Follow-up Committee on Manipulation of Sports competitions (T-MC)

Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215)

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Monitoring of the implementation of the Convention - Assessment of Portugal

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I. Introduction

In 2015, Portugal joined the group of leading countries who signed the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215, hereinafter “the Convention”) and was the second to ratify it, thereby initially supporting the Convention's ratification process.

Portugal was also selected as the second country to undergo monitoring of the Convention’s implementation.

This monitoring was based on the principles set out in the Convention Monitoring Strategy 2024–2027 (Appendix, paragraph 2, “Provisions to be monitored”), which states:

"The T-MC may decide to select all the provisions to carry out an overall assessment of the implementation of the Convention.
(…)"

Monitoring was conducted on the basis of an examination of the pertinent legal sources, in particular:

- The Constitution of the Portuguese Republic, updated version from 10 April 1976;
- The European Convention on Human Rights, in effect since 3 September 1953;
- The European Convention on Mutual Assistance in Criminal Matters, in effect since 12 June 1962;
- The European Convention on Extradition, in effect since 18 April 1960;
- Law on international judicial cooperation in criminal matters, in effect since 31 August 1999;
- The EU General Data Protection Regulation (GDPR), in effect since 25 May 2018;
- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data;
- Law on Personal Data Protection, updated version from 8 August 2019;
- Law on Personal Data for Prevention, Detection, Investigation or Prosecution of Criminal Offences, updated version from 8 August 2019;
- Legal Regime for Online Gambling and Betting, updated version from 29 April 2015;
- Legal Regime for Territorial-Based Fixed-Odds Sports Betting, in effect since 29 April 2015;
- The Penal Code of 1982 Consolidated Version after 1995, updated version from 15 March 1995;
- The Code of Criminal Procedure, updated version from 17 February 1987;
- Measures to combat the organised crime, in effect since 11 January 2002;
- Legal Framework for Integrity in Sport and the Fight against Unsportsmanlike Behaviour (The Integrity Law), updated version from 19 January 2024;
- Basic Law on Physical Activity and Sport, consolidated version from 16 January 2007;
- Legal Regime for Sports Federations and the Conditions for Granting of Public Utility Status fpr Sports, consolidated version from 31 December 2008;
- Establishment of the Legal Regime for Programme Contracts for Sports Development Programme Contracts, consolidated version from 1 October 2009;
- Establishment of the Legal Regime for Sports Societies, updated version from 4 August 2023;
- Law No. 58/2020 transposing Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (hereinafter “Money Laundering Act”), in effect since 31 August 2020;
- Cibercrime Law, in effect since 15 September 2009;
- Electronic Communications Law, in effect since 16 August 2022.

II. Assessment

Chapter I - Purpose, guiding principles and definitions (Art. 1-3)

Observations

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

The physical education and sport are explicitly outlined in the Constitution of the Portuguese Republic (hereinafter "the Constitution"). In particular, the Article 79 "Physical culture and sport" of the Constitution stipulates, that everyone has the right to physical culture and sport. The latter article also promotes, encourages and supports the practice and dissemination of physical culture and sport, as well as clearly stands for prevention of violence in sport. Moreover, the Article 70 "Youth" (paragraph 1.d) of the Constitution contains the special protection for young people in terms of realisation of their economic, social and cultural rights, namely in the fields of physical education and sport. The Article 64 "Health" of the Constitution emphasises everyone's right to health protection and it's promotion *inter alia* highlighting the importance of physical and sporting culture (in accordance with the paragraph 2.b).

The main legal act of Portugal considers the integrity matter exclusively in the contexts of the personal rights and national defence. The prioritization of rights, freedoms and guarantees starts with the right to life (Article 24) right after following by the Article 25 "Right to personal integrity". The Article 25 stipulates, that the moral and physical integrity of persons is inviolable. No one shall be subjected to torture or to cruel, degrading or inhuman treatment or punishment. According to the Article 273 "National defence", paragraph 2, the guarantee of the territorial integrity is assigned to the main objectives of national defence.

Overall, the Constitution indirectly supports the objectives of the Convention by referring to the principles of democracy, the rule of law, and human rights in Preamble and many Articles: 2, 3, 6, 7, 8, 9, 10, 16, 18, 19, 33, 51, 55, 73, 77, 80, 81, 109, 199, 235, etc.

Basic Law on Physical Activity and Sport (hereinafter "Law on Physical Activity and Sport") largely regulates physical activity and sports policies in Portugal. It contains a set of general applicable principles including the principle of sports ethics. The Article 3 "Principle of sports ethics" stipulates, that sporting activities are carried out in accordance with the principles of ethics, promotion of sportsmanship, fair play and comprehensive training of all participants (in accordance with the paragraph 1). Furthermore, the State is obliged to adopt measures to prevent and punish unsportsmanlike behaviour, namely violence, doping, corruption, racism, xenophobia and any form of discrimination (in accordance with the paragraph 2). Moreover, initiatives and projects that promote sportsmanship and tolerance are especially supported (in accordance with the paragraph 3).

The fight against the manipulation of sports competitions, as defined in the Convention, shall ensure respect for the following principles:
a. Human rights;
b. Legality;
c. Proportionality;
d. Protection of private life and personal data.

The emphasis on human rights is consistently evident throughout the entire text of the Constitution. The main legal act of Portugal contains an entire chapter dedicated to human rights (Chapter I, "Personal rights, freedoms and guarantees"). In addition, Portugal, along with 45 other countries forming the Council of Europe, is a party to the European Convention on Human Rights (hereinafter "ECHR"), which is binding on the Portuguese Republic. The ECHR established the European Court of Human Rights (hereinafter "the Court"), which aims to protect individuals from human rights violations. Any person whose rights under the ECHR have been violated, including by the Portuguese Republic, may bring a case before the Court.

The principle of legality is clearly addressed throughout the Constitution. For instance, Article 3 “Sovereignty and legality” (paragraph 2) provides, that “The State is subject to the Constitution and is based on democratic legality”.

The principle of proportionality is mainly reflected in the context of Article 19 “Suspension of the exercise of rights” and Article 266 “Fundamental principles” of the Constitution. The latter provision set out in the Article 266, paragraph 2, stipulates, that “Administrative bodies and agents are subject to the Constitution and the law and must act, in the exercise of their functions, with respect for the principles of equality, proportionality, justice, impartiality and good faith.”

The Constitution also provides for the protection of private life through the following provision: “Everyone is recognised as having the rights to personal identity, personal development, civil capacity, citizenship, good name and reputation, image, freedom of speech, privacy of private and family life, and legal protection against any form of discrimination (Article 26 “Other personal rights”, paragraph 1).

Respect for privacy and compliance with data protection regulations are of particular importance in matters related to sports integrity. The applicable legal framework, notably Article 8 of the ECHR, guarantees the right to respect for private life. Together with the EU General Data Protection Regulation (hereinafter “GDPR”), it provides general guidance, which requires specific interpretation in the context of the sports sector and the management of sports integrity. Article 1, paragraph 2, of the GDPR states that it “protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.” In parallel, the Portuguese Law on Personal Data Protection provides a comprehensive legal framework for the protection of personal data. More specifically, in the context of manipulation of sports competitions, the Law on Personal Data for Prevention, Detection, Investigation or Prosecution of Criminal Offences could play a substantial role. The latter legal act pertinently establishes the rules on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, detection, investigation, or prosecution of criminal offences or the execution of criminal penalties.

The Portuguese legal system does not fully and consistently contain the definitions set out in the Convention. For instance, “manipulation of sports competitions” is well-defined in the recent advanced law, namely in the Article 2, paragraph j) of the Legal framework for Integrity in sport and the fight against unsportsmanlike behaviour (hereinafter “Integrity Law”). To be noted, that the wording of the latter definition of “manipulation of sports competitions” is fully in line with Article 3, paragraph 4 of the Convention. However, this is the only one definition provided in the Portuguese legal framework, which is fully in line with the corresponding definition of the Convention. Other definitions are containing a different wording from the given in the Convention, like the definition of “sports betting” stipulated in the Article 4 paragraph b) of the Legal Regime for Online Gambling and Betting (hereinafter ”Law for Online Gambling”): “‘Sports betting’ means placing a sum of money on a prediction of a certain type of result in a previously identified sporting competition or event, the outcome of which is uncertain and not dependent on the will of the participants“. Moreover, a few definitions provided in the Convention are not reflected in the Portugues legal system (in the context of regulation of sport) at all (for instance, the definition of “inside information” stipulated in the Article 3, paragraph 7 of the Convention).

Best practices

Early 2024 adapted new Integrity Law sets out the primary objective to establish the legal framework for the integrity of sport and the fight against unsportsmanlike behaviour that is contrary to the values of truth, loyalty and fairness and likely fraudulently alter the results of competitions, in line with the provisions of the Convention (in accordance with Article 1, paragraph a) of the Integrity Law). A new law convincingly marked the beginning of a more structured and targeted approach to legally addressing match-fixing in sport.

Overall, the Integrity Law intends to reflect the main aspects stipulated in the Convention to be legally and structurally prepared to combat the manipulation of sports competitions. Primarily the Integrity Law provides the legal basis for the establishment of the National Platform according to the requirements set out in the Article 13 of the Convention, defines its powers and cooperation with other entities. It is indeed relevant, that the Integrity Law defines the violation of sports integrity, intends to include some relevant definitions, outlines the prevention and education aspects, mandatory reporting, establishes the National Council for Integrity in Sport. Very importantly the Integrity Law distinctly criminalizes the manipulation of sports competitions defining the specific crimes (active and passive corruption, trafficking in influence, improper receipt or offering of advantages, criminal association, sports coercion, fraudulent sports betting and unsportsmanlike betting), stipulating the aggravating and mitigating circumstances, coercive measures, criminal liability of legal persons, extinction of liability, designing the pertinent criminal sanctions and setting the standards for disciplinary offences and proceedings.

Recommendations

In light of the recent progress and priority given by the State to the fight against the manipulation of sports competitions by broadening and deepening the integrity of sport approach from the legal perspective, additionally it could be recommended to consider the reflection or transposition of all definitions set out in Article 3 of the Convention, either by directly referring to them in the pertinent national legal framework or by including the specifically defined terms, which will be aligned with the wording of the Convention.

Chapter II - Prevention, co-operation and other measures (Art. 4-11)

Observations

For the sake of efficient domestic co-ordination, it is crucial to establish the necessary legal and organisational instruments. Inclusive measures in the areas of sports integrity, sports betting, the fight against corruption, money laundering, cybercrime, and the governance of sports organisations are particularly important.

It is also essential to define and assign specific tasks and responsibilities to the relevant public authorities, ensure the effective execution of coordination measures, and monitor the progress. Ideally, a single organisation should be entrusted with coordinating the actions of the public authorities involved in the fight against the manipulation of sports competitions.

The Portuguese National Platform established by Integrity Law (in particular, Articles 9-11) is empowered to co-ordinate and deal with the manipulation of sports competitions. According to the Article 9, paragraph 2, the National Platform is a collegiate body that operates within the National Unit for Combating Corruption of the Judicial Police (hereinafter "UNCC"), namely for the purposes of technical, administrative and logistical support. In particular, the domestic co-ordination within the National Platform is leaded by the director of the UNCC (according to the Article 9, paragraph 3). The Portuguese National Platform comprises the representatives from the Attorney General's Office, Judicial Police, National Anti-Corruption Mechanism, Commission for the Coordination of Policies to Prevent and Combat Money Laundering and Terrorist Financing, Portuguese Institute of Sport and Youth, Portuguese Olympic Committee, Portuguese Football Federation, Gaming Regulation and Inspection Service and Santa Casa da Misericórdia de Lisboa. Overall, the National Platform serves as a hub for domestic co-operation involving law enforcement, betting authorities and sports organisations.

A relatively new established Integrity Law, namely Article 3 "Prevention and education", stipulates the obligations for sport organisations in the fields of training, education, awareness-raising, prevention and risk assessment with the aim to protect the sporting values and the beautiful game itself. It is expected, that the sport organisations should be able to provide up-to date information on integrity in sport practices, rights and duties of sporting actors, procedures for controlling illegal practices that could undermine sport integrity and risks of manipulation of sports competitions or their results. To be noted, that the public funding for sports organisations may be increased in line with the promotion of training, teaching and educational activities mentioned above.

Furthermore, the Article 6, paragraph 1 of the Integrity Law sets out the clear obligation with regards to mandatory reporting. In particular, whenever sports actor is aware of or suspect the unsportsmanlike behaviour contrary to the values of truth, loyalty and fairness, what could likely fraudulently alter a sporting competition or its result, he/she must report it immediately to the Public Prosecutor's Office.

Legal Regime for Sports Federations and the Conditions for Granting of Public Utility Status for Sports (hereinafter ”Law on Public Utility Status for Sports”) is very much in line with the relevant provisions of Integrity Law. Article 13 sets out the set of rights and duties for sports federations, which includes the obligation to approve and implement the prevention, training and education programmes on combating match-fixing and corruption in sport, providing all their sports actors with up-to-date and accurate information, in particular, on the consequences for their sporting careers, their responsibilities, rights, duties and obligations in this regard and on the sanctions applicable to behaviour likely to affect the fairness and correctness of competition and its results in sporting activity (in accordance with paragraph 4). Logically follows the suspension stipulated in the Article 21, paragraph 1, b), that the public sporting utility status may be suspended by reasoned order of the Governmental authority responsible for sport if there is a failure to comply with legislation against doping in sport, as well as legislation relating to the integrity of sporting competitions, namely the duties of transparency regarding the ownership of sports clubs and obligations relating to the fight against corruption and match-fixing, violence, racism and xenophobia. Overall, the latter law clearly sets the standard for protection of values of sports ethics and guides the applicable disciplinary regimes accordingly. In particular, the sports federations must have disciplinary regulations in place, including the sanctions determined by the severity of the violations, to punish violations of the rules of the game or competition, as well as other sporting rules, particularly those relating to sports ethics (in accordance with the Article 53, paragraph a) and Article 52, paragraph 1).

Law on Public Utility Status for Sports, in particular Article 29, paragraph 4 stipulates, that the professional leagues should create an internal reporting channel for facts that may constitute a breach of sports ethics rules under the specific terms, which establish the general regime for the protection of whistleblowers.

The Legal Regime for Programme Contracts for Sports Development Programme Contracts (hereinafter ”Law on Sports Development Programme Contracts”) definitely contributes to the legally harmonised approach in terms of granting the support for sports federations, which specifically approve and implement programmes for prevention, training and education in relation to the integrity of competitions, the fight against doping, corruption and match-fixing, and the fight against violence, racism, xenophobia and intolerance at sporting events (in accordance with the Article 3, paragraph 4). Moreover, the content of the sports development programmes should be aligned and coordinated with the prevevention, training and education programmes in relation to the integrity of competitions organised by the respective sports federations (in accordance with the Article 12, paragraph 1.j). Therefore, a failure to comply with the requirements set out in the latter legislation on defending the integrity of competitions, combating doping, corruption and match-fixing, violence, racism, xenophobia and intolerance in sporting events, as well as with the decisions of the competent authorities in these areas, shall result in the suspension of all support granted by the State for as long as such non-compliance continues. In the case of financial support arising from sports development programme contracts to which the sports federation in question would be entitled, such support shall be reduced in proportion to the period of suspension (in accordance with the Article 24).

Law for Online Gambling (in the preamble) directly emphasises the importance of appropriate and proportionate legal solutions and principles to the pursuit of the public interest objectives sought, in order to ensure the protection of minors and the most vulnerable people, prevent fraud and money laundering, prevent criminal behaviour in relation to online gambling and safeguard the integrity of sport by preventing and combating match-fixing and betting fraud. With a view to ensuring the effective application of the regulatory framework for online gambling in Portugal, the Portuguese Tourism Institute through its gaming commission and its Gaming Regulation and Inspection Service is entrusted to control, inspection, supervision and regulation of online gambling (including sports betting) activities. Overall, the Article 12, paragraph 1 a) deliberately sets out the Licence allocation regime for online operators including acting in the field of sports betting at odds. Article 5, paragraph 3 o) stipulates, that the gaming commission approves the list of sports, competitions, sporting events and horse races that may be subject to betting and defines the types and timing of bets, as well as the types of results on which they may be placed. To be noted, that if the betting operator will offer the sports betting on sports, competitions or events that are not included in the list approved by the control, inspection and regulation entity, the following activity will constitute a very serious administrative offence and will be punishable by a fine (according to the Article 56, paragraph a). Progressively, the Article 6, paragraph i) defines the prohibitions, including to any persons, such as sports managers, sports coaches, trainers, professional and amateur athletes, judges, referees, sports agents, and officials of organisations that organise sports competitions and events and horse races that are the subject of betting, when they directly or indirectly have or may have any influence on the outcome of events.

Essentially the Law for Online Gambling clearly stands agains illegal sports betting. In particular, the illegal operation of online games and betting is attribute to the criminal offences:

Article 49

Illegal operation of online games and betting

1 - Anyone who, by any means and without being duly authorised for that purpose, exploits, promotes, organises or consents to the exploitation of online games and betting, or makes them available in Portugal from servers located outside the national territory, shall be punished with imprisonment of up to five years or a fine of up to 500 days.

2 - Negligence is punishable.

3 - Attempts are punishable.

Moreover, the Article 26, paragraph 1 r) sets out the obligations to the licensed betting operators to collaborate in the fight against illegal gambling and associated illicit activities, in particular, by complying with the preventive provisions laid down in the law and reporting practices or behaviour that contravene it.

Additionally, it is worth mentioning, that the Law for Online Gambling introduces the special tax on online gaming in sports betting (Article 90, paragraph 9). In particular, the amount of the calculated special online gaming tax contains 25 % of the own revenue of the control, inspection and regulation entity, and 37.5 % of revenue is allocated to the entities that are the subject of the bet. Therefore, it should be distributed among the clubs or players, as the case may be, and by the federation that organises the event, including the leagues, if any. The revenues should be allocated to the entities subject to betting and distributed among the clubs or practitioners, as the case may be, and by the federation organising the event, including leagues, if any, for the promotion of sport and implementation of prevention, training and education programmes on combating match-fixing and sports corruption, in defence of the integrity of sports competitions.

Legal Regime for Territorial-Based Fixed-Odds Sports Betting regulaltes the sports betting available on a territorial basis across the country. The State, which has exclusive rights to operate gambling in Portugal is granting the right to operate sports betting at the territorial base rate to an entity that it directly supervises and which it recognises as having the capacity, integrity and suitability to carry out the activities including the protection of integrity of sport by strengthening the fight against corruption and match-fixing. In particular, the State controlled operator Santa Casa da Misericórdia de Lisboa is entrused to decisively contribute to the protection, transparency and suitability of this type of betting, as well as to the prevention of the risks associated with it. Article 5 ”Responsible gaming policy” stipulates, that integrity, reliability and security should be essentially protected within the sports betting operations. In addition, preventive actions to raise the awareness, provide information and disseminate good practices should be largely promoted. Santa Casa da Misericórdia de Lisboa, in conjunction with the competent authorities, is obliged to promote studies aimed at identifying addictive behaviour and adopt preventive and dissuasive measures.

The latter legal regime also sets out the pertinent prohibitions regarding sports betting on odds. It is foreseen, that sports betting on odds is prohibited for any persons, such as sports managers, sports coaches, trainers, professional and amateur athletes, judges, referees, sports agents, and those responsible for organising events that are the subject of sports betting, when they directly or indirectly have or may have any influence on the outcome of such events (according to the Article 4, paragraph 1. i). More preventive measures are set in the conditions of participation in sports betting, for instance, Santa Casa da Misericórdia de Lisboa is entrused to require bettors, when placing bets and paying out winnings, to provide information on their identification, age and/or tax identification number for the purpose of verifying their identity, in particular by consulting the databases of public entities (according to the Artice 8 paragraph 3).

Moreover, the Legal Regime for Territorial-Based Fixed-Odds Sports Betting also clearly stands against illegal sports betting and contains a firm penalty regime, in particular:

Article 15

Illegal operation of sports betting at the territorial base rate

Anyone who, by any means and without being duly authorised for that purpose, operates, promotes, organises or consents to the operation of sports betting at the territorial base rate shall be punished with imprisonment of up to five years or a fine of up to 500 days.

Article 16

Fraudulent sports betting on a territorial basis

Anyone who, in any way, exploits or engages in sports betting on a territorial basis, or ensures luck through error, deception, tampering or use of any equipment, shall be punished with imprisonment of three to eight years or a fine of up to 600 days.

Best practices

In general, Portugal represents the comprehensively elaborated co-ordination approach to tackle one of the biggest threats of modern sport in relation to the manipulation of sports competitions. A pertinent readiness is supported by the specific legislation and relevant organisational structures in place. A firm intention to legally harmonise a wide range of the pertinent mechanisms is visible. A relatively new Integrity Law is indeed a specific legal tool setting the grounds for efficient preservation of sports integrity across the country.

Moreover, the National Platform ambitiously engages a wide range of the pertinent national stakeholders for domestic co-operation involving law enforcement, betting authorities and sports organisations. In addition, the Integrity Law (Article 12, paragraph 1) obliges the public bodies to co-operate with the National Platform providing the National Platform with the requested information and technical expertise. Furthermore, the sports organisations are consistently encouraged to proactively execute the pertinent preventative, risk assessment, educational and awareness raising remedies, while the betting sector is legally equipped with the tools to fight illegal operation of sports betting.

Recommendations

To strengthen the co-ordinated approach preserving the integrity of sport across the country and resist the manipulation of sports competitions in particular, it could be recommended to design the National Action Plan Against Match-Fixing in Sport, relevant strategy or National Programme for Sports Integrity, as stipulated in the Integrity Law, Article 11, paragraph a) assigning this power to the National Platform.

For instance, the targeted plan, strategy or programme to combat match-fixing could clearly define the roles and responsibilities of key actors such as law enforcement, sports bodies, and betting market representatives. Moreover, it could define a data sharing mechanism, promote coordinated risk assessment, and increased public awareness as fundamental elements of a unified national response. It could also design the preventative efforts and highlight the need to map attitudes and knowledge about the manipulation of sports competitions among sports actors. These assessments could provide valuable insights into the vulnerabilities of different sports to potential manipulation and enable comparisons of threat levels across various disciplines. Ideally, risk assessments are to be conducted for all relevant Portuguese sports every two years alongside the crucial importance to monitor the overall implementation of the targeted plan, strategy or program checking the relevant progress at the same frequency.

In relation to the constitution of the National Platform, it could be recommended to extend the representation of sport involving other sports organisations alongside the representatives from Olympic movement and football.

Overall, it could be recommended to permanently revise and enhance existing domestic co-ordination mechanisms and organisational instruments — including progress measurement tools — with the clear objective of effectively addressing the manipulation of sports competitions in response to evolving needs.

More broadly, it is essential to ensure that all initiatives and measures are continuous, comprehensive, regularly updated, and permanently embedded in practice. The following recommendations may be considered:

- Ensure that both the sport and gambling regulatory frameworks explicitly address the specific risks related to the manipulation of sports competitions. Risk assessments should be regularly updated and renewed, reflecting changes in the risk landscape due to new types of betting objects and evolving gambling conditions.
- Permanently strengthen awareness-raising, education, training, and research efforts in the fight against the manipulation of sports competitions, involving all stakeholders, including all sports organisations alongside Olympic movement and football.
- Monitor the implementation of rules aimed at combating the manipulation of sports competitions, as well as the application of good governance principles, across all sports organisations and competition organisers authorised to operate in Portugal.

Chapter III - Exchange of information (Art. 12-14)

Observations

As previously outlined, the Portuguese National Platform established by Integrity Law (Articles 9-11) is empowered to deal with the manipulation of sports competitions. According to the Article 9, paragraph 2, the National Platform is a collegiate body that operates within the UNCC. The Portuguese National Platform comprises the representatives from the Attorney General's Office, Judicial Police, National Anti-Corruption Mechanism, Commission for the Coordination of Policies to Prevent and Combat Money Laundering and Terrorist Financing, Portuguese Institute of Sport and Youth, Portuguese Olympic Committee, Portuguese Football Federation, Gaming Regulation and Inspection Service and Santa Casa da Misericórdia de Lisboa. The activities of the National Platform are leaded by director of the UNCC (according to the Article 9, paragraph 3). The National Platform exercise its powers within the national territory and, whenever requested by international bodies or federations, abroad (Article 10).

The Integrity Law (Article 11) defines the powers of the Portuguese National Platform (including in the field of information exchange) and stipulates, that the National Platform is responsible for:

1. Drawing up, approving and submitting to the National Council for Integrity in Sport (hereinafter “CNaID“) the national program for sports integrity;
2. Coordinating the fight against the manipulation of sports competitions;
3. Operating as an **information centre, collecting and transmitting relevant information** on the manipulation of sports competitions to and from organisations and authorities holding competence in the prevention and repression of such behaviour, namely judicial, police, sports, government and gambling market regulatory authorities, with a view to acting within their respective areas of competence;
4. **Receiving, centralising and analysing information** on irregular and suspicious sports betting in sports competitions held in Portugal and, where appropriate, issuing alerts;
5. **Transmitting** to the competent authorities **information**, evidence and details for investigation regarding potential criminal activities linked to the manipulation of sports competitions and illegal sports betting, in accordance with the legislation in force, if such activities relate to a sporting event held in the national territory or involve sports betting activities promoted by licenced or unlicenced betting operators in accordance with the legislation in force, or where the respective consumers are located in the national territory;
6. Cooperating with competent organisations and authorities, at the national and international levels and, in accordance with the legislation in force, **sharing information** within the context of criminal

investigations, as well as sports disciplinary inquiries, or exercising the powers by authorities regulating gambling and sports betting markets;

7. Developing, testing and implementing agile, effective and rapid **information sharing mechanisms** through protocols established for this purpose, in accordance with the legislation in force on the protection of **personal data**, processing judicial information and combating money laundering and terrorist financing;
8. Cooperating with all relevant organisations and authorities, at the national and international levels, including with similar national platforms in other states;
9. Issuing scientific and technical opinions, recommendations and warnings, in particular, on procedures for the prevention and control of manipulation of sports competition;
10. Providing sports federations with the technical support they request, in both the drafting and implementing of their regulations for sports integrity;
11. Providing its opinion on legislative proposals relating to the manipulation of sports competitions, after consulting with CNaID;
12. Issuing binding opinions on the regulations adopted by sports federations to combat the manipulation of sports competitions, after consulting with CNaID;
13. Studying and proposing, in collaboration with the entities responsible for the education system and the sports sector, educational programs, information and education campaigns, with the aim of raising awareness among sports practitioners, their support staff and young people in general, of the dangers and unfairness of manipulation of sports competitions or their results;
14. Studying and proposing appropriate legislative and administrative measures to combat the manipulation of sports competitions or their results;
15. Proposing the financing of research programs in the field of combating the manipulation of sports competitions or their results, particularly sociological, behavioural, legal and ethical studies, to the governmental authority responsible for sport;
16. Providing recommendations on procedures for preventing and controlling the manipulation of sports competitions or their results, addressing the sports associations and sports practitioners;
17. Monitoring the national technical participation in various international bodies responsible for combating the manipulation of sports competitions or their results;
18. Preparing its annual activity plan and report;
19. Submitting its annual activity report and development plan to the CNaID.

In addition, the Integrity Law (Article 13) establishes the CNaID considering the relevance of another key actor particularly relevant in the context of the preservation of sports integrity closely cooperating with the National Platform. The CNaID is chaired by the chair of the board of directors of the Portuguese Institute of Sport and Youth and is composed of the following members: co-ordinator of the National Platform, representatives of the Public Security Police, National Republican Guard, Attorney General's Office, Judicial Police, also representative appointed by the Confederation of Associations of Judges and Arbitrators of Portugal, representatives of the Tax and Customs Authority, National Anti-Corruption Mechanism, representatives appointed by the Portuguese Olympic Committee, Portuguese Paralympic Committee, Portuguese Sports Confederation, Olympic Athletes' Commission, Paralympic Athletes' Commission, Portuguese Coaches Confederation, Portuguese Football Federation, Portuguese Tennis Federation, Portuguese Basketball Federation, also representative from Liga Portugal, representatives appointed by the Gaming Regulation and Inspection Service, Portuguese Online Betting and Gaming Association, Santa Casa da Misericórdia de Lisboa and representative of the Players' Union. The following responsibilities are assigned to the CNaID, in particular, issuing opinions on the national programme for integrity in sport, promoting analysis and public debate on issues related to sports integrity, assessing and monitoring the relevant training, teaching and educational activities, issuing opinions on draft legislation on matters related to integrity in sport on its own initiative or when requested by the Government and approving its internal regulations. In terms of procedures, the CNaID meets twice a year as a rule, and on an extraordinary basis whenever convened by its president or at the request of one-third of its members. Independent sports integrity experts could be invited by the president of the CNaID to participate in the meetings. Also, the president of the CNaID may request opinions from national and/or international experts, whenever he (she) deems it necessary. As a rule, the members of the CNaID may not be a part of the National Platform.

As earlier outlined, the GDPR and the Portuguese Law on Personal Data Protection provide a comprehensive legal framework for the protection of personal data. Both applicable legal acts comprehensively regulate the protection of personal data and apply across all sectors. These regulations are fully aligned with the provisions of Article 14 of the Convention. However, the sport sector and the integrity domain require specific interpretation to ensure effective implementation within their unique context.

More specifically, in the context of manipulation of sports competitions, the Law on Personal Data for Prevention, Detection, Investigation or Prosecution of Criminal Offences could play a substantial role. The latter legal act pertinently establishes the rules on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, detection, investigation, or prosecution of criminal offences or the execution of criminal penalties.

The Integrity Law provisions establishing the National Platform (Article 9) are also emphasising the importance of compliance with the personal data legislation. In particular, the paragraphs 10 and 11 provide, that the disclosure of information that does not allow the individual identification of persons or institutions, in summary or aggregate form, and in compliance with the legislation in force regarding personal data, is permitted. Furthermore, the provision of information, collaboration and assistance to the National Platform must be carried out, in accordance with the law, and in compliance with the legally applicable duties of secrecy and obligations regarding personal data protection and professional confidentiality. Moreover, the respect for the personal data protection is explicitly extended in the context of mandatory reporting (Article 6).

Law for Online Gambling, in particular Article 93 “Processing of personal data”, paragraph 2 provides, that entities involved in online gaming and betting, including operators and the control, inspection and regulatory entity, are subject to compliance with the principles and rules arising from personal data protection legislation, as well as to the control and supervision of the National Data Protection Commission, in the exercise of its legal powers.

Similarly, the Legal Regime for Territorial-Based Fixed-Odds Sports Betting, in particular Article 22 “Processing of personal data”, paragraph 2 stipulates, that entities involved in sports betting on a territorial basis are subject to compliance with the principles and rules arising from legislation on the protection of personal data, as well as to the control and supervision of the National Data Protection Commission in the exercise of their legal powers.

Best practices

The Portuguese National Platform has been legally granted a special power to deal with the manipulation of sports competitions across the country and abroad, whenever requested by relevant international bodies or sports organisations. The establishment of the National Platform, as well as attributed functions and powers are fully in line with the provisions of Article 13 “National Platform” of the Convention. The mechanism for exchange of the pertinent information is broadly developed.

A wide and ambitious perspective of joint efforts is evident throughout the composition of the National Platform engaging the stakeholders from the law enforcement, state authorities in charge of sport matters, betting market representatives and sports organisations. The leadership and management of the operational part of the National Platform is entrusted to law enforcement representatives (National Unit for Combating Corruption of the Judicial Police, UNCC), what could ensure a direct access to the criminal prosecution, intelligence and investigation remedies whenever needed.

Recommendations

It is important to continuously revise and enhance existing co-operation and information-sharing mechanisms, including ensuring the measurement of their effectiveness.

As previously outlined, in relation to the constitution of the National Platform, it could be recommended to extend the representation of sport involving other sports organisations alongside the representatives from Olympic movement and football.

Additionally, it could be recommended to consider the extension of the current legislation adopting a new specific law or including the specific provisions in the existing legal framework, which will constitute a clear, comprehensive and consistent legal basis for the processing of personal data for the purpose of combating the manipulation of sports competitions. This legislation could be applicable to public authorities and all relevant organisations engaged in such data processing, in accordance with the data protection principles set out in the GDPR, including the principle of data minimisation, while safeguarding the fundamental right to privacy of data subjects.

Chapter IV - Substantive criminal law and co-operation (Art. 15-18)

Observations

The Convention requires each Party to ensure that its domestic laws allow for the criminal sanctioning of the manipulation of sports competitions when such acts involve coercive, corrupt, or fraudulent practices, as defined by national legislation.

The drafters of the Convention have identified criminal liability as the ultima ratio remedy, to be applied in the most serious cases of manipulation of sports competitions.

Portugal could be assigned to the jurisdictions, who have specific anti-match-fixing laws. The State clearly stands for criminalisation of manipulation of sports competitions progressively following the latest prevalent global trends in relation to the specific legislation to investigate, prosecute and sanction the manipulation of sports competitions. The latter approach could likely facilitate and advance the fight against these malpractices harmfully affecting the field of sport.

The Integrity Law (Articles 14-21) introduces the specific crimes, which may constitute the manipulation of sports competitions, in particular, passive and active corruption, trafficking in influence, improper receipt or offering of advantages, criminal association, sports coercion, fraudulent sports betting and unsportsmanlike betting (see Appendix 1).

In addition, the existing anti-corruption, anti-fraud, and anti-financial misconduct laws may be applied in cases involving manipulation of sports competitions. The Article 29 of the Integrity Law stipulates, that the provisions of the Penal Code shall apply subsidiarily to the offences provided for in the Integrity Law. Overall, the relevant articles of the Penal Code (see Appendix 1), for instance Coercion (Article 154), Fraud (Article 217), Aggravated fraud (Article 218), Money laundering (Article 368-A), Improper receipt or offering of advantages (Article 372), Passive corruption (Article 373) and Active corruption (Article 374) may be applied in combination with the specific criminal provisions provided in the Integrity Law, Law for Online Gambling, Legal Regime for Territorial-Based Fixed-Odds Sports Betting or Money Laundering Act.

Law regarding the Measures to combat the organised crime (Article 1, paragraphs 1 e,f,I,j,k) establishes a special regime for the collection of evidence, breach of professional secrecy and forfeiture of assets to the State, relating to the crimes of improper receipt or offering of advantages, active and passive corruption, including that committed in the public and private sectors, as well as in sporting activities, money laundering, criminal association, sports coercion, fraudulent sports betting and unsportsmanlike betting. The assessment of intentional complicity in the context of manipulation of sports competitions may present some challenges. Therefore, the subsequent case law could likely reveal if the latter law is sufficient to comply with the spirit and purpose of the Article 17 “Aiding and abetting” of the Convention.

The criminal liability of legal persons and equivalent entities, including sports legal persons, is ensured by the Integrity Law (Article 28). It is firmly stipulated, that the status of public utility or public sporting utility does not exclude the criminal liability of sports legal persons.

Best practices

As earlier outlined, Portugal clearly stands for criminalisation of manipulation of sports competitions progressively following the latest prevalent global trends in relation to the specific legislation to investigate, prosecute and sanction the manipulation of sports competitions. The criminalisation of match-fixing could indeed serve as a catalyst to initiate the pertinent investigations, conduct the pre-trail investigations and bring the specifically elaborated cases before the courts of Portugal.

Recommendations

The mentioned progress in relation to the legal readiness of Portugal to fight against the manipulation of sports competitions is indeed solid, especially in the context of substantive and specific criminal law framework. However, it is important to check the validity and relevant efficiency of the introduced criminal law framework throughout the real implementation of the mentioned legal provisions and measurement of the ability and efficiency to develop the relevant case law. In addition, the law enforcement representatives, e.g., pre-trail investigators, prosecutors and judges should be receiving the specific education regarding the phenomenon and guidelines how to apply the discussed criminal law provisions and efficiently handle the match-fixing cases.

Chapter V - Jurisdiction, criminal procedure and enforcement measures (Art. 19-21)

Observations

The requirement to establish jurisdiction over the offences referred to in Articles 15 to 17 of the Convention is fulfilled within the relevant legal framework of Portugal.

Electronic Communications Law and Cibercrime Law could serve for a purpose to secure electronic evidence, including through the expedited preservation of stored computer data, search and seizure of stored computer data, when investigating offences referred to in Articles 15 to 17 of the Convention. The latter specific laws could likely serve when dealing with the investigative challenge, which often lies in accessing evidence when communications occur in encrypted chat groups hosted by service providers that do not cooperate with law enforcement.

More specifically, the Integrity Law, Article 27 “Seizure and forfeiture to the State“ stipulates, that the instruments, products and advantages related to the commission of crimes provided for in this law are subject to seizure and forfeiture to the State, as provided for in the Penal Code, Code of Criminal Procedure and Law, which establishes Measures to combat the organised crime.

Relevant aspects of search and seizure during investigations are regulated under Chapter II “Searches and inspections“ (Articles 174 - 177) and Chapter III “Seizures“ (Articles 178 - 186) of the Code of Criminal Procedure.

Article 10 “Seizure” of the Law on Measures to combat the organised crime is mainly designed to guarantee the payment - the Public Prosecutor's Office may request the seizure of the defendant's assets in the amount determined to constitute advantage of criminal activity. The seizure may be ordered by the judge if there are strong indications of the commission of the crime.

In the context of the protection of whistle-blowers in cases involving the manipulation of sports competitions the Article 6 “Mandatory reporting” of the Integrity Law is playing a crucial role. In particular, the paragraph 2 stipulates, that the protection of the whistleblower's personal data and the confidentiality of their identity are guaranteed, under the terms of Law No. 59/2019, of 8 August, which approves the rules on the processing of personal data for the purposes of preventing, detecting, investigating or prosecuting criminal offences or enforcing criminal sanctions, transposing Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 and Law No. 93/2021, of 20 December, which establishes the general regime for the protection of whistleblowers, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, as well as other legislation applicable to the protection of personal data.

Recommendations

To monitor the application of the pertinent legal provisions with the aim of assessment of the relevant efficiency.

Chapter VI - Sanctions and measures (Art. 22-25)

Observations

The Portuguese national legal framework allows for the criminal sanctioning of the manipulation of sports competitions when such conduct involves coercive, corrupt, or fraudulent practices.

Criminal offences related to the manipulation of sports competitions, when committed by natural persons, are subject to effective, proportionate, and dissuasive criminal sanctions. These may include predominantly fines and imprisonment for a period of 1 to 8 years. Additionally, the Integrity Law (Article 25) stipulates, that the additional penalties may be imposed on perpetrators, like suspension from participating in sporting competitions for a period of 6 months to 5 years, deprivation of the right to subsidies, grants or incentives granted by the State, autonomous regions, local authorities and other public legal entities for a period of 1 to 5 years, also prohibition from exercising a profession, function or activity, whether public or private, for a period of 1 to 5 years.

Very importantly, the Article 26 of the Integrity Law clearly outlines, that the prosecution or application of penalties or security measures for the crimes provided for in the Integrity Law shall not prevent, suspend or prejudice the exercise of disciplinary power or the application of disciplinary sanctions under the terms of sports regulations.

Legal persons may be held corporately liable and are subject to effective, proportionate, and dissuasive sanctions. The criminal liability of legal persons and equivalent entities, including sports legal persons, is ensured by the Integrity Law (Article 28). It is firmly stipulated, that the status of public utility or public sporting utility does not exclude the criminal liability of sports legal persons.

The Law for Online Gambling contains the pertinent applicable administrative measures and sanctions, like warning, fine, suspension of activity, revocation and suspension of the licence, etc.

The applicable legal framework permits the seizure and confiscation of proceeds related to the manipulation of sports competitions. As earlier outlined, the instruments, products and advantages related to the commission of crimes provided for in the Integrity Law are subject to seizure and forfeiture to the State, as provided for in the Penal Code, Code of Criminal Procedure and Law, which establishes Measures to combat the organised crime.

Best Practices

The pertinent Portuguese national legal framework consistently and comprehensively allows for the criminal sanctioning of the manipulation of sports competitions when such conduct involves coercive, corrupt, or fraudulent practices. The criminal liability of natural and legal persons is ensured. In addition, the pertinent administrative measures and sanctions are in place. Indeed, a set of designed sanctions is solid and likely adequately responsive to the seriousness and severity of the match-fixing phenomenon.

Recommendations

To monitor the application of sanctions with the aim of assessment of their deterrence effect.

Chapter VII - International co-operation in judicial and other matters (Art. 26-28)

Observations

Portugal is a party to international treaties on extradition and mutual assistance in criminal matters, which are applicable, inter alia, to offences related to the manipulation of sports competitions.

For example, Portugal has been a party to the European Convention on Extraditions (ETS No. 024) since 1990 and to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 030) since 1994. In addition, Portugal has been a party to numerous bilateral treaties on extradition signed with the following countries: Algeria, Argentina, Australia, Bolivia, Botswana, Brazil, China, United States of America, India, Marocco, Mexico, Tunisia and Uruguay. Also, Portugal has been a party to many bilateral treaties on mutual assistance in criminal matters signed with the following countries: Algeria, Argentina, Australia, Brasil, Canada, United States of America, Hong Kong, Macau, Marocco, Mexico and Tunisia. Moreover, Portugal is a party of the Convention on Mutual Assistance in Criminal Matters between the EU countries.

Very importantly, the Basic Law on Physical Activity and Sport (Article 11) firmly encourages the international co-operation. In particular, it outlines the increase of the cooperation in the field of sport emphasizing full Portuguese participation in European and international sporting bodies, namely the institutions of the European Union, Council of Europe, UNESCO and Ibero-American Sports Council. Moreover, the State is in charge of establishment of the programmes for co-operation with other countries and promotion of international sporting exchanges at various age levels. The State's priority is clearly given to sporting exchanges within the framework of the Community of Portuguese-Speaking Countries.

As earlier outlined, the Portuguese National Platform is entrusted to co-operate with competent international organisations and authorities including with National Platforms in other states and to share information within the context of criminal investigations, as well as sports disciplinary inquiries.

Best practices

The majority of Portuguese sports associations participate in the programs dedicated to the fight against match-fixing within the framework of their respective international federations. For example, there is ongoing and regular co-operation with major international sports organisations, including the IOC, FIFA, and UEFA.

Recommendations

It could be recommended to assess the efficiency of the existing mechanisms for international co-operation in the areas of investigation, prosecution, and judicial proceedings concerning offences related to the manipulation of sports competitions. Furthermore, co-operation with international sports organisations in the fight against the manipulation of sports competitions could be further developed and expanded.

III. Conclusion

In view of the foregoing, the T-MC considers that the Portuguese legislation potentially applicable in the context of the manipulation of sports competitions is greatly in line with the principles giving effect to the Convention.

Overall, it is important to ensure that all initiatives and measures remain continuous, comprehensive, up-to-date, and permanently embedded in practice.

The T-MC remains at the full disposal of the national authorities to support and assist them in the implementation of the Convention's provisions, including in the implementation of the recommendations contained in this report:

- Consider the reflection or transposition of all definitions set out in the Convention (recommendation 1).
- Design, implement and monitor the progress of the National Action Plan Against Match-Fixing in Sport, relevant strategy or National Programme for Sports Integrity (recommendation 2).
- Continuously improve coordination mechanisms, ensure updated risk assessments, enhance pertinent education and monitoring (recommendation 3).
- Ensure the broader sports representation within the National Platform framework (recommendation 4).
- Continuously strengthen co-operation and information-sharing mechanisms, adopt legislation to facilitate lawful personal data processing for anti-manipulation purposes (recommendation 5).
- Permanently monitor and assess the efficiency of the pertinent criminal law framework throughout the real implementation and measurement of the ability to develop the relevant case law, educate the law enforcement representatives on how to apply the pertinent criminal law provisions and efficiently handle match-fixing cases (recommendation 6).
- To monitor the application of sanctions with the aim of assessment of their deterrence effect (recommendation 7).
- Permanently assess the efficiency and update international co-operation mechanisms, further strengthen collaboration with international stakeholders in combating manipulation in sport (recommendation 8).

Appendix 1 Relevant sections of the Integrity Law and Penal Code

Integrity Law

<u>CHAPTER III Crimes</u>

Article 14 Passive corruption

A sports agent who, either personally or through an intermediary, with their consent or ratification, requests or accepts, for themselves or for a third party, without being entitled to it, a financial or non-financial advantage, or the promise thereof, for any act or omission intended to alter or falsify the result of a sporting competition, even if prior to that request or acceptance, shall be punished with imprisonment of 1 to 8 years.

Article 15 Active corruption

Anyone who, either directly or through an intermediary, with their consent or ratification, gives or promises a sports agent, or a third party with their knowledge, an undue financial or non-financial advantage for the purpose indicated in the previous article, shall be punished with imprisonment of 1 to 5 years.

Article 16
Trafficking in influence

1 - Anyone who, either directly or through an intermediary, with their consent or ratification, requests or accept, for themselves or for a third party, a financial or non-financial advantage, or the promise thereof, in order to abuse their real or supposed influence with any sports agent, with the aim of obtaining any decision intended to alter or falsify the result of a sporting competition, shall be punished with imprisonment of 1 to 5 years, unless a more severe penalty applies under another legal provision.
2 - Anyone who, either personally or through an intermediary, with their consent or ratification, gives or promises another person a financial or non-financial advantage for the purpose referred to in the previous paragraph shall be punished with imprisonment of up to 3 years or a fine, unless a more severe penalty applies under another legal provision.
3 - Attempts are punishable.

Article 17
Improper receipt or offering of advantages

1 - Any sports agent who, in the exercise of their duties or because of them, either personally or through an intermediary, with their consent or ratification, requests or accepts, for themselves or for a third party, a financial or non-financial advantage to which they are not interposed person, with his consent or ratification, requests or accepts, for himself or for a third party, a financial or non-financial advantage that is not due to him, shall be punished with imprisonment of up to 5 years or a fine of up to 600 days.
2 - Anyone who, either themselves or through an intermediary, with their consent or ratification, gives or promises a sports agent, or a third party on their recommendation or with their knowledge, a financial or non- financial advantage to which they are not entitled, in the exercise of their duties or because of them, shall be punished with imprisonment of up to 3 years or a fine of up to 360 days.

3 - Conduct that is socially appropriate and in accordance with customs and practices is excluded from the preceding paragraphs.

Article 18 Criminal association

1 - Anyone who promotes, founds, participates in or supports a group, organisation or association whose purpose or activity is directed towards the commission of one or more crimes provided for in this law shall be punished with imprisonment of 1 to 5 years.
2 - Anyone who leads or directs the groups, organisations or associations referred to in the previous paragraph shall be punished with imprisonment of 2 to 8 years.

3 - For the purposes of this article, a group, organisation or association shall be deemed to exist when it involves a group of at least three persons acting in concert for a certain period of time.

Article 19 Sports coercion

Anyone who, through violence or threats of serious harm, coerces a sports official into an action or omission with the aim of influencing the outcome or results of a game, event or sporting competition shall be punished with imprisonment of up to five years or a fine of up to 600 days.

Article 20
Fraudulent sports betting

Anyone who acts to influence the outcome or results of a game, event or sporting competition for the purpose of gaining an advantage in sports betting shall be punished with imprisonment of up to 5 years or a fine of up to 600 days.

Article 21 Unsportsmanlike betting

Any sports agent who places, or arranges for the placement of, a sports bet, online or on a territorial basis, on the outcome or result of any event, competition or competitions in which they participate or are involved shall be punished with imprisonment of up to 3 years or a fine of up to 360 days.

Penal Code

Article 154. Coercion

1 - Anyone who, through violence or threats of serious harm, compels another person to act or omit to act, or to endure an activity, shall be punished with imprisonment of up to three years or a fine.
2 - Attempted coercion is punishable.
3 - The act is not punishable: a) If the means used to achieve the intended end is not reprehensible; or
b) If it is intended to prevent suicide or the commission of a typical unlawful act.
4 - If the act takes place between spouses, ascendants and descendants, adopters and adoptees, or between persons of the same or opposite sex living in a situation analogous to that of spouses, criminal proceedings are dependent on a complaint being filed.

Article 217. Fraud

1 - Anyone who, with the intention of obtaining unlawful enrichment for themselves or a third party, through error or deception regarding facts that they have cunningly caused, induces another person to commit acts that cause them or another person financial loss shall be punished with imprisonment of up to three years or a fine.

2 - Attempted offences are punishable.
3 - Criminal proceedings are dependent on a complaint.
4 - The provisions of Articles 206 and 207 shall apply accordingly

Article 218 Aggravated fraud

1 - Anyone who commits the offence referred to in paragraph 1 of the previous article shall be punished, if the financial loss is of a high value, with imprisonment of up to five years or a fine of up to 600 days.
2 - The penalty shall be imprisonment for two to eight years if:
a) The financial loss is of a considerably high value; b) The perpetrator makes fraud their way of life;
c) The perpetrator takes advantage of the victim's particular vulnerability due to age, disability, or illness; or d) The injured party is in a difficult economic situation.
3 - The provisions of Article 206(2) and (3) shall apply accordingly.
4 - Article 206(1) shall apply in the cases referred to in paragraph 1 and subparagraphs (a) and (c) of paragraph 2.

Article 368-A Money laundering

1 - For the purposes of the following paragraphs, benefits shall be considered to be goods derived from the practice, in any form of participation, of typical illegal acts punishable by imprisonment for a minimum term of more than six months or a maximum term of more than five years or, regardless of the applicable penalties, typical illegal acts of: a) Pimping, sexual abuse of children or dependent minors, or child pornography; b) computer and communications fraud, extortion, misuse of guarantee cards or payment cards, devices or data, counterfeiting of currency or equivalent securities, depreciation of the value of metal currency or equivalent securities, passing of counterfeit currency in collusion with the counterfeiter or equivalent securities, passing counterfeit currency or equivalent securities, or acquiring counterfeit currency to be put into circulation or equivalent securities; c) Computer fraud, counterfeiting of cards or other payment devices, use of counterfeit cards or other payment devices, acquisition of counterfeit cards or other payment devices, preparatory acts of counterfeiting, acquisition of cards or other payment devices obtained through computer crime, damage to computer programs or other data, computer sabotage, unlawful access, unlawful interception or reproduction of protected programmes; d) Criminal association; e) Terrorist offences, offences related to a terrorist group, offences related to terrorist activities and terrorist financing; f) Trafficking in narcotic drugs and psychotropic substances; g) Arms trafficking; h) Human trafficking, aiding illegal immigration, or trafficking in human organs or tissues; i) Damage to nature, pollution, activities dangerous to the environment, or danger to animals or plants; j) Smuggling, smuggling of goods in circulation, smuggling of goods subject to restrictions on circulation on vessels, tax fraud or social security fraud; k) Trafficking in influence, undue receipt of advantage, corruption, embezzlement, economic participation in business, harmful administration in a public sector economic unit, fraud in obtaining or misappropriating subsidies, grants or credit, or corruption to the detriment of international trade or in the private sector; l) Insider trading or market manipulation; m) Violation of the exclusivity of patents, utility models or semiconductor product topographies, violation of exclusive rights relating to designs or models, counterfeiting, imitation and illegal use of trademarks, sale or concealment of products or fraud involving goods.

2 - Goods obtained through the goods referred to in the previous paragraph are also considered advantages.

3 - Anyone who converts, transfers, assists or facilitates any operation to convert or transfer advantages obtained by themselves or by a third party, directly or indirectly, with the aim of concealing their illicit origin, or to prevent the perpetrator or participant in such offences from being criminally prosecuted or subjected to criminal proceedings, shall be punished with imprisonment of up to 12 years.

4 - The same penalty shall apply to anyone who conceals or disguises the true nature, origin, location, disposition, movement or ownership of the advantages, or the rights relating thereto.

5 - The same penalty shall also apply to anyone who, not being the perpetrator of the typical unlawful act from which the proceeds originate, acquires, holds or uses them, with knowledge, at the time of acquisition or at the initial moment of holding or use, of that quality.

6 - Punishment for the offences referred to in paragraphs 3 to 5 shall apply even if the place where the unlawful acts of the unlawful acts from which the benefits originate or the identity of their perpetrators, or even if such acts were committed outside national territory, unless they are lawful under the law of the place where they were committed and to which Portuguese law does not apply under the terms of Article 5.

7 - The act is punishable even if the criminal proceedings relating to the unlawful acts from which the advantages derive are dependent on a complaint and no complaint has been made.

8 - The penalty provided for in paragraphs 3 to 5 shall be increased by one third if the agent commits the acts habitually or if he or she is one of the entities referred to in Article 3 or Article 4 of Law No. 83/2017 of 18 August and the offence was committed in the course of his or her professional activities.

9 - When full reparation has been made for the damage caused to the victim by the unlawful act from which the advantages derive, without unlawful damage to third parties, by the start of the trial hearing in the first instance, the penalty shall be specially mitigated.

10 - Once the requirements set out in the previous paragraph have been verified, the penalty may be specially mitigated if the compensation is partial.

11 - The penalty may be specially mitigated if the perpetrator specifically assists in gathering decisive evidence for the identification or capture of those responsible for committing the unlawful acts from which the advantages derive.

12 - The penalty applied under the terms of the previous paragraphs may not exceed the maximum penalty among those provided for the typical illegal acts from which the advantages derive.

Article 372
Improper receipt or offering of advantages

1 - Any official who, in the exercise of their duties or because of them, either personally or through an intermediary, with their consent or ratification, requests or accepts, for themselves or for a third party, a pecuniary or non-pecuniary advantage that is not due to them, shall be punished with imprisonment of up to five years or a fine of up to 600 days.
2 - Anyone who, either directly or through an intermediary, with their consent or ratification, gives or promises a civil servant, or a third party acting on their behalf or with their knowledge, a financial or non-financial advantage to which they are not entitled, in the exercise of their duties or because of them, shall be punished with imprisonment of up to three years or a fine of up to 360 days.
3 - Conduct that is socially appropriate and in accordance with customs and practices is excluded from the preceding paragraphs.

Article 373 Passive corruption

1 - Any civil servant who, either personally or through an intermediary, with their consent or ratification, requests or accepts, for themselves or for a third party, a financial or non-financial advantage, or promises promise thereof, for the performance of any act or omission contrary to the duties of their office, even if prior to that request or acceptance, shall be punished with imprisonment of one to eight years.
2 - If the act or omission is not contrary to the duties of the position and the advantage is not due to them, the agent shall be punished with imprisonment of one to five years.

Article 374 Active corruption

1 - Anyone who, either personally or through an intermediary, with their consent or ratification, gives or promises a civil servant, or a third party acting on their behalf or with their knowledge, a financial or non-financial advantage for the purpose indicated in Article 373(1), shall be punished with imprisonment of between one and five years.
2 - If the purpose is that indicated in Article 373(2), the agent shall be punished with imprisonment of up to three years or a fine of up to 360 days.
3 - Attempts are punishable.