

**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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Follow-up Committee on the Manipulation of sports competitions

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Monitoring of the implementation of the Convention / Assessment of the Republic of Moldova

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I. Introduction

In 2016, the Republic of Moldova 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 fourth to ratify it, thereby initially supporting the Convention's ratification process.

The Republic of Moldova was also selected as the third 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 Republic of Moldova No. CRM1, in effect since 29 July 1994;
- 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 No. 195 on Personal Data Protection, in effect since 25 July 2024;
- Law No. 291 regarding the Organisation and Conduct of Gambling, in effect since 16 December 2016;
- The Penal Code of the Republic of Moldova No. CP985/2002, in effect since 18 April 2002;
- The Criminal Procedure Code of the Republic of Moldova No. 122-XV, in effect since 14 March 2003;
- Law No. 105 on the Protection of Witnesses and Other Participants in Criminal Proceedings, in effect since 16 May 2008;
- Law No. 122 on Integrity Warnings, in effect since 12 July 2018;
- Law No. 165 on Integrity Whistleblowers, in effect since 22 June 2023;
- Governmental Decision No. HG886/2024 regarding the National Platform for Integrity in Sport, in effect since 23 December 2024;
- Law No. 110 on Physical Education and Sports, in effect since 22 May 2025;
- Law No. 308 on Prevention and Combating Money Laundering and Terrorism Financing, in effect since 27 December 2017;
- Law No. 142 on Data Exchange and Interoperability, in effect since 19 July 2018;
- Law No. 467 on Informatisation and State Information Resources, as amended on 21 March 2024;
- Governmental Decision No. 211/2019 on the Interoperability Platform (MConnect).

II. Assessment

1. Purpose, guiding principles and definitions (Chapter I of the Convention, 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 issue of the integrity of sport, or sport in general, is not explicitly addressed in the Constitution of the Republic of Moldova (hereinafter “the Constitution”). Only the Article 50 mentions sport in the context of protection of children and young people, in particular, the paragraph (5) stipulates, that “public authorities ensure conditions for the free participation of young people in the social, economic, cultural and sporting life of the country”. The concept of integrity is revealed through the protection of personal psychological and physical integrity, as well as the territorial integrity of the country. For instance, the Article 24 “The right to life and to physical and mental integrity”, paragraph (1) provides, that “the State guarantees every person the right to life and to physical and psychological integrity”. Moreover, the Article 108 “Armed forces”, paragraph (1) stipulates, that “the armed forces are subordinated exclusively to the will of the people for the purpose of guaranteeing sovereignty, independence and unity, country’s territorial integrity and constitutional democracy.”

In addition, the Constitution indirectly supports the objectives of the Convention by referring to the principles of democracy, the rule of law, and human rights. For instance, the rule of law, civic peace, democracy, human dignity, human rights and freedoms, justice and other values are outlined in the preamble of the Constitution. The Article 1 “State of the Republic of Moldova”, paragraph (3) provides, that “the Republic of Moldova is a democratic state governed by the rule of law, in which human dignity, rights and freedoms, the free development of the human personality, justice and political pluralism represent supreme values and are guaranteed”. The Article 5 “Democracy and political pluralism”, paragraph (1) stipulates, that “Democracy in the Republic of Moldova is exercised under conditions of political pluralism, which is incompatible with dictatorship and totalitarianism”.

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 text of the Constitution. The Article 4 “Human rights and freedoms” stipulates, that “(1) the constitutional provisions on human rights and freedoms shall be interpreted and applied in accordance with the Universal Declaration of Human Rights, the covenants and other treaties to which the Republic of Moldova is a party; (2) If there are inconsistencies between the covenants and treaties regarding fundamental human rights to which the Republic of Moldova is a party and its internal laws, international regulations shall take precedence”. The main legal act of Moldova contains an entire chapter dedicated to human rights (Chapter II, “Fundamental rights and freedoms”), which outlines the right to life and to physical and mental integrity (Article 24), individual freedom and security of the person (Article 25), the State’s respect and protection of intimate, family and private life (Article 28), etc. In addition, Moldova, 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 Republic of Moldova. 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 Republic of Moldova, may bring a case before the Court.

The principle of legality is clearly addressed throughout the Constitution. It is revealed through the context of individual freedom and security of the person (Article 25) and relations between local public authorities and their collaboration in solving common problems (Article 113).

The principle of proportionality is mainly reflected in the context of Article 54 “Restriction of the exercise of certain rights or of some liberties” of the Constitution. The latter provision set out in the Article 54, paragraph (4), stipulates, that “the restriction must be proportionate to the situation that determined it and cannot reach the existence of right or freedom”.

The Governmental Decision regarding the National Platform for Integrity in Sport stipulates, that the National Platform carries out its activity in accordance with the principles of legality, respect for fundamental human rights and freedoms, impartiality and non-discrimination, transparency and professionalism (Chapter I, General Provisions, paragraph 4).

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. The Constitution also firmly stands for the protection of private life through the following provision: “The State respects and protects intimate, family and private life” (Article 28). The national Law on Personal Data Protection provides general guidance and legal framework for the protection of personal data, which requires specific interpretation in the context of the sports sector and the management of sports integrity.

Overall, the legal framework of the Republic of Moldova mainly contains the definitions set out in the Convention, Article 3, although the pertinent alignment could be slightly improved. The Law on Physical Education and Sports, in particular the Article 2, paragraph 19 provides a definition of *manipulation in sports competitions*: “action of encouraging, influencing or instructing a participant in a sports event to take actions that would produce a tainted effect on the respective event with the aim of obtaining, for oneself or for another person, goods, services, privileges or undue advantages, in any form”, which is similar to the definition of *manipulation of sports competitions* provided in the Article 3, paragraph 4 of the Convention. Moreover, the Law on Physical Education and Sports provides other pertinent definitions, like *sports competition* (Article 2, paragraph 6), *competition organiser* (Article 2, paragraph 20), *sports betting* (Article 2, paragraph 22) and *athlete support staff* (Article 2, paragraph 23), which are analogically designed and mainly in line with the corresponding definitions set out in the Convention. There is no definition of *sports organisation*, as provided in the Article 3, paragraph 2 of the Convention, but the Law on Physical Education and Sports includes the definitions of *national sports federation* (Article 2, paragraph 14) and *sports club* (Article 2, paragraph 4). However, some definitions provided in the Convention are not reflected in the national legal framework applicable in the field of sport. For instance, it does not contain the definitions or links to the pertinent Convention provisions providing the following definitions: *illegal sports betting*, *irregular sports betting*, *suspicious sports betting*, *competition stakeholder* and *inside information*, as stipulated in the Article 3, paragraphs 5 (a, b, c), 6 and 7 of the Convention.

Interestingly, the Law on Physical Education and Sports defines *fair play*, in particular, as loyal acceptance of the rules in a game, including honest conduct in any situation, respect for opponents, referees' decisions, the spectator public and the general spirit of the game, accepting both defeat and victory with dignity (Article 2, paragraph 13).

Also, the Law regarding the Organisation and Conduct of Gambling, Article 2, includes a definition of *bet on sports competitions/events* – “game of chance conducted between the organiser and the player or between players, in which the results of sports competitions/events that will occur without the involvement of the organiser are used, provided that the results on which the bet is made are not determined purely randomly”.

Best Practices

All main principles outlined in the Convention are reflected in the pertinent national legal framework. In addition, the majority of the Convention definitions are reflected in the legal system of the Republic of Moldova.

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. The pertinent addition to the set of definitions provided in the Law on physical education and sports would seem reasonable.

2. Prevention, co-operation and other measures (Chapter II of the Convention, 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 Law on Physical Education and Sports (Article 10, paragraph (3) h) stipulates, that the local public administration authorities are entrusted to ensure integrity in the field of physical education and sports, as well as initiate actions to prevent violence at sporting events organised within their territorial jurisdiction and to combat doping in sports.

The national sports federations may benefit from public utility status and they are obliged, jointly with the National Anti-Doping Agency, to carry out activities to prevent and combat violence in sports, promote respect for the spirit of fair play, tolerance and integrity in sports activities (according to the Article 25 of the Law on Physical Education and Sports).

The entire Chapter XV of the recently progressively amended Law on Physical Education and Sports is exclusively dedicated to the prevention of violence and combat against the manipulation of sports competitions. The latter Law firmly stipulates, that sports activities should be organised ensuring sports ethics, fair play, good governance, sportsmanship and integrity of sports competitions in all places where such actions take place. Public authorities, sports structures at national and local levels have responsibilities to adopt the pertinent regulations and instructions, mandatory norms regarding the organisation of competitions and sports events, as well as the relevant prevention. In addition, there is a great importance of supervision and control of the way in which mandatory rules are respected and applied by the organisers of sports events and by the administration of sports facilities on the territory, where the respective events take place (in accordance with the Article 53).

The Article 55 of the Law on Physical Education and Sports provides a Statute of the National Platform for Integrity in Sports (hereinafter "National Platform"). It clearly stipulates, that the concrete methods of preventing, detecting and sanctioning manipulation of sports competitions at national and local levels are carried out in accordance with the provisions of the Convention. *Inter alia*, the National Platform is a body without legal personality for co-ordinating activities to prevent, detect and combat national and/or transnational manipulation of sports competitions, with the aim of protecting sport from illicit activities and promoting the values of sports ethics. The National Platform operates under the presidency of the National Anti-Doping Agency. The financing of the National Platform activities is carried out from the account and within the limits of the allocations approved in the budget of the National Anti-Doping Agency. The Government regulates the activities of the National Platform, which are not remunerated for its members.

The Article 56 of the Law on Physical Education and Sports sets out the responsibilities of the National Platform:

- a) to co-ordinate activities aimed at preventing, detecting and combating national and/or transnational manipulation of sports competitions in order to protect sport from illicit activities and promote the values of sports ethics;
- b) to collect and transmit relevant information to all institutions involved in combating manipulation of sports competitions;

c) to receive, centralize and analyze information regarding bets, identify suspicious ones, and issue alerts if necessary;

d) to transmit to public authorities, sports organisations and/or sports betting operators information regarding the possible violations of sports regulations respecting the rules on the protection of personal data;

e) to analyze the existing regulatory framework regarding the combat against the manipulation of sports competitions and develop proposals for its amendments;

f) to analyze the existing regulatory framework regarding the fight against the corruption in the field of sport in order to comply with the provisions of the Convention.

Overall, the National Platform clearly serves as a hub for thematic domestic co-operation.

The Article 57 of the latter Law defines the role of sports structures in combating the manipulation of sports competitions. In particular, the national sports federations and competition organisers are obliged to adopt and implement rules to combat the manipulation of sports competitions, as well as principles of good governance, which refer to preventing the conflicts of interest, including prohibiting the actors in the competition from betting on the sports competitions in which they participate and prohibiting the abusive use or dissemination of privileged information. In addition, the actors in the competitions are obliged to immediately report any suspicious activity, any incident, instigation or approach that could be considered a violation of the rules of sports competitions. Moreover, the sports organisations must adopt and implement appropriate measures to guarantee the efficient monitoring of the course of sports competitions and manage the relevant risks. It is mandatory to immediately report to public authorities or the National Platform in cases of suspicious activities related to the manipulation of sports competitions. The importance of adequate protection of whistleblowers and effective disclosure of the relevant information is firmly outlined. Very importantly, there is a special focus on young athletes and relevant awareness raising regarding the risks of manipulation of sports competitions and efforts to combat it through education, training and dissemination of information. Furthermore, the national Law on Physical Education and Sports echoes the pertinent provisions of the Convention outlining the importance of appointments of officials for sports competitions, in particular, judges and referees, at the latest possible stage. Overall, the national sports federations are encouraged to apply specific, effective, proportionate and dissuasive sanctions and disciplinary measures for violations of their internal rules with regards to manipulation of sports competitions, as well as to ensure mutual recognition and enforcement of sanctions imposed by other sports organisations internationally.

Interestingly, the same Article 57 of the Law on physical education and sports emphasizes, that the national sports federations and other sports structures that do not comply with the provisions of the Convention are liable to be sanctioned by total or partial withdrawal of financial support given by the public authorities. Similarly, the competition organisers sanctioned for manipulation of sports competitions shall lose the financial support for the duration of the sanction.

The current Moldova's gambling sector is defined by the state-controlled gambling markets, where the state monopoly governs nearly all forms of wagering, both online and offline, while the private betting operators are restricted solely to licensed casino operations. Practically it means, that all forms of online gambling, from lotteries and slot halls to casino platforms and sportsbooks, are operated exclusively by the National Lottery of Moldova, a wholly state-owned enterprise. The private betting operators are entirely excluded from the online sector. While international providers may supply technology and content behind the scenes, the platform itself remains in the hands of the state. Significantly, for commercial operators, there are no licensing routes to enter the digital market. The same restrictions apply offline. Retail sports betting, including kiosks and physical betting shops, falls under the same state-run system. Unlike other restricted markets where retail betting may remain open to private firms, Moldova's approach extends public control to both digital and land-based betting environments. The exception lies in Moldova's land-based casino sector. Here, private operators can still participate under a license, although foreign ownership is capped at 49%.

Moldova's gambling sector operates under the provisions of Law regarding the Organisation and Conduct of Gambling (hereinafter "Law on Gambling"), which serves as the primary legal framework governing the industry. This Law formalized the State's expanded control over nearly all forms of gambling, including lotteries, slot halls, sports betting, and digital casino products. The result is a strict monopoly model where the National Lottery of Moldova, a state-owned entity, holds exclusive operational rights across all the

verticals. In addition, the Law on Gambling mandates strict compliance with responsible gambling standards, anti-money laundering controls, and financial reporting, with oversight split among the National Lottery, State Tax Service, and other regulatory bodies.

Moldova's gambling industry is overseen by a small network of regulatory bodies, each playing an exclusive role in licensing, compliance, and enforcement. Together, they control access and operational oversight across the sector. The National Lottery of Moldova acts as both an operator and gatekeeper of the country's gambling industry. Entirely state-owned, it holds exclusive rights to all forms of online gambling, including sports betting, digital slots, and lotteries, as well as controlling physical betting shops and slot halls. Its monopoly status was formalized under the Law on Gambling, positioning it as the central authority responsible for most of Moldova's gambling sector. *Inter alia*, the National Lottery enforces responsible gambling measures, manages revenue reporting to the Ministry of Finance, and implements anti-money laundering controls. The Public Services Agency plays an instrumental role in regulating the country's land-based casino market. This governmental body holds exclusive authority to issue, suspend, and revoke casino licenses. Its remit extends to maintaining the national register of licensees and overseeing compliance checks to ensure operators meet Moldova's strict regulatory standards. The State Inspectorate for Supervision of Non-Food Products and Consumer Protection in the context of gambling plays a fundamental role in safeguarding consumers and enforcing responsible gambling regulations. This includes ensuring, that licensed land-based casinos comply with age restrictions, venue location rules, and player protection standards. The State Tax Service acts as the financial watchdog behind both the state monopoly and privately licensed casinos, monitoring every wager placed in the country. Through a mandatory real-time reporting system, the authority receives continuous data from licensed gambling venues, allowing it to track betting volumes, payouts, and taxes owed in real time. Moreover, the State Tax Service firmly contributes to the anti-money laundering efforts by identifying irregular transactions and ensuring that all gambling revenues are correctly accounted.

There is currently no licensing route for private online gambling or sportsbook operators. The absence of local private operators may encourage Moldovan players to explore offshore platforms, especially in the absence of strict enforcement mechanisms, such as IP blocking or blacklisting, which remain limited in Moldova compared to more tightly regulated jurisdictions.

The Law on Gambling contains the entire Chapter VIII dedicated to the organisation and conduct of betting on sports competitions / events. The Article 43, paragraph (1) stipulates, that in the Republic of Moldova, the activity of organising and conducting bets on sports competitions/events constitutes a state monopoly and is carried out by the National Lottery of Moldova. It is obligatory, that the auxiliary gaming devices used for receiving bets must be equipped with technical devices to be connected to the state online monitoring system. These electronic devices must comply with the provisions of the regulatory acts, approved by the Government, regarding the application of cash and control machines with fiscal memory for cash settlements, be equipped with computer software for registering bets on sports competitions/events and be connected to the central computer system of the organiser located on the territory of the Republic of Moldova (according to the Article 43, paragraph 6). Moreover, the central computer system of the organiser must have an interface that allows the State Fiscal Service to connect to it permanently for the purpose of verifying the organiser's sales (according to the Article 43, paragraph 8). It is firmly regulated, that the use of the results of sports competitions, other competitions and actions for placing bets (when placing the bets directly at the place of sports competitions and other competitions and actions) the consent of the organisers of the competitions and actions to use their results is required (according to the Article 44). Furthermore, the Article 46 introduces the special restrictions on participation in bets, in particular, the participation in bets is prohibited for founders (members, shareholders/associates), managers of the betting organiser at betting agencies and totalizers, also persons who may have information about the results of the events and persons who have the opportunity to influence the result of the events, the participants in the events or the amount of the winnings payment. Moreover, the particular persons are not allowed to bet in respect of whom the employee of the betting organiser at betting agencies and totalizers has doubts as to whether they have reached the age of 18 and/or they provide the false information about themselves.

The Article 242(3) of the Penal Code of the Republic of Moldova represents the remedy for the fight against illegal sports betting:

Article 242(3). Violation of the legislation on the organisation and conduct of gambling which constitutes a state monopoly

(1) The organisation and conduct on the territory of the Republic of Moldova of activities in the field of gambling that constitute a state monopoly, by unauthorized persons, as well as any actions of import, promotion, support, intermediation, facilitation or encouragement of these activities, including the provision of payment or electronic payment services under the terms of Law No. 114/2012 on Payment Services and Electronic Money in favor of persons not authorized to organize and conduct on the territory of the Republic of Moldova activities in the field of gambling that constitute a state monopoly,

shall be punished with a fine in the amount of 2000 to 4000 conventional units, and the legal entity shall be punished with a fine in the amount of 6000 to 8000 conventional units with the deprivation of the right to exercise a certain activity.

(2) The actions provided for in paragraph (1):

a) committed by two or more persons;

b) resulting in obtaining a large profit,

shall be punished by a fine in the amount of 2500 to 6000 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to exercise a certain activity for a term of up to 3 years, and the legal entity shall be punished by a fine in the amount of 4000 to 7500 conventional units.

(3) The actions provided for in paragraph (1):

a) resulting in obtaining a profit in particularly large proportions;

b) committed by an organised criminal group or a criminal organisation;

c) committed for the purpose of money laundering or terrorist financing,

shall be punished by a fine in the amount of 6,500 to 9,000 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or to exercise a certain activity for a term of up to 5 years, and the legal entity shall be punished by a fine in the amount of 8,000 to 10,000 conventional units.

Moreover, the Law on Prevention and Combating Money Laundering and Terrorism Financing obliges the betting operators (organisers of gambling) to report to the Office for Prevention and Fight against Money Laundering the suspicious activities or transactions (in accordance with Articles 4 and 5).

Best practices

In general, Moldova represents the 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. There is a visible intention to legally harmonise a wide range of the pertinent mechanisms.

The recent Governmental Decision regarding the National Platform clearly sets the legal basis for the operational functioning of the National Platform ensuring the thematic co-operation and relevant prevention.

Furthermore, the sports organisations are consistently encouraged to execute the pertinent preventative, risk assessment, educational and awareness raising remedies, while the gambling sector is legally equipped to respond the violation of the legislation on the organisation and conduct of gambling, which constitutes a criminal offence.

Recommendations

It could be recommended 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.

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 supervision representatives. Moreover, it could define a data sharing mechanism, promote coordinated risk assessment, and increase 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 Moldova's 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.

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.
- 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 Moldova.
- Consider the correlation between state funding and the performance of sports organisations in the area of anti-match-fixing, evaluating whether funding allocation could reflect the effectiveness of measures taken in this field.

3. Exchange of information (Chapter III of the Convention, Art. 12-14)

Observations

The recent Governmental Decision regarding the National Platform for Integrity in Sport (hereinafter “Decision regarding the National Platform”) defined the organisation, functioning, rights, duties, responsibilities and financing of the National Platform. Reporting and information exchange are assigned to the core activities of the National Platform.

As mentioned above, the National Platform is a structure without legal personality, established in accordance with the provisions of the Convention (Article 13). It is entrusted to fulfill the role of information center that collects and disseminates relevant information for combating the manipulation of sports competitions, having as recipients the competent organisations and authorities. The National Platform also co-ordinates the fight against the manipulation of sports competitions across the country. It is also in charge of receiving, systematizing and analyzing the information regarding irregular and dubious bets made in connection with sports competitions and, where appropriate, issuing alerts. Moreover, the National Platform is entrusted to transmit information about potential violations of national legislation on sports competitions or the Convention to public authorities or sports organisations and/or sports betting operators. The crucial component is the cooperation with all institutions involved in combating the manipulation of sports competitions at national and international levels, including other National platforms of other states (according to the Chapter I, General provisions of the Decision regarding the National Platform).

The Chapter II of the Decision regarding the National Platform clearly assigns the pertinent functions to the National Platform:

1. to coordinate the activities aimed at preventing, detecting and combating national and/or transnational manipulation in sports, in order to protect sports from criminal activities and promote the values of sports ethics;
2. to collect and transmit the relevant information to all institutions involved in combating the manipulation of sports competitions;
3. to receive, centralize and analyze information regarding bets including suspicious ones, and issue alerts if necessary;
4. to transmit information to public authorities, sports organisations and/or sports betting operators regarding possible violations of sports regulations respecting the rules on the protection of personal data;
5. to analyze the existing regulatory framework regarding the fight against corruption in the field of sports in order to comply with the provisions of the Convention;
6. to analyze the existing regulatory framework and develop proposals for its modification in the field of combating manipulation in sports;
7. to organize information activities in the field of preventing and combating manipulation in sports and other related criminal activities to increase awareness of the consequences, including conferences, workshops, seminars, round tables, information campaigns and publications;
8. to ensure, that all individuals and member institutions of the National Platform comply with the provisions and requirements stipulated in the Convention;
9. to approve the annual action plan of the National Platform with clear structure and objectives for activities carried out in relation to the fight against the manipulation of sports competitions;
10. to co-operate with all institutions involved in combating the manipulation of sports competitions at national and international levels including with the National Platforms of other states, and actively participate in the activities carried out by the Group of Copenhagen.

The National Platform of Moldova comprises the representatives from the National Anti-Doping Agency, Ministry of Education and Research, Ministry of Internal Affairs, Anti-Money Laundering Service, Public Services Agency, General Inspectorate of Police, National Olympic and Sports Committee, Moldovan Football Federation and National Lottery of Moldova (according to the Annex No 2. of the Decision regarding the National Platform).

In terms of organisation of the National Platform activities, it is initiated, leaded and executed by the National Anti-Doping Agency, where the position of president of the National Platform is exercised by the director general of the National Anti-Doping Agency. A vice-president is appointed by the Ministry of Education and Research. The Secretariat of the National Platform is provided by the National Anti-Doping Agency. As a rule, the members of the National Platform attend quarterly meetings. The decisions of the National Platform are adopted by a majority vote of the members present at the meeting. The decisions are of a recommendatory nature for the authorities to which they are addressed. The external experts and/or representatives of other public or private entities at national and international levels could be invited to join the thematic working groups (according to the Chapter III of the Decision regarding the National Platform).

Moreover, the National Platform is entrusted to support the national and international campaigns to inform and raise awareness of the population regarding the phenomenon of manipulation of sports competitions and collaborating with the media in this regard. It is also expected, that it will attract resources to carry out studies and research in the field of preventing and combating manipulation of sports competitions in order to evaluate the trend of the phenomenon in the Republic of Moldova (according to the Chapter III of the Decision regarding the National Platform).

Overall, the exchange of information is carried out in accordance with national legislation on the protection of personal data, respecting the confidentiality of investigations and in accordance with Law on Data Exchange and Interoperability, Law on Informatisation and State Information Resources and Governmental Decision on the Interoperability Platform (MConnect). The transfer of personal data carried out in the context of the Convention, is carried out in accordance with the Law on Personal Data Protection. Importantly, the information transmitted is strictly confidential and cannot be disclosed to third parties without the authorisation of the institution that originated it. It should be ensured, that the members of the National Platform are having the access to the relevant information available to identify the risks, suspicions or evidence of manipulation of sports competitions. The members of the National Platform shall exchange

information, establish the level of reliability and qualification of this information in accordance with the applicable legal rules (according to the Chapter VII of the Decision regarding the National Platform).

The exchange of information with international partners (including, but not limited to the Group of Copenhagen, International Criminal Police Organisation Interpol (INTERPOL), European Union Agency for Law Enforcement Cooperation (Europol), International Olympic Committee (IOC), International Federation of Association Football (FIFA), Union of European Football Associations (UEFA), former Global Lottery Monitoring System (GLMS) – currently renamed to United Lotteries for Integrity in Sport (ULIS), Sportradar, Statsperform) is carried out in accordance with the relevant international legislation on the protection of personal data, as well as in accordance with Chapter III “Cross-border cooperation” of Law on Data Exchange and Interoperability, ensuring compliance with standards relating to the protection of personal data and confidentiality of investigations (according to the Chapter VII of the Decision regarding the National Platform).

The specialized central public administration authorities and other interested parties may request from the National Platform the information regarding the implementation of the prevention measures and combat against the manipulation of sports competitions. The National Platform is also obliged to annually report to the Government regarding the implementation of activities (according to the Chapter VIII of the Decision regarding the National Platform).

As earlier outlined, the national Law on Personal Data Protection provides general guidance and legal framework for the protection of personal data. The applicable legal act comprehensively regulates the protection of personal data and it is applicable 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.

It is worth mentioning, that the Law on Gambling, in particular Article 50, paragraph 2 b) emphasises, that in the process of collecting, storing and managing of data provided by players, the betting organiser must comply with the legislation on the protection of personal data.

Best practices

The National Platform of the Republic of Moldova has been legally granted a special power to deal with the manipulation of sports competitions across the country. The establishment of the National Platform, as well as attributed functions and powers are in line with the provisions of Article 13 “National Platform” of the Convention. The mechanisms for exchange of the pertinent information are developed.

A wide perspective of joint efforts is evident throughout the composition of the National Platform engaging the stakeholders for domestic co-operation involving law enforcement, relevant state authorities, sports organisations and National Lottery.

The leadership and management of the operational part of the National Platform is entrusted to the National Anti-Doping Agency, following the National Platform model prevalent in the Northern Europe (e.g., Finland) and the Baltic states (e.g., Estonia). The National Platform engages the law enforcement representatives (General Inspectorate of Police), 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.

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 including the principle of data minimisation, while safeguarding the fundamental right to privacy of data subjects.

4. Substantive criminal law and co-operation with regard to enforcement (Chapter IV of the Convention, 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.

Moldova 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 Penal Code of the Republic of Moldova introduces the following pertinent provisions:

Article 242(1). Manipulation of an event

(1) Encouraging, influencing or instructing a participant in a sporting event or a betting event to take actions that would produce a tainted effect on the respective event, with the aim of obtaining goods, services, privileges or advantages in any form, which are not due to him, for himself or for another person,

shall be punished with a fine of 2350 to 4350 conventional units or with imprisonment of 1 to 3 years, in both cases with the deprivation of the right to hold certain positions or to exercise a certain activity for a term of up to 3 years, and the legal person shall be punished with a fine of 6000 to 9000 conventional units with the deprivation of the right to exercise a certain activity.

(2) The same actions committed by a coach, an athlete's agent, a jury member, a sports club owner or a person who is part of the management of a sports organisation

are punishable by a fine of 3350 to 5350 conventional units or by imprisonment of 2 to 6 years, in both cases with deprivation of the right to hold certain positions or to exercise a certain activity for a term of 4 to 7 years.

Article 242(2). Fixed bets

(1) Betting on a sporting event or other betting event or informing other persons about the existence of an agreement to fix that event with the intention of inducing them to participate in that bet, committed by a person who knows with certainty about the existence of an agreement to fix that event,

shall be punished with a fine of 2350 to 4350 conventional units, and the legal entity shall be punished with a fine of 6000 to 8000 conventional units with the deprivation of the right to exercise a certain activity.

(2) The actions provided for in paragraph (1):

a) committed by an organised criminal group or a criminal organisation;

b) which caused particularly large damages,

are punished with a fine of 3350 to 5350 conventional units or with imprisonment of up to 3 years, and the legal entity is punished with a fine of 9000 to 11000 conventional units with deprivation of the right to exercise a certain activity.

In addition, the existing anti-corruption, anti-fraud, and anti-financial misconduct laws may be applied in cases involving manipulation of sports competitions. Overall, the relevant articles of the Penal Code, for

instance, Physical or Psychological Coercion (Article 39), Fraud (Article 190), Money Laundering (Article 243), Accepting a Bribery (Article 333), Offering a Bribery (Article 334), Passive Corruption (Article 324) and Active Corruption (Article 325) may be applied in combination with the specific criminal provisions presented above.

Moreover, the general provisions of the Law on Prevention and Combating Money Laundering and Terrorism Financing could be applied when dealing with match-fixing cases.

The assessment of intentional complicity and involvement of the organised crime in the context of manipulation of sports competitions may present some challenges, although the Article 323 “Facilitating the crime” of the Penal Code could be considered as supplementary and relevant one. All in all, 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 general provisions regarding the criminal liability of legal persons are provided in the Article 21, paragraph (3) of the Penal Code. More specifically, serving the unique context of the manipulation of sports competitions, the criminal liability of legal persons and equivalent entities is clearly ensured in the pertinent Articles 242(1) and 242(2) of the Penal Code of the Republic of Moldova.

Best practices

As earlier outlined, Moldova 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-trial investigations and bring the specifically elaborated cases before the courts of the Republic of Moldova.

Recommendations

The mentioned progress in relation to the legal readiness of the Republic of Moldova to fight against the manipulation of sports competitions is indeed evident, 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-trial 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.

5. Jurisdiction, criminal procedure and enforcement measures (Chapter V of the Convention, 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 Moldova.

The entire chapter, in particular, Section 4 of the Criminal Procedure Code of the Republic of Moldova is dedicated to search and seizure of objects and documents. The pertinent Articles from 125 to 128 could be applicable in the unique context of the criminal proceeding regarding the manipulation of sports competitions. The latter criminal law provisions enable to collect and secure evidence in cases of criminal offences. The Article 125 defines the reasons for a search, in particular, the criminal investigative body shall have the right to conduct a search if the evidence obtained or the operative investigative materials substantiate a reasonable assumption that the tools designed to be used or used as the means for committing a crime, objects and valuables obtained as a result of a crime are at a specific premises or in any other place or with a specific person. A search may also be conducted for objects or documents that could be important for the criminal case and that cannot be obtained by other evidentiary methods. A search

shall be based on a reasoned order of the criminal investigative body and the authorisation of the investigative judge (in accordance with paragraphs 1 and 3). The Article 126 defines the grounds for seizing objects or documents. In particular, the criminal investigative body shall have the right to seize any objects or documents important for the criminal case if the evidence obtained or the operative investigative materials refer precisely to the place and the person holding them. The seizure of documents containing information that is a state, trade, banking secret and the seizure of information on telephone conversations shall be allowed only upon the authorization of the investigative judge. The seizure of objects or documents in other circumstances shall be based on a reasoned ruling by the criminal investigative body (in accordance with paragraphs 1-3). If necessary, an interpreter or a specialist may participate in the search for or seizure of objects and documents (in accordance with the Article 127, paragraph 1). Importantly, the criminal investigative body shall undertake measures to exclude disclosure of any circumstances related to the intimate life of a person learned during a search or seizure. Overall, the results of the search shall be submitted for verification to the investigative judge within 24 hours (in accordance with the Article 128, paragraphs 4 and 9).

In the context of the protection of whistle-blowers and witnesses in cases involving the manipulation of sports competitions the relevant provisions of the Criminal Procedure Code, namely Articles 109 – 110, and the Law on the Protection of Witnesses and Other Participants in Criminal Proceedings constitute a targeted general legal framework. Very importantly, the Article 110 of the Criminal Procedure Code specifies the methods for examining the witnesses and relevant protection. If there are the sound reasons to consider that the life, corporal integrity or freedom of a witness or of his/her close relatives are in danger due to his/her testimony in a criminal case on a serious, especially serious or exceptionally serious crime, the court may allow that the respective witness be examined via the technical means without being physically present at the venue of the criminal investigative body or in the courtroom. Examining a witness shall be based on a reasoned order issued by the investigative judge or by the court *ex officio* or at the justified request of the prosecutor, attorney, respective witness or any other interested person. Information on the actual identity of the witness shall be recorded by the investigative judge in a separate transcript kept in the respective court in a sealed envelope under conditions of maximum confidentiality. A witness may be examined via a closed teleconference with his/her image and voice distorted so that he/she is not recognized (in accordance with paragraphs 1-3 and 5).

Supplementary, the provisions of the Law on Integrity Warnings could be applicable if the case is related to the employment context. Indeed, the latter law regulates disclosures of illegal practices by public and private entities, the procedure for examining such disclosures, the rights of whistleblowers and their protection measures, the obligations of employers, the powers of the authorities responsible for examining such disclosures and the protection of whistleblowers integrity (in accordance with Article 1).

In 2023 Moldova adapted a new legal framework for whistleblower protection, namely, the Law on Integrity Whistleblowers. Overall, the latter law explicitly identifies the relevant prevention and fight against corruption as a public interest in the context of whistleblowing. In the judicial proceedings resulting from a whistleblower's complaints, the new law explicitly places on the employer the burden of proving that any measures taken against the whistleblower were not related to the disclosure. However, the latter law does not provide the guaranteed access to the protection of personal safety, which can only be obtained if the status of witness or victim in a criminal investigation is received.

Recommendations

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

6. Sanctions and measures (Chapter VI of the Convention, Art. 22-25)

Observations

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

Criminal offences specifically related to the manipulation of sports competitions, when committed by natural persons (including sports actors), are subject to effective, proportionate, and dissuasive criminal sanctions. These may include predominantly fines and imprisonment for a period of up to 6 years supplementary adding the deprivation of the right to hold certain positions or to exercise a certain activity for a term of up to 7 years,

Very importantly, the Article 57, paragraph 6 of the Law on Physical Education and Sports stipulates, that the disciplinary liability established by sports federations does not exclude criminal, civil or administrative liability.

Similarly, the legal persons may be held corporately liable and are subjects to effective, proportionate, and dissuasive sanctions. These may include predominantly fines with the deprivation of the rights to exercise the certain activities.

Currently, the domestic law of the Republic of Moldova does not envisage the administrative sanctions and measures following proceedings brought by the administrative authorities in the specific context of the manipulation of sports competitions.

The applicable legal framework permits the seizure and confiscation of objects and documents related to the manipulation of sports competitions. As earlier outlined, the objects and documents related to the commission of pertinent crimes are subject to seizure and forfeiture to the State, as provided for in the Criminal Procedure Code. In addition, the pertinent provisions of the Penal Code, namely the Articles 106 “Special Confiscation”, 106(1) “Extended Confiscation” or 106(2) “Confiscation of the Third Party Assets” could be applicable.

Best Practices

The pertinent national legal framework 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. A set of designed sanctions is 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.

7. International co-operation in judicial and other matters (Chapter VII of the Convention, Art. 26-28)

Observations

Moldova 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, Moldova has been a party to the European Convention on Extraditions (ETS No. 024) since 1997 and to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 030) since 1998.

The Criminal Procedure Code, in particular, the Chapter IX provides the rules regarding the international legal assistance in the criminal matters. The provisions of international treaties to which the Republic of Moldova is a party to, as well as other international commitments of the Republic of Moldova shall have priority in relation to the provisions set out in the Chapter IX of the Criminal Procedure Code (in accordance with Article 531, paragraph 1). The pertinent matters in relation to the extradition are regulated in the Articles 541-550 of the Criminal Procedure Code.

In addition, the Law on Physical Education and Sports is, *inter alia*, emphasizing the international relations and co-operation. In particular, the Article 17 stipulates, that the manner of negotiating, concluding

international treaties in the field of physical education and sports, and exercising control over their compliance is established by the legislation of the Republic of Moldova and international treaties in the field. If the international treaty to which the Republic of Moldova is a party establishes norms other than those provided for by the legislation of the Republic of Moldova regarding physical education and sports, the provisions of the international treaty shall apply, and the necessary amendments shall be made to the national legislation.

The National Platform of the Republic of Moldova and its thematic working groups are entrusted to develop national and international co-operation mechanisms for the purpose of exchanging experience between countries, strengthening human resources and implementing intergovernmental projects in the field of preventing and combating manipulation of sports competitions (in accordance with the Decision regarding the National Platform, Chapter III, paragraph 26.8).

Best practices

The Republic of Moldova is solidly equipped with the relevant legal remedies for international co-operation in judicial matters.

Some of Moldovan 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 legislation of the Republic of Moldova potentially applicable in the context of the manipulation of sports competitions is 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).