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Zagreb 27-28 September 2016

KCOOS (2016) 11

## "Keep Crime Out Of Sport"

### Regional Seminar 2

### FINAL REPORT





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## Introduction to Report

This was the second regional seminar in a series of five planned for the project. The main aim was to unite all relevant actors from the different participating countries, encourage networking, animate sessions to start tackling the challenges that have already been identified and to end with some new outputs and aims for the upcoming months.

Principal stakeholders, particularly law enforcement representatives from Austria, Bosnia-Herzegovina, Croatia, Germany, Hungary and Ukraine, as well as international actors including Europol, GLMS, Interpol, IOC and Sportradar were present at this seminar.

Overall feedback:

- The smaller working groups were, given the feedback from participants, well moderated by the international representatives, as this allowed for broader questions and a different perspective to be solicited of the national actors.
- Many bilateral exchanges took place between countries.
- Countries appreciated the opportunity to meet and discuss with stakeholders from their own country and move towards the building of national platforms, as all except one do not yet have a national platform set up.
- Much exchange of practical situational experience took place.
- It was useful to have international actors moderating each other's sessions, as this provoked interesting discussion and kept the plenary alive, overall.

## Questionnaire Analysis

At the moment of the regional seminar, there were 18 out of a possible 30 possible replies from the seven participating country relevant actors. Only one country has a national platform. Another has not yet signed the Convention. Some countries work with federal systems (e.g. Austria and Germany). There is no system to report illegal betting to the regulatory authority overall among these countries, nor a system to prevent conflicts of interest or misuse of inside information for betting products. In Austria, there is no legislation to support this domain. There are a number of prevention activities (PFC, Cr Ministry, DFB) – how widespread is the awareness raising? Some countries have risk management systems to evaluate risks and liability in sports betting (e.g. Cr). There are examples of how general legislation can be applied to sport successfully (e.g. the Offside and Fair Trial cases in Croatia)

Identified problems included:

- Transnational definitions of what is corruption
- Transmitting of personal data to public authorities
- Sanctions and burden of evidence required for prosecutors in court
- Some countries have little to no reporting requirements of suspicious bets/activities
- Creating black markets through restrictions rather than regulating.

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**TUESDAY 27 SEPTEMBER 2016**

**Roundtable of overview from participating countries**

Short presentations from Participant countries:

Austria has a national platform that currently exists prior to the Convention. The NP exists within the NGO, Play Fair Code and actions are being undertaken to adhere to the Convention articles. Austria and Croatia, like most of the countries present, manage to use general criminal provisions, notably in Fraud, to tackle sports manipulations. Hungary and Ukraine are book working hard towards building up their national platforms. It must be noted that prior assessments of the various relevant systems (risk assessment, legal assessments, etc.) must be carried out before establishing the national platform, in order to maximize the efficiency of the platform. Hungary is also looking to sign the Convention, at least by the Ministerial conference in Budapest in November 2016. Ukraine is progressing towards ratification. In Bosnia-Herzegovina, there is no consensus on the implementation of the Convention or its application within all entities, but there is a recognition that online betting is a transnational issue. Germany is currently putting through a new law in this domain. Under current criminal law, athletes are generally covered merely as accomplices, not perpetrators. So far, match-fixing that is unrelated to sports betting has not been covered by German Criminal Law even though it affects the integrity of sports in the same way as betting-related match-fixing. In both cases fans are watching matches that have been fixed. The new legislative initiative provides for the introduction of the two offences of "sports betting fraud" and "manipulation of professional sports competitions". The Bill also provides the law enforcement authorities with powers to intercept telecommunications in order to support investigations related to sports betting fraud and the manipulation of professional sports competitions under specifically-defined conditions.

**WEDNESDAY 28 SEPTEMBER 2016**

## **Session 1 – Country Working Groups**

### **Austria and Germany** (moderated by Mikhael de Thyse, CoE)

The session focused on how to create a national platform within a federal system. Austria has succeeded in creating an informal NP and was able to share its experiences with Germany.

The working group debated inter alia the role of national platforms in the context of law enforcement activities. Austria as well as Germany clarified that the National Platform should be conceived as a tool which focuses on preventive and strategic issues and serves as a central reference point for all the stakeholders involved. The law enforcement perspective constitutes only one part of this structure. Furthermore, Germany pointed out that – independently from the implementation of a national platform - the well-established channels for the exchange of international criminal intelligence/information via Interpol and Europol (SIENA<sup>1</sup>, FP<sup>2</sup> Sports Corruption) should be maintained. Structural redundancies should be avoided.

### **Bosnia-Herzegovina** (Moderated by Sarah Lacarrière, GLMS)

BH is in the early stages of addressing the matter. Under coordination of the Ministry of Civil Affairs, BH has now signed the Convention, and is considering next steps to gather all parties. Also the signature opens now doors to consider how and where to adjust criminal law, and sport law.

As per betting regulation, it is a competence of federated level, reflecting BH decentralized regime (two autonomous entities and a third region with local government).

It was mentioned that the football association is a relevant stakeholder quite aware of the matter in the wake of UEFA initiative of national integrity officers. They have gone through adopting relevant regulations and tackling the issue

### **Croatia** (Moderated by Alex Ingot, Sportradar)

(Full report pending)

### **Hungary** (Moderated by Norbert Rubicsek, Europol)

First of all, Hungary must identify the purpose of operating a National Platform; as the main function of the National Platform is exchange of information between actors (such as police, sports betting operators, sports betting regulatory, sports federations), especially at early stage of cases where the relevant bodies mentioned act simultaneously.

Another key function of National Platform is consultation between stakeholders. Stakeholders must discuss the issues of establishment of the adequate legislation system and make a proposal. With the proper legislation, stakeholders can consult exact cases in order to ask for further information or further action from another stakeholder.

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<sup>1</sup> Secure Information Exchange Network Application,  
<https://www.europol.europa.eu/content/page/siena-1849>

<sup>2</sup> Focal point on Sports Corruption

Additionally, raising awareness among organisations needs to take place, including for relevant sports federations, sport organisations; athletes are also a key element in connection with prevention. The internal regulations of these relevant organisations need to be strategically harmonised (prevention, internal procedures, sharing information with national stakeholders and international federations, ban for playing sport). Federations need to establish a whistleblowing tool or this should be done via a non-profit organisation.

### **Ukraine** (Moderated by Ingrid Beutler, IOC)

Ukraine is going to establish a National Platform under the auspices of the Ministry of Youth and Sports of Ukraine.

The National Platform should include:

- Ministry of Youth and Sports of Ukraine; - Ministry of the Interior of Ukraine; - Ministry of Justice of Ukraine; - Prosecutor General's office of Ukraine; - National Anti-Corruption Bureau; - National Agency for Prevention of Corruption; - National Police; - State Agency for Financial Monitoring; - Ministry of Finances; Ministry of Education and Sciences, some other Ministries and state bodies, representatives of the Government and Parliament - Sports organisations and federations; National Olympic Committee; Sports Committee; National Sports Committee of the Disabled People; National University for Physical Education and Sport; Football Federation etc.; Athletics Federation, Rugby Federation, some other Federations, - Betting organisations; Lotteries; - Leading mass media representatives.

## SESSION 2 – Actor Working Groups

Ministries/Betting regulatory authorities (Moderated by Norbert Rubicsek, Europol)

### **1.) How would the National Platforms (NPs) look like (from a strategic point of view and from an operational point of view)? What role does the National Platform play in each country?**

*Croatia:* It is a political question in Croatia. The National Platform should be established on a political level. It should work as a kind of task force on a governmental basis, because then the National Platform has more power. There should be advisors from various Ministries who work together in this National Platform.

(In The Netherlands the NP was established two years ago. One level works under the Ministry. The secretariat there is mainly operated by law enforcement bodies such as the public prosecution service. Their goal at the beginning was not only to investigate but also to work more strategically. Furthermore, they are developing an operational side at the moment. They therefore have several committees dealing with match-fixing cases.)

*Germany:* There exists a good operational level on the law enforcement side and on the sportive side. They have an ombudsman office (included a number) you can call if you have any perceptions concerning match-fixing, if you hear something concerning match-fixing or if you get involved in match-fixing. It works as a contact point for everybody (athletes, coaches, referees, staff, etc.) who is in touch with sports and does not know what to do. The ombudsman office is an operational tool. The National Platform should not be set up on a private level but on a governmental level so that it has more power.

*Ukraine:* The Ministry of Youth and Sports of Ukraine would like to set up the National Platform under the Ministry of Youth and Sports. The Ministry of Justice, Home Affairs, the law enforcement bodies and prosecutors should work together under the supervision of the Ministry of Youth and Sports. Within the National Platform, they would like to install a board of advisors at a ministerial level in a general secretariat with a President on top. The National Platform should also work on an operational basis. Everybody in touch like all the different stakeholders in sport should work together. The Ukraine also adopted the Law of Ukraine "On prevention of influence of corruption offenses on results of official sports competitions before being part in this Erasmus+ project here and before considering signing the Convention on the Manipulation of Sports Competitions.

*Bosnia-Herzegovina:* Bosnia is at the beginning of the set-up process of a National Platform. They have to find a political way to sign the Convention on the Manipulation of Sports Competitions. They would also like to install the National Platform on a ministerial level around the Ministry of Justice. Bosnia wants to ratify the Convention as soon as possible after signing it.

## ***2.) How should the National Platforms work together? Or should they work together?***

*Croatia:* National Platforms should definitely work together. There should be an exchange. Croatia is working on signing the convention.

*Ukraine:* All National Platforms should be connected. In every Ministry in each country should be deployed a secretary who coordinates the whole information exchange between the different National Platforms. Now there still exists an exchange with Interpol and Europol concerning serious information related to match-fixing cases in the Ukraine.

*Bosnia-Herzegovina:* In their opinion a problem could be the sharing of serious information and data between the different National Platforms. There should be an article within the National Platform, which should regulate this issue.

*Hungary:* National Platforms can function as an informal way of information exchange (taking into consideration personal data rules) between countries. There might be problems concerning data exchange among National Platforms of different countries because of different country-specific standards. They want to share general information concerning manipulation of games with other countries on a European basis

## ***3.) How do the different countries deal with match-fixing cases when they pop up?***

*Bosnia:* At the moment, there are different entities dealing with those cases.

*Germany:* It is difficult to share personal information with other National Platforms from other countries due to reasons linked to data protection. Therefore, there have to be similar standards and minimum requirements in each country concerning this issue so that an exchange of those kind of information won't be a problem.

There might be problems concerning data exchange among National Platforms of different countries because of different country-specific standards. They want to share general information concerning manipulation of games with other countries on a European basis.

## ***4.) What is a good way to lead a National Platform? Should it be in a strategically, advisorial or operational way or a mixture or only in one way?***

*Bosnia-Herzegovina, Germany and Ukraine:* It should be a mixture of all three of them.

*Austria:* With the Play Fair Code, the Austrians have a mainly operational approach placed. But they actually have a National Platform installed in an informal way in collaboration with the BKA (Federal Criminal Police Office). They try to find ways now to formalize this cooperation.



## 5.) Are there any doubts when you think of setting up a National Platform?

*Croatia:* There arises the question of who is in charge in this process and of who should lead this entity? The Croatian Ministry is dealing with the legal operators when they get perceptions concerning match-fixing at the moment. But in the future the Ministry of Sports should deal with such kind of information, because they are specialists in sports and can handle such things much easier.

*Ukraine:* One Ministry should act in the opinion of the Ukraine. The Ministry of Youth and Sports is in charge in this matter in the Ukraine. In general everything is written in Convention on the Manipulation of Sports Competitions.

It is very important that one body is in the leading position because there are a lot of interests which have to be dealt with.

### Sports Betting Operators (Moderated by Ingrid Beutler, IOC)

#### View on Match-fixing

- Betting operators have a strong incentive to fight match fixing as they are the ones who suffer the financial losses if they have to pay out fraudulently obtained winnings based on fixed matches.
- it is also in their long term economic interest to prevent match fixing because clean sports is the basis of their business. If no one believes in the integrity of the sport, no one will place bets anymore.

#### Relevance of Betting Operators in the National Platform

- Sports betting operators are a crucial part of each national platform because - as explained above - they have a keen self interest in preventing and fighting match fixing.
- Moreover, betting operators are the ones who have the data concerning potentially fixed matches and know how to interpret the data. This is particularly important when it comes to defining what is 'suspicious betting behaviour' vs something that is perhaps unusual, but not per se an indication of foul play.
- Sports betting operators express an interest in establishing sports PEP lists, which would contain the personal data (at least names and dates of birth) of athletes and sports officials. These lists would allow betting operators to cross check their customer data bases for matches and take further action if and when a match is made.<sup>3</sup> The national platform could be the clearing house for such lists.
- Sports betting providers feel that the national platform should provide for a feedback mechanism to let all stakeholders know about any action taken (or not taken). There are already monitoring tools which are

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<sup>3</sup> PEP (Politically Exposed Persons) lists are a tool employed in Anti Money Laundering procedures. They are lists containing the personal data of persons who have a higher than average likelihood of attracting bribery / corruption due to their professional status (such as parliamentarians, political functionaries, etc.). Institutions which are required to carry out enhanced due diligence under AML legislation, such as financial services providers or online gambling providers, regularly check their customer databases against the PEP lists. If and when a match is made, further actions may need to be taken (such as reporting the finding to a regulator).

like black holes. Information passed on to these tools/platforms is swallowed up and never heard of again. The bookmaker does not know if the 'suspicious betting behaviour' reported is acted upon and whether a suspicious action is conclusively judged to be an actual case of match fixing (or not). This is important to determine as bookmakers regularly freeze the payout of winning in cases where there is a suspicion of foul play. This often provokes angry responses from customers, who demand that their winnings be paid out without delay. A swift clarification on whether a reported case is deemed to be match fixing or not (may it be from a disciplinary or criminal law point of view) would help greatly to decide whether winnings can be paid out or whether a particular bet should be suspended.

The Hungarian National Lottery Company applies preventive mechanisms to fight against match fixing but in case of suspicious betting there is no organisation or department designated which has the competence to handle information collected and to take necessary measures. The Gambling Supervisory Department is neither entitled to do any steps in this kind of cases, summarizing, this is the reason the National Platform could be a good solution to organise the coordination, and the information exchange.

### **Other Considerations**

- Sports betting operators are of the view that the national platform should be a one-stop-shop network of experts, which facilitates the exchange of information.
- The national platform does not necessarily need to be a government agency, but can take a more informal entity. The important point is to get started and work from the bottom up. The difficult processes in setting up NADAs in several states should be instructive in this regard.
- Disciplinary and criminal law investigations should run in parallel, as disciplinary processes require a lower burden of proof and can be carried out far more swiftly than criminal investigations.
- The national platform should also facilitate the adoption of anti-match fixing rules in their statutes (where this has not happened yet). The International Olympic Committee has provided a blueprint for sports governing bodies to adopt (Olympic Movement Code on the Prevention of the Manipulation of Competitions)..
- In various states sports betting regulations are not clear-cut or forces betting providers to operate in a legal grey zone. This can make the exchange of information between stakeholders difficult. Sports betting regulators should adopt sports betting legislation which facilitates the exchange of information between state and private sports betting operators and other stakeholders.

### **Law enforcement** (moderated by Sarah Lacarrière, GLMS)

- The discussion within the law enforcement working group was mainly concerned with the issue of how to obtain sufficient information in order to start and conduct successful investigations in the field of match-fixing.
- Germany reported that the initial information in the Bochum case was obtained by accident through wiretapping in a drug related case.
- However, during the investigations it turned out that other information sources had to be obtained. For that reason, football associations, betting operators, as well as betting experts were contacted in order to gather all the necessary information.

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- The views expressed by Germany were basically shared by the other members of the working group.
- There was consensus that a holistic approach and collective action of all the relevant stakeholders are irrevocable in order to conduct successful investigations.
- In addition, whistle blower systems and the idea of an ombudsman office were discussed. Basically, the working group came to the conclusion that both ideas can be effective additional tools to obtain relevant information.
- Another crucial point which was discussed concerned the density of information in order to start a formal investigation procedure. Hungary and Ukraine elucidated that the opening of formal investigations requires an intense scrutiny of very concrete information. Insofar general suspicions are not sufficient. However, there still is the possibility of conducting pre-investigations in order to collect the available intelligence which might lead to a formal investigation procedure.

### **Session 3 – Plenary: Wrap up**

Wrap up of the day's activities

## Session 4 – Plenary: Exchange Of Information & Trust– Too Secretive or Necessary?

Daniela Giuffrè, Interpol/ moderated by Alex Inglot, Sportradar

- Presentation of case studies: Pape Faye and Dirty Soccer
- Criminal and disciplinary procedures are both crucial.
- Sports need a quick answer. Decisions cannot wait for long. Specificity of sport.
- In criminal procedures: beyond reasonable doubt. In Sport, there is less – balance of probabilities. It is important to keep this in mind.
- What kind of information can the police share, as this is a key issue.

*Open discussion about the sharing of information:*

Has there been a case of a disconnect of communication?

- Germany: hidden investigations. Then they informed the football FA and only then, they shared with public.

Is there a limit on what they are restricted from sharing?

- (De) Yes, many countries were involved. Then they separated what was shared with all the national FA. For example, only on the sport event but not information on the persons involved, how they were acting with other entities.
- Information was therefore filtered.

In the Kujick case, was there information exchange/disciplinary process at the same time?

- (At) sharing personal data can put you in trouble criminally. The decisions taken on sharing information with a NP has to be very exact (or to a TIU for example).
- In this case, the person reported to the police. Then it turned out that the story didn't hold and the whole truth came out. Thus the first that heard about this was the police. Then the At FA had a right to look into parts on this investigation and it was sufficient for them to act on a disciplinary level.

Can both procedures be in parallel or should there be in hierarchy?

- At: in favour of the parallel approach. Because it is two different stories.
- IOC: also in favour. As far as major offences are concerned, relatively easy to find evidence necessary in sport. Proving corruption, financial crimes is a little tougher.

In the UK, there was a horseracing MF situation, the BHA allowed the police investigation to go first to avoid confusion. The trial was 2 years and failed; then the BHA started a sport investigation and they had a lot of stress due to the lapse in time. The parallel investigation has to be done properly and well-constructed.

- GLMS: the tricky point is between sport investigation and criminal result. The handball issue,
- The disciplinary case was a few months long. The criminal case is still ongoing as the players had appealed financial penalties.
- This is a situation of a gap of 3 years. The disciplinary tribunal did not sanction due to insufficient evidence 3 years ago but the criminal court HAS sanctioned.
- At – it is not always about MF, but also about inappropriate betting behaviour. They must not place bets (athletes). If they do so, they are subject to sanctions (or should be).

- The criminal aspect is an important and significant deterrent. But the disciplinary also acts as a deterrent as it affects their careers and their jobs.

There is the burden of proof. There is an impact on sport disciplinary procedures. Thus education and media relations are important.

Data protection: is there an experience here where it has frustrated the process? or is there someone who has a 'solution'?

- IOC: yes, as seen in Rio Games. Which is why they collaborate with Interpol. Not everything in competition manipulation is criminal. This needs to be kept in mind. The differences need to be made in order to know better what information to share. For example, sharing of inside information.

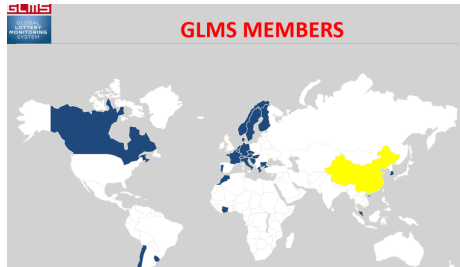
Is there conversation informally or formally between stakeholders? Nationally or internationally to understand how to operate efficiently or clearly?

- Europol: sometimes there can be exchange of information. As far as law enforcement is concerned, exchanging information from law enforcement side. We have to give information to SO and gambling industry, but a proper manner needs to be found. Officially it is really difficult.

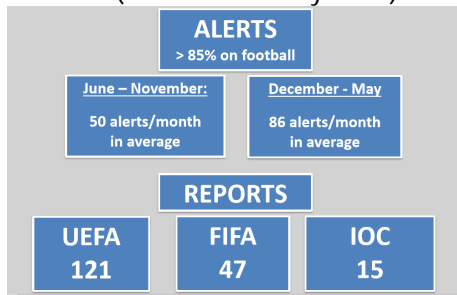
How do we move to a strategic, proactive logic and direction?

## Session 5 – Sharing Information & Trust– Too Secretive or Necessary?

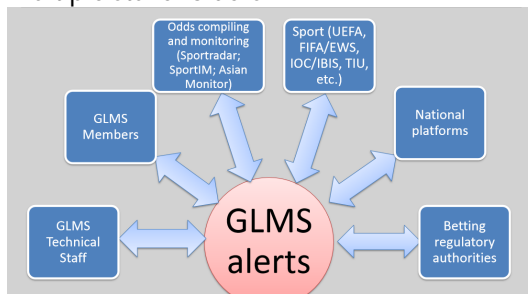
Sarah Lacarrière, GLMS/ moderated by Norbert Rubicsek, Europol



- SCOPE OF ACTIVITIES
- SPORT INTEGRITY FIGHTING MATCHFIXING
- Monitoring
- Prevention / Information
- ORGANISATION
- LAUSANNE General Secretariat
- COPENHAGEN Operational Headquarters
- Monitoring services supplier: Sportradar
- RESULTS (June 2015 – May 2016)



Multiple stakeholders



- GLMS Alert Features
- Sport: Regional Workshop Date: 27.09.2016 Time: 14:00 CET Country/Competition: Croatia League: KCOOS League Home team: Humans Away team: Galaxies Reason/Odds changes: Odds dropped from XXX to now XXX for the home win. Comments: - Betting exchange information (volume indicator) - Betting forums tips - Local information gathered

Open floor for discussion.

- (Interpol) how many sports are monitored?

GLMS: usually, 3 sports, football (around 85%), tennis hopefully a little more.

Some other cases, such as waterpolo, e-sports, etc. Table tennis is also a little affected.

- (IOC) GLMS was a partner for Rio 2016, so they monitored everything. The system has the capacity to follow up.
- (De) – about the monitoring system and the alert: presentations from Sportradar and their systems, where is the crucial added value of GLMS in relation to Sportradar? Are you doing some intelligence gathering? When you talk about the alerts, you also handle personal data, so you have direct information about the persons? Or only information about the changes in betting odds, etc.

GLMS: analysis by the team produced and another added value is checking up on members' markets if there is something they have detected. No personal data is at stake. They ask their members to report on stakes and odds and other such data. They check with their own internal risk management systems.

Either from Law enforcement or sport or gambling industry, is there exchange of information between sport and the gambling industry? Any experience?

- (Interpol): There is no exchange here, but it is more one way. It never happened that police shares information with sport.  
GLMS: at operational level, the team is good with different relations with international organisations. We do this as an association for the benefit of the sport.
- IOC: IBIS System. Betting partners, operators and regulators from around the world. Current discussions with CoE over the NP. For example, Australia is also part of the system although they are not signatories.

(the aim of the end of the day is to have some sort of consensus and this can only happen through the Convention). IMPORTANCE OF THE MACOLIN CONVENTION despite all the other projects.

National platforms – Gambling industries' stakeholders: how do you see their roles in the NPs? Do they have different roles? Or the same?

GLMS: depends on the betting regulation in the country. In a monopoly situation, the lottery may have the key. Compared to private betting operators operating transnationally, they operate on their specific territory. This is a natural position to have in the NP but it depends on a country. The lottery has a natural relation to the stakeholders because they have a State identity. There a lot of monitoring systems in place and some are undergoing a study on questioning of overlapping of the systems and where should improvements be made? This is an EU-funded study.

What do the operators think?

- De: members regularly report suspicions. But with police in Germany there is no established structure. As an example, some suspicious bets were accepted in shops in De but the match was in DK and the person was a polish national. How and where do I report this? Unfortunately some have experienced that when they do report findings, the information is not acted upon. Members have also been actively threatened when they continue to make such claims. So the establishment of guidelines and structure is needed. (problems faced by betting operators).
- CoE: there is an obligation in the convention to report. It is worth exchanging as for example in some countries there is an obligation by SBOs to report to BRAs (NL, UK) but in others it works through trust (Spain). You need to see what works for you,

## Session 6 – Plenary: Roles and responsibilities in ensuring effective collaboration

Ingrid Beutler, IOC / moderated by Sarah Lacarrière, GLMS

Should we be looking to remove MF? There has been an industry created around the area of corruption. We are all working in nice areas of sport and nice subject. Now criminals are trying to benefit from sport. It is something to rid the sport.

What do you think is the greatest threat to the integrity of sport? Doping, corruption? Sports related manipulation, etc.? In your professional role, do you have responsibility for minimizing the risks?

- A risk to the integrity of sport. The importance of planning! We need to know how to deal with each risk. What sort of risk are we dealing with? In the INTERPOL-IOC Handbook on Protecting Sport from Competition Manipulation<sup>4</sup> there are a number of non-betting and betting-related risks with examples of how to minimize those risks. Questions were raised about sports related manipulation. This unfortunately happens regularly in sport and requires the individual sports to organise competition structure in such a way as to minimize the risk.
- Support from various international instruments, regulations and legislation including the Olympic Movement Code on the Prevention of the Manipulation of Competitions. Model Rules have been developed to assist sports organisations to implement the Code.<sup>5</sup> Model Criminal Law Provisions for the Prosecution of Competition Manipulation have also been developed by UNODC and the IOC<sup>6</sup> to assist countries with regards to Art. 15 of the Council of Europe Convention.
- As an athlete and sports organisation, rules must exist to send a message to athletes and to guide them as this is their livelihood and they are role models.
- The autonomy of sport is being threatened so we work at the international level with police through INTERPOL and at national level through National Workshops.
- The IOC structures its work into 3 pillars: regulations/legislation, education/capacity building and intelligence/investigations. We train athletes and officials to recognize, resist and report competition manipulation.

Question from the audience: What is the distinction between MF and betting fixing?

IOC: in the UNODC-IOC study recently undertaken, a specific MF offence is dissociated from the act of betting on a sports event or competition which is fixed, i.e. in some countries, the fact that people are trying to make money on the betting market, the betting is considered a separate offence. This may be considered an aggravating factor for the match-fixing offence. E.g. give a footballer a 1000 Euros to get a red card in a match. The fact of giving is the criminal problem. The fact that there may be betting on the match should be considered independently from the match-fixing offence. The UNODC-IOC i.e. it is recommended that the match-fixing offence be independent from betting on a sports event or competition which is fixed.

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<sup>4</sup> Available at: [https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Protecting-Clean-Athletes/Betting/Education-Awareness-raising/Interpol-IOC-Handbook-on-Protecting-Sport-from-Competition-Manipulation.pdf#\\_ga=1.77910100.1932352419.1430747329](https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Protecting-Clean-Athletes/Betting/Education-Awareness-raising/Interpol-IOC-Handbook-on-Protecting-Sport-from-Competition-Manipulation.pdf#_ga=1.77910100.1932352419.1430747329)

<sup>5</sup> <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/Sporting-Regulations/Regulation-Legislation/Model-Rules-Code-on-the-Prevention-of-the-Manipulation-of-Competitions.pdf>

<sup>6</sup>



## Session 7 – Plenary: Coordination of and participation in a national platform

Norbert Rubicsek, Europol/ moderated by Ingrid Beutler, IOC

FP Sports Corruption (Europol) was setup for supporting operational cases and investigations. Experts from all MS are involved and a platform exists for the exchange of information on an operational level. Europol is also involved in the Interpol Task force on Match-fixing.

Sports corruption includes MF and betting as well.

- Who should be in the NPs?
- Who would lead a NP?
- Already discussed three pillars of the NP: law enforcement and judiciary + sport + gambling industry
- Who should be in these pillars?
- LE: (Ukraine) min of HA, Justice, Gen prosecutors office, National anti-corruption bureau, national agency for prevention of corruption and national police and state institution for monitoring; Hr: justice, min of interior

Germany: The Federal Ministry of the Interior together with the representatives of the 16 German federal States (“Länder”) are discussing in how to introduce a national platform and who should be involved in the national platform. The platform will serve as an information hub between federal authorities (e.g. Bundesministerium des Innern, Bundeskriminalamt) and the responsible authorities of the federal states such as the gambling supervisory authorities and the law enforcement agencies. The question is how to implement them in the platform as well as the federal police officers Not just investigators but also those involved with analysis. Prosecutor’s office as well. Private actors are also be involved (e.g. betting operators, sports organisations, NGOs), but there will be a limitation of sharing information due to reasons of data protection.

Europol: it is interesting here that do we need to educate prosecutors with special knowledge on sports corruption? And judges? Do you think we need to include judges in NPs?

- IOC – the issue of judges in NPs may be challenging given the importance of the judiciary. Given that the system is sufficiently professional, the prosecutors is an important area to educate. Disciplinary and prosecutors are not sufficiently aware of all the aspects in the sport. Should it be part of the NP?
- (De): it is crucial to have judges and prosecutors on the table.
- Gambling: betting companies (Hr), (At) betting operators should be involved. Regulatory authorities should be involved.
- Sportradar: maybe selecting a representative. How to deal with the sheer number of people in a platform. (Interpol agrees). You have permanent member of the platform and they have the right to sit there. Then you have people that these permanent ones have the right to invite. From time to time. Flexibility in the NP. Not necessarily about being part of the NP than also rendering services to the NP (At).
- Sport Organisations: federations and athletes (HR), sport associations (De) should be involved.

- IOC: depends on national context. Most of the time the federations are part of the NOC. Often the NOC is the official representative.
- CoE: maybe along the same lines as Austria's suggestion on SBOs being 'invited'...
- Ukraine: Also, non-Olympic sports need to be included as well as academia involved as well among the sports movement.
- Sportradar: agree about non-NOC sports. Observer status for some sports is a possibility.

A suggestion for example from Finland was to add players.

Who should lead the NP? Led by a secretariat (like a bottleneck) to keep everything on one track. But is it necessary? If so, then who should lead?

- Ukraine: Min of Sports. Take into consideration other stakeholders as well to make up the secretariat.
- Austria: strategy for a NP is needed. Then we can think about who runs it on a more operational and strategic basis. If there are experts from many fields, then it is logical that these experts would be a crucial part of the NP.
- Think about strategy first.

IOC: does the CoE conduct a comparative analysis of NPs?

Europol: CoE: yes, and we are providing assistance to newer countries.

De: law enforcement: MF – It is important to speak about the supranational players. Europol FP SC and Interpol ITFIMF – concerning law enforcement cooperation, the structures are in place and then we should be able to use them more intensively.

## Session 8 – Plenary: Rules, legislation and evidence

Alex Inglot, Sportradar/ moderated by Daniela Giuffrè, Interpol

Focus on three things: laws, rules and evidence (some perspectives).

- Education and awareness-raising.
- Why is MF difficult to deal with? Information sharing and jurisdiction.
- Do countries have specific laws against MF. There is a big impact on funding and resources.
- Case studies
- Reports from SR are enough to close a case, for example.

What is the impact of this template wording? With the CAS decision on sport investigation (that 10 SR reports are enough) what is the impact on investigation?

- (Ukraine): do you interact with Ukraine?

We monitor the top 2 divisions in football.

Regulation: interesting that some federations and associations decide to presume de facto MF. The presumption can be used to apply sanctions, but these would be low.

Sportradar: CAS asks itself if it is proportionate and fair. .

Interpol: Sanctions and cases – (UEFA) that you need a good number of evidence. Relations between sanctions and clubs and sanctions and players. What about the player that participated in the MF.

UEFA has jurisdiction with clubs. In sports law, it depends on contractual relationships.

- IOC: presumed MF would be tough to work internationally, this is one incident in one national FF.

How can we legally consider a betting report? SR experience

Sportradar: we have worked with police forces and used our reports to open investigations.

Look for movements and deviations, which would affect odds. If you form a conclusion based on movements, then you are only contextualizing the movement rather than really doing the job.

CoE: do you think developing a basis for requirements for criminal investigation is a good idea?

Europol and SR: it is hard given the differences nationally.

**Comment: This could be interesting if the CoE could develop a database along with the NP.**

Knowledge and awareness-raising for how to read reports (betting etc.)

IOC – for us, betting monitoring reports are considered a trigger.

The Kalb report will be useful to weed out useless companies.



### Conclusions:

- Ratifying the convention will allow for everyone to have a similar basis from which to depart
- We have noted particularly the more relevant stakeholders for NPs, this will start to be the first basis for preparing a fundamental structure for a NP
- We have established that some places have legislation and others do not for SBO-BRA reporting but that a system definitely needs to be developed in some way as information is critical.
- The scope of the NP is important as well. Flexibility within the platform is important. What can they contribute? Not necessarily about being part of the NP than also rendering services to the NP.
- Ukraine and Hungary have made decisive steps to creating the NPs
- Strategy of NP and money involved.
- CoE Secretariat assists with the coordination of NPs and construction and comparison.
- CAS decision on investigations (presumed MF).
- CoE- do you think developing a basis for requirements for criminal investigation is a good idea? Given the differences, this could be something that NPs could work on.

### Outputs from the Regional Seminar:

- Austria is now working on aligning their existing informal national platform under article 13 of the Convention.
- Bosnia-Herzegovina has appreciated the exchange of information and the opportunity to learn from the other countries.
- Croatia hopes to sign the Convention in 2016 and is open to working with the CoE Secretariat to increase awareness nationally and work on anti-match-fixing measures.
- Germany has had some useful input into tackling the challenge of their Lander system.
- Hungary is working on signing the Convention by the time of the Ministerial conference in Budapest. They have also decided to start working with the CoE Secretariat to set up their National Platform.
- Slovenia will have more supporting evidence to take back to its Ministry of Justice, who until now has been
- Ukraine hopes to ratify the Convention in 2016-2017, as it has been approved by the government and will go into the Parliament. The Ministry of Youth and Sports of Ukraine will also be working with the Council of Europe Secretariat to set up their national platform.
- Sceptical of the real implementation of another sport-related piece of legislation.
- A strategy for setting up National platforms (concrete points on who should be in a NP, how to contribute to a NP). The scope of the NP is important as well. Flexibility within the platform is important. What can stakeholders contribute? It is not necessarily about being part of the NP than also rendering services to the NP.
- Ratifying the Convention and allowing it to enter into force will provide countries will legal legitimacy and a real, common basis from which to start and develop future steps, including: international cooperation, sanctioning match-fixing, putting in place national legislative measures to fight spots manipulations and crime involving sport.
  - The recent CAS decision with regard to 'presumed match-fixing' should not be generalized, and perhaps should even apply on a case by case basis.

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## ANNEXES

### I. KCOOS UPDATE



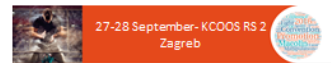
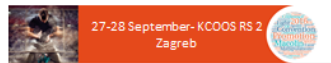
#### KCOOS – A QUICK UPDATE

- ❖ Month 9 of Project KCOOS
- ❖ Questionnaires – over 100 replies
- ❖ Regional Seminar 1 (June 2016): Albania-Belgium-The Netherlands-Slovenia-Spain-Switzerland-The United Kingdom
- ❖ Regional Seminar 2 (September 2016): Austria-Bosnia Herzegovina-Croatia-Germany-Hungary-Ukraine
- ❖ Regional Seminar 3 (October 2016): Denmark-Estonia-Finland-Latvia-Lithuania-Norway-Sweden
- ❖ Regional Seminars 4 (Bucharest: Oct 2016) and 5 (Athens: Nov 2016)
- ❖ Study Visits France (ARJEL) 14-15 Nov 2016/Apr 2017 and UK (UK GC) week of 12 Dec 2016 and March 2017)



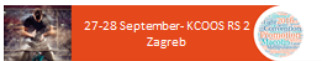
#### KCOOS QUESTIONNAIRES

- Replies from :
- Ministries: 5
  - Sport Movement: 4
  - Betting operators: 4
  - Regulatory authorities: 2
  - Law enforcement: 5
- Sessions have been developed using knowledge acquired from the questionnaires



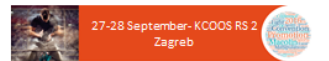
#### KCOOS QUESTIONNAIRES

- Only one out of the countries present has a form of a national platform
- Some countries work with federal systems (e.g. Austria and Germany)
- No system to report illegal betting to the regulatory authority
- No system to prevent conflicts of interest or misuse of inside information for betting products
- In Austria no legislation to support this domain
- Prevention activities (PFC, O'Ministry, DFB) – how widespread is the awareness raising?
- Report of suspicious activity to prosecutor (At)
- Some countries have risk management systems to evaluate risks and liability in sports betting (e.g. Cr)
- Examples of how general legislation can be applied to sport successfully (e.g. the Offside and Fair Trial cases in Croatia)
- Identified problems:
  - Transnational definitions of what is corruption
  - Transmitting of personal data to public authorities
  - Sanctions and burden of evidence required for prosecutors in court
  - Some countries have little to no report requirements of suspicious bets/activities
  - Creating black markets through restrictions rather than regulating.



#### WHY A NETWORK IS IMPORTANT

- Other projects, including PRECRIMBET and BETMONITALERT – highlights technically specific needs, including monitoring report elaboration, etc. The needs should be in the framework of coordination of the strategy implemented by the CoS Secretariat.
- With regard to needs following various stages of project KCOOS:
  - Need for a platform within the NP to exchange sensitive information
  - Need to regularly communicate and know each other
  - Knowing each other + trust = developing further common activities, such as those proposed by Betmonitalert and Precrimbet – not just among regulators, but also in cooperation with other stakeholders
  - A network will allow for more harmonised or at least a better understanding of various obligations and rules proposed to betting operators for better exchange of information.
  - Common training and awareness-raising activities presenting a more united front can be exchanged and developed.
  - A network will help develop an informal system on exchange of information for illegal betting.



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## II. Austria

### Play Fair Code- The Austrian Approach

[www.playfaircode.at](http://www.playfaircode.at)

About Us:



Stakeholder approach:



Austrian Stakeholder Approach:



Focus on:

Prevention

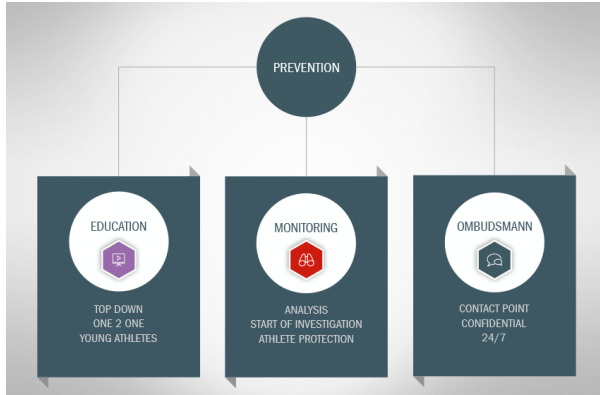
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### Anti Match-Fixing Top Training

Erasmus+ logo

Programme: Erasmus+ „Collaborative Partnerships in Sports“

Name: Anti Match-Fixing Top Training

Coordinator: TI Portugal

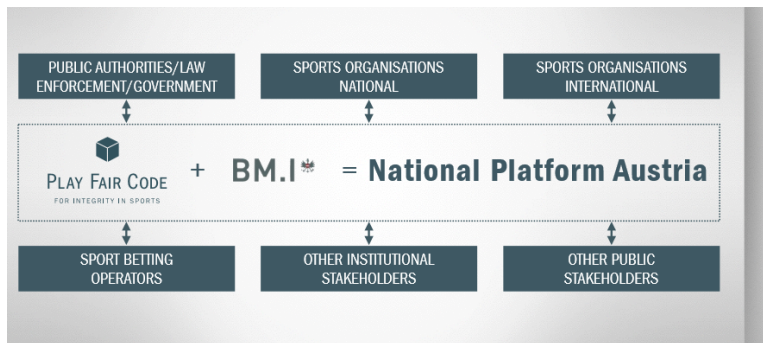
Duration: 18 month | 2017 - 2018

Budget: 493.562,- € as overall budget by Erasmus+ Programme of the European Union

Partners: 12 full partners  
7 different countries involved

How the Austrian NP will look like in the future:

- Signed in June 2016
- Already started implementing the NP
- PA/LE/Government – National sport organisations-International sport organisations-Betting operators-Other Institutional Stakeholders-Other Public Stakeholders



ERASMUS+

<p>Programme: Erasmus+ „Collaborative Partnerships in Sports“</p> <p>Name: European Rookie CUP (Acronym: EUROUCUP)</p> <p>Coordinator: Erste Bank Ichockey League</p> <p>Duration: 36 month   2015 / 2016 / 2017   3 complete project circles</p> <p>Budget: 627.000,- € as overall budget 500.000,- €   80% co-funded by Erasmus+ Programme of the European Union</p> <p>Partners: 13 full partners + 1 associated partner 9 different countries involved 2 partners from NON-EU-countries</p>	<p>Programme: Erasmus+ „Collaborative Partnerships in Sports“</p> <p>Name: Fix the Fixing</p> <p>Coordinator: Aristotle University Thessaloniki</p> <p>Duration: 18 month   2016 - 2017</p> <p>Budget: 452.460,- € as overall budget by Erasmus+ Programme of the European Union</p> <p>Partners: 9 full partners 8 different countries involved</p>
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Criminal law – MF is dealt with through fraud (2013 scandal in Austrian first league) and the existing paragraph of fraud is sufficient to deal with phenomenon; there are political activities in Austria for national MF legislation.



## Bosnia and Herzegovina

In BiH, betting works in various ways, many actors even within the sole stakeholder (Ministry) work together (different ministries). Many ministries cover issues on sport. In BiH, law does not define crime and manipulations in sport. There is no specific legislation.

BiH has taken part in the design of the Convention. However, unfortunately they have not yet ratified. Within the country, there is no consensus on the implementation of the Convention or its application within all entities. Therefore, they are currently not cooperating with international community and council of Europe.

Betting is mostly through the internet so they recognize that it is not enough to just regulate the activity within BiH, but everywhere. Games of luck and certain related areas are a very big problem because it is a heavy business. Actions need to be coordinated with other ministries.

There is no political consensus for the moment on ratification.

## Croatia

Croatia is working towards signing the Convention, hopefully in Budapest at the Ministers' Conference. General fraud provisions have sufficed in prosecuting match-fixing cases so far.

## Germany

There is no competence on federal level for prosecuting match fixing. A draft bill by the Federal Government is currently before parliament. It provides for the introduction of two new criminal offences: (1) "sports betting fraud" which will cover agreements to manipulate results of sports competitions upon which a sports bet is to be placed; (2) "manipulation of professional sports competitions" which is designed to criminalize agreements to manipulate high-level professional sporting events and which is applicable irrespective of whether or not the manipulation is linked to betting.

*Presentation Federal Ministry of Justice and Consumer Protection: BMJV*



### **"Keep Crime Out Of Sport"**

Regional Seminar 2

27-28 September 2016, Zagreb

### **"Sanctions"**

## Structure

1. Introduction
2. Need for new criminal provisions in Germany
3. Criminal law vs. internal sanctions imposed by the sporting community
4. Content of the Bill



## 5. Schedule for the legislative procedure

### *Need for new criminal provisions in Germany*

- Outstanding social role and great economic importance of sport in Germany.
- In the past, it was difficult to prove that the constituent elements of fraud were met, in particular because the prosecuting authorities were required to furnish evidence that a bet was made in connection with the manipulated competition and to submit proof of specific material damage. This has hindered effective criminal prosecution.
- Under current criminal law, athletes are generally covered merely as accomplices, not perpetrators.
- So far, match-fixing that is unrelated to sports betting has not been covered by German Criminal Law even though it affects the integrity of sports in the same way as betting-related match-fixing. In both cases fans are watching matches that have been fixed.

### *Criminal law vs. internal sanctions imposed by the sporting community*

- In terms of their value judgment, internal sanctions remain below the level of a criminal-law conviction and cannot express in the same manner the wrongdoing involved in corrupt conduct.
- Internal sanctions within a given sports association are imposed primarily on its members, while there are only limited options for sanctioning third parties who influence the conduct of athletes, trainers or referees and thereby pursue their own economic interests at the expense of sport.
- Sports associations and their sports courts also lack the powers of intervention which are necessary to effectively enforce the law. Corruptive agreements are often purposely obscured so that the sports associations are not able with the investigative tools at their disposal to identify and reveal them to the extent required by law.

### *Content of the Bill:*

- The legislative initiative provides for the introduction of the two offences of “sports betting fraud” and “manipulation of professional sports competitions”.
- The offence of sports betting fraud (section 265c StGB (Criminal Code) -draft) covers agreements to manipulate competitions upon which a sports bet is to be placed (lower leagues and amateur sports).
- The offence of manipulation of professional sports competitions (section 265d StGB (Criminal Code) - draft) includes corruptive agreements even if no connection to sports betting can be determined. The offence is limited to high-level competitions with a professional sports character.



- Both offences include the conclusion of corruptive agreements (as well as the mere intent to conclude such agreements) between bribe-takers and bribe-givers for the purpose of manipulating the course or the result of a sports competition.
- Both offences cover sports competitions both in Germany and abroad.
- If the competition to which the offence is related takes place in Germany, German criminal law applies regardless of the law of the place where the act was committed, i. e. even if the offence was committed abroad (section 5 no. 10a StGB (Criminal Code) - draft).
- The draft version of the penal provisions for both offences provides for higher penalties to be imposed in particularly serious cases (section 265e StGB (Criminal Code) - draft) and for the application of extended forfeiture (section 73d StGB (Criminal Code)) taking into account the preconditions listed in section 265f StGB (Criminal Code) - draft.
- The Bill also provides the law enforcement authorities with powers to intercept telecommunications in order to support investigations related to sports betting fraud and the manipulation of professional sports competitions under the preconditions defined in section 265e, second sentence StGB (Criminal Code) - draft.

*Section 265c StGB (Criminal Code) -draft - Sports betting fraud (excerpt):*

- (1) Whosoever, as an athlete or trainer, demands, allows himself to be promised or accepts a benefit for himself or another as consideration for influencing the course or the result of an organised sports competition for the benefit of the opponent in the competition, as a result of which an unlawful material advantage is attained through a public sports bet placed on that competition, shall be liable to imprisonment for a term not exceeding three years or a fine.
- (3) Whosoever, as a judge, referee or arbiter, demands, allows himself to be promised or accepts a benefit for himself or another as consideration for influencing in a manner contrary to the rules the course or result of an organised sports competition, as a result of which an unlawful material advantage is attained through a public sports bet placed on that competition, shall be liable to imprisonment for a term not exceeding three years or a fine.
- (5) A competition of organised sports within the meaning of this provision is any and every sports event in Germany or abroad,
  1. which is organised by a national or international sports organisation or upon its instructions or with its recognition and
  2. during which rules are to be followed which were adopted by a national or international sports organisation with binding effect for its member organisations.
- (6) A trainer within the meaning of this provision is an individual who makes decisions at the sports competition regarding the fielding and supervision of athletes. Individuals who, due to their professional or financial position, are able to considerably influence the fielding or supervision of athletes shall be considered to be trainers.

*Section 265d StGB (Criminal Code) -draft - Manipulation of professional sports competitions (excerpt):*

- (1) Whosoever, as an athlete or trainer, demands, allows himself or another to be promised or accepts a benefit as consideration for influencing the course or the result of a professional sports competition in a manner contrary to competition for the benefit of the opponent in the competition, shall be liable to imprisonment for a term not exceeding three years or a fine.
  
- (3) Whosoever, as a judge, referee or arbiter, demands, allows himself to be promised or accepts a benefit for himself or another as consideration for influencing the course or the result of a professional sports competition in a manner contrary to the rules, shall be liable to imprisonment for a term not exceeding three years or a fine.
  
- (5) A professional sports competition within the meaning of this provision is any and every sports event in Germany or abroad,
  1. which is organised by a national sports association or an international sports organisation or upon its instructions or with its recognition and
  2. during which rules are to be followed which were adopted by a national or international sports organisation with binding effect for its member organisations, and
  3. which is characterized by the fact that most of the participating athletes directly or indirectly earn a considerable income through their sports activities.

*Section 265e StGB (Criminal Code) -draft - Particularly serious cases of sports betting fraud and manipulation of professional sports competitions:*

In particularly serious cases of offences pursuant to sections 265c and 265d, the offender shall be punished with imprisonment for a term of three months to five years. A case shall generally be deemed to be particularly serious if

1. the offence is related to the obtaining of a major advantage or if
2. the offender acts on a commercial basis or as a member of a gang formed for the recurrent commission of such offences.

*Point of view from German Football Federation (DFB)*



record	1971 „Bundesliga Skandal“	2005 „Hoyzer“	2009 „Bochum“
	<ul style="list-style-type: none"> <li>• players, officials und of 6 clubs involved</li> <li>• forced relegation of two teams</li> <li>• sportive motivations</li> </ul>	<ul style="list-style-type: none"> <li>• Betting related Match-Fixing</li> <li>• sanctions (prosecution)</li> </ul>	<ul style="list-style-type: none"> <li>• more than 200 matches suspicious</li> <li>• international context</li> <li>• 32 matches in Germany in Deutschland</li> </ul>
<p>„New threat for the integrity of the game“</p> <p>Together against Match-Fixing</p>			

1. Statutes: were implemented with a very clear message: Zero tolerance towards dishonest gamblers
2. Control: Introduction of an intelligence-gathering, monitoring and early warning system – sportradar
3. Criminal prosecution: Close cooperation with prosecuting authorities
4. Cooperation with FIFA/UEFA: agreements with FIFA/UEFA (integrity officers)
5. Prevention: Communication – Training – Support

#### 1. Statutes

2005 Extraordinary DFB General Assembly: Modification of the DFB's authority to issue rules ensuring the integrity of competitions as one of its statutory duties in the Statutes (section 4 no. 1j DFB Statutes)

#### 2. Control

Since 2005 the company sportradar monitors and analyses the betting market in context of German competitions /competitions German clubs are competing in

#### 3. Criminal Prosecution

Since 2005 the German FA fully and unreservedly supports in a transparent manner the work of the prosecuting authorities. For accordance with the zero tolerance principle, any findings on possible cases of corruption or match-fixing are passed on to the prosecuting authorities.

#### 4. Cooperation with FIFA/UEFA

Exchange of information in-between the network of integrity officers



DON'T FIX THE GAME

SPIEL KEIN  
FALSCHES  
SPIEL.

#### 5. Prevention program



Together against Match-Fixing

8

- MOTTO: Tackle match-fixing – Play Fair!

- FOCUS: Prevention (Information and Training)
- TARGET GROUPS: Players, referees, managers, officials, relatives
- OBJECTIVES: Enlightenment about the danger of gambling addiction and match-fixing; Creating



sense of reasonability regarding to sports and careers; Evincing code of conduct

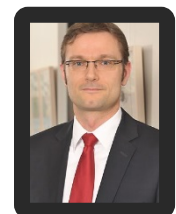
- „Don't fix the game “ – prevention presentations at clubs running a youth academy (A minimum of one event per season)
- „Don't fix the game “ – prevention presentations for clubs at 4<sup>th</sup> and 5<sup>th</sup> division (2014/2015)
- Appointment of an ombudsman
- Networking with partners (FIFA, UEFA, TI, sportradar, “BZgA”, “ZiS”)

Partner and Network:



Ombudsman:

- Dr. Carsten Thiel von Herff, LL.M.
- Receipt of information and hints to match-fixing approaches or other irregularities
- Passing on the information (anonym) to the legal department of the German FA
- Common determination of the next steps with the client



- Free of charge for players, coaches, referees and officials

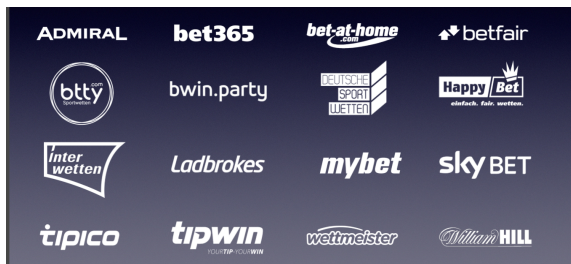
Prospects:

- sports betting increases
- „Social Media Scams“ turning more frequent
- „betting fraud“ will become criminal offence in Germany?!
- Launch of a new application with content of the brochure + Quiz

Point of view from a German Betting operator: DSWV Deutscher Sportwettenverband

No sports betting licences issued so far despite the 2012 Interstate Treaty tendering process for 20 sports betting licences. Data protection issues need to be sorted out. Independently from the NP, discussions have been started with sport organisations, notably the football federation (DSB), about an anti-manipulation institution. Could it eventually compliment a national platform?

Members



Fair Play

• EU licensed and regulated operators have a keen (self-)interest in preserving sports integrity • After all their businesses suffer economically if they have to pay out fraudulently obtained winnings • Common interest with state authorities and sports organisations to prevent and combat sports betting related fraud • We welcome the planned reform of criminal law provisions, but this is just one pillar of a comprehensive strategy • Regulatory chaos in Germany thus far makes it difficult to set up the required processes to exchange information and to work together effectively.\*

Regulation • German Länder responsible for sports betting regulation • Failure to regulate market adequately in more than a decade • Three Interstate Treaties (2004, 2008, 2012) • German Constitutional Court: states' sports betting monopoly violates freedom of profession (2006) • CJEU: states' sports betting monopoly violates freedom to provide services due to fiscal orientation / advertising behaviour (2010) and whilst monopoly in place, Länder cannot apply (criminal law) sanctions against sports betting operators without a German licence (2016).

## Licensing process

- 2012 Interstate Treaty foresaw a tendering process for 20 sports betting licences
- Four years down the road not a single licence has been issued
- German administrative courts have ruled tendering process to be intransparent and in violation of EU law
- No licences in sight; regulatory reform is urgently needed

## Solutions?

- German Federal Government takes over (legally possible, but politically unlikely)
- Länder come up with a new Interstate Treaty that is in line with constitutional and EU law (also politically unlikely)
- Further harmonisation of the sector at EU level (long term perspective)

National Platform

- We are very happy to be part of and contribute to a (yet to be founded) national platform and are in touch with the responsible Federal Ministry of Interior.
- Independent of the national platform we started discussions with German sports associations, professional sports leagues and sport sponsors to create a (privately organised) Anti Manipulation Institution (AMI) to facilitate the exchange of information between these stakeholders and to enable sports governing bodies to enforcement of their internal statutes concerning fraud.
- The AMI is intended to be complementary to the national platform. It is still in an early phase and is likely to be implemented in the second quarter of 2017

[www.dswv.de](http://www.dswv.de)

## Hungary

Intends to sign the convention in November 2017 in Budapest. The Criminal Code covers a lot of paragraphs of the Articles of the convention. The main aim is to set up a NP.

## Ukraine

Last week, Ukraine attended the international conference in Strasbourg on promoting the Convention.

Within the Ministry and among the stakeholders, everyone is taking this issue very seriously and aims to set up the national platform. The Ministry of Youth and Sports of Ukraine would like to use this to network to cooperate between all the stakeholders. The convention was signed at the end of 2015. Last week the government approved the Convention and now it is with the Administration of the President of Ukraine and then it will go into the Parliament towards ratification. Reference was made to Article 441 (EU-Ukraine association agreement). National legislation was adopted before signing the corruption and anti-money laundering conventions. Now there is a new national strategy on improving Physical activity healthy lifestyle and healthy nation. Thus, the aim is to raise public awareness at diverse levels, to ratify the CoE match-fixing convention, to exchange of information and good practices and to fight threats to sport. Enlarging cooperation at domestic and international levels is another aim. Within the Ministry of Justice, two new laws have been created:

1. The Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine".
2. The Law of Ukraine "On Prevention of Corruption". In connection with the mentioned Law the Ministry of Justice in cooperation with UNDP in Ukraine and the World Bank, completed the software for the new system of financial control - the Unified State Register of declarations of persons authorized to perform state functions or local government.

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by the Council of Europe

Strasbourg, 26 September 2016

KCOOS (2016) 05

## “Keep Crime Out Of Sport”

### Regional Seminar 2

Dates and working hours:

Tuesday 27 September 2016 (14:00 – 18:00)

Wednesday 28 September 2016 (09:00 – 17:45)

Zagreb, Croatia

(University of Zagreb - Centre for Croatian Studies - Borongaj Campus)

## FINAL PROGRAMME







## TUESDAY 27 SEPTEMBER 2016

- 13:30 – 14:00      Arrival and Registration of Participants
- 14:00 – 14:30      Opening and Introduction
- Welcome  
*Representative of Croatian Ministry for Education, Science and Culture*
  - Introduction, objective-setting and adoption of agenda, Presentation of state of play (following questionnaire replies)  
*Cassandra Fernandes, KCOOS Senior Project Officer, Council of Europe*
- 14:30 – 15:30      Roundtable – part 1
- Short presentations from Participant countries: 10 minutes each
- 15:30 – 15:45      Coffee Break (15 minutes)
- 15:45 – 16:45      Roundtable – part 2
- Short presentations from Participant countries: 10 minutes each
- 16:45 – 17:45      An introduction to sports betting
- Group games on betting and playing the odds  
*Interpol*
- 19:30                Organised Evening Programme – Apetit City Restaurant

## WEDNESDAY 28 SEPTEMBER 2016

- 09:00            Departure from the hotel to the venue
- 09:30 – 10:15        Session 1 – Working groups: Countries  
Each group will be guided by a moderator.
- Hungary, Croatia, Ukraine, Slovenia and Bosnia-Herzegovina: Discussing actions taking place nationally and early steps towards a coordinated action and national platform. One participant from each group will be nominated as rapporteur and produce a short written and oral report on the session from their respective country groups.
- Germany and Austria: Discussing the unique situation of developing national platforms within federated systems. One participant will be nominated as rapporteur and produce a short written and oral report on the session from their respective country groups.
- Objective: To allow for countries to familiarise themselves at national level with different stakeholders and the actions underway; to tackle the issue of creation of national platforms taking into account the national situation.*
- 10:30 – 11:15        Session 2 – Working groups: Actors
- Working groups separated by actors (x5). Each group will be guided by a moderator. One of the participants of each group will be nominated as rapporteur and produce a short report on the session from their respective actor groups.
- Objective: To allow for stakeholders to interact, create contacts and become aware of actions taking place in their domain within other countries in the region.*
- 11:15 – 11:30        Coffee break
- 11:30 – 12:00        Session 3 – Plenary: Wrap up of sessions 1 and 2
- 12:15 – 13:15        Lunch Break
- 13:20 – 14:00        Session 4 – Plenary: Exchange Of Information & Trust– Too Secretive Or Necessary?  
Presentation from public perspective: Daniela Giuffrè, INTERPOL  
Moderator for roundtable discussion: Alex Inglot, Sportradar
- 14:00 – 14:45        Session 5 – Plenary: Exchange Of Information & Trust– Too Secretive Or Necessary?

Presentation from private perspective: Sarah Lacarrière, GLMS/EL  
Moderator for roundtable discussion: Norbert Rubicsek, EUROPOL

- 14:45 – 15:30      Session 6 – Plenary: Roles and responsibilities in ensuring effective collaboration  
Presentation: Ingrid Beutler, IOC  
Moderator for roundtable discussion: Sarah Lacarrière, GLMS
- 15:30 - 15:45      Coffee break
- 15:45 – 16:30      Session 7– Plenary: Coordination of and participation in a national platform  
Presentation: Norbert Rubicsek, EUROPOL  
Moderator for roundtable discussion: Ingrid Beutler, IOC
- 16:30 – 17:15      Session 8– Plenary: Rules, legislation and evidence  
Presentation: Alex Ingot, Sportradar  
Moderator for roundtable discussion: Daniela Giuffrè
- 17:15 - 17:45      Closing – creating a 'handbook tool'

#### PRACTICAL INFORMATION

- Participating countries:      Austria  
   Bosnia-Herzegovina  
   Croatia  
   Germany  
   Hungary  
   Slovenia  
   Ukraine
- Venue:                              University of Zagreb  
   Centre for Croatian Studies, Borongaj Campus  
   Borongajska cesta 83d, 10000 Zagreb, Croatia  
   *(transport will be provided between the hotel International and to the venue.)*
- Dinner:                              Apetit City Restaurant  
   Masarykova ul. 18, 10000, Zagreb, Croatia