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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Conclusions of the Council and of the representatives of the governments of the Member States meeting within the Council on combating corruption in sport
- Adoption

Delegations will find attached the text of the draft conclusions on combating corruption in sport, as agreed at the Working Party on Sport (WPS) meeting on 30 October 2019.

The Permanent Representatives Committee is accordingly invited to confirm the agreement reached by the WPS on the attached text and forward it to the Council (EYCS on 21-22 November 2019) for its adoption and subsequent publication in the Official Journal of the EU.

COMBATING CORRUPTION IN SPORT

Draft Conclusions of the Council and of the representatives of the governments of the Member States meeting within the Council –

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

RECOGNISING THAT

1. The fundamental basis of sport is built on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.¹
2. Corruption in sport is not a new phenomenon. An increasing number of cases have come to light in the last 20 years due to significant changes in the sport industry, mainly related to the increasing commercialisation and the media coverage of sport, which result in an increase in revenue and financial flows.
3. The fight against corruption in sport has taken many forms by different actors and some good results have been achieved over the years.
4. High profile corruption cases have shown the potential damage corruption cases cause to the reputation of sport for integrity and fair play. In addition, it allows economic inefficiencies to flourish and undermines trust in governments, public institutions and democracy in general.
5. Sport faces both competition and management corruption². Corruption in sport takes many forms, such as bribery, trading in influence, abuse of functions, manipulation of sport competitions and money laundering. Corruption is facilitated by a lack of rules or by inadequate implementation of existing rules on conflicts of interest, or revolving doors between the public and the private sectors. Furthermore, corruption can be related to doping.

¹ Fundamental Principles of Olympism, International Olympic Committee, September 2015.

² See definitions in the Annex.

6. Corruption in sport has manifested itself in various contexts ranging from non-profit activities through to activities involving high profile international events. The complex nature of corruption in sport has created significant challenges for sport management and policy makers in identifying where the problems lie and in developing actions to solve these problems and safeguard the integrity of sport.
7. At United Nations level, and in particular in the 2030 Agenda for Sustainable Development, the international community has recognised sport as an important enabler for sustainable development³, but also the damaging effects of corruption on economic and social development, and has pledged to substantially reduce corruption and bribery in all their forms.⁴ Tackling corruption and working with partner countries to promote anti-corruption measures are part of the development cooperation policy of the EU and its Member States.⁵

CONSIDER THAT

8. While specific forms of corruption in sport have been on the agenda of EU-level cooperation for several years, there is no overall EU approach to anti-corruption measures in the field of sport.
9. A successful response to this complex matter in the field of sport requires a long-term strategy, which should involve establishing a common EU approach to combating corruption in sport and the identification of corruption risks, their root causes and the existing legal frameworks and mechanisms.

³ United Nations Resolutions 70/1 - Transforming our World: the 2030 Agenda for Sustainable Development (paragraph 37) and 73/24 - Sport as an enabler of sustainable development.

⁴ 2030 Agenda for Sustainable Development, Goal 16 (target 16.5)
<https://sustainabledevelopment.un.org/post2015/transformingourworld>.

⁵ Paragraph 50 and section 2.4 of the New European Consensus on Development (2017).

EMPHASISE THAT

10. It is the shared responsibility and in the interest of all stakeholders in the field of sport to fight against corruption in sport, including national, European and international sport organisations, sports clubs, other relevant civil society organisations, public administrations, law enforcement agencies, sports agents, athletes and their entourage, the betting industry, laboratories, sponsors and the media.
11. Deficiencies in the governance of sports organisations, as well as in the public sector, may hinder their capacity to prevent and combat corruption and compromise participation by and working conditions of athletes.
12. Protection of whistle-blowers is a crucial element of the fight against corruption, especially when it comes to identifying and detecting corruption in sport.
13. The basic principles of good governance in sport include, as a minimum requirement, democratic structures, regular and open electoral procedures, competent and ethical organisation and management, accountability and transparency in decision-making and financial operations as well as fairness in dealing with membership, including as regards gender equality and solidarity.⁶
14. The Treaties recognise corruption, illicit drug trafficking, money laundering and organised crime as some of the 'areas of particularly serious crimes with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis' for which minimum rules on the definition of criminal offences and sanctions may be established.⁷ It is in the common interest to ensure that all Member States have effective anti-corruption policies and the EU supports the Member States in pursuing this work, including in the field of sport.

⁶ See Council of Europe Recommendation CM/Rec(2005)8 of the Committee of Ministers to Member States.

⁷ TFEU Article 83(1).

15. Sports governing bodies should be able to maintain a high degree of autonomy in fulfilling their role in all fields of sport. This comes with an implicit recognition that any such autonomy must be earned through good governance and upholding the highest standards of integrity in their sport.⁸ For several years, the sport movement has initiated projects, networks and other initiatives to combat corruption in sport. This work should be taken into account and developed further when considering further actions.
16. European and international organisations, such as the United Nations, the OECD, the Council of Europe, Interpol and Europol, as well as the G20⁹, have introduced measures in the fight against corruption in general and, more specifically, in the fight against corruption in sport. The EU actions should build on existing international cooperation, fostering and complementing such cooperation where added value can be found.
17. Existing and new forms of networks can facilitate the common aim to prevent corruption and promote good governance by bringing together intergovernmental organisations, international sports organisations and governments, and by combining the efforts of the various stakeholders in the fight against corruption in sport. The International Partnership Against Corruption in Sport (IPACS) is a potential example of such informal future cooperation.
18. Member States have an important role to play in the implementation of international commitments. They should promote and support, in cooperation with sport organisations, implementation of good governance principles at national, regional and local levels; in particular, by applying a zero tolerance policy for corruption in sport; by monitoring implementation of good governance principles by their national sports movement; or by including good governance in the criteria for awarding public grants to sports.

⁸ Future of Global Sport, 2019 ASOIF. See also COM(2011) 12 final Developing the European Dimension in Sport.

⁹ At their Hamburg summit in 2017, G20 leaders committed to continue their work to address integrity in sports and urged international sports organisations to intensify their fight against corruption by achieving the highest global integrity and anti-corruption standards. In this respect, G20 leaders committed to strive for a common understanding regarding corruption risks in bids to host major sport events.

19. Effective cooperation among relevant existing structures and a combination of resources will be needed for the successful implementation of the anti-corruption measures at all levels.

INVITE THE MEMBER STATES, IN LINE WITH THE SUBSIDIARITY PRINCIPLE AND AT THE APPROPRIATE LEVELS, TO

20. Strengthen efforts to prevent and combat corruption in sport, including by ensuring that appropriate legislative and law enforcement measures are in place.
21. Encourage and promote measures and activities to prevent and prohibit reprisals and introduce safeguards to protect whistle-blowers from being suspended, demoted and intimidated or facing other forms of retaliation, while fully respecting the rights of all parties.
22. Establish or review, in cooperation with sport organisations, national action plans and/or instruments to prevent and combat corruption in sport and in view of enforcing a zero tolerance policy towards corruption in sport.
23. Promote proper implementation and monitoring of good governance principles by the sports movement to prevent corruption in sport.
24. Review the possible actions in granting public funding based on the organisations' commitment to implement measures regarding good governance and anti-corruption
25. Raise awareness and provide initial and continuous education and training of relevant officials, including those working in law enforcement, and stakeholders involved in anti-corruption policies relevant to sport.
26. Examine ways, together with the Commission, to solve the deadlock with regard to the Council of Europe Convention on the Manipulation of Sports Competitions, which entered into force on 1 September 2019, in view of enabling the EU and all its Member States to complete their respective ratification processes and accede to the Convention as soon as possible.

INVITE THE COMMISSION TO

27. In the light of previous work in this field, make a proposal for a coherent, cross-sectoral action plan, including as appropriate a proposal for a Council Recommendation, on competition and management corruption in sport.
28. Promote cooperation and synergies with and between the Member States as well as with other international organisations and networks, in particular with the Council of Europe, and raise awareness of such cooperation and its outcomes.
29. Provide for and strengthen the dialogue between public authorities and the sport movement on the fight against corruption in sport and support, together with international sport organisations, initiatives to prevent corruption at international events and cross-border competitions.
30. Assess how the programmes and instruments within the next Multiannual Financial Framework (MFF) can support the implementation of anti-corruption measures in sport.
31. Make use of the sports-related funding part of the Erasmus+ programme, as well as other relevant funding programmes, to promote preventive measures concerning the fight against corruption and good governance in sport as well as the exchange of good practices and policies between Member States and stakeholders.
32. Consider including corruption in sport in the EU anti-corruption experience sharing programme¹⁰ and mainstreaming sport into the Commission's initiatives concerning the fight against corruption.
33. Continue to assist Member State authorities through the Structural Reform Support Service (SRSS) in order to improve the prevention of and fight against corruption in sport.

¹⁰ The Experience Sharing Programme was launched by the European Commission in 2015 to support Member States, local NGOs and other stakeholders in addressing specific challenges identified in the EU Anti-Corruption Report (Report from the Commission to the Council and the European Parliament – EU Anti-Corruption Report. COM(2014) 38 final, 3.2.2014).

INVITE THE SPORT MOVEMENT TO

34. Enhance its efforts in safeguarding the integrity of sport and further engage in the prevention and fight against corruption in sport by taking initiatives on effective anti-corruption measures and sanctions on the basis of a risk assessment and implementing them through a zero-tolerance approach from grassroots to top level.
35. Adopt sustainable approaches and commit to a code of conduct for good governance including a robust compliance system with monitoring, sanctioning and capacity-building.
36. Raise awareness, provide initial and continuous education and training, introduce recommendations and spread best practices on the prevention of corruption in sport, including on good governance, at all levels.
37. Adopt appropriate disciplinary regulations and processes in order to sanction those involved in corruption, and appropriate measures to safeguard whistle-blowers while fully respecting the rights of all parties.
38. For public funding purposes, cooperate with the public authorities in creating standards for good governance and assessing compliance of those standards.
39. Collaborate with law enforcement authorities, agencies and organisations responsible for combatting corruption.

1. *References*

The Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council recall

European Union

- The 1997 Convention on fighting corruption involving officials of the EU or officials of Member States and the 2003 Framework Decision on combating corruption in the private sector
- The European Commission white paper on sport, in particular chapter 4.6 on 'Corruption, money laundering and other forms of financial crime' (July 2007)¹¹
- EU Expert Group on Good Governance in Sport (2011-2014): Principles of Good Governance in Sport (September 2013)
- Regulation (EU) No 1288/2013 of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC¹²
- European Parliament resolution of 11 June 2015 on recent revelations on high-level corruption cases in FIFA (2015/2730(RSP))¹³
- Council conclusions on enhancing integrity, transparency and good governance in major sport events (May 2016)¹⁴

¹¹ COM/2007/0391 final

¹² OJEU L 347, 20.12.2013, p. 50.

¹³ OJEU C 470, 4.11.2016, p. 81.

¹⁴ OJEU C 212, 14.6.2016, p. 14.

- EU Expert Group on Good Governance in Sport (2017-2017): Promotion of existing good governance principles (July 2016)¹⁵
- European Parliament resolution of 2 February 2017 on an integrated approach to Sport Policy: good governance, accessibility and integrity (2016/2143(INI))¹⁶
- Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the European Union Work Plan for Sport (1 July 2017-31 December 2020)¹⁷
- 'Mapping of corruption in sport in the EU' carried out for the European Commission by Ecorys (December 2018)¹⁸
- The Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on the New European Consensus on Development: 'Our World, Our Dignity, Our Future', paragraph 50 and section 2.4¹⁹
- Report from the Commission to the European Parliament and the Council on the assessment of the risk of money laundering and terrorist financing affecting the internal market and relating to cross-border activities (July 2019, COM(2019) 370 final), in particular Chapter 2.1.6.1.1. on Professional football
- Directive of the European Parliament and the Council on the protection of persons who report breaches of Union law (PE-CONS 78/19)²⁰
- European Commission pledge board on good governance

¹⁵ <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.-groupDetailDoc&id=25002&no=1>

¹⁶ OJEU C 252, 18.7.2018, p. 2.

¹⁷ OJ C 189, 15.6.2017, p. 5.

¹⁸ <https://publications.europa.eu/en/publication-detail/-/publication/71c67c33-1dff-11e9-8d04-01aa75ed71a1>

¹⁹ OJEU C 210, 30.6.2017, p. 1.

²⁰ <https://data.consilium.europa.eu/doc/document/PE-78-2019-INIT/en/pdf> - *Text adopted by Council on 7 October 2019, not yet published on the OJEU*

United Nations

- The United Nations Convention against Corruption (2003)
- The International Convention against Doping in Sport (2005)
- The United Nations Convention against Corruption; A Strategy for Safeguarding against Corruption in Major Public Events (2013)
- The 2030 Agenda for Sustainable Development (2015)²¹
- The Kazan Action Plan by UNESCO’s Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI (2017)

Council of Europe

- Recommendation CM/Rec(2018)12 of the Committee of Ministers to member States on the promotion of good governance in sport
- Council of Europe Anti-Doping Convention (ETS No 135)
- Council of Europe Civil Law Convention on Corruption (ETS No 174), the Criminal Law Convention on Corruption (ETS No 173) and its Additional Protocol (ETS No 191)
- Council of Europe Convention on the Manipulation of Sports Competitions (ETS No 215)

Organisation for Economic Cooperation and Development (OECD)

- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Adopted by the Negotiating Conference on 21 November 1997
- Recommendation of the Council on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions, 25 May 2009 - C(2009)64

²¹ UNGA Resolution A/RES/70/1 of 25 September 2015

Various

- Transparency international: Global Corruption Report: sport (23 February 2016)
- G20 Leaders' Declaration: Shaping an interconnected world (Hamburg, 7-8 July 2017)

2. *Definitions*

For the purpose of these conclusions:

'Competition corruption' means corruption in sport related to the result and/or course of a sports competition.

'Management corruption' means the corruption in sport not related to the result and/or course of a sports competition.