



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From:	Council General Secretariat
to:	Delegations
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Subject:	Draft Council Decision Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sports results as regards matters related to cooperation in criminal matters and police cooperation

Delegations will find attached a text on the above subject resulting from the discussions at Coreper Part I on 28 May 2013.

Draft

COUNCIL DECISION

Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sports results as regards matters related to cooperation in criminal matters and police cooperation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 83(1), 87(2) and 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

Negotiations should be opened on the preparation of an international convention of the Council of Europe to combat the manipulation of sports results.

The negotiation process is based on the decision CM/Del/Dec/1145/8.1 of the Committee of Ministers of the Council of Europe dated 13 June 2012, following Resolution No. 1 adopted by the 12th Council of Europe Conference of Ministers responsible for Sport which indicates that the scope of the draft instrument and its provisions should be based on Recommendation CM/Rec(2011)10, and on the feasibility study MSL12 (2012) 4 rev3.

The aim of the negotiating process is to present the Committee of Ministers of the Council of Europe with a draft convention which, depending on the Committee of Ministers' decision, will be finalised as a convention and submitted to the Parliamentary Assembly of the Council of Europe for opinion, or referred to EPAS to be finalised as a non-binding legal instrument.

In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

The provisions of the draft international Convention of the Council of Europe to combat the manipulation of sports results, other than the provisions related to judicial cooperation in criminal matters and police cooperation will be the subject of a separate Decision adopted in parallel to this Decision.

As the negotiations will cover matters which fall partly within the Union's competence and partly within the Member States competence, the Union should participate in these negotiations together with its Member States. Member States may therefore attend negotiations and negotiate on matters falling within their competence.

In the case that the EU decides to join the future Convention, the legal nature of the Convention and distribution of the powers between the Member States and the Union will be determined separately at the end of the negotiations on the basis of an analysis of the precise scope of the coverage of the individual provisions.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the European Union, on the matters falling within the Union's competence an international convention of the Council of Europe to combat the manipulation of sports results as regards matters related to cooperation in criminal matters and police cooperation, as set out in the negotiating directives annexed to this Decision.

Article 2

The negotiating directives are set out in the Annex.

Article 3

Pursuant to Article 1 the negotiations shall be conducted in consultation with the Council Working Party on Sport, reinforced by experts in the field of Justice and Home Affairs.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President

DIRECTIVES FOR THE NEGOTIATION
of an international convention of the Council of Europe
to combat the manipulation of sports results as regards matters related to cooperation in
criminal matters and police cooperation

The future convention will aim at creating an international legal framework for the prevention of and fight against the manipulation of sports results, notably match-fixing; the objective of the convention should be to enhance international cooperation in this context and to set up a monitoring mechanism to ensure that the provisions laid down in the convention are followed-up in an effective way.

The provisions of the future Convention may concern judicial cooperation in criminal matters and police cooperation in so far as these relate to the manipulation of sports results.

In relation to these matters, the European Union, represented by the Commission, will participate in the negotiations with the following objectives, taking account of the latest developments of the acquis, while respecting the division of competences:

- To ensure that the provisions of the future Convention are not incompatible with the rules adopted by the Union in the field of judicial cooperation in criminal matters and police co-operation, as an area of shared competence, in particular:
 - a. The Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector.¹

¹ OJ L 192, 31.07.2003, p. 54.

- b. The Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on the European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.²
 - c. Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.
 - d. Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems.³
 - e. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.
 - f. Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters.
- To ensure that the provisions of the future Convention in the area of judicial cooperation in criminal matters and in the area of police cooperation make reference to the application of existing relevant international and regional instruments and arrangements. If, in the course of negotiations, it becomes clear that it is not possible to reach agreement on such a reference, the Commission should consult with the the Council Working Party as referred to in Article 3.

The Commission shall consult before and report after each negotiating and/or drafting session at the Council of Europe to the Council Working Party as referred to in Article 3.

Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in the context of the negotiations on this convention.

The Commission shall ensure that the future convention allows for the application of higher standards stipulated in EU instruments as regards relations between the EU Member States.

² OJ C 197, 12.07.2000, p.1.

³ OJ L 69, 16.3.2005, p. 67.