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**Convention on the Manipulation of Sports Competitions
– Macolin Convention (CETS n°215)**

Panorama



Panorama of the Macolin Convention

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Introduction



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

The present “Panorama” offers a synthetic overview of the Convention on the Manipulation of Sports Competitions (Macolin Convention), CETS n°215, elaborated at the initiative of the Council of Europe and adopted in 2014. The “Panorama” contains key information about the Convention and its scope, which should help public authorities to understand the importance of this only rule of international law on the subject to currently exist, and therefore the interest of signing and ratifying this international treaty open for adhesion to all countries in the world.

A considerable number of sport scandals are related to the generic concept of “manipulation of sports competitions”. This phenomenon is neither confined to contests in which two people or teams compete against each other, nor to the sole manipulation of the final outcome of a sports competition, but covers any “intentional and improper alteration of the course or result of a sports competition in order to remove all or some of the uncertainty associated with this competition, with a view to obtaining an undue advantage for oneself or for others”¹. This definition also includes any attempt; therefore intention is condemned as much as achieving the end result.

Evidence of trends connected to the emergence of manipulation of sports results has been documented since the beginning of the 21st century in numerous studies, working papers and positions prepared by researchers, sports organisations, sports betting operators organisations and international organisations. Greater commercialisation of sport and the extensive media coverage given to it have led to an increase in the economic stakes involved in achieving certain sports results. This in turn has encouraged the development of new activities, both lawful and unlawful, since despite major efforts by sports organisations, and in particular the Olympic movement, to promote good governance, the sports movement is not immune to corrupt practices. At the same time, the phenomenal growth of the sports business market and in addition, of the sports betting market due to technological improvements has created a new environment in which anyone can have a personal and direct or indirect financial interest in the course or outcome of any given competition.²

This overall new context is undoubtedly one of the main reasons for the significant increase in the number of cases of manipulation of sports competitions. This rise has gone hand in hand with a number of specific elements. First, the attractiveness of sport for economic purposes and the absence of international legislation regulating the field in all aspects have drawn criminals to the domain. This includes activities related to financial crimes such as corruption, fraud and money laundering. In addition, with regard to betting, the proliferation of different types of betting provided, sometimes without being effectively supervised by the authorities responsible for the betting market, has created types of bets

¹ Definition of manipulation of sports competitions included in the Macolin Convention, article 3 ;

² See, for example: P. Boniface, S. Lacarrière, P. Verschuuren, *Sports betting and corruption: how to preserve the integrity of sport*, IRIS, 2012; “Interpol Integrity in Sport Weekly Media Recap” at the Interpol site: <http://www.interpol.int/News-and-media/News>; D. Hill, *The Fix: Soccer and Organized Crime*, McClelland & Stewart, Toronto, 2008.

which are easier to manipulate and manipulations which are more difficult to detect. Any absence of regulations or a monitoring body to oversee the supply of bets will attract undesirable interest to exploit this opportunity for undue gain. Furthermore, the development of a large illegal market which gives customers a very high pay-out has attracted criminal groups that are interested in manipulating the sports competitions on which bets are placed so as to exploit the information through betting, and in the course of this activity laundering criminal finances.³

The main aim of manipulating sports competitions is to gain a financial interest, whether direct or indirect. The manipulation of sports competitions poses a challenge to the rule of law because it is linked to fraud, organised crime and corruption and it occurs in the sports sector and the economic stakes can be considerable, into the millions. It also, however, poses a threat to the future of sport as a social, cultural, economic and political practice which is called into question every time doubts are raised about its integrity and values. In jeopardising sports ethics and the unpredictability that underlies every sporting contest, it casts doubt on the very nature of sport, and therefore the public's interest in sport and the willingness of public and private sponsors to finance it.

Perpetrators range from sports athletes to opportunistic criminals and organised criminal groups that exploit a situation for personal and/or professional – but always eventually financial- gain. It therefore requires the co-operation and coordination by a number of stakeholders at public and private sector level, nationally and internationally, to effectively combat the threat and to sustain measures in prevention, detection and investigation/Sanctions of manipulations of sports competitions⁴. This co-operation needs to be regulated at national and international level. The fight against sports competition manipulation needs its own domain in order to find its relevance within existing legislation pertaining to financial crimes and at the same time, to accommodate the specificity of sport and all the stakeholders involved in order to be effective and sustainable.

³. See, for example, C. Kalb and P. Verschuuren, *Money laundering: the latest threat to sports betting?* IRIS, 2013.

⁴ See, for example, N. Rubicsek, *Information sharing in the fight against the manipulation of sports Competitions, RC3 and Partners*, 2017

Part I: The Council of Europe



The Council of Europe is the European continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the EU. The Council of Europe pioneered the European integration process. It was set up in 1949, in the wake of the Second World War, to ensure the political reconstruction of Europe based on a set of fundamental values, the loss of which had brought the continent to its knees. The Council of Europe was one of the first international institutions to open its doors to the countries of Central and Eastern Europe after the fall of the Berlin Wall. It has helped these countries to carry out the necessary political, legislative, constitutional and judicial reforms.

The Council of Europe and the EU are separate organisations which have different yet complementary roles. The EU shares the core values on which the Council of Europe is based. The two organisations work together closely in areas of mutual interest, such as promoting human rights and democracy in Europe and neighbouring regions. Some major programmes and substantial financial resources have been deployed with a view to achieving the organisations' common goal of peace. Under the Lisbon Treaty, the EU is to sign the European Convention on Human Rights, creating a common European legal space for over 820 million citizens.

As well as the European Union, the Council of Europe has close ties with the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE).

Functioning

A number of separate bodies are responsible for the functioning of the Council of Europe, each one playing a vital role:

- The Committee of Ministers is the Council of Europe's decision-making body and comprises the foreign ministers of all the member states, or their permanent diplomatic representatives in Strasbourg. It decides the Organisation's policy and approves its budget and programme of activities;
- The Parliamentary Assembly is made up of elected representatives from the 47 national parliaments. It is a forum for debates and proposals concerning pan-European social and political affairs. It has been responsible for many of the Organisation's conventions, including the European Convention on Human Rights;
- The Congress of Local and Regional Authorities is tasked with building local and regional democracy in the 47 member states. Consisting of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it represents over 200 000 local and regional authorities;
- Established in 1959, the European Court of Human Rights is an institution that allows individuals, groups and governments, regardless of nationality, to contest alleged breaches of the European Convention on Human Rights;
- The Commissioner for Human Rights is an independent institution within the Council of Europe, mandated to promote awareness of and respect for human rights in the 47 Council of Europe member states;
- The Conference of International Non-Governmental Organisations provides a vital link between politicians and citizens, and helps to ensure that the voice of civil society is heard at the Council of Europe. It comprises delegates from INGOs;

- The Secretariat of Council of Europe is based in Strasbourg, France. Elected by the Parliamentary Assembly for a period of five years, the Secretary General, as the head of the Organisation, is responsible for strategic planning, management of the programme of activities and the budget of the Council of Europe. The Organisation employs 2 200 people from the 47 member states and maintains external offices and offices in charge of liaison with other international organisations.

The main Conventions

The Council of Europe upholds human rights and democracy through more than 250 international conventions. These are agreements which are legally binding upon member states once they have signed and ratified them. States' policies are regularly reviewed to ensure that they are in compliance with the conventions, amongst which:

- The European Convention on Human Rights entered into force in 1950 and secures fundamental civil and political rights, in particular the right to life, the right to a fair trial, freedom of expression and freedom of thought and religion. It prohibits torture, forced labour, capital punishment and all forms of discrimination and has established a unique system for ensuring respect for human rights: the European Court of Human Rights.
- The European Social Charter introduced in 1961 and revised in 1996, the Charter safeguards the economic and social rights of Europe's citizens: employment, social and legal protection, housing, health, education, free movement and non-discrimination.
- The Convention on Cybercrime came into force on 1 July 2004 and serves as a guide for any countries wishing to develop coherent and comprehensive legislation on cybercrime. It is the only legally binding-international instrument in this field.
- The European Charter of Local Self-Government provides the constitutional basis for local self-government in the 47 member states which have ratified it. It guarantees the political, administrative and financial independence of local authorities.
- Because culture plays a key part in understanding other people and respecting diversity, the Council of Europe adopted the European Cultural Convention in 1954, which provides the basis for Europe-wide co-operation in the fields of culture, education, youth, sport, languages and the transmission of common values.
- The Convention on the Protection of Children against sexual exploitation and sexual abuse (Lanzarote Convention) was the first instrument to criminalise the various types of sexual abuse of children, including abuse committed at home or in the family. The Lanzarote Committee is responsible for monitoring whether parties effectively implement the convention.
- The Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) calls on signatory states to take steps to prevent all forms of violence, to protect victims and prosecute perpetrators. It constitutes a significant step forward in this field and is based on the premise that such violence cannot be eradicated unless efforts are made to achieve greater equality between women and men.

Monitoring and evaluation mechanisms

Every country which joins the Council of Europe agrees to be subject to independent monitoring mechanisms which assess that state's compliance with human rights and democratic practices. In some cases, such mechanisms have been set up under a treaty:

- The Group of States against Corruption (GRECO) identifies deficiencies in national anti-corruption policies and encourages states to carry out the necessary legislative, institutional or administrative reforms. Its evaluation is based on the relevant Council of Europe conventions.
- Set up in 1997, The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) is responsible for ensuring that member states establish effective systems for combating money laundering and the financing of terrorism.

- The European Committee of Social Rights checks whether the rights to housing, health, education, employment and freedom of movement guaranteed by the European Social Charter are being upheld by the countries concerned.
- The work of the European Commission for the Efficiency of Justice (CEPEJ) is focused on developing management tools, best practice and guidelines for improving the quality and efficiency of justice. It regularly publishes a report on the evaluation of European judicial systems.
- The European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), set up under a convention which entered into force in 1989, regularly makes unannounced visits to places of detention in the 47 member states (prisons, police stations and holding centres for foreign nationals) in order to evaluate the way in which detainees are treated.
- The Group of Experts on Action against Trafficking in Human Beings (GRETA), set up under a convention which entered into force in 2008, regularly publishes reports evaluating the action taken by states to implement the measures set out in the convention.
- The Advisory Committee on the Framework Convention for the Protection of National Minorities provides for a monitoring mechanism which evaluates and improves the protection of minorities in the countries concerned, in particular their right to freedom of assembly, of expression, of conscience, of religion and freedom of access to the media and to their language.
- The European Commission against Racism and Intolerance (ECRI) regularly looks at the problems of racism, racial discrimination, xenophobia, anti-Semitism and intolerance in the 47 member states and makes recommendations to national governments.
- The Committee of Experts of the European Charter for Regional or Minority Languages is the only treaty in the world that promotes traditional regional or minority languages. The committee checks to ensure that the states parties are taking the necessary steps to actively promote the use of these languages in all areas of public life.

The main Partial agreements

There are also partial agreements allowing certain Council of Europe member states to work together in pursuit of goals that might not necessarily be relevant or acceptable to all countries. Only those member states involved in these agreements contribute to their financing and development, as for example the Council of Europe Development Bank or the Enlarged Partial Agreement on Sport (EPAS) which aims to promote sport and to highlight the positive values it conveys.

Part II: Genesis of the Convention

Council of Europe and Sport – origins of the Convention



The issue of corruption came under close scrutiny by the Council of Europe very early on because of the danger it poses to pluralist democracy, the rule of law, human rights and ethical principles. The Council of Europe's standard-setting role in the face of growing corruption was recognised as far back as the 2nd Summit of Heads of State and Government of the Council of Europe (10-11 October 1997 in Strasbourg).

A Council of Europe reference instrument dealing with sport and its basic principles such as the integrity of sport and those involved in it was adopted in 1992 in the form of Recommendation n° R(92)13rev on the revised European Sports Charter. Two other recommendations, Recommendation Rec(2005)8 on the principles of good governance in sport and Recommendation CM/Rec(2010)9 on the revised Code of Sports Ethics, built on this initial document in an effort to improve the integrity of sport and ensure that it was in a stronger position and better governed.

In its Resolution 1602(2008) on the need to preserve the European sport model, the Parliamentary Assembly of the Council of Europe noted that recent scandals in several European countries, involving illegal sports betting and manipulation of results, had seriously damaged the image of sport in certain countries. It called for the introduction of mechanisms to reduce the risk of match-fixing, illegal sports betting or other forms of corruption. It further emphasised that these problems would require more active involvement on the part of State authorities.

At the 11th Council of Europe Conference of Ministers responsible for Sport (11-12 December 2008 in Athens), States made a clear political commitment to address issues relating to ethics in sport, in particular match-fixing, corruption and illegal sports betting. This in turn resulted in the adoption at the 18th Council of Europe Informal Conference of Ministers responsible for Sport (Baku, Azerbaijan on 22 September 2010) of the first resolution to deal specifically with the manipulation of sports results (namely, Resolution n° 1 on promotion of the integrity of sport against the manipulation of results). In this resolution, Council of Europe member States were called upon to adopt effective policies and measures aimed at preventing and combating the manipulation of sports results in all sports, while EPAS was called upon to continue work in this area with a view to the adoption of a recommendation of the Committee of Ministers to member States on the manipulation of sports results.

The Recommendation CM/Rec(2011)10 on the promotion of the integrity of sport to fight against the manipulation of results, notably match-fixing, was later adopted by the Council of Europe Committee of Ministers on 28 September 2011. Pending the finalisation of the Convention on the Manipulation of Sports Competitions, it constituted the most detailed international standard to date, offering a full range of measures to combat the problem. Under the terms of this Recommendation, the secretariat of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe was invited, in co-operation with other national and international bodies, to carry out a feasibility study on the possibility of adopting a legal instrument on match-fixing. This study, which was presented at the Council of Europe Conference of Ministers responsible for Sport in Belgrade on 15 March 2012, concluded that an international convention dealing with all preventive measures and sanctions aimed at suppressing the manipulation of sports competitions was the most appropriate option.

The issue of manipulations of sports competitions has henceforth been revealed to cover a domain beyond corruption. While it can be a type of corruption, it also identified with other financial crimes, such as money laundering and fraud.

Legal international background

Certain important aspects of offences in sport were already covered by existing international conventions on corruption and organised crime, namely the United Nations Convention against Transnational Organized Crime (2000) and the United Nations Convention against Corruption (2003), these international legal instruments do not specifically deal with cases involving manipulation of sports competitions, which may occur outside any transnational crime network and without any acts falling within the definition of corruption having been committed.

Two specific Council of Europe conventions in the field of corruption and money laundering, namely the Criminal Law Convention on Corruption (1999, ETS n° 173, hereinafter “Convention 173”) and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005, CETS n° 198, hereinafter “Convention 198”), were also used as standard-setting reference points in the definition of the mechanisms and legal means needed to combat the criminal organisations which bribe persons involved in sport in order to manipulate results, and use sports betting as a means of laundering money and as a source of financing for their activities.

However, manipulation of sports competitions may involve practices that are not covered by Convention 173 or may even not involve corrupt practices at all. As for Convention 198, illegal sports betting and profits derived from the manipulation of sports results do not necessarily fall within the scope of this instrument.⁵ The manipulation of sports competitions covers multiple sectors, such as corruption, money laundering, bribery, etc. Its specificity means that it is not necessarily entirely covered by general legislation.

As an international organisation with a standard-setting function in many different fields, the Council of Europe was the ideal forum for preparing such an instrument, especially in view of the international scale of the problem. The Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention) was prepared by an intergovernmental drafting group set up by the Governing Board of the Enlarged Partial Agreement on Sport.

The Macolin Convention was adopted by the Council of Europe Committee of Ministers at the 1205th meeting of Ministers’ Deputies on 9 July 2014. It was opened for signature by the member States of the Council of Europe, the European Union and the non-member States which participated in its drafting or enjoy observer status with the Council of Europe on 18 September 2014, in Magglingen / Macolin (Switzerland). Since 2016 it is managed as part of the Division of Sport Conventions (DGII).

The Convention thus does not claim to act in an isolated manner. It refers to a number of other Conventions in existence, adopted by other areas of the Council of Europe and by the United Nations, which further detail the specific nature of the financial crime stemming from competition manipulation. The Macolin Convention does not aim to be extremely specific for all aspects of this phenomenon and it cannot be effective on every specific issue at all different levels. It is intended to complement and to facilitate the implementation of existing legislation within this specific domain.

The Macolin Convention highlights all the relevant references to the main international instruments, whose implementation may contribute to effective action against the manipulation of competitions, and to which it add its specific approach. These instruments are as follows:

- a. Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5, hereinafter “Convention 5”) and the protocols thereto;
- b. European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (1985, ETS No. 120);
- c. Anti-Doping Convention (1989, ETS No. 135);

⁵. See, for example, *Criminalization approaches to combat match-fixing and illegal/irregular betting: a global perspective. Comparative study on the applicability of criminal law provisions concerning match-fixing and illegal/irregular betting*, IOC/UNODC, Lausanne/Vienne, July 2013, pp. 276 ff.

- d. Criminal Law Convention on Corruption (2002, ETS No. 173);
- e. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2008, CETS No. 198);
- f. United Nations Convention against Transnational Organized Crime (2000) and the protocols thereto;
- g. United Nations Convention against Corruption (2003).

Part III: The Concept of manipulation of sports competitions⁶



Although manipulations of sports competitions has existed since Ancient times, it has taken sport by storm in the last two decades, affecting all types of sport, from individual sports such as tennis and badminton, to team sports, notably football, and this in all countries in the world.

Manipulation of sports competitions is a global concept which covers various acts, or lack thereof, to change the way a competition is played and/or its result.

The first point which had to be clarified is related to the frequency with which the terms “match-fixing” and “manipulations of sports competitions” have been used interchangeably, at times inaccurately in this domain. While the Macolin Convention may have previously been referred to as the ‘match-fixing convention’, its scope in fact covers a considerable number of areas and types of offences. This is why the Convention refers to a number of other Conventions by the Council of Europe as well as the United Nations as well as instruments by the European Union. This is also why the Macolin Convention recommends the specific criminalisation of the manipulation of sports competitions⁷.

Consequently, the Council of Europe now restricts the use of the term “match-fixing” (whether this includes fixing the entire event, a tournament or one part of it) purely to the on-venue action, through which the manipulation is implemented; the “match-fixing” is therefore a part of the manipulation, rather than a synonym. In this context, it links and distinguishes the two aspects, “on” and “off” the sport venue, and guarantees that with regard to the Macolin Convention, they are equally important when defining the nature of the manipulation.

Moreover, in the spirit of Macolin Convention, all types of manipulations are committed to acquire an “undue advantage”, and always result in an eventual direct or indirect financial benefit, (intentionally or consequentially). This financial benefit could be attained directly (e.g. accepting bribes) or indirectly (e.g. personal favours).

The manipulation of sports competitions, as a global concept, therefore covers various acts that may include for example doping, match-fixing, using clubs as shell companies, influencing player agents, use of insider information, conflict of interests, bad governance, etc. These acts are attempted, successfully or unsuccessfully, to change the way a competition is played and / or its result. Rendering competitions predictable (in part or entirely) ruins the basic values of sport and the interest of fair and ethical competition.

⁶ See Council of Europe document *T-MC(2018)87rev*, “Updated concept of manipulations of the sports competitions”

⁷ Articles 15-17, chapter IV, CETS n°215

Determining the nature of manipulations

Given the increasing economic importance of sport over the last few decades, with the increased financial stakes, gains, for stakeholders and States alike, as well as the international nature of competitions, it can be justifiably complex to understand just who is cheating (offenders), why they cheat (aim) and how they may be doing so (*modus operandi*). It is consequently difficult to consider what efficient counter-measures need to be taken.

Determining the *modus operandi* of the manipulations is crucial to deciding whether the case may be tackled through purely sporting means, law enforcement intervention, or both. While the gain is always eventually financial, the aims can be analysed by considering the nature of the undue advantage:

- It could principally be for a **sport advantage**: the aim is to arrange the event to obtain a sporting benefit (e.g. to win the sport event, to avoid relegation, to achieve a certain rank, to qualify for other tournaments). The interest of the manipulator is to obtain illicitly something for the benefit of the club, the team or athletes. There will *almost always* be a financial benefit (sponsorship, bonus for promotion / victory / non-relegation / increase in ranking, etc.), but this is an accessory intention or even a consequence.
- It could be principally for a **non-sport advantage**: to arrange the sport event to obtain some direct financial benefit with no regard for the sporting result. The vehicles used are most often corruption, bribery, fraud and money laundering (amongst others). These manipulations are committed *not* to achieve something for sport or sport clubs or for any athletes. In this case the manipulator uses sport as a simple tool.

The manipulation methods used are varied as cases and investigations have proven, for example (and non-exhaustive):

- Ranging from “simple” collusion between two athletes / teams, to coercion;
- Influencing transfers in order to strengthen / weaken a team;
- Influencing athletes or sport clubs or taking over sport clubs;
- Taking advantage of clubs in difficulty to then abuse positions of power;
- Using clubs as ‘shells’ to carry out money laundering activities via ‘transfers’ between two owning clubs;
- Creating fake / ghost games, in order to permit betting to take place;
- Player agents may concretely influence the line-up of teams in order to be able to regulate and fix competitions (by force or collusion);
- Exploiting factors such as age, identity, equipment.

Those involved in manipulations

Sport, as a business activity, is so lucrative and increasingly professional across the board, that it involves a large number of actors connected to the competition. While some look to take advantage of the insufficient or inexistent legislative and political attention, others capitalise on the potential economic benefits.

There are those who are active on / around the field: They may be athletes and referees, extending to managers, coaches, technical staff, and further to club / association management, as well as side-line actors such as family and friends, who themselves may have the same desire or be coerced. There are finally those opportunistic individuals, who use their connections and knowledge in sport (former athletes) and approach athletes to fix the games. All these people may be conscious offenders using their free will,

or may have been coerced or unknowingly manipulated⁸. While these actors may be reprimanded by their federation or club, they are often not the source of the manipulation but just a replaceable tool involved in a more or less complex process.

It is a fact that organised crime syndicates are increasingly involved in manipulations, either influencing the fixing of competitions, or indirectly. This includes buying sport associations in order to exploit them as shells, making arrangements with other clubs to manipulate and control transfers, or threatening the lives of athletes in order to directly influence their performances.

To a certain extent, these behaviours may be tackled by the sport movement through transparency and good governance, in the instances that such criminals cannot enter the sport domain. It should be noted however, that sports organisations can only sanction persons who are within their jurisdiction (i.e. registered with the clubs / associations / federations). Beyond this, a legal framework is required in order for prosecutors and judges to thoroughly investigate and robustly sanction perpetrators on and off the field.

In order to facilitate the analysis of cases and clarify the *modus operandi*, the Group of Copenhagen's research distinguishes the following kind of potential perpetrators:

- The actors that "fix" the event (match, game, tournament) on the sport venue. They are referred to as **executors (passive manipulators)**: the persons, who gain, ask and/or claim benefit from another to fix a sport event (even when such a person is coerced into fixing) for the good of other person(s).
- Those who manipulate the event (e.g. criminal organizations, club owners) for reasons beyond the venue. They will not only approach and ensure that the passive manipulators will fix the event on the field of play but will also undertake to ensure a larger financial gain thanks to the same fix on the field. They may be referred to as the **instigator (active manipulator)**: the persons that offer some benefit to an executor to fix the sport event on the field of play in order to obtain undue financial benefit for themselves and/or others⁹.

Why is it so difficult to trace and dismantle sports manipulations?

Without specific knowledge, the whole picture of the manipulation remains obscure and incomplete, similar to missing pieces in a jigsaw puzzle:

1. it is hard to identify the problem, the source and the extent.
2. it is hard to investigate such offences without all the information from the sport movement and other stakeholders.
3. it is hard to find the relevant person/organization who can help to carry out the procedure against the perpetrators
4. It is hard to classify the illicit actions sufficiently to go to court and obtain a judgment

As part of the existing diverse legislations in the different countries, the manipulation of sports competitions is not always considered to be a criminal offence. Sometimes, the offences are simply not fit-for-purpose to be successfully pursued as criminal offence, or the legislation in place nationally does not envisage such aspects as a crime. Many times, the sports disciplinary procedure is only sufficient to sanction the offenders, whilst the individuals behind the manipulation are almost always beyond the jurisdiction of the sports federation, and so the fixing activity continues. It must be noted that sometimes, while criminal procedures are not possible, civil procedures (such as administrative sanctions or corporate liability)¹⁰ may be engaged (including in parallel).

⁸ For example, a trusted person tells them to cause a throw in just before half-time in a football match; unbeknownst to them, the person to be able to bet on the action.

⁹ Extract from "Exploring the definition of the manipulations of sports competitions" by Norbert Rubicsek J.D., RC3 and Partners 2018

¹⁰ See articles 23 and 24 CETS 215

In addition, with increased technology and cross-border services comes increased possibility for exploitation for undue gain. Money transfer across countries, organised crime syndicates targeting sports across continents, betting across countries, are just some reasons for which tackling the phenomenon requires transnational and international cooperation and coordination to not only effectively prevent and detect, but especially to identify the circle of offenders and prosecute them, thus attacking the plague at its source. Collective action and collective engagement of responsibilities are the only way forward.

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Actors fighting against manipulations

Sport has traditionally been left solely to the sport movement, in respect of the principle of autonomy, to regulate, thus including those who cheat in the sport. While in the sport movement itself, athletes unions, sport organisations and athletes are all either affected or are those responsible for raising awareness and education, those off the field.

However, the money and the possibilities for financial gain by a plethora of actors have left it vulnerable to attack by non-sporting methods, beyond the realm of purely sporting disciplinary methods.

This is why therefore other actors beside the sport movement have to be involved, and that co-operation between all these actors is required. In addition, the principle of positive obligation encourages States to act in favour of protecting the integrity of sport and of ensuring that the tackling of manipulations in this domain is effective and coordinated.

Public authorities are responsible for designing policies, adopting legal framework, standard setting, and international co-ordination related to fraud, corruption, money laundering, data protection, sport governance. That therefore involve all Ministries responsible for these subjects, as well all relevant public institutions / bodies with specific competencies, including especially the regulatory authorities in charge of monitoring the betting markets and law enforcement agencies. The term 'law enforcement' is most often considered to be the general police force of a state, and although the police is in general the actor closest involved in fighting the manipulation of sports competitions, it must be remembered that 'law enforcement' also encompasses specialist law enforcement agencies (e.g. a national anti-corruption unit), prosecutors, the courts and judges.

The law enforcement authorities and prosecutors are responsible for investigating further and deeper, beyond just the manipulation on the court, to determine the criminal nature that may exist in the act or omission. In addition to this, the sport movement will and has been working on detecting such actions to manipulate, but as always, the picture only becomes whole when all angles are tackled. They are only able to address crimes related to the manipulation of sports competitions if they are able to do so: physically, when some priority is given to the domain and legislatively, with the appropriate laws and regulations in place.

Finally, the private sector is crucial to implementing actions to prevent and detect the manipulations of sports competitions. Thus, the sport movement (federations, associations, athletes, referees, etc.) will have a number of pieces of the puzzle (information, victims, explanations of motives to fix, they will also carry out their own enquiries for disciplinary proceedings purposes and will be able to compile important information, as well as needing to be able to co-operate with other stakeholders in order to do so. In addition, betting operators are crucial to the process with regard to manipulations that are carried out for betting purposes, or those bets that may be made following inside information. They would be important to help identify the offenders (on and off the sporting venue) and this information is not only useful for the

sport movement to tackle the situation through disciplinary means, but also provides more information for law enforcement authorities to make links to other crime areas and known criminals infiltrating the sporting domain.

Part IV: The Macolin Convention



The Macolin Convention is a ground-breaking legal instrument and the only rule of international law on the subject to currently exist. It seeks to protect the integrity of sport, while addressing the non-sporting criminal nature of the phenomenon itself.

The Convention's approach (integrity, corruption, money laundering, fraud, bribery, etc.)

The Macolin Convention approaches the manipulation of sports competitions in a unique manner, taking into account the consideration of all stakeholders it considers relevant; the sport movement, law enforcement agencies and the judiciary, the betting movement and relevant ministries. It also takes into account existing legislation and all areas of financial crimes that are already regulated. Much general legislation does not cover this specificity of sport, which is why there is a need for specific legislation which provides guidance for adapting appropriate national regulations to protect rights of the people involved in sport manipulation cases.

It **recognizes the threat** of the manipulation of sports competitions to sport it and to society:

- Threat to society: sport is a potential for large rewards and low risk to criminals, due to weak criminal penalties or sanctions. Linked to corruption, fraud, organised crime and money laundering, at the very least, the manipulation of sports competitions poses a serious threat to the rule of law, additionally due to its very high economic stakes, linked financial gains;
- Threat to the sporting activity. The manipulation of sport competitions poses a threat to the integrity to sport and its core values, while exploiting its economic values for negative use. It recognises the importance for all stakeholders to take a strong, coordinated position in eradicating manipulation of its competitions through appropriate legislation, good governance, transparency, accountability and responsibility. The coordinated action proposed by the Convention is through the original concept of the national platform. It is asking a lot for the sport movement to handle criminal activity alone, however. Other stakeholders are needed to address effectively a phenomenon, which cannot be overcome without collective actions and collective responsibilities.

The Convention on the Manipulation of Sports Competition (The Macolin Convention) **addresses all relevant public and private stakeholders and centres on effective prevention, detection, investigation and sanctioning of such acts.** The Council of Europe had this special mandate because, as the political organ of the European Court of Human Rights, it would ensure the respect for human rights in its legislation. The Macolin Convention was therefore drafted and adopted in 2014. It notably provides the first and now commonly used definition of the phenomenon. Respect for fundamental human rights when tackling sports manipulations is in the DNA of the Convention

It **provides common definitions**, as well as unique international co-operation mechanisms such as the "[National Platforms](#)" (Art13.). The widest possible adhesion to this text will make it the basis of reference for a variety of actors from different fields of interest and competencies (ministries, the sport movement, public and private betting stakeholders, law enforcement agencies and the judiciary) which together, make up the "[Macolin Community](#)" committed to the fight against sport manipulations and corruption (CoE T-MC).

The definition of the manipulation of sports competitions¹¹ from the Convention is widely used as the description of this domain, be it by the sport movement (including the International Olympic Committee), Law Enforcement (including Interpol and Europol) or States themselves (a number of States have criminalised the manipulation of sports competitions, based on the Convention). This definition not only sanctions the act of manipulation, but also the attempted manipulation, “*an arrangement, act or omission aimed at...with a view to obtaining an undue advantage*”.

Scope of the convention

While the Convention may be referred to as the ‘match-fixing convention’, its scope covers a number of areas. It is not always corruption, but may fall under a number of types of offences, which is why the Convention refers to a number of other Conventions by the Council of Europe as well as the United Nations, and instruments by the European Union¹². It may be even wider, which is why the Macolin Convention recommends the criminalisation specifically of the manipulation of sports competitions.

While it is crucial to remember that maintaining the integrity of sport remains the core objective of the Convention, it is increasingly obvious that the manipulation of sports competitions is not an isolated matter, to be dealt with solely by the sport movement.

Purpose

1. In joining the Macolin Convention, the Parties (signatories) reaffirm their commitment to tackling the problem of national or international manipulation of sports competitions, whether or not the cases are a criminal offence.
2. The manipulation of sports competitions has the potential to affect all countries and all sports and is therefore a worldwide threat to the integrity of sport. In this respect it responds to the need for a legal instrument seeking to contribute to greater national and international co-operation, which is instrumental in fighting this worldwide scourge, and more specifically co-operation between the main stakeholders.
3. The manipulation of sport competitions transcends sport, given influences by non-sporting actors in sport (thus escaping disciplinary procedures)

Guiding principles

1. The Macolin Convention emphasises the importance for the Parties to effectively investigate offences within their jurisdiction (involving relevant tools and procedures), when necessary in involving co-operation between different public authorities, and those responsible for investigations or criminal prosecutions depending on the seriousness of the behaviour, and to mobilise relevant resources, in accordance with national legislation.
2. Public authorities have a responsibility to protect the “integrity of sport”¹³ and support the sports movement in the fight against the manipulation of competitions. The Convention underlines that the principle of “autonomy of sport” does not exclude the sports movement from compliance with the rule of law and the applicable law in each jurisdiction.

¹¹ The Convention on the manipulation of sports competitions, article 3.1: “*Manipulation of sports competitions means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others*”.

¹² Criminal Law Convention on Corruption (1999, ETS 173), Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of terrorism (2005, CETS 198)

¹³ The principle of autonomy of sport referred to in the preamble of the Convention has the same meaning as in Recommendation CM/Rec (2011)3 of the Committee of Ministers to member States on the principle of the autonomy of sport in Europe.

3. The Macolin Convention seeks to address in a practical manner any potential threat to the integrity of sport) as this increases the risk of the manipulation of sports competitions. It emphasises the transnational nature of the risks of manipulation, as well as the potential involvement of organised crime.
4. Parties have a wide margin of discretion when making policies regarding sports betting, in accordance with applicable law considering that States must nevertheless abide by the rules in force and in particular the relevant applicable international and/or European Union law. One consequence of this approach is that the Convention aims to be compatible with all types of sports betting market organisation (prohibition, monopoly, market open to licensed operators or free market).
5. The Convention emphasises that the intention is not to introduce a framework that would act as a substitute for the work done by other organisations, but rather to enhance the role that these organisations play by complementing it.

Main features of the Convention

1. The advantages of this international convention in this area are that:
 - a. it promotes a risk- and evidence-based approach;
 - b. it allows commonly agreed standards and principles to be set in order to prevent, detect and sanction the manipulation of sports competitions;
 - c. it involves all stakeholders in the fight against the manipulation of sports competitions, namely public authorities (including ministries, law enforcement agencies and prosecutors), the sport movement (notably organisations) and sports betting operators;
 - d. it allows States which are not members of the Council of Europe to become parties to the Convention in order to ensure that the problem is addressed worldwide.
2. With regard to preventing, detecting and facilitating investigations, the aim of the Convention is to pave the way for a more systematic application of the measures adopted by sports organisations, sports betting operators and public authorities to enable them to jointly identify and prevent manipulation of sports competitions and ensure better co-operation between these stakeholders. While the Convention recognises the autonomy of sports organisations and their role in the regulation of sports activities and competitions, in awareness raising, training and information sharing, it also highlights the fact that sports betting operators have a responsibility within the implementation of the anti-fraud measures mentioned in Recommendation CM / Rec(2011)10 (manipulation of results, conflicts of interest and misuse of inside information). The Convention also provides for the introduction of a mechanism to exchange information between the various national systems, the national platform. The Convention encourages public authorities to adopt the necessary legislative or other measures, including financial ones, to support any initiatives taken by other stakeholders, but also to identify the authorities responsible for implementing the legal framework.
3. With regard to detection, investigation and sanctions, the Convention seeks, in particular, to identify those acts which should be prosecuted without, however, imposing the creation in each Party's domestic law of a harmonised special criminal offence in the field. The purpose of clarifying which types of conduct are to be considered offences is to facilitate judicial and police co-operation between Parties. Specific references are also made to money laundering and to the liability of legal persons, which, depending on the Parties' applicable law, can be criminal, civil or administrative. With a view to ensuring an efficient enforcement system, the Convention considers a broad range of criminal, administrative and disciplinary sanctions. It also requires the Parties to ensure that sanctions are effective, proportionate and dissuasive.
4. Because of the transnational aspect of the manipulation of sports competitions and the need to combat criminal and other acts related thereto, it was deemed vital to step up international co-operation. Accordingly, with regard to private stakeholders, international sports organisations are recognised as having a role to play as key partners of public authorities in combating the

manipulation of sports competitions, in particular where disciplinary sanctions and exchanges of information are concerned. Sports betting operators are also recognised as key partners in the prevention and exchange of information of betting-related manipulations. In providing for international co-operation in investigating and prosecuting offences, the Convention does not prejudice instruments which already exist in the field of mutual assistance in criminal matters and extradition and which can facilitate investigations and prosecutions, such as the European Convention on Extradition (1957, ETS No. 24, hereinafter “Convention 24”), the European Convention on Mutual Assistance in Criminal Matters (1959, ETS No. 30, hereinafter “Convention 30”) and its Additional Protocol (1978, ETS No. 99). The Parties’ task to encourage the principle of mutual recognition of disciplinary sanctions adopted by national sports organisations of foreign countries is also envisaged, in order to avoid an athlete sanctioned by a national organisation managing to evade punishment by participating in other competitions or the risk of disciplinary sanctions being imposed twice for the same offence.

5. The setting-up of the Convention Follow-up Committee to monitor implementation of the Convention has the merit of providing an institutional base and ensuring sustainability. Only countries that ratify the Convention will have voting rights and be able to determine the scope of activities within the Convention, including standard setting (recommendations, guidelines, etc.).

Macolin convention inspires policies which should include:

- Agreement to pursue nationally consistent legislative arrangements
- Structured co-operation (notably via the establishment of national platforms within article 13) processes at national level, thus facilitating trans-national co-operation. This should be put in place and facilitated by the Parties.
- Legal arrangements for regular co-operation between law enforcement authorities and private stakeholders (sport movement, betting operators, etc.) to enhance co-operation in detection and investigations
- Legal arrangements and integrity agreements between sports and betting companies which include requirements to share information, provide sports with a right to veto bet types and provide a financial return from sports betting to sports
- The adoption of codes of conduct by sports which include safeguards against manipulations of sports competitions and protection for whistle-blowers.
- Forewarning that government funding to sports on which there is betting will be contingent on those sports implementing appropriate anti-match fixing and anti-corruption policies and practices

Part V: Relevance of the Convention¹⁴



I. Why countries should ratify – legal basis for a systematic approach to tackling sports manipulations

The Convention 215 is the only international, legally binding text on the subject matter. It was drafted by countries and organisations from all over the world and was the subject of political decisions for the need for such an instrument. It provides a specific domain for the manipulation of sports competitions, which has otherwise been difficult to quantify and to sanction, due to the variety of stakeholders, the transnational nature and the criminal perspective of the offence. The Convention covers all relevant stakeholders on and off the pitch and those non-connected to the sport in any way other than for criminal purposes. It provides a legal basis and framework for co-operation in this field between various public authorities and between public and private entities. It also provides structured mechanisms for the co-operation and for the coordination of actions. It is inspired from other existing sport legal instruments. It in no way aims to create legislative conflicts nor overlaps and precisely provides a specific terrain for tackling the manipulation of sports competitions from a legal perspective. Countries are encouraged to request to join the Convention. This process can be executed in parallel to starting to render national legislation compliant as this is the method by which the Convention can then be applied nationally.

II. Accession

Ratification is a two-step procedure: the first step is the signature, notably demonstrating a political willingness to be a Party to the Convention. The second step is to ratify the Convention, thus adopting its principles and engaging to follow its articles.

EU countries

Although the EU and EU member states participated in the drafting of the Convention, only one EU member state has ratified the Convention (Portugal), while 20 EU member states have at least signed. This non ratification is not due to the lack of trust in the Convention, but rather a political deadlock. Within the European Union, when a convention has been deemed to have mixed competencies involving factors related to economy and judicial co-operation, a unanimous vote in favour of the convention is required by all 28 states in order to be able to ratify as one. In this case, a single Member state has given its veto for reasons not linked to the shared competence status, thus preventing the remaining 26 member states from ratifying the Convention. The European Commission has already expressed its strong support for the Convention. However, countries are welcome to sign the Convention in order to show their political support.

This veto does **not** affect any other country outside the European Union.

Other Council of Europe MS

¹⁴ See document TMC (2018) 41 for more information “ Guidelines for States interested in signing, ratifying, accepting or approving the Convention on the Manipulation of Sports Competitions (CETS n°215)”

Other Council of Europe member states are not prevented from ratifying the Convention, and are invited to do so as soon as possible, in order to ensure the optimal adhesion to one of their organisation's Conventions as well as securing a seat on the follow up committee. Ukraine and Norway have already ratified.

Countries: Andorra, Bosnia-Herzegovina, Liechtenstein, Monaco, San Marino, FYR Macedonia, Turkey

Observers and those countries that participated in the drafting group

Those countries that are observers of the Convention as well as those that participated in the drafting group developing the Convention are cordially invited to sign and ratify the Convention, thus formalising their support for Council of Europe instruments as well as, in the case of those from the drafting group, formalising their initial support and harvesting the fruit of their endeavours.

Countries: Australia, Belarus, Canada, Holy See, Israel, Japan, Kazakhstan, Mexico, Morocco, New Zealand, USA

Other Countries

The Convention is of an international status, having been drafted by countries from all over the world and international organisations. It is the only Convention of its kind and complements existing related Conventions from the Council of Europe, the EU and the United Nations. Their request will be treated by the Council of Ministers of the Council of Europe, and, on acceptance, will be invited to join as observers and then as full members of the Convention and its follow-up Committee.

Countries: rest of the world

III. Compliance

Council of Europe conventions: These conventions need to be transposed into national legislation, by way of national law/declarations. Only then can they be applied. The Conventions obtain their legality from the States that choose to sign and ratify them, thus becoming State Parties to the conventions.

Becoming a Party to the Convention CETS 215 will give the country a place on the follow up committee (articles 30-31?). This Committee determines the implementation of the Convention. This committee will be in charge of: monitoring, standard setting and developing the effectiveness of the Convention.

The Follow up committee will be responsible for adopting recommendations and other protocols in annex to the Convention to be respected by all Parties. It will also be responsible for deciding on working groups, focus areas, assistance activities and compliance by Parties. The follow up committee will be supported by a dedicated secretariat of the Council of Europe.

Appendix: Definitions

The following definitions have been adopted for the purposes of the Convention on the Manipulation of Sports Competitions (abstracted from the Explanatory Report of the Convention).

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

This definition is based on three criteria:

- a real sports event (does not include virtual sports events such as those simulated by certain fixed-odds betting terminals. Other events organised by sports organisations, for example assemblies or conferences, should not be considered as sports events);
 - an event organised in accordance with the rules of an organisation mentioned in the list drawn up by the Convention Follow-up Committee in accordance with Article 31.2, as well as its continental and national affiliated organisations, if necessary;
 - an event recognised by a competent sports organisation (refers to a sport organisation, as defined in Article 3, paragraph 2, which has the right to include in its fixture list a competition involving competitors from a given geographical area).
2. The term “**competition**” covers each event, that is each race and match, but should not necessarily be interpreted as covering either the whole tournament (for example a championship where the winner is determined following a series of competitions) or all of the competitions taking place within the framework of an event involving several competitions or tournaments (for example the Olympic Games). Since processes such as the draw of the opponents or the designation of the referee matter to the competition, it should be considered as part of the competition.
 3. “**Sports organisation**” means any organisation which governs sport or one particular sport, and which appears on the list adopted by the Convention Follow-up Committee in accordance with Article 31.2, as well as its continental and national affiliated organisations, if necessary.

According to this definition, continental organisations are deemed to be “international”, while local organisations are deemed to be “national”. National organisations also include national umbrella organisations (for example “national confederations of sport”) which bring together the national sport federations.

4. “**Competitions organiser**” means any sports organisation or any other person, irrespective of their legal form, which organises sports competitions. This definition therefore covers both natural persons and legal persons. In most cases, competition organisers are sports organisers, but sometimes sports organisations recognise competitions organised by other entities (for example, an organisation in charge of a multi-sport event or private company).
5. “**Manipulation of sports competitions**” means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.

This is a general definition which describes the different types of manipulation that the Convention covers. This definition is an integral part of “criminal offences relating to the manipulation of sports competitions”, defined in Article 15, but this definition alone does not intend to define the scope of criminal offences.

The words “aimed at” indicate that the definition includes not only arrangements, acts or omissions which improperly alter the result or course of a competition, but also the acts

committed with the intention of improperly altering the result or course of a competition, even if the arrangement, act or omission is unsuccessful (for example, if a player on whom pressure has been brought to bear is not actually selected for the competition).

The term “in order to” indicates an intention to obtain an undue advantage for oneself or others, even if this intentional arrangement, act or omission, aiming at improperly modifying the results or course of a sports competition, fails to obtain the advantage sought (for example, if the competition in question is the subject of an alert issued by the regulator and the sports betting operators refuse to take bets on the competition, thereby preventing the undue advantage from being obtained).

The term “improper” refers to an arrangement, act or omission which infringes the existing legislation or the regulations of the sports competition or organisation concerned. It may be aimed at alterations of the course or result of a competition that would be sanctioned by sports regulations only.

The term “intentional” means that the arrangement, act or omission is deliberately aimed at improperly influencing the natural and fair course (notably through a foul, penalty or action on the field altering the intermediate result or phase of the game) or the result of a sports competition (through the score, marks, time or ranking, for example).

The objective of such an arrangement, act or omission is to obtain an undue advantage – undue because it arises from an improper arrangement, act or omission – for oneself or for another person: this advantage may take the form of financial gain (for example, a bonus paid to the winner by the competition organiser, a bonus paid to a competitor by his or her employer, a bribe accepted by a competition stakeholder, winnings from a sports bet placed on the relevant competition or a capital gain realised by the owner of a qualified club who sells his or her shares), or some other tangible or intangible advantage, such as advancing to a higher level in the competition, or simply the “glory” of winning. The term “undue advantage” therefore does not imply that every manipulation is related to criminal offences such as fraud or corruption.

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

The definition of “sports betting” refers to the predictions made by wagering a stake on an event occurring during a sports competition in order to obtain winnings. Some specific forms of betting include, *inter alia*, fixed odds, spread betting, betting exchanges, pools / totalizers and live betting.

The expression “sports betting operators” used in the Convention therefore covers all kinds of operators providing sports betting services, land-based or remote, publicly or privately owned, specialised in sports betting or not (bookmakers, specialised sports betting operators, gambling operators and lotteries offering sports betting services) and regardless of the type of sports bet provided.

The term “sports” used in this definition refers to sports competitions, as defined in the Convention, on which bets are placed.

The expression “stake of monetary value” means risking an economic loss.

“Illegal sports betting” refers to any sports betting whose type or operator is not allowed (such as by exclusive rights, a licence or automatic recognition of licences granted by certain third countries) by virtue of applicable law in the jurisdiction of the Party where the gambler is located. The term “applicable law” includes national law, EU law and the law of federated entities. The use of “in the jurisdiction where the consumer is located” may provide a conflict of law rule whereby the applicable law can be identified in order to determine the legality or illegality of a sports bet, when it comes to implementing the prevention measures in the fight against illegal sports betting and the co-operation measures foreseen in this Convention (Articles 9, 11 and 12). In order to clarify that the principle of territoriality applies and to prevent conflict of jurisdiction, the choice of the term “jurisdiction where the consumer is located” rather than “jurisdiction of the consumer” refers to the territory where the consumer is located at the time of placing the bet.

“Irregular sports betting” means sports betting activity inconsistent with usual or anticipated patterns of the market in question or which concerns a sports competition whose course has unusual features. Identifying irregular sports betting therefore depends not only on the betting market, but also on the sports competition in question. Unusual features of a competition may be detected by organisations or authorities involved in betting market surveillance, by sports betting operators who follow the competitions on which bets are placed, and also by the sports organisations. An irregular sports bet is liable to be the subject of exchanges of information or an alert issued by the betting monitoring systems, regulatory authorities, sports betting operators, sports organisations or by the national platform foreseen in Article 13. Such an alert may encourage other stakeholders to take precautionary measures and to examine the case in greater depth, if necessary. The criteria (indicators) used to identify irregular sports betting will be developed if necessary by the Convention Follow-up Committee, but the Convention is not meant to harmonise at international level the way these criteria are combined or the precise thresholds beyond which betting should be considered “irregular” as such factors depend notably on the characteristics of every national betting market and the sports competition in question.

“Suspicious sports betting” means any sports betting activity which, according to well-founded and consistent evidence, appears to be linked to a manipulation of the sports competition to which it relates. Suspicious sports betting will form the subject of exchanges of information and measures on the part of national platforms, public authorities and, where appropriate, sport betting operators and sports organisations. The criteria for determining suspicious sports betting will, where necessary, be set by the Convention Follow-up Committee. However, the Convention is not meant to harmonise at international level the way these criteria are combined or the precise thresholds beyond which betting should be considered “suspicious” as such factors depend notably on the characteristics of every national betting market and the sports competition in question.

7. “**Competition stakeholder**” means any natural or legal person belonging to one of the following categories:
- a. “athlete” means any person or group of persons, participating in sports competitions;
 - b. “athlete support personnel” means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;
 - c. “official” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and promote sports competitions, as well as referees, jury members and any other accredited persons. The term also covers the executives and staff of the international sports organisation, or where appropriate, other competent sports organisation which recognises the competition.

This definition lists all those involved, directly or indirectly, in the organisation and/or running of sports competitions. It covers three types of persons:

- “**athletes**”: active participants in sports events (sportsmen, sportswomen). “Group of persons” refers to teams in the case of team sports;
- their “**support personnel**”: trainers, medical personnel, agents, officials of clubs or other entities taking part in the competition, as well as persons acting in this capacity and any other persons working with the athletes, including players’ unions; and
- “**officials**”: meaning the owners, executives and staff members of the entities which organise and promote sports competitions, as well as any other accredited persons, irrespective of their role, including sponsors or journalists, taking part in the activities of sports organisations. Referees, official judges and stewards are considered to be officials. This term also refers to executives and staff members of sports organisations which recognise the competition.

The definitions of “athlete” and “support personnel” are derived from the UNESCO International Convention against Doping in Sport (2005).

8. “**Inside information**” (art. 3.7) means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.

The term “**inside information**” refers to information acquired or possessed by persons who were able to obtain it only because of their position vis-à-vis a particular athlete, sport or competition, which may be used especially for the purpose of manipulating a sports competition or to bet on the competition with an advantage. Examples include information regarding competitors, the conditions and tactical considerations, unless this information has already been made public in accordance with the law or according to the rules and regulations of the competition in question.

9. “**Integrity of sport**” is understood as an ethical fundamental value in the sport movement characterised by credibility, transparency and fairness as well as by the unpredictability of sports competition results. The reference to “notions of pluralist democracy, rule of law, human rights and sports ethics” is derived from Recommendation CM/Rec(2011)10 on promotion of the integrity of sport to fight against the manipulation of results, notably match-fixing, adopted by the Committee of Ministers of the Council of Europe on 28 September 2011.
10. The term “**sports ethics**” is defined in Recommendation CM/Rec(2010)9 of the Committee of Ministers to member States on the revised Code of Sports Ethics, adopted by the Committee of Ministers of the Council of Europe on 16 June 2010. It has two underlying principles: fairness and sport as an arena for individual self-fulfilment. Fairness refers to practising a sport while faithfully respecting the rules of competition, and to providing everyone with an equal chance of taking part in sport. Sport should be practised according to fair play, be free of discrimination and be an activity for all. Moreover, sport should be an arena for self-fulfilment in which everyone is given the opportunity for self-development and self-control according to their potential and interests. In this way, sport can become an important ethical and cultural factor in society.