with regard to enforcement

Article 15 – Criminal offences relating to the manipulation of sports competitions

1 Each Party shall ensure that its domestic laws enable to criminally sanction manipulation of sports competitions when it involves either coercive, corrupt or fraudulent practices, as defined by its domestic law.

Article 16 – Laundering of the proceeds of criminal offences relating to the manipulation of sports competitions

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 as referred to 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 (2005, CETS No. 198), in Article 6, paragraph 1 of the United Nations Convention against Transnational Organized Crime (2000) or in Article 23, paragraph 1 of the United Nations Convention against Corruption (2003), under the conditions referred to therein, when the predicate offence giving raise to profit is one of those referred to in Articles 15 and 17 of this Convention and in any event, in the case of extortion, corruption and fraud.

2 When deciding on the range of offences to be covered as predicate offences mentioned in paragraph 1, each Party may decide, in accordance with its domestic law, how it will define those offences and the nature of any particular elements that make them serious.

3 Each Party shall consider including the manipulation of sports competitions in its money laundering prevention framework by requiring sports betting operators to apply customer due diligence, record keeping and reporting requirements.

Article 17 – Aiding and abetting

1 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 referred to in Article 15 of this Convention.

Article 18 – Corporate liability

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 referred to in Articles 15 to 17 of 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:
   a a power of representation of the legal person;
   b the authority to take decisions on behalf of the legal person;
   c the authority to exercise control within the legal person.

2 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.

3 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 an offence referred to in Articles 15 to 17 of this Convention for the benefit of that legal person by a natural person acting under its authority.

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

Chapter V – Jurisdiction, criminal procedure and enforcement measures

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 of 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 habitually residing 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, sub-paragraph d of this article.

3 Each Party shall take the necessary legislative or other measures to establish jurisdiction over offences referred to in Articles 15 to 17 of this Convention in cases in which an alleged offender is present on its territory and cannot be extradited to another Party on the basis of his or her nationality.

4 When more than one Party claims jurisdiction over an alleged offence referred to in Articles 15 to 17 of this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for the purposes of prosecution.

5 Without prejudice to the general rules of international law, this Convention does not exclude any criminal, civil and administrative jurisdiction exercised by a Party in accordance with its domestic law.

Article 20 – Measures to secure electronic evidence

1 Each Party shall adopt legislative or other measures to secure electronic evidence, *inter alia* through the expedited preservation of stored computer data, expedited preservation and 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 referred to in Articles 15 to 17 of this Convention.

Article 21 – Protection measures

1 Each Party shall consider adoption of such legal measures as may be necessary to provide effective protection for:
   a persons who provide, in good faith and on reasonable grounds, information concerning offences referred to in Articles 15 to 17 of 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 sub-paragraphs a and b.

Chapter VI – Sanctions and measures

Article 22 – Criminal sanctions against natural persons

1 Each Party shall take the necessary legislative or other measures to ensure that the offences referred to in Articles 15 to 17 of this Convention, when committed by natural persons, are punishable by effective, proportionate and dissuasive sanctions, including monetary sanctions, taking account of the seriousness of the offences. These sanctions shall include penalties involving deprivation of liberty that may give rise to extradition, as defined by domestic law.

Article 23 – Sanctions against legal persons

1 Each Party shall take the necessary legislative or other measures to ensure that legal persons held liable in accordance with Article 18 are subject to effective, proportionate and dissuasive sanctions, including monetary sanctions and possibly other measures such as:

a a temporary or permanent disqualification from exercising commercial activity;

b placement under judicial supervision;

c a judicial winding-up order.

Article 24 – Administrative sanctions

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.

2 Each Party shall ensure that administrative measures are applied. This may be done by the betting regulatory authority or the other responsible authority or authorities, in accordance with its domestic law.

Article 25 – Seizure and confiscation

1 Each Party shall take the necessary legislative or other measures, in accordance with domestic law, to permit seizure and confiscation of:

a the goods, documents and other instruments used, or intended to be used, to commit the offences referred to in Articles 15 to 17 of this Convention;

b the proceeds of those offences, or property of a value corresponding to those proceeds.

Chapter VII – International co-operation in judicial and other matters

Article 26 – Measures with a view to international co-operation in criminal matters

1 The Parties shall co-operate with each other, in 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, prosecutions and judicial proceedings concerning the offences referred to in Articles 15 to 17 of this Convention, including seizure and confiscation.

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 assistance in criminal matters and in accordance with their domestic law, concerning the offences referred to in Articles 15 to 17 of this Convention.

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 State place the offence within the same category of offence or use the same term to denominate the offence as the requesting State, if the conduct underlying the offence in respect of which legal mutual assistance or extradition is requested is

a criminal offence under the laws of both Parties.

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 referred to in Articles 15 to 17 of this Convention.

Article 27 – Other international co-operation measures in respect of prevention

1 Each Party shall endeavour to integrate, where appropriate, the prevention of and the fight against the manipulation of sports competitions into assistance programmes for the benefit of third States.

Article 28 – International co-operation with international sports organisations

1 Each Party, in accordance with its domestic law, shall co-operate with international sports organisations in the fight against the manipulation of sports competitions.

Chapter VIII – Follow up

Article 29 – Provision of information

1 Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention.

Article 30 – Convention Follow-up Committee

1 For the purposes of this Convention, the Convention Follow-up Committee is hereby set up.

2 Each Party may be represented on the Convention Follow-up Committee by one or more delegates, including representatives of public authorities responsible for sport, law-enforcement or betting regulation. Each Party shall have one vote.

3 The Parliamentary Assembly of the Council of Europe, as well as other relevant Council of Europe intergovernmental committees, shall each appoint a representative to the Convention Follow-up Committee in order to contribute to a multisectoral and multidisciplinary approach. The Convention Follow-up Committee may, if necessary, invite, by unanimous decision, any State which is not a Party to the Convention, any international organisation or body, to be represented by an observer at its meetings. Representatives appointed under this paragraph shall participate in meetings of the Convention Follow-up Committee without the right to vote.

4 Meetings of the Convention Follow-up 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.

5 Subject to the provisions of this Convention, the Convention Follow-up Committee shall draw up and adopt by consensus its own rules of procedure.

6 The Convention Follow-up Committee shall be assisted by the Secretariat of the Council of Europe in carrying out its functions.

Article 31 – Functions of the Convention Follow-up Committee

1 The Convention Follow-up Committee is responsible for the follow-up to the implementation of this Convention.

2 The Convention Follow-up Committee shall adopt and modify the list of sports organisations referred to in Article 3.2, while ensuring that it is published in an appropriate manner.

3 The Convention Follow-up Committee may, in particular:
   a make recommendations to the Parties concerning measures to be taken for the purposes of this Convention, in particular with respect to international co-operation;
   b where appropriate, make recommendations to the Parties, following the publication of explanatory documentation and, after prior consultations with representatives of sports organisations and sports betting operators, in particular on:
      – the criteria to be met by sports organisations and sports betting operators in order to benefit from the exchange of information referred to in Article 12.1 of this Convention;
      – other ways aimed at enhancing the operational co-operation between the relevant public authorities, sports organisations and betting operators, as mentioned in this Convention;
   c keep relevant international organisations and the public informed about the activities undertaken within the framework of this Convention;
   d prepare an opinion to the Committee of Ministers on the request of any non-member State of the Council of Europe to be invited by the Committee of Ministers to sign the Convention in pursuance of Article 32.2.

4 In order to discharge its functions, the Convention Follow-up Committee may, on its own initiative, arrange meetings of experts.

5 The Convention Follow-up Committee, with the prior agreement of the Parties concerned, shall arrange visits to the Parties.

Chapter IX – Final provisions

Article 32 – Signature and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe, the other States Parties to the European Cultural Convention, the European Union and the non-member States which have participated in its elaboration or enjoying observer status with the Council of Europe.

2 This Convention shall also be open for signature by any other non-member State of the Council of Europe upon invitation by the Committee of Ministers. The decision to invite a non-member State to sign the Convention shall be taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by a unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers, after consulting the Convention Follow-up Committee, once established.

3 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.

4 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 signatories, 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, 2 and 3.

5 In respect of any signatory State or the European Union 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, 2 and 3.

6 A Contracting Party which is not a member of the Council of Europe shall contribute to the financing of the Convention Follow-up Committee in a manner to be decided by the Committee of Ministers after consultation with that Party.

Article 33 – Effects of the Convention and relationship with other international instruments

1 This Convention does not affect the rights and obligations of Parties under international multilateral conventions concerning specific subjects. In particular, this Convention does not alter their rights and obligations arising from other agreements previously concluded in respect of the fight against doping and consistent with the subject and purpose of this Convention.

2 This Convention supplements in particular, where appropriate, applicable multilateral or bilateral treaties between the Parties, including the provisions of:

a the European Convention on Extradition (1957, ETS No. 24);

b the European Convention on Mutual Assistance in Criminal Matters (1959, ETS No. 30);

c the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990, ETS No. 141);

d the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005, CETS No. 198).

3 The Parties to the Convention may conclude bilateral or multilateral treaties 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.

4 If two or more Parties have already concluded a treaty on the matters dealt with in this Convention or have otherwise established relations in respect of such matters, they shall also be entitled to apply that 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.

5 Nothing in this Convention shall affect other rights, restrictions, obligations and responsibilities of Parties.

Article 34 – Conditions and safeguards

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 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 into its domestic law.

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 the application, as well as the limitation of the scope and the duration of such power or procedure.

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 these chapters upon the rights, responsibilities and legitimate interests of third parties.

Article 35 – Territorial application

1 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply.

2 Each Party 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 and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such a 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 36 – Federal clause

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.

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 the measures set out in Chapters III and VII. Overall, it shall provide for a broad and effective 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 each 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 37 – Reservations

1 By a written notification addressed to the Secretary General of the Council of Europe, any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, declare that it avails itself of the reservations provided for in Article 19, paragraph 2 and in Article 36, paragraph 1. No other reservation may be made.

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.

3 A Party that has made a reservation shall withdraw such reservation, in whole or in part, as soon as circumstances so permit.

4 The Secretary General of the Council of Europe may periodically ask Parties that have made one or more reservations for details about the prospects of withdrawal of such reservation(s).

Article 38 – Amendments

1 Amendments to articles of this Convention may be proposed by any Party, the Convention Follow-up Committee or the Committee of Ministers of the Council of Europe.

2 Any proposal for an amendment shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the Parties, the member States of the Council of Europe, non-member States having participated in the elaboration of this Convention or enjoying observer status with the Council of Europe, the European Union, any State having been invited to sign this Convention and the Convention Follow-up Committee at least two months before the meeting at which it is to be considered. The Convention Follow-up Committee shall submit to the Committee of Ministers its opinion on the proposed amendment.

3 The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Convention Follow-up Committee and may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

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 following their respective internal procedures.

6 If an amendment has been adopted by the Committee of Ministers, but has not yet entered into force in accordance with paragraph 5, a State or the European Union may not express their consent to be bound by the Convention without accepting at the same time the amendment.

Article 39 – Settlement of disputes

1 The Convention Follow-up Committee, in close co-operation with the relevant Council of Europe intergovernmental committees shall be kept informed of any difficulties regarding the interpretation and application of this Convention.

2 In the event of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation, conciliation or arbitration, or any other peaceful means of their choice.

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.

Article 40 – Denunciation

1 Each 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 41 – Notification

1 The Secretary General of the Council of Europe shall notify the Parties, the member States of the Council of Europe, the other States Parties to the European Cultural Convention, the non-member States having participated in the elaboration of this Convention or enjoying observer status with the Council of Europe, the European Union, and any State having been invited to sign this Convention in accordance with the provisions of Article 32, of:

a any signature;
b the deposit of any instrument of ratification, acceptance or approval;
c any date of entry into force of this Convention in accordance with Article 32;
d any reservation and any withdrawal of a reservation made in accordance with Article 37;
e any declaration made in accordance with Articles 9 and 13;
f any other act, notification or communication relating to this Convention.

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

Done in Magglingen/Macolin, this 18th day of September 2014, 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 or enjoy observer status with the Council of Europe, to the European Union and to any State invited to sign this Convention.