



INTEGRISPORT ERASMUS+ HANDBOOK





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PURPOSE OF THE DOCUMENT



1. Purpose of the document

The purpose of this document is to provide a practical, stand-alone handbook targeted at Law Enforcement and Judicial professionals, who need readily accessible technical knowledge to investigate and prosecute sport-manipulation cases.

The document will be provided to the participants of the ARPSs to have background information in sport manipulation but will also be adaptable to a broader audience, to include those professionals who have not been able to participate in the current project trainings.

This handbook will contain general information on the sport manipulation situation in the Program Countries, with special emphasis on its history, legal background, and the aspects of manipulation. It will also contain information on all the Program Countries and general conclusion on the gathered data.

The document will be made freely available on the **IntegriSport E+ website** and **IntegriSport Virtual Networking** and Information Platform – to be accessible to all Law Enforcement and Judiciary professionals.



HISTORY, LEGAL BACKGROUND, AND THE ASPECTS OF MANIPULATION ON PROGRAM COUNTRIES

2. History, legal background, and the aspects of manipulation on program countries



2.1. Cyprus

2.1.1. Recent update

The Ministry of Justice and Public Order has recently sent a legislation proposal to the Cyprus Parliament about fighting corruption. As per its proposal, if the Police initiate an investigation on suspected corruption, the investigators will be able to use phone tapping and other covert measures for sports manipulation cases.

2.1.2. Regulatory framework

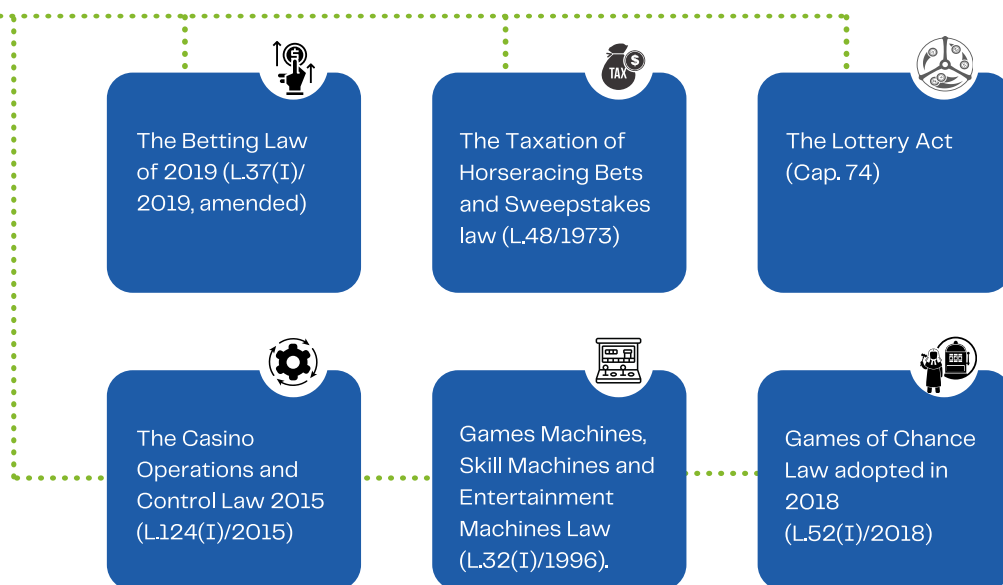
The fight against sport manipulations uses the following laws:

The Macolin Convention: The Act was signed on 4th May 2017 but hasn't yet been ratified. When it enters into force, it will prevail over any law related to match-fixing.

Criminal Code: The Code includes provisions to punish the various and common offences covered by the Macolin Convention (art. 15 and 16 MC): **corruption** (art. 100 CC), **extortion** (art. 288 CC), **blackmail** (art. 287-288 CC), **violence** (Art. 51, 63(a), 91, 98, 172, 211 (c), 266 (g), 282, 289, 290 CC), **fraudulent obtaining** (art. 300 CC) and **fraud** (art. 297 CC).

Cypriot Constitution: Article 17 allows the interception of communications in the context of the investigation of serious crimes, i.e., murder or manslaughter, trafficking of human beings and corruption. **By consequence, the fight against match-fixing can allow such interceptions, but only if it can be proven that the practice is related to the criminal offences above.**

Various Laws on Gambling:



Cyprus Sport organization Law (Law 41/69): Article 24 applies to all stakeholders of a club (athletes, board directors, and any members, which seems to include volunteers), and also to any person who demands or accepts gift, provision or benefit of any kind or a promise for these, which can target anyone else like the referees or the representatives of the sports leagues and federations. Section a) of the article does not require that the purpose shall be reached, prioritizing intention over result. There is also no discrimination between individual and collective sports.

A bet is considered unlawful when it is carried out contrary to the provisions of the Betting Law, or any other bet expressly prohibited by the provisions of the same.

The National Betting Authority (NBA) manages all licencing processes. An operator must provide information on its business and background, which includes financial information, criminal history, and current proceedings, as well as any participation or interest in any other commercial activity. The obligation is extended to directors and to anyone with a significant interest in the applicant company. The application has to be accompanied by a bank guarantee set to expire six months following the expiration of the licence, while the fee must be paid in advance.

If the police approach the National Betting Authority for information on sports manipulations, the National Betting Authority will send the information to the Police and request any further required from the operator concerned. The National Betting Authority doesn't need any judicial permit to provide a bettor's personal information if the police request it.

Data Protection: The appointed Commissioner, and his office, regulate this sector. Any person required to submit information under the previous subsection must respond in-time and to the extent of detail requested by the Commissioner. Personal data is governed by the following applicable laws:

- Processing of Personal Data Law (L. 138 (I)/2001)
- Regulation of Electronic Communications and Postal Services Law of 2004 (L. 112 (I)/2004)

Regulations regarding player protection seem to be under review.

Whistleblowers: have no specific legislative protection but are subject to general laws. The main text which is applicable is the **Public Service Law** that requires public sector employees to disclose incidents of corruption and bribery. The kind of wrongdoings which may be disclosed in order to receive protection is unclear, and there is no overarching authority appointed to receive and investigate disclosures by whistleblowers.

In general, companies are not required to implement whistleblowing mechanisms. However, the **labour law provision** on unfair dismissal protects employees through labour courts against retaliation. Retaliating against a whistle-blower has been a crime since 2004.

There is no general guarantee of protection of the identity of the whistle-blower, nor general acceptance of reporting on an anonymous basis.

However, anyone who imposes an unjustified punishment on a whistle-blower (who disclosed corruption) may be punished under **Article 7 of the Civil Law and/or Article 7 of the Criminal Code** (regarding whistle-blower protection).

Co-operation: in corruption cases is through three mechanisms:

- Official Letters of Request, known as formal rogatory letters;
- Interpol and other channels for the exchange of police information;
- Financial intelligence units such as MOKAS.

The Ministry of Justice and Public Order is the central authority that forwards requests submitted under the:

- EC Convention on Mutual Assistance in Criminal Matters between the member states 2000.
- Council of Europe Civil Law Convention on Corruption 1999 (Civil Law Convention on Corruption).
- European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

11 of Cyprus's bilateral agreements on legal and judicial co-operation include provisions for assistance in criminal matters.

Evidence can be obtained for the purposes of executing the rogatory letters forwarded to the Police Cooperation Bureau, which provides the link between Police and Ministry of Justice and Public Order.

Information can be shared between the parties that co-operate under the EC Convention on Mutual Assistance in Criminal Matters between the member states.

The Cyprus Football Association: previously had one regulation for the first league and another for the remaining leagues, which was just recently changed and unified, meaning there is now only one regulation for all the leagues. The FA provides education about sports manipulations to athletes and sport officials, which is based on the UEFA education, and is given largely before tournaments.

2.1.3. Relevant litigation

Cyprus football has seen several 2nd league football teams be investigated on suspicion of sports manipulations. This scandal started with a Sportradar report. The report alleged that several teams were involved in sports manipulations.

In order to make the most appropriate inquiry, the Cypriot Football Association (CFA) formed an investigation team that consisted of the General Manager, the Integrity Officer, a former referee and a former coach. They analysed the report and the video evidence and decided whether the Sportradar (BDS) report was accurate. They found the report to be accurate and reported the events to the Police.

The CFA has the right to fine two of the teams during this process. In this case, the penalty was that the CFA didn't provide the usual grant (budget) to the teams that it would have under normal circumstances. The CFA also offers premiums to the teams who cooperate with the FA in fighting sports manipulation.

2.1.4. Practical legal difficulties

The methods used in criminal investigations can only be employed if such an offence is actually committed.

Whistleblowing legislation is in the Cyprus Parliament awaiting approval and, until then, the protection of whistle-blowers remains a challenge.

2.1.5. Way to reform

There is no obligation in law for the betting operators to report sports manipulations. If the operator has information on sports manipulations, they must suspend the bet concerned. The National Betting Authority doesn't have its own monitoring system in place at the moment and it receives information directly from the betting operators. The monitoring system is planned to be in place by **the end of 2019**, and it will use the data which comes from the betting operators. The National Betting Authority will have 20 different types of 'red flags'.

Whistleblowing legislation is in the Cyprus Parliament awaiting approval and remains unresolved currently.

Suggestions for improvement have been made previously, and include that the Minister of Justice should:

- Establish points of contact within the police who are responsible for sports manipulations cases
- Create a hotline – potentially implement a “Red button”
- Provide more accurate witness protection

Unfortunately, none of these have yet been implemented.

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2.2 Finland

2.2.1. Recent update

The Anti-Money Laundering Act has been reformed and came into force on July 3rd, 2017.

2.2.2. Regulatory framework

The fight against sport manipulations is governed by the following laws:

Macolin Convention: signed on 18th September 2014, but not yet ratified. The Macolin Convention has to be transposed into the Finnish legislation by a law or by a Decree. In the first case, it could generate conflicts of laws. In the second scenario, Finnish laws would prevail.

Finnish Constitution: the foreign policy of Finland is directed by the President of the Republic in co-operation with the Government (art. C. 93 al. 1er). Nevertheless, the acceptance of the Parliament is required for such treaties and other international obligations.

Civil Code / BurgerlijkWetboek: defines the legal regime of torts in cases of breach of contract (Book 6, Title 6.3). There are no specific remedies to fight match-fixing.

Criminal Code: There is **no specific provision on sport manipulation** in the Finnish criminal code. The relevant stakeholders have already proposed such a provision to the Finnish government but, due to the low priority of the issue, the government and parliament have not yet made a decision.

The Finnish Criminal Code enhances all the common offences targeted by Article 15 of the MC:

- **Extortion** (Chapter 31 Section 3 (769/1990)).
- **Menace** (Chapter 25 –Section 7 (578/1995)).

- **Corruption** (Chapter 16. Section 13 (604/2002)). The acceptance of a bribe also falls under business offences (Chapter 30 Section 1 and f. (604/2002)).
- **Fraud** (Chapter 36. Section 1 (769/1990)).
- **Blackmailing** is also punishable (art. 31 § 4).
- **Laundering**: (Chapter 32. Section 6 (191/2011))
- **Aiding and abetting**: Chapter 5 (515/2003) relating to complicity (Section 3) and abetting (Section 6).

While most laws penalize **illegal betting** activity with a special text, Finnish law has provisions within its Criminal Code under Chapter 17.

Code of Judicial Procedure:

The Finnish Code of Judicial Procedure (CJP) includes a few provisions about **confiscation**, in particular, Section 8a (360/2003) of Chapter 31.

Regulations regarding **evidence** are provided in chapter 17 of the Code. Provisions have been amended as of 1 January 2016 by the law 732/2015. Any type of evidence can be brought to the trial, including electronic proof.

The CJP also protects **witnesses**. First, any person has the right to refuse to testify to the extent that the testimony would subject him or her to the risk of prosecution, or would contribute to the investigation of his or her guilt. Also, a person may refuse to testify regarding a commercial or professional secret. Moreover, an anonymous witness may refuse to testify to the extent that testimony could reveal his or her identify or contact information.

Criminal Procedure Act:

If a report regarding sports manipulations is taken at the local police department and the case is difficult or expansive, it is sent to the National Bureau of Investigation, who decides if it wants to initiate an investigation or not. In a criminal case, the prosecutor has the power to order an investigation.

The Criminal Procedure Act guarantees the secrecy of **trial materials** related to a court order and the **anonymity of the witness** in certain cases (Chapter 5 Section 11(d) (733/2015)).

Finland does have a **Witness Protection Program Act**, which enhances a protection programme only to “protect a person against a serious and illegal threat to life or health” (art. 1). A certain degree of witness protection can be afforded by relying on the non-disclosure of information concerning the identity and the whereabouts of witnesses to be heard during pre-trial investigations and in court. A pressing need for a relocation programme has not yet arisen – albeit there have been discussions about its introduction based on the identification of good practices in the EU.

International Relationships: Extradition is ruled by the Extradition Act (456/1970). But the surrender and extradition between EU State members are especially enhanced by the Act on Surrender Procedures between Finland and Other Member States of the European Union (1286/2003; amendments up to 329/2019 included, spec. Section 61 and f.).

The procedures of **mutual legal assistance** between States linked by the Macolin Convention are governed by several international agreements. Such agreements have been concluded under the auspices of the Council of Europe, the European Union and the United Nations. Finland has concluded bilateral agreements with, inter alia, the U.S., Canada and Australia.

Police cooperation: – Customs officers in Finland (Tulli) have the competence to expose and investigate cross-border crime, and to submit the offences to prosecutors for consideration after the investigation. Competence in the fields of preventing, detecting and investigating crimes (including serious crime) is limited to offences connected to the Customs general control and fiscal competence, and which otherwise involve the cross-border movement of goods. These are often drug crimes, smuggling cases, tax fraud and offences against intellectual property rights, which could include the right of property of sports organizers on their competitions. All national provisions on coercive measures and preliminary investigation apply equally to the Finnish Customs Bureau (excluding undercover operations). These competences are shared by the Police and Border Guard.

Action the promotion of sports and physical activity (390/2015):

- **Freedom of contract** – Generally, sports organizations fall under ordinary law and the stakeholders benefit from freedom to contract.
- **Sports public financing** – At the national level, Finnish sport is financed by the incomes generated by the activity of Veikkaus. This money goes directly to the Education and Culture budget. Its Ministry distributes the funds to the sports federations (Section 10).



- **Organization of sports competitions** – The relationship between an organiser and athletes or clubs is primarily governed by the by-laws of the relevant sports association, and after by the contract concluded between them, in which the organizer defines the conditions of participation to its competitions. **Liabilities** shall be regarded through ordinary law in cases of match-fixing.
- In cases of sports manipulation known by the organiser of a competition, the organiser may incur civil contractual liability for instance if the event de facto substantially deviates from what the spectator had reason to assume. This civil liability doesn't exclude criminal liability, particularly in cases of white-collar offences like bribery, for example.
- Basic contractual principles apply when the participation obligation is governed by an agreement between the athlete and a club or a sport's governing body. Potential criminal liability is usually based on the principle of non-acceptable risk-taking. By entering into a sports event, an athlete accepts the risk of sport offences at least insofar as they are not in violation of the sport's rules or the nature of the sport.
- There is no systematic correlation between sport offences and criminal offences. If some are usually repressed but allowed in sports, others which are not punished by sports disciplinary can constitute elements of a criminal offence.
- **Sports manipulation.** – There is no special provision about sports manipulation in the Act. However, it seems that sanctions may be pronounced on the grounds of fraud prohibited by the Criminal Code (supra). The text requires demonstrating the will to obtain unlawful financial benefit, or deceiving or taking advantage of someone's error to harm another.

Betting Law:

The authorities charged with regulating the sector are the **Ministry of the Interior** and the **Gambling Department of the National Police Board**, which falls under the responsibility of the Minister of the Interior. The 2017 amendments provide for increased resources for the gambling department at the police board, but it did not get additional powers to enforce the law against unlicensed operators and especially against foreign operators.

- **Foreign gambling** sites are forbidden from offering their services in Finland, since they are unlicensed. Additionally, there are no criminal provisions that outlaw the act of placing a bet with an unlicensed operator. Therefore, Finns can play at any of the many gambling sites based out of other nations without fear of retaliation from the authorities.
- **Veikkaus Oy** is a state-owned limited liability company whose mission is to conduct gambling activities in such a way that the legal security of gambling participants is guaranteed, abuses and crimes are prevented, and the economic, social and health harms caused by gambling are prevented and reduced (L. 23.11.2001/1047, § 12, amended by L.21.12.2016/1286).
- Veikkaus is dedicated to fighting sports manipulation: it not only monitors the betting flow constantly, but the team that coordinates the spotter network (which monitors every Finnish football game offered in the Finnish betting market) has given clear instructions to spotters on how to recognize and report suspicious matches.

Whistleblowers: Finland has no stand-alone legislation dedicated to protecting whistleblowers in both the private and public sector. The legal framework offers specific protection only in limited cases (Witness Protection Program Act, 6 Feb. 2015) and which is not covering every case of whistleblowing. When this Act not applicable, the only available, but incomplete, legislation covers disclosing information in the financial sector, the Trade Secrets Act, which implemented the EU Trade Secrets Directive (2016/943/EU).

Personal Data Act (523/1999): predates the European Union's General Data Protection Regulation (EU) 2016/679 ("GDPR"). Even though the GDPR is directly applicable in all Member States, the Finnish legislators decided, on the grounds of Article 88 of the GDPR, to vote a special bill to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data. By consequence, the GDPR is nationally supplemented by the Act on the Protection of Privacy in Working Life, in addition to the Data Protection Act.

Sports Federation regulations:

Although the NOC has legislation and recommendations on fighting sports manipulations in place, there is no power to compel action.

2.2.3. Relevant litigation

Existing sports manipulation cases are mostly related to betting even though other types of sports manipulations might occur.

There have been a couple of match-fixing cases in Finland in recent years involving Finnish baseball (Helsinki Court of Appeal decision No.333, 6 February 2003 (R01/2825) and football (Rovaniemi Court of Appeal decision No.237, 22 March 2012 (R11/734), JIT Veto Case). In those cases, offenders were sentenced with aggravated fraud and/or for bribery and money laundering in connection with match-fixing.

In 2018, the FA had 8 cases, which was narrowed down to 2 cases that were tangible enough to initiate an investigation. The "Inter" case was handled by the Southwestern Finland Police Department / Economic crime unit.

2.2.4. Practical legal difficulties

Local police deal with such cases rarely and are not really equipped to do so, therefore, they usually approach the National Bureau of Investigation for advice.

It is difficult to prove the existence of sports manipulations because the Law Enforcement Agencies have insufficient resources to dig deeper into the matter. Moreover, it appears that Prosecutors have a lack of capacity, which is why their role in sports manipulations investigations is usually more advisory.

2.2.5. Way to reform

Some suggestions for improvement included:

- **Including more issues in the law adjustment package.**
- **A new penal article on sports manipulation**, called sport fraud.
- This new article should also cover all the sports manipulations cases that are not related to betting. The proposal has been sent to the Ministry of Education and Culture, which will forward it on to the Ministry of Justice.
- **The Finnish Police should have a special police force responsible only for sport-related issues** such as sports manipulations, doping, etc. Currently, such issues are dealt with by different units of the police, which makes sports related crimes a lower priority.



2.3 Hungary

2.3.1. Regulatory framework

Sports manipulations is investigated using the following applicable laws:

Macolin Convention: signed on 29th November 2016. However, it has not yet ratified it. By consequence, the security and juridical forces must rely on national laws and private regulations in order to prosecute and sentence.

For the time being, the State Secretary of Sport has drafted the text of the legislation regarding the Macolin Convention and its ratification process. It is ready for the voting process in Parliament. Hungary is awaiting the resolution of the Macolin deadlock before it ratifies the Convention. In the meantime, based on its proposal, the Hungarian government adopted the Government Decision on the National Platform (1609/2018 (XI.27)).

dedicates several articles to good faith. This principle could cover different actions, from avoidance of contract to action for damages in cases of participation in competitions by stakeholders of a match-fixing arrangement.

From the negotiations to the performance of the contract, the parties have to cooperate with each other and to communicate information. So, the one who would be approached by someone to cheat or to broker a deal to fix the match shall inform the other of the event because it's fully relevant to the contract (Section 6:62).

Criminal Code: applies to criminal offences committed in Hungary, even by non-Hungarians.

The most important provision for our subject is Section 349/A, which was introduced in the Hungarian Criminal Act in 2014 to condemn **sports manipulations**. According to this provision, "a person who enters into an agreement preventing the results of a competition or match organized within the competition system or listed on the

competition schedule of a sports association from being decided in line with the competition regulations and the principles of fair play, is guilty of a felony and shall be punished by imprisonment for up to three years, unless another criminal offence is established”

As required, by the Macolin Convention, **legal persons** can be sued and are exposed to specific penalties (Section 63). **Aiding and abetting** (art. 17 MC) are also established as criminal offences, but not specifically for sports competitions manipulations offences.

Additionally, the Hungarian criminal code provides many different **penalties**.

Concerning the different **criminal offences**, the Hungarian criminal code seems to comprise all of those targeted by the MC, such as:

- **Corruption**
- **Coercion and threat**
- **Fraud** – including information system fraud
- **Money laundering**, and more generally, laundering - even from terrorist activities, and,
- **Extortion**

Passive corruption, targeted by Section 291 of the Act, initially was not applicable in the case of sports manipulation. Under a revision, the Act can be interpreted to include anyone, including athletes and sports officials such as referees.

Section 386 imposes sanctions for compromising the integrity of technical protection defined by the Copyright Act. Provided that copyright protects the sports events, it could be used to punish behaviours attempting to compromise sports integrity.

Code of Civil Procedure:

According to Section 25 of Act CXXX of 2016, civil courts within the territory of which the defendant resides shall have territorial jurisdiction over all actions that do not fall within the exclusive territorial jurisdiction of another court.

Collecting evidence using an electronic communications network is allowed. During the trial, the legislation enhances the legal protection of documents serving for evidence in case of inspections or copying of them and provides rules to frame the recovery of lost or destroyed documents.

Criminal procedure law: is ruled by Act XC of 2017 on Criminal proceedings[1], which entered into force on 1 January 2019. The prosecutor's office and the **investigating authority** shall initiate criminal proceedings of their own motion for a criminal offense to be prosecuted. The investigating authority includes the Police body and the National Tax and Customs Board. The investigations and the principle governing their powers and responsibilities are specifically ruled by this law.

General rules framing the legal regime of **evidence** reveals that every kind of evidence can be brought to a court, both material and electronic. Two types of evidence can be brought: means of evidence (witness testimony, defendant testimony, expert opinion, opinion of probation officer, physical evidence (document, record), electronic data; and data gathered thanks to evidentiary actions like inspection, questioning on the scene, reconstruction presentation for identification, confrontation and control of testimony with instruments.

International Relationships: The Macolin Convention requires States parties to adopt specific legislation, as Hungary did, related to **extradition** (Act XXXVIII of 1996 on International Legal Assistance in Criminal Matters), but it is not specific for criminal offences related match-fixing.

Act LIII of 2017 on Preventing and Combating Money Laundering and Terrorist Financing

The Hungarian **Criminal Code** prohibits money laundering (Sections 399 and 400 CC). It further condemns any failure to comply with the reporting obligation related to money laundering (Section 1).

Previously, the scope of the Hungarian AML/CFT Act covered only the obliged entities established in or having a branch or place of business in Hungary. Now, it also covers any entity established in Hungary, any other Member State of the European Union, or in a third country, and which – by means of a permanent business unit established in Hungary, including branches, directly provides the customers with any of the services specified in Subsection (1) in the form of a permanent domestic operation.

Act I of 2004 on Sport:

The law applies to all national competitions taking **place in the national territory**.

[1] http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.362572.

Sports organizers must also play their part. That could include the obligation of adopting specific rules to fight against sports manipulations. Moreover, a wide interpretation of article 66 § 1 could justify finding them liable if they do not vote in their instance's specific regulations about it. Certainly, for the time being, sports manipulation is not a criminal offence in the Hungarian internal legal order. But the spirit of those provisions encourages Hungarian sports federations to anticipate such legislation in future.

The notion of "fair-play" in this legislation is vague, but a broad conception of it should also be found to prohibit any behavior involved in the operation of a manipulation of sports competitions.

Sports financing is partially covered by the law. The state provides financial support to the pursuit of sporting activity, as defined in the budgetary act. State support is available under normative contribution and contract. Finally, the provider of support must withdraw from the support contract if the supported organisation: supplied unrealistic or false data in their application for support; failed to fulfil the previous conditions; has public debts having become overdue since contracting and has not been granted a payment deferral; used the support for purposes other than those specified in the contract.

The **responsibilities of the Hungarian Olympic Committee** include facilitating the physical, moral and cultural education of the youth in the name of the Olympic movement and supporting competition in the spirit of fair play. It means that the goal of education and awareness-raising should be reached by the HOC.

Betting legislation:

Gambling is ruled by the Act XXXIV of 1991 on Gambling Operations.

Other texts frame related matters:

- Act XVI of 1991 on concessions,
- Decree on the implementation of tasks related to the licensing (Decree N°32/2005 (X. 21.)),
- Decree ruling the regulator (Decree N°329/2015. (XI. 10.)),
- Decree on the Regulation of Horse Race Betting.

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Since July 2017, the Gambling Supervision Authority is an independent authority, and no longer a simple division of the National Tax and Customs Administration (NAV). It's led by the minister for national development and not by a third party.

Betting on fantasy sports and eSports is not specifically regulated. Similarly, social and skill games do not qualify for betting. In both cases, it doesn't mean that they could not fall under the gambling law if, concretely, their organization can be considered as betting.

Bettors cannot be charged on a criminal basis simply because they bet using an illegal service. However, by implication under Section 76 of Act CXVII on Personal Income Tax, if a player's winnings are derived from unlicensed gambling, despite a licence being required under the Act on Gambling Operations, these winnings are subject to taxation.

Data Protection:

Hungarian laws:

- Act CXII of 2011 on information self-determination and freedom of information
- Act LXVI of 1992 on the registration of citizens' personal data and address
- Act XXXIV of 1991 on Gambling Operations

EU Texts:

- Regulation (EU) 2016/679 (General Data Protection Regulation) in the current version of the OJ L 119, 04.05.2016; cor. OJ L 127, 23.5.2018 applicable as of May 25th, 2018 in all member states to harmonize data privacy laws across Europe.
- Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. Member States have to transpose Directive (EU) 2019/1024 by 16 July 2021.

The Regulatory Authority is the National Authority for Data Protection and Freedom of Information (Nemzeti Adatvédelmi és Információszabadság Hatóság)

The Gambling Supervision Authority maintains a register of self-excluded persons, known gambling addicts and those who were placed under the supervision of another adult by a court order. By consequence, it contains personal data, which can be accessed and/or used by authorized operators solely for the purpose of making sure that the listed persons are unable to access gambling activities. Pursuant to Section 2(6)(b), operators must protect players' personal data.

Data about players banned from an operator's premises, and any type of data required for the purposes of the Act can be kept for a maximum of six years. A violation of the requirements of data security obliges the violator to compensate any harm caused by their actions.

Whistleblowing:

Hungary has implemented stand-alone legislation designed to protect whistleblowers in both the private and public sector, called the **Act CLXV on Complaints and Public Interest Disclosures (2013)**[2]. The scope includes all citizens, employees or not, from both the public and private sector.

The issue here is that there is no overarching body or authority appointed to receive and investigate disclosures by whistle-blowers. Disclosures can be made to the Ombudsman, who has jurisdiction only to direct the disclosures to the relevant authorities.

[2] http://corruptionprevention.gov.hu/download/7/a2/90000/KIM%20555_2013-4.pdf.

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In the public sector, reporting can proceed two ways: via a centralised channel operated by the Ombudsman, or an institutional reporting channel, operated by advisors. The obligation to set up reporting channels does not apply to the private sector. However, if a company decides to implement such a system, it must meet the legal requirements. Disclosures can also be made externally via an online mechanism without obligation to first disclose internally. The entity that receives the disclosure is required to follow up within 30 days (article 2(1)). Protection is limited to the workplace. Any action taken as a result of the disclosure of a public interest or a disclosure made in good faith, which may cause disadvantage to the whistle-blower, will be considered unlawful.

The State shall provide whistleblowers with legal aid (article 12) but the Act does not define precisely how. A whistle-blower will benefit from anonymity (article 3(3)). The whistleblower shall disclose in good faith, or no longer qualify for all protection. There is no reward system for whistle-blowers in place.

The National Platform (1609/2018 (XI.27)):

Anticipating the entry into force of the Macolin Convention, the Hungarian Government established the Hungarian National Platform (NP).

The NP manages both the strategic and also the operative levels of issues regarding fighting manipulation of sports competitions. According to the State Secretary of sport, the operative issues should be handled by law enforcement agencies and judicial authorities, and the strategic issues should be handled directly by State Secretary of sport.

The State Secretary of Sport would like to use the communication panels of the Group of Copenhagen as a template for the communication of the NP, and would like to involve as many relevant stakeholders in the work of the NP as possible.

2.3.2. Relevant litigation

The judge accepted all the charges and convicted 23 out of the 24 suspects of the case. Although the sentences were not too severe (the first two suspects received suspended prison sentences; the rest received a fine), the fact that all the suspects were sentenced as was requested in the charges by the prosecutors showed that the CISP presented a good case. This also should be a clear message to the perpetrators: if you commit the crime and the police catch you, you will most definitely be convicted.

Following the conclusion of this case, Hungarian football needs to admit that sports manipulation is an existing phenomenon under its jurisdiction. Unfortunately, judges still think that sports manipulations are minor cases [3].

Neither NVESZ (National Competitive Sport Association – Association of non-Olympics sports in Hungary) nor the National Olympic Committee has ever experienced cases, or received any reports of sports manipulation under its jurisdiction, but they have offered their full support to law enforcement should a case ever arise.

2.3.3. Practical legal difficulties

Since January 2013 there has been no investigation completed in relation to sports manipulation. It could be that:

- The perpetrators have evolved, becoming increasingly more sophisticated.
- There is no sports manipulation-related information available for law enforcement agencies and Judicial authorities for initiating investigations.
- There is no knowledge within the law enforcement agencies and Judicial authorities regarding sports manipulations.

One of the biggest obstacles in such investigations is the lack of information on betting/bettor data. Unfortunately, the Hungarian Football Association (MLSZ) does not want to adapt the criminal convictions by initiating a sport disciplinary procedure against the convicted fixer felons, given that sport managers think that sports manipulation is commonplace.

2.3.4. Way to reform

The State now has to ratify the Macolin Convention and adopt practical rules, or force the national sports organizations to draft 3 new regulations to enhance their practices.

[3] The mentioned case had several perpetrators who manipulated 13 football matches in Hungary. In doing so, several players were bribed € 5,000 per person. An unknown Asian person was also involved in the case who had made bets at a betting office in the Far East. The stake was € 60,000 per match.



2.4 Lithuania



2.4.1. Recent update

The Parliament is currently considering introducing betting on virtual events.

2.4.2. Regulatory framework

Macolin Convention: signed on 18th September 2014 but has not been ratified yet.

Civil Law: defines three principles guiding every civil relationship: **justice, reasonableness and good faith**. More precisely, good faith drives the way to contract. The civil code knows the concept of a legal person and, by consequence, the possibility of its contractual liability, for example if that person is involved in a sports competition manipulation strategy.

Criminal Code: applies to acts committed within the **territory** of the State of Lithuania. Attempt to commit a criminal act as **complicity** are punishable through this Code. As wished by the Macolin Convention, the Lithuanian criminal law provides every **type of penalty** (art. 42 CrC): community service, a fine, restriction of liberty, arrest, fixed-term custodial sentence, life custodial sentence.

The Criminal Code punishes the **manipulation of sports competitions**: a person who unlawfully affects the fair progress or outcome of a professional sports competition shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

Additionally, the criminal code punishes common infringements such as:

- Theft
- Robbery
- Extortion of property
- Swindling
- Bribery
- Any kind act of violence
- Any unlawful removal of technical protection means of author's rights or related rights

We do not find general provisions for **fraud and corruption** which are subject to special laws.

Code of Civil Procedure: defines the legal regime of evidence (art. 176 and f. CCvP), and also provides an entire section dedicated to safeguarding of evidence (art. 221 to 224 CCvP). These rules also apply to electronic evidence.

Code of Criminal Procedure: contains several provisions about **investigations**, especially concerning pre-trial investigations and the regime for evidence.

The law provides some **protection** for witnesses and victims by guaranteeing their anonymity and limiting the disclosure of certain data in accordance with art. 21 of the Macolin Convention.

International Relationships:

The Macolin Convention requires States parties to adopt specific legislation related to **extradition**. Lithuania applied this and the procedure is defined under article 71 of the CCrP.

It also frames the execution conditions of the Requests of Foreign Authorities and International Organisations for Proceedings (art. 67 CCrP), which enables it to aid the international fight against match-fixing.

Republic of Lithuania law on physical education and sport, 20 December 1995 No I-1151 Vilnius (As last amended on 14 May 2015 – No XII-1722)[4]

[4]<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a69875e0e9da11e59b76f36d7fa634f8?fwid=fhhu5mlj8>

This law defines the key words and notions. Although those mentioned at article 3 of the MC are not discussed, the distinction between amateur sport level, high-level sport and professional sport is clear (art. 2).

The Criminal Code contains a provision about the manipulation of sports competitions. However, many articles in the above law could be the basis of an action.

First of all, among the main **principles** that shall drive sport, article 3 of law underlines two that are related to sports integrity: **fair play and objectivity**. Their violation could be seen as a civil fault justifying the civil liability of its author.

The Law ordains that sportsmen must **adhere to the statutes** of the national sport federation and **to the sport rules and competition regulations**, which is in accordance with the obligation of the Macolin Convention. These last obligations could refer to moral obligations.

However, no provisions deal with prevention of conflict of interest, whistleblowing, enhanced and effective monitoring, or detection of suspicious activities.

Sports financing is clearly framed by the law. Thanks to the contractual nature of their relationships, the State has a tool to control and monitor the activities of sports federations. The State could **use this contractual tool to impose obligations or duties referred to in the Macolin Convention**.

More generally, the law considers three types of **sources of funding**: appropriations from the state budget and municipal budgets, funds from organization of lotteries and other funds obtained legally.

Gaming Law of the Republic of Lithuania 17 May 2001 No IX-325

Gambling Act of the Republic of Lithuania and Lotteries Act of the Republic of Lithuania[5]

Sports betting, even horse race betting and fantasy betting, are regulated in both its digital and land-based form by the Gaming Control Authority, which is under the Ministry of Finance of the Republic of Lithuania

[5]<https://iclg.com/practice-areas/gambling-laws-and-regulations/lithuania>.

Persons under the age of 18 are not allowed to participate in gambling or enter premises used for gambling. Persons under 21 years of age are prohibited from entering gambling establishments.

The use of debit or credit cards for payment and the installation of ATM machines in premises where betting take place is forbidden, as is the use of virtual currencies, but the exchange of tokens for cash – conversely – is not prohibited.

The Gaming Control Authority has the right to give binding instructions to a payment, credit or another financial institution to suspend for a period of up to five days, may to terminate payments and other financial transactions related to an entity engaged in illegal remote gaming activities in the Republic of Lithuania. The institution can also give binding instructions to the information hosting service provider and/or network service provider to immediately remove information stored by the information hosting service provider, which is used with the aim of illegally organizing remote gambling, or to eliminate access to this information; or give binding instructions to the network service provider to eliminate access information used with the aim to illegally organize gambling.

Concerning the prevention of match-fixing, the law does not provide anything concrete. At most, the text prohibits advertising gambling, with exceptions.

The gambling legislation includes provisions prohibiting betting from persons working within betting companies' operators. The law does not say anything about the abuse of a position as a sponsor. It does not institute a special whistleblowing process in case of suspicious, or even illegal, bets.

The Gaming Control Authority shall have the **right to determine the sanctions** laid down for companies organizing gaming by this Law and other legal acts regulating the operation of gambling. Violations of this Law shall be applied in accordance with the procedure laid down by laws. Under the Code of Administrative Offences of the Republic of Lithuania, natural persons responsible for the specific gambling activities of the licensee are liable. The licensee is liable for the breach of the rules of AML, personal data protection and other kind of acts related to gambling activities.

The law does not provide any special norms organising the exchange of information.

Law on Corruption Prevention of the Republic of Lithuania 8 May 2002 N°IX-904 (As last amended on 8 November 2016 – No XII-2742).[6]

The Macolin Convention encourages States to ensure that their legislation is enabled to criminally sanction manipulation of sports competitions when it involves corruption. The Lithuanian legislation punishes corruption but without particularly dealing with sports manipulation. That is to say that the law against corruption is applied when a strategy to manipulate sports competition is implemented, but punishes the act of corruption, not the manipulation itself.

Law on Prevention of Money Laundering and Terrorist Financing 19 June 1997 No VIII-275(As last amended on 29 June 2017 No XIII-568).[7]

As per the Macolin Convention, the Republic of Lithuania has adopted a law dedicated to the Prevention of Money Laundering and Terrorist Financing. However, the legislator did not follow the incitement to include the manipulation of sports competition in the text.

Whistleblowing

The Law on the Protection of Whistleblowers of the Republic of Lithuania (hereinafter - the Law, 2017) establishes a mechanism for the protection of persons who have submitted information on a violation in an institution with which they are or are bound by official or employment relations or contractual relations. The law also establishes the rights and obligations of persons who have reported violations in institutions, the bases and forms of their legal protection, as well as measures for the protection, promotion and assistance of such persons in order to provide appropriate opportunities to report violations that threaten or violate the public interest, prevention and detection of such infringements.

The Law does not specifically refer to the whistle blower's protection during the fight against manipulation of sports competitions. Nevertheless, it can be applied in these cases as sport federations and clubs mostly are considered a public entity.

Data Protection: Legal protection of personal data law no. I-1374, amendment law No. XIII-P-2096(2) ES 15 June of 2018 d. No.

[6]<https://eseimas.lrs.lt/portal/legalAct/lt/TAD/cf4e54225ce611e7a53b83ca0142260e?jfwid=92zt7sd64>.

<http://lrkm.lrv.lt/en/activities/corruption-prevention>.

[7]https://www.legislationline.org/download/id/7934/file/Lithuania_law_prevention_money_laundering_terrorism_2017_en.pdf.

The text has been amended to be brought into compliance with the GDPR. The law is very concise and it does not specifically refer to the personal data processed during the fight against manipulation of sports competitions. Nevertheless, it can be applied in these cases as the GDPR regulations apply to data processing for the public interest.

2.4.3. Relevant litigation

None of the match fixing cases reached court, because there was no composition of crime found.

2.4.4. Practical legal difficulties

According to Criminal Code article 182-1, manipulation of sports competitions is related to "a professional sporting event". The Law on Sports does not provide a description of a "professional sporting event", or a "professional athlete". No other legal act describes professional sports in Lithuania.

2.4.5. Way to reform

An amendment of the Criminal Code is registered in the Parliament of the Republic of Lithuania. The goal of the amendment – which describes a "professional sport competition" for the purpose of the implementation of the Criminal Code "professional sports competitions" – is that any sports competitions organized by an international entity or high-level sports competitions organized by national entities in which at least one athlete, who has an agreement or working contract or is receiving payment for preparation and participation in the competition, is participating".





2.5 Netherlands

2.5.1. Regulatory framework

Macolin Convention: signed on 18th September 2014, but not yet ratified. Once ratified, provisions of the MC shall become binding after they have been published, and the **Macolin Convention shall prevail on national laws** (art.94C).

Civil Code:

Good faith is not evoked by the law in its usual sense. The provision in Article 6:2 could provide a basis for any civil action against a protagonist of a sports competition involved in match-fixing with whom the demander is contractually linked.

Criminal Code:

The criminal law of the Netherlands shall apply to any person who commits a criminal offence in the Netherlands, including onboard a Dutch vessel or aircraft outside the territory of the Netherlands.

Criminal offences can be committed by **natural persons and legal persons** (Sect. 51 § 1). Any persons who intentionally **aid** and **abet** the commission of the serious offence, or who **provide opportunity, means or information** for the commission of the serious offence, shall be criminally liable as **accomplices** to a criminal offence (Sect. 48). By consequence, any person who does so concerning the commission of criminal offence related to sports manipulation shall be criminally liable.

The law provides the confiscation of the product of a criminal offence like, for example, bribery or fraud committed in the frame of a match-fixing offence (Sect. 91).

Concerning the different **criminal offences**, the Dutch criminal Code seems to repress all of those targeted by the MC, including:

- Violence (Sect. 141),
- Abuse of authority,
- Use of force or threat (Section 47),
- Extortion (Sect. 317),
- Blackmail (Sect. 318),
- Deception then constituting a fraud (Sect. 326. See also Sect. 273f),
- Bribery, whether active (Sect. 177-178) or passive (Sect. 363-364)
- Money laundering, even when cryptocurrencies are used (Sect. 420 bis and f.).

Finally, we also should evoke the provisions of the criminal code related to misconducts concerning data and information systems (Sect. 138 ab and f.). These norms could cover any action against perpetrators who, for example, have corrupted computer systems for measuring sports results or used them for taking bets.

Civil Procedure Law:

Sports competitions organisation is based on **contractual relationships** (membership contract, labour contract, etc.).

Evidence can be administered by **all means**, with only a few exceptions. There is *no hierarchy of evidence* in the Netherlands.

Criminal Procedure Law:

CPC provides different norms in favour of the fight against match-fixing.

According to Section 339, admissible evidence can include:

1. the court's own observations made during the court hearing (Sect. 340);
2. the statements of the defendant (Sect. 341);
3. the statements of a witness (Sect. 342);
4. the statements of an expert witness (Sect. 343);
5. written materials (Sect. 344) including:
 - official records and other documents drawn up in the form prescribed by law by competent bodies and persons and containing their statement of facts or circumstances which they have observed or experienced.
 - documents prepared by public bodies or civil servants concerning issues related to their competence, as well as documents drawn up by a person in the public service of a foreign state or of an organisation under international law.

- reports of expert witnesses prepared in answer to the assignment given to them to provide information or to investigate, based on the insights they have gained from their own expertise and knowledge about the subject on which their opinion is sought;
- all other written materials; however, said materials may only be used in conjunction with the content of other means of evidence, Sect. 344).

Seizure can be ordered under the conditions of Sections 94 and f.

A punishment order may contain instructions with which the suspect must comply, including relinquishment of objects, **surrender** of objects, and payment in full to the State or to an organisation that aims to represent the victims of criminal offences.

Persons subject to a **duty of secrecy** shall not be obliged to violate it (Sect. 96 a. and f.). Any person who has knowledge of any of the serious offences shall be obliged to report said knowledge promptly to an investigating officer (Sect. 160) and any person who has knowledge of a criminal offence committed may file a report or complaint of said offence (Sect. 161).

Under the provisions in this law (Sect. 226a), the witness' ***identity should be concealed*** during questioning, if the witness or another person, feels threatened to such an extent that it may be reasonably assumed that his or her life or health or the safety or stability of his or her family life or socio-economic existence is in jeopardy, and the witness has indicated that he or she does not wish to make a statement on account of this threat. In such cases, witnesses shall benefit from specific practical measures for their **protection** (Sect. 226L).

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International Relationships:

International Mutual Legal Assistance shall be deemed to be requests to conduct or render assistance with investigative acts, to forward documents, case files or convincing items of evidence or to provide information, or to serve or deliver documents or to give notices or notifications to third parties (Sect. 552h § 2).

Moreover, the CPC enables the creation of **international joint investigation teams**. Thus, insofar as is provided for in a treaty or for the purpose of implementation of a framework decision of the Council of the European Union, the public prosecutor may, for a limited period, for the purpose of the joint conduct of criminal investigations, together with the competent authorities of other countries, set up a joint investigation team (Sect. 552 qa).



The District Court may issue a warrant of arrest, if necessary, to obtain the extradition of a suspect (Sect. 65).

Sport Law:


The role of the **Ministry of Sports** regarding sports manipulations is:

- to link the two worlds of sport and Law Enforcement;
- to be a gateway to the parliament and to sport organizations;
- to provide education and prevention for sport athletes and board members.

The Ministry of Sports’ goal is to raise awareness about sports manipulations in sport, which they may delegate to third parties such as the National Olympic Committee.

Betting laws:

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* due to enter into force on 1 March 2021.

The principle is that unlicensed games of chance are prohibited.

Land-based betting is authorized. For now, sports and horse race digital betting are prohibited, but the RGA, entering into force 1 March 2021, will authorize these activities for operators who have licences. It will also cover virtual sports, fantasy sports and e-sports betting.

The regulator is the **National Gambling Authority** (Kansspelautoriteit or Ksa). Providing betting services requires a **licence** granted by the NGA through an administrative procedure. Online and land-based gambling have their own legal regimes.

The betting and gaming law is an administrative law based on which the NGA can sanction the betting operators who commit an infringement with a fine. The NGA has investigative powers allowing it to:

- collect information but not covert information exchange;
- approach the banks to get information;
- ask the payment service provider to find out who collects the money.

Virtual currencies issues are minimal. The betting and gaming law pre-dates virtual currencies, therefore, it does not contain regulation on virtual currencies. The new law does not contain any regulation on virtual currencies either, however, it mentions that there could be other types of currency other than the traditional ones, which allows space for the investigators to manoeuvre.

The NGA can provide an integrity test with grounds to suspend or revoke an existing licence, or refuse to award one in the first instance, if there is a severe risk that the licence is being or will be used to help utilise monetary benefits obtained or obtainable from criminal acts have been committed, or to commit criminal acts.

The betting operators are free to approach sports clubs and there is no regulation in place to stop them sponsoring sports clubs.

Operators will be subject to an “active duty of care” to prevent problem gambling, requiring that they shall monitor and analyse player behaviour and intervene appropriately where necessary. The NGA published a Guidance Duty of Care in July 2019 in order to provide guidelines. Operators will also have the duty to monitor players' activity and intervene if risky playing behaviour (such as betting large sums or playing for long periods of time) is observed or suspected.

Based on the RGA, the NGA has seen its powers seriously strengthened. The regulator can now sue payment services providers, software providers and others stakeholders. Similarly, it has the ability to make direct binding instructions to intermediaries, ordering them to cease providing services to operators who are breaching the law.

National Platform: has been operational for more than three years and active at national and international level.

Cooperation:

- the National Gambling Authority (NGA) operates at National Platform level within the National Platform – they cooperate with Law Enforcement Agencies, FIOD and Prosecutors
- the NGA have worked together with police and prosecutor services, and it has points of contact within the police and prosecution services, as well as within betting authorities
- the NGA has memorandum of understanding (MoU) with the other governmental organizations therefore, they can exchange information with each other. The betting operator should detect the possible issue which is investigated by the NGA. Should it appear to be a criminal case, the NGA can pass this information directly onto Law Enforcement.

A licensee must report information about any suspicious gambling patterns to the games of chance authority. Further rules are laid down by, or pursuant to, an Order in Council regarding what is meant by information about suspicious gambling patterns, and about the manner in which notification to the games of chance authority must be made.

Whistleblowers Authority Act

In 2016, the Dutch legislator adopted a stand-alone legislation about whistleblowing, entitled the “Whistleblowers Authority Act”, which requires private entities listed on the Dutch stock exchange to implement whistleblower procedures.

It addresses both the **public and the private sector**, instituting a legal framework for anyone who encounters an abuse through their work, in the organisation where they currently work or have worked, whatever the contractual nature of the relationship between the whistleblower and the entity they work(ed) for.

The Act requires all public institutions and private entities with over fifty employees to implement an **internal disclosing procedure**. The internal procedure shall be followed before an external disclosure to the competent authority is allowed. If in doubt, employees can also request information, advice and support from the Whistleblowers Authority.

However, the law does not provide any sanction should the entity not perform its duty. The Whistleblowers Authority is quite powerless and can only make non-binding recommendations, such as the reinstatement of the employee, that can be used in court.

The **Dutch Whistleblowers Authority** is an independent governing body that, according to the law, advises whistleblowers and investigates both wrongdoing that may harm public interest, as well as retaliation against those who have reported it. The Whistleblowers Authority can **investigate** the disclosure and, if applicable, draft a report. They are obliged to maintain the confidentiality of the report.

Confidentiality shall be respected. When the Whistleblowers Authority has been involved in a case, it is only authorized to publish the identity of the whistleblower with consent.

The law offers **protection** to whistleblowers who disclose presumed wrongdoing that may harm the public's interest. Disclosure shall be done with good faith and suspicion based on reasonable grounds. It protects the whistleblower against retaliations.

National Olympic Committee

The NOC offers Prevention and Education seminars – 10 sessions per year for young talent and the NOC offers these sessions to, and on behalf of, sport federations. These sessions and e-learning modules about sports manipulations include information about not being allowed to bet on their own games and about using insider information, for example.

Sport Federations:

The Dutch sport federations, especially the Dutch Football Association and the Tennis Federation, are involved in the work of the National Platform and are also devoted to fighting against sports manipulations. All these parties:

- provide education on prevention for their athletes and officials;
- work closely together with their international level organizations (International Olympic Committee, UEFA and Tennis Integrity Unit) regarding sports manipulations, and;
- cooperate with the national stakeholders of the domain, including the law enforcement agencies.

The Dutch Football Association has a unique approach to fighting sports manipulations: the integrity officers focus on the financial aspect of sports manipulations including “Know Your Owner”.

The Koninklijke Nederlandse Lawn Tennis Bond (KNLTB) implements the following measures regarding sports manipulations:

- prevention by educating referees, senior and junior teams
- detection and correction.

The KNLTB does not have the skills nor the ability to initiate investigations, and they are reluctant to do so. As soon as a sports manipulation case comes up in the Netherlands, the investigation is handed over to and executed by the Tennis Integrity Unit (TIU), which is the international integrity unit of Tennis. While the compliance manager is a member of the operational level, the Director of the KNLTB is part of the strategic level of the National Platform.

Sports manipulations from ISR's (Instituut Sportrechtspraak - Institute of Sports Justice) perspective includes being forbidden to:

- manipulate sport
- bet
- persuade players to manipulate their games.

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2.5.2. Relevant litigation

There is only one case of sports manipulations in the Netherlands to draw on, but neither the sport disciplinary case nor the criminal case could be proven.



2.6 Portugal

2.6.1. Regulatory framework

Macolin Convention: signed on 17th March 2015 and ratified on 29th September 2015, entering into force on 1st September 2019. It has to be noted that Portugal expressed a reservation relating to provisions 19 and 37, considering that Portuguese criminal law establishes more rigorous and encompassing jurisdiction rules than the ones established in the said provision of Article 19. Considering this provision and its rank in the Portuguese Constitution, international treaties shall prevail on national laws but are submitted to the Constitution.

Civil Code:

The principle of **good faith** applies to the negotiation (Art. 227, 239 and 245 CC) and performance (Art. 334 and 762 CC) stages of a contract. Moreover, when the participant in a match-fixing operation is engaged in the prospect of carrying it out, his behaviour can easily qualify as **fraud** (Art. 253 CC), justifying the nullity of the contract of engagement concluded with the organizer, without prejudice to the reparation of possible damages.

Criminal Code:

Time and territorial scopes – The Criminal law applies to any act committed at the time the perpetrator acted, or should have acted, regardless of the time when the typical result occurs (Art. 3 Cr. C.). Except when it is contrary to international treaties or conventions, Portuguese penal law is applicable to acts committed in Portuguese territory, regardless of the nationality of the agent, or on board of Portuguese ships or aircrafts. The Criminal Code provides the application of Portuguese law, even for acts committed abroad (art. 5 Cr. C.).

There is **no specific provision on sports manipulation** in the Criminal Code.

Preparatory acts (art. 22), **attempts** (art. 23) and **complicity** are punished (art. 27).



The Portuguese Criminal Code frames all the common offences targeted in article 15 of the MC. This is the case for **extortion** (Art. 223), **threat** (Art. 153) and passive **corruption** (Art. 372-373), as well as active corruption (Art. 374).

The **fraud** infringement (art. 217 Cr.C) shall apply most of the time in cases of match-fixing. Its Portuguese legal regime is particularly detailed. The Portuguese legislator has extended this infringement for computer and communications uses.

The legal offence of **laundering** is also covered at Article 368-A. The provision also applies to anyone who hides or deceives the true nature, origin, location, disposal, movement or ownership of benefits or the rights related therein.

A **bribe** is understood as the fact for a person to persuade or try to persuade another person, through a gift or promise of a benefit of economic nature or not, to commit the crimes against the course of justice, without such acts being committed (art. 363).

Civil procedure law

The Portuguese procedure law admits all kinds of evidence - whatever documents are authentic, authenticated or private (Art. 527).

We did not find any provisions ensuring legal protection to **witnesses**.

International Relationships: The Portuguese courts have international jurisdiction when any of the circumstances mentioned in Article 65 is satisfied. In internal matters, jurisdictional power is allotted to different courts, as a rule, as per the subject matter and the value of the action, the judicial hierarchy, and the territory.

Competence is fixed with reference to the time when the action is instituted. The factual modifications which occur subsequent to the said time are irrelevant; so also changes in law are not relevant, except where the Court in which the case is instituted is extinguished or the same court ceases to have jurisdiction as to the subject-matter and the hierarchy.

International jurisdiction is recognized when the action is to be instituted in Portugal following the rules of territorial competence provided by Portuguese law.

Criminal Procedure Law:

The CPP admits the most common **evidence** during the proceedings (Books 3 of the CPP). No specific provisions seem to have been adopted for the protection of evidence.

The law also organizes the articulation between legal (Art. 86 CPP) and professional secrecy (Art. 135 CPP) with the publicity of the proceedings. Thus, a witness can refuse to testify if it may violate professional secrecy by doing so.

Witnesses shall be protected under a special law, Law 93/99, July 14. Under Article 139 § 2 CPP, the **protection of witnesses** and other participants in proceedings against any forms of threat, pressure or intimidation, in particular in cases of terrorism, violent or highly organised crime, shall be governed by special legislation.

The Portuguese Criminal Procedure Code imposes on public officials and police authorities the **duty to report** information on crimes discovered during the performance of their duties (article 242 CPP). If public officials do not comply with this obligation, they may be subject to disciplinary sanctions.

Article 374-B, 1º of the Criminal Procedure Code institutes a **reward mechanism for whistleblowers**, allowing for the suspension of the sentence of a defendant found guilty if one of the corrupt agents reported the crime within 30 days of its occurrence, and before a criminal proceeding was initiated regarding that crime. The mechanism of suspension of a sentence allows whistleblowers that are also corrupt agents to disclose information on the crimes and be rewarded with a probation period and a suspended sentence. This kind of mechanism does not particularly relate to the protection of whistleblowers, but rather to the promotion of information disclosures.

The law allows for a reduction of the criminal sanction if the suspected agent concretely cooperates in the gathering of evidence for the identification and capture of the other criminal agents (article 374 -B, 2º, a).

The Attorney General's Office created a team of three prosecutors, who are not devoted to sports manipulations cases full-time, but who are responsible for sports manipulations cases in football, principally because the most popular sport in Portugal is football. Sports manipulations are treated as a priority for Portugal as it is considered to be a form of corruption, and fighting corruption is a priority.

International Relationships: The internal situation of a proceeding is framed by the Law 1999-144, related to International judicial cooperation in criminal matters (**Lei n.º 144/99, de 31 de Agosto Lei da cooperação judiciária internacional em matéria penal**). The law rules on matters like extradition, transmission of criminal proceedings, execution of criminal sentences, transfer of persons sentenced to sentences and security measures involving deprivation of liberty, surveillance of persons convicted or conditionally released and mutual legal assistance in criminal matters (Art. 1).

Extradition is subject to an entire title (Art. 31 and f.).

Prevalence recognized by international treaties, conventions and agreements (Art. 3) may reinforce the efficiency of the MC in its aim to encourage State parties to cooperate. But if the text develops the legal regime of international cooperation, it must be noted that the Penal Procedure Code (PPC) and the respective complementary legislation are subsidiarily applicable, as well as the legislation related to “mere social order” (art. 25). Usually, the PPC is more protected to perpetrators than to witnesses. The present law may not reach this goal.

Basic Law of Sport [8]

The Basic law of sport institutes several provisions about **ethics** that could cover actions against match-fixing behaviours. **Sports federations** have also a role to play, the law defining its missions such as to promote the defence of sports ethics.

We still need to agree on the meaning of sport ethics and the law is quite unclear about it.

Although the Portuguese legislature adopted further a specific law about sports manipulation, the basic law of sport has already included a provision concerning the fight against corruption. Article 44 provides that the fight against corruption in the sports phenomenon is developed, on the one hand, through prevention through the education of human resources and, on the other, through repression with the definition of harmful behaviours and respective sanctions.

[8] Lei de Bases do Desporto Lei n.º 30/2004 21 de Julho, Diário da República n.º 170/2004, Série I-A de 2004-07-21.

Sports federation law

Article 20 of the basic law of sport underlines that the preservation of ethics is part of the sports federations' powers but does not explain how they act to do so and upon what ground they can punish violations of ethics.

This point is confirmed by the terms of Article 53, according to which the disciplinary regime must provide for, inter alia, subjecting sports agents to general and special conduct duties that protect, in particular, the values of sports ethics and the transparency and truth of sports competitions, with the establishment of sanctions determined by the gravity of their violation.

Law about Criminal liability regime for behaviour that may affect the truth, loyalty and correctness of the competition and its result in sporting activity.[9]

This text provides criminal provisions applying to **natural and legal persons** involved in match-fixing.

Even if the **Criminal Code** punishes behaviours of **corruption** generally, it specifically condemns those when they occur in sports activities (art. 8). Any actions of that kind **committed in association** are punished (art. 11).

The law provides for aggravated circumstances (Art. 12) – such as when the perpetrator is a sports manager, sports referee, sports entrepreneur or corporate body – and mitigated circumstances (Art. 13).

Betting laws

The Portuguese legal regime of betting is ruled by the following:

- decree-law No. 84/85, 28 March 1985 for land-based pari-mutuel sports betting,
- decree-law No. 68/2015, of 29 April 2015 for the land-Based pari-mutuel horse race betting,
- decree-law No. 282/2003 of 8 November for online pari-mutuel sports betting.

[9] Regime de responsabilidade penal por comportamentos susceptíveis de afectar a verdade, a lealdade e a correcção da competição e do seu resultado na actividade desportiva, Lei n.º 50/2007, Diário da República n.º 168/2007, Série I de 2007-08-31.

The online gambling legal framework, although approved in 2015, included due diligence measures anticipating the transposition of the 4th AML/CFT Directive.

The laws apply to online gambling supplied to customers located in Portugal, even where gambling is served and hosted from places outside Portugal.

Online fixed-odds sports betting and horse race betting may only occur, respectively, on the sports and the horse races contained in a list approved by the SRIJ, which also contains the betting types allowed.

Suspicious betting is not addressed by the law.

Virtual currencies are not allowed for gambling in Portugal.

The sector is regulated by the **Portuguese Gambling Regulatory Authority** (Serviço de Regulação e Inspeção de Jogos o Turismo de Portugal) (SRIJ) and by the **Santa Casa de Misericórdia de Lisboa** (SCML) for the Pari-mutuel sports betting, which is subject to the supervision of the social security ministry.

Providing betting services requires a **licence** granted by the SRIJ through an administrative procedure. Online and land-based gambling have their own legal regimes.

The **operation of online gambling** is granted by the SRIJ through an administrative procedure. The law does not limit the number of licences which may be granted to a single operator.

The legislator imposes that the **integrity, reliability and security of gambling operations** must be safeguarded, and awareness of the complexity of this activity must be assured. In addition, the holding of **preventive awareness-raising information activities**, the **drafting of codes of conduct** and the dissemination of **good practices** must be fostered.

The SRIJ shall foster, in liaison with the competent entities, the holding **studies aimed at identifying addictive behaviour** and propose the adoption of preventive and deterrent measures.

All providers of gambling services are subject to AML/CFT Measures (Law N°.83/2017 of 18 August). The law empowers the SRIJ to order ISPs to **block access** to gambling websites that do not hold a licence issued by the SRIJ.



Moreover, the law imposes a general obligation to provide gambling to customers in a **socially responsible manner**, and the law does not foresee any limits regarding stake limits, jackpot progressive or rollover limits, but obliges the operators to establish limits in order to comply with responsible gambling.

It is expressly ***prohibited to aim gambling adverts at minors***, to feature minors in such adverts, or advertise gambling in schools or other infrastructures intended to be frequented by minors.

Criminal regime – Any person who operates land-based games in places other than those legally authorised shall be subject to criminal charges.

Administrative regime – Only ISPs are subject to an administrative offence if they do not comply with the SRIJ's notification to block illegal websites. It is also an administrative offence to play on illegal websites.

Civil regime – According to the Portuguese Civil Code, gambling agreements are void and do not constitute a source of civil obligations, but when lawful, they are a source of natural obligations. This means that the "debts" resulting from unlawful gambling are incapable of creating any obligation for participants.

Exchange of information: The SRIJ provides technical support to and cooperates with the police authorities with regard to the prevention and punishment of illegal practices relating to land-based gaming. These actions take place regularly and randomly across the country.

The SRIJ also develops administrative cooperation mechanisms with the relevant authorities regarding the prevention and punishment of illegal online gambling and practices. The SRIJ may notify ISPs in order to prevent access to, the availability of, and the use of unlawful online gambling, without a previous judicial court order.

AML/CFT Measures Law N°.83/207 of 18 August 2017

Players' registration on gambling websites only becomes active after their identities have been verified, after which players may engage in online gambling.

Only electronic payment methods using legal tender in Portugal and that allow the traceability of the transactions are acceptable and, to fund the player account, the operators may only allow payment methods supplied by payment service providers duly

authorised by the competent authorities, and that allow the person ordering the payment operation to be identified. Operators are obliged to register all gambling and financial transactions.

Whistleblowers

** Law 19/2008, of April 21*

This is the principal law dealing with whistleblowing and the protection of whistleblowers. It draws the outlines of a basic legal regime of whistleblowing. The text has been criticized for two principal reasons[10]. First, the scope is very limited. Protection is only granted to public administration or state-owned companies' employees, excluding private sector and judiciary employees. Second, the wording of the type of protection granted is very vague. The law does not specify what type of protection is granted to whistleblowers; they just cannot be treated "unfairly".

The text establishes that any disciplinary sanction against whistleblowers is to be considered abusive. But the law limits this measure to one year after the date of the reporting of the information and limits the scope of protection to disciplinary sanctioning.

The law also establishes that public administration employees are entitled to anonymity until the person suspected is formally charged.

Preventive and repressive measures regarding money laundering and the financing of terrorism law No. 25/2008 of June 5

The law establishes the duty of several kinds of individuals and legal persons to report any activity that may constitute money laundering or the financing of terrorism.

In order to encourage whistleblowing, the law establishes two different legal mechanisms:

1. The law states that while reporting information in compliance with the duties established in Law 25/2008, the above-mentioned persons, institutions or bodies cannot be held liable for the breach of secrecy, legally established or otherwise.
2. The Law also establishes that any individual who reveals the identity of the whistleblower, even if unintentionally, will be sanctioned with a fine or up to three years imprisonment.

[10] Transparency International, Providing an Alternative to Silence: Towards Greater Protection and Support for Whistleblowers in the EU. Country report: Portugal, p.7, nov. 2013.

This second mechanism can also be held as a positive practice within the Portuguese legal system, protecting whistleblowers through the preventive effect of criminal laws. However, the same mechanism is not provided for whistleblowers not covered by Law 25/2008, which constitutes the majority of information disclosures regarding corruption and related crimes.

Law 36/94, 29 September, Measures of Combat against Corruption and Financial and Economic Criminality

The Law 36/94, of 29 September establishes a reward system for active bribers who have reported the bribery crime in which they were involved. When applying criminal procedure, the whistleblower shall be suspended and civil sanctions, probation conditions or other alternative sentences will replace criminal sanctions.

In the ordinary mechanism provided under the Criminal Procedure Code, the absence of prior convictions of related crimes (criminal record), absence of a previous suspended criminal procedure regarding a crime of similar nature, absence of a high degree of intent (*mens rea*), and the fact that the suspension of criminal procedures can only be done regarding crimes with a maximum imprisonment sanction of 5 years, here the only requirement is having disclosed information on a corruption case.

Portuguese Code of Labour, approved by Law 7/2009, February 12

The Portuguese law offers protection to employees against unfair action on behalf of their employers, especially if these employees are exercising their rights and, in particular, the right (and civic duty) to report a crime.

In case of dismissal, an employee may bring an action to Court against her or his employer.

In principle, the dismissal of an employee can only be considered illegal by a Court, meaning that the workers themselves must incur the costs and the trouble of bringing an action before the Court. But amendments introduced in 2012 enable employers to dismiss their employees now legally, including those with a temporary contract, by simply extinguishing their job position. The current legal framework makes it virtually impossible for an employee to prove that the elimination of his or her job position was a consequence of whistleblowing.

Law 59/2008, September 11, Law regulating public officials' and civil servants' contracts

Dismissals will be considered illegal if the reason that supports them does not fit in one of the cases provided by law, or if it is based on political, religious, ideological or ethnical grounds.

Protection of Journalistic Sources

The Constitution of the Portuguese Republic defends the right of journalists to professional secrecy. Despite its nature as a constitutional right, the right to professional secrecy (and secrecy of sources) seems to be occasionally compromised by the Courts.

2.6.2. Relevant litigation

The Policia Judiciaria has had between thirty to forty serious /high profile cases since 2018. The lesser profile cases are more numerous but they are dealt with by other Prosecution Offices.

2.6.3. Practical legal difficulties

One of the main sports manipulations issues in Portugal is instigators approaching teams and offering bribes for teams to win (i.e. Joge demale – “bagggame”). This was not a crime before but since the latest legislation changes, this type of sports manipulation is now illegal.

In cases of corruption to win a game, all members of the team are approached. In cases where the team is to lose, only the defenders or goalkeepers are usually approached.

2.6.4. Way to reform

The preventative measures in force (such as suspending the licence of a player, for example) are usually used when the investigation is gathering evidence. PP does not propose this measure by default; it is decided case by case. According to PP, this is a very effective tool as it sends a strong message to society and to the sport.

A change in the online gambling legal framework has been discussed in order to amend the tax regime. The review of the Decree-Law N°. 442/89 of 2 December is yet to occur. Since two concession agreements will expire in December 2020, it is expected that the Portuguese Government will launch public tenders for those gaming areas at the beginning of next year.



2.7 Slovakia

2.7.1. Recent update

The Slovak Republic has recently adopted a number of new laws:

Act No. 54/2019 Coll. on the protection of persons reporting anti-social activities (hereinafter the “Whistleblower Protection Act”), adopted on 31 January 2019.

The act repealed the former Whistleblower Protection Act No. 307/2014 Coll. and shifted the central role previously played by labour inspectors to a new dedicated independent public body - the Office of the Protection of Whistleblowers. This Office will, inter alia, review and suspend the effects of an employment-related action taken against a whistleblower if in connection with his/her report. This Office will, inter alia, review and suspend the effects of an employment-related action taken against a whistleblower if in connection with his/her report. The Office will be responsible for auditing the implementation of the Whistleblower Protection Act, organise awareness-raising activities about the Act and elaborate the report about its activities

Amendment to the Act No. 297/2008 Coll. on Protection against Money Laundering and Terrorist Financing and on Amendments to Certain Acts, as amended, came into force on 1 November 2020

The amendment to the Act revises existing rules aimed at preventing money laundering and terrorist financing and aims to improve access to the register of end-user benefits in general. The amendment to the Act is focused also on operations carried out through a virtual currency and to clarify the procedure of the FIU in exchanging information with the competent authorities of the Member States necessary for the prevention and detection of money laundering and terrorist financing. In view of the risks posed by virtual currencies, it is proposed to include entities providing services related to virtual currencies among the obligated persons, while the condition for the provision of these services will be the acquisition of a trade license.

Co-funded by the
Erasmus+ Programme
of the European Union



Amendment to the Act No. 440/2015 Coll. on Sports and on Amendments to Certain Acts, as amended, came into force on 1 January 2021

The amendment to the Act fulfilled the obligation of the Slovak Republic in accordance with the International Convention against doping in sport to implement the World Anti-Doping Code 2021, as well as related international standards and technical documents into national legal system. The amendment to the Act supplements the new facts of doping, which correspond to developments in the fight against doping in connection with the protection of whistleblowers.

The most important change of the law is the establishment of new first and second stage doping commissions, which are independent of the National Sports Associations as well as the National Anti-Doping Agency in accordance with the applicable regulations of the World Anti-Doping Program.

Amendment to the Act No. 30/2019 Coll. on Gambling and on Amendments to Certain Acts, as amended, came into force on 1 November 2020

The aim of the bill is to strengthen the competencies of self-government and to delete the condition of filing a petition, by which the citizens of the municipality complain that public order in the municipality is being disturbed in connection with gambling. As a result of the deletion of this condition, municipalities will be allowed to adopt a generally binding regulation banning gambling on their territory, thus strengthening the competence of the local government in the area of gambling regulation. The consequence of the current legislation is that the municipality is unable to ensure the protection of the interests of the population from the negative consequences of gambling in time.

Act No. 312/2020 Coll. on the enforcement of decisions on the seizure of property and the administration of seized property and on the amendment of certain laws, came into force on 1 January 2021

The Act ensures the effective search for, seizure and confiscation of the proceeds of crime and the introduction of clear and effective rules for the administration and disposal of seized property. Special emphasis is placed on the prevention of purposeful transfers of illegally acquired property, carried out with the aim of thwarting the execution of property penalties imposed in criminal proceedings. In addition, the law provides for the establishment of an office that will manage property seized in criminal proceedings, in the administration of taxes and duties, as well as in the enforcement of international sanctions.

2.7.2. Regulatory framework

Macolin Convention:

Macolin Convention Slovakia signed 27 June 2018. Should the MC be ratified and promulgated in the manner laid down by a law before taking effect of this constitutional act, it shall form a part of its legal order and shall prevail over laws if they provide a greater scope of constitutional rights and freedoms.

Civil law

First of all, the behavior of a stakeholder in a match-fixing operation could justify the invalidity of a contract should it conform to “bad manners” (art. 39 CC).

Subsequently, if the duty of acting with **good faith is not clearly established in the Slovak Civil Code**, where it becomes a contractual obligation, it shall be qualified as a default of the debtor.

Criminal Code Act 300/2005 Coll. of 20 May 2005

The main **penalties** are provided by the Criminal Code. But the Code also establishes **protective measures** required by the Macolin Convention, and which include protective medical treatment, protective education, protective supervision, detention, **confiscation of a thing, and confiscation of a part of a property**.

Natural, in addition to **legal persons**, may be prosecuted.

The **attempted** criminal offence is punished and shall carry the same punishment as the completed criminal offence.

The Slovakian Criminal Code frames all the common offences targeted in Article 15 of the MC. This is the case for:

- Extortion
- Threats
- Fraud, and
- **corruption**, including provisions related to **passive** and **active bribery**.

Nevertheless, the Criminal Code does **not** include **provisions** related to **sports manipulation**.

From 1 January 2021 the Criminal Code was amended:

The new criminal offenses were introduced, such a criminal offense of receiving and providing an undue advantage (§ 336c, § 336d), and a criminal offense of bending law (§ 326 a).

- Other institutes necessary for a stronger and more effective fight against the crime of corruption were established, such as regulates the factual nature of the criminal offense of legalization of proceeds from crime in § 233 and § 233a, defines the proceeds from crime in § 130 par. 9, undue advantage in § 131 par. 3.

The Slovakian Criminal Code contains two provisions to repress **illegal gambling, wagers, lotteries and similar games**.

The text provides causes of aggravation of penalties, such as when the offender commits the offence and causes larger damage through its commission, or by reason of specific motivation. The penalty is proportionate to the gravity of the damage.

Code of Civil Procedure 200/2013 Coll. of 13 July 2013

In the frame of a civil procedure, all **means of proof** can be brought by the parties such as witnesses, expert opinions, reports and statements of bodies and legal persons, documents, inspection and examination of the parties.

The CPC seems not to frame seizure or confiscations in that procedure. However, the text ensures the **security of evidence**.

Seizure and confiscation is regulated by the Act No. 312/2020 Coll. on the enforcement of decisions on the seizure of property and the administration of seized property and on the amendment of certain laws, which came into force on 1 January 2021.

Criminal procedure law

The CPC [11] provides different norms in favour of the fight against match-fixing.

Concerning the reach and preservation of **evidence**, the law enables anyone to **restrict personal freedom of a person caught in the act or immediately thereafter**, if this is **necessary** for the subject to be handed over to the Police Corps, Military Police unit, or Customs Administration unit.

[11] <http://www.legislationline.org/documents/action/popup/id/3850>.

The Criminal procedure law authorizes the **seizure** of items or funds dedicated to committing a criminal offence. In their wide autonomy to conduct **investigations**, police officers shall search for and secure the evidence to be used in further proceedings.

With the same idea, if there is a justified concern that the life, health or physical integrity of a **witness** or a close person may be endangered by the disclosure of the witness' identity, place of residence, and/or the place of stay, the witness may be allowed to withhold personal data. However, at the main trial, the witness shall have to give an explanation as to the source of the facts about which (s)he has testified. The documents on the identity of such witnesses shall be kept at the prosecution office and, in the proceedings before the court, by the presiding judge. They shall be inserted into the file only after the aforesaid danger has passed. The law gives some **protection to witnesses**. Before examining a witness, whose identity should remain secret, the criminal procedure authority and the court shall take the necessary measures to ensure the protection of the witness, in particular by changing the physical appearance and voice of the witness, or conducting the examination with the help of technical equipment, including audio and video transmission technology.

The Criminal Procedure Code imposes and frames the **cooperation between the bodies involved in criminal proceedings**. Public authorities, self-governing higher territorial units, municipalities and other legal entities and natural persons shall have the **duty to provide assistance** to the bodies involved in criminal proceedings and the courts in the fulfilment of their tasks having relation to criminal proceedings. They also have the duty to forthwith notify the bodies involved in criminal proceedings of any fact indicating that a criminal offence has been committed, and to expediently act on the requests from the bodies involved in criminal proceedings and the courts. Moreover, the bodies involved in criminal proceedings and the courts shall have **the duty of mutual assistance** in the fulfilment of their tasks under this Act. The documents and information among the bodies involved in criminal proceedings and the court may also be served in electronic form. The respect of these duties shall be without prejudice to the duty to maintain the confidentiality of classified data, business secrecy, bank secrecy, tax secrecy, postal secrecy and the secrecy of telecommunications.

Finally, the bodies involved in criminal proceedings and the court shall inform the public through the media about criminal proceedings under this Act. However, such provision of information shall have to be without prejudice to the duty to maintain the confidentiality of classified data, business secrecy, bank secrecy, tax secrecy, postal secrecy or the secrecy of telecommunications.

International Relationships: Slovak law encourages international cooperation, particularly through the action of Interpol but places a great deal of importance on the protection of information and the confidentiality of authorities in its use. The law institutes a procedure of extradition. In international situations, the Code frames the use **and protection of information** by the authorities to facilitate the progress of the procedure, to guarantee its efficiency and to protect the rights of the stakeholders.

If the national authorities can **start acting** by their own will, they may do so on the basis of a request by a foreign authority in the conditions provided by Sect. 483.

The Slovak law enhances **foreign decisions** efficiently by detailing the conditions of their **recognition and enforcement**. The Criminal procedure code also provides the possibility of **legal assistance**. In particular, the law encourages cooperation between national authorities while imposing that any request by a foreign authority for information from the criminal records shall be submitted to the Prosecutor General's Office.

The Criminal procedure code regulates also the establishment of a joint investigation team. According to the law a joint investigation team may be set up if the investigation of a criminal offense requires complex acts to be carried out in another State or if a criminal investigation is carried out by several States, and the circumstances of the case call for a coordinated and joint approach.

Act no. 440/2015 Coll. on sport and on the amendment of certain acts

The Slovakian legislature adopted measures against **match-fixing** in the article 94 **"Measures against manipulation of competition"** of the Act.

The first paragraph of the article institutes **an obligation to inform about match-fixing**. Moreover, the fact not to inform the national sports association of any suspicion or finding that the course or results of the competition are manipulated is an offence.

The text does not offer legal protection to the whistle-blower here. It is possible that the ordinary legal regime of whistleblowing may not cover every hypothesis in sports manipulation.

The second paragraph of the article defines sports manipulation. The third paragraph provides a prohibition of conflict of interests in sports betting, prohibiting betting from stakeholders; and the fourth paragraph intends to fight against the misuse of inside information.

The text also encourages prosecutions by allowing sports federations to initiate prosecutions if the prosecutors have not done so. Sports federations have a central role to play. The legislation empowers them by determining the obligation to suspend any sporting activity of a person involved in match-fixing.

Articles 95 to 97 pmisdemeanours and administrative offences, especially in cases of violation of administrative measures adopted by sports federations. Above all, concerning **sports funding**, it has to be noted that match-fixing can justify the end of the payment of public subsidies.

Act No. 30/2019 Coll. on gambling games and on the amendment to certain acts, as amended

Since 1st March 2019, the Office of the Regulation of Gambling (ORG) is the authority which has jurisdiction to regulate betting and, in particular, sports betting.

The law obliges websites to publish, to the Financial Directorate, a list of websites through which legal persons or natural persons provide or promote unlicensed gambling games via the Internet ("**Blacklist**"). **Site blocking or account blocking** can also be ordered.

Art. 82 imposes a duty of confidentiality to those involved in betting regulation, but also encourages cooperation between the ORG, the Ministry of Finance, the police, the municipalities and other state public bodies.

The end of the State monopoly concerns land-based and online betting. As before, an operator has to apply for an **individual licence** (Part. 2, art. 3), which is now available for up to ten years. The Act has opened up the betting market to foreign operators, even if they are registered outside of Slovakia, but they must obtain a licence from the ORG – as with national operators – and have a representative in Slovakia.

Certain operators of a gambling game have special **financial reporting and notification duties** including that they must notify the Authority of any change or update of tools which could be changed to enable the omission of some bets on manipulated competitions.

An individual **licence** can be **revoked** if: the gambling game is not operated in compliance with the conditions laid down in the Gambling Act or the conditions specified in the individual licence.



Customers can make their stakes in **cash or cashless** (via bank account transfer, bank cards or other payment systems permitted under Slovak laws). Neither the Gambling Act nor any other piece of legislation regulates **virtual currencies**, which means that it's not prohibited.

Gambling operators have to **identify players** and comply with all other relevant obligations under the AML Act.

Minors cannot participate in gambling games and the operators are obliged to take measures to prevent them from participating in gambling games.

Laundrying Act No. 297/2008 Coll. on Protection against Money Laundering and Terrorist Financing and on Amendments to Certain Acts, as amended

The Directive 2009/138 / EC and 2013/36 / EU (hereinafter referred to as the "5th AML Directive") has recently been transposed to the Slovak Act on Money Laundering (the "AML Act"), which seeks to protect the financial system and strengthen the mechanism put in place to prevent money laundering and terrorist financing within the European Union.

The AML Act, with the intentions of the **5th AML** Directive, revises existing rules aimed at preventing money laundering and terrorist financing and aims to improve access to the register of end-user benefits in general, take more stringent measures to reduce the risks of money laundering and terrorist financing associated with anonymous prepaid instruments and monitor unusual business operations performed through virtual currency. The **AML Act** for reasons of legal certainty, introduces a definition of a virtual currency, electronic money, a virtual currency wallet service provider, and a virtual currency exchange service provider.

The AML Act also specifies the procedure for the FIU to exchange information with the competent authorities of the Member States needed to prevent and detect legalization and terrorist financing.

It also has to be noted that, concerning the **sports public funding** perspective, in 2017 the Act on the Register of Public Sector Partners (ARPSP) entered into force in Slovakia.

The Act introduced the obligation to register and publish entities which receive or intend to receive funds from public resources and the beneficial owners of these public sector partners in a specific Register of Public Sector Partners (RPSP).

Whistleblowers: The new Whistleblower Protection Act regulates conditions for providing protection to persons against unjustified sanctions in employment relationship as it relates to reporting a crime or other anti-social activity, including the rights and obligations of natural and legal persons when reporting anti-social activity.

The Act also regulates internal system for receiving and verifying the reports and allows whistleblowers to remain anonymous to their employer in reporting serious anti-social activity. In order to obtain protection, a person reporting serious facts constituting a criminal offence must file a request for protection with the prosecutor.

The Act shifted the central role previously played by labour inspectors to a new dedicated independent public body - the **Office of the Protection of Whistleblowers** in order to strengthen and improve the effectiveness of the protection of whistleblowers. The Office will provide expert opinions and advice on application of the Act, advocate the provision of whistle-blowers' protection and will also draft annual reports for the National Council of the Slovak Republic in this area.

National preventive policy against corruption

A Corruption Prevention Department was created within the Office of the Government of the Slovak Republic to conceive and coordinate state anti-corruption efforts and cooperate with the other state authorities by organizing joint activities with a view to reducing and eliminating corruption risks and increasing the effectiveness of anti-corruption prevention.

The Corruption Prevention Department elaborated the **Anti-Corruption Policy of the Slovak Republic for 2019-2023** approved by the Government resolution 585/2018 on 12 December 2018. This document comprehensively regulates the anti-corruption policy of the Slovak Republic and provides a general framework for sectorial action plans and measures to be adopted subsequently.

Furthermore, a position of Corruption Prevention Coordinator has been established in each ministry, including the Ministry of the interior of the Slovak Republic, whose role is to coordinate in cooperation with other employees the ministry's anti-corruption activities. Each ministry is responsible for drafting and implementing their own anti-corruption program with emphasis on demonstration of achieved results and increasing trust of citizens in state authorities.

Within the Police Force, the National Crime Agency of the Presidium of the Police Force is responsible for the anti-corruption policy, in which scope **the Action Plan for the Prevention of Corruption in the Police Force for 2019 - 2023** was developed. It's the main goal and purpose of the Action Plan is to identify risks and problematic situations through the management of corruption risk and to propose measures with regard to the preparation of anti-corruption measures.

Sports regulations

In football, there exists the Slovak **Football** Association Disciplinary Code, which defines a sport integrity breach.

Ice Hockey has the most developed regulation to fight match-fixing, incorporating most of the provisions of the Macolin Convention. Anyone who fails to notify the Slovak Ice Hockey Federation (SIHF) of any suspicion or detection that the course or the results of the competition are being manipulated, will be suspended.

In addition to the applicable gambling law, if a player or another game official (sports official) of the game where he is directly participating, bets on the championship games, negotiates the results of the championship games or manipulates the results of the championship games in another way, the offender will be suspended, and a fine will be imposed on him.

2.7.3. Relevant litigation

The most memorable criminal cases that have been prosecuted by the National Crime Agency of the Presidium of the Police Force were investigated and pursued to a successful end. The main organizers of the corruption were Slovaks. Gang members influenced a total of 19 meetings in Slovakia and in the Czech Republic. In particular, players in the lower competitions were accused in the Czech Republic, so much more turmoil was caused by the results of the investigation in Slovakia. The accused were the first-team players of the DAC Dunajská Streda Club, one of them was even a former representative.

In order to manipulate the match, the players received between EUR 2,000 and EUR 60,000. Frequently, they earned more profit from a higher number of goals scored. At least EUR 210,000 was given away in bribes. The players reportedly influenced three matches in the Corgoň league: against Senica (0: 4), Myjava (1: 4) and Trenčín (0: 6), and in one match they were unsuccessful, when Nitra won 1: 0.

The players received penalties from the disciplinary commission of the Slovak Football Federation - they suspended activity for Hodúr, Rák for 15 years, Huber, Dian and Božoň were detained for 18 years. The main organizers of the corruption - Žiga and Dirnbach – have had their activity stopped for 25 years.

In the months of May and June 2018, football matches were held under the Central Slovak Football Federation. Representatives of the football clubs offered and provided cash of at least 100 euros per match to the nominated referee and delegates. Referees and delegates were corrupted on six occasions during the time of the investigation. In this case, there were 22 people accused.

On 15th March, 2017, at the time of the Hammamet Open tennis tournament in the City of Hammamet, Tunisia, 'D. B.' a professional tennis player and a registered tournament entrant, was promised a financial incentive of 1.500 euros as a bribe, from the person, 'S.R.'. 'D.B.', because of the promise of a financial reward, she affected the course and result of the match, played on March 15, 2017 at 9:30am against player 'C.S.', and played according to the agreement. The promised financial reward was sent on 09.06.2017 via Moneygram service, at the premises of Nay Elektrodom in the AVION shopping centre address: Bratislava, Ivanská.

2.7.4. Practical legal difficulties

According to the Special Judge, corruption in sport cases is impossible to investigate without covert measures (wiretapping, etc) or by using an informant.

The Slovak FA doesn't have the competence to investigate sports manipulations cases, and, therefore, do not know what kind of information they need or how to gather it. For the FA, there is no scope to authorise the seizure of the content of laptops or mobiles.

According to national legislation, the National Crime Agency (NAKA) has no obligation to inform the sport federations if they commence an investigation into a licensed athlete (according to Sport Law, the athletes that are suspects in an SM criminal investigation need to be suspended until the end of the criminal procedure).

NAKA investigators confirmed that the most useful investigative methods are using human sources and technical devices. NAKA investigators so far have never dealt with crypto currencies in their sports manipulation investigations.

2.7.5. Ways to reform

For Slovakia, the next steps are:

- To proceed with the ratification, process the Convention and to ensure the implementation of all its articles into the legal order of the Slovak Republic and its application practice.
- To create legislative conditions for the regulation of virtual betting and financial operations using cryptocurrencies with commitments by the Office for the Regulation of Gambling, Ministry of Finance of the Slovak Republic and other relevant authorities.
- In accordance with the objective of the Convention, to strengthen the detection and punishment of national and transnational manipulation of sports competitions and related crime and ensure its effective prevention in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport,
- To promote national and international cooperation in the fight against the manipulation of sporting competitions between the relevant public authorities, as well as with organizations active in the field of sport and sports betting, as well as cooperation with subjects within the national platform, which through a joint effort contribute to the promotion of the principles of integrity in sport,
- To develop new prevention policies and innovative programs to ensure that the integrity of sporting competitions and the credibility of institutions are protected and provide educational programs in order to build a culture of ethics and increase the moral imperative and social responsibility in sport with the aim to prevent the manipulation of sports competitions,
- To provide, in the conditions of the Police Corps, a unit specializing in the detection and investigation of crimes of corruption, including crimes of corruption in sport and related crimes of manipulation of sports competitions and create conditions for the training of members of the Police Force with a focus on detecting fraud and manipulation of sports competitions, as well as fraud on betting in the virtual world and the use of cryptocurrency payments,
- To develop international cooperation with partners from European countries, with the aim of mutual exchange of information and dissemination of experience in the prevention, detection and punishment of the manipulation of sports competitions in the European area, as well as to ensure participation in projects aimed at integrity in sport in a national and international context, in order to present professional capacities and efforts in the fight against the manipulation of sports competitions.



INFORMATION

**FROM GATHERED DATA
ON PROGRAM COUNTRIES**

3. Information from gathered data on program countries

3.1. Key findings of fact-finding missions

The fact-finding missions revealed different stages of progress in the fight to combat sports manipulations throughout the different countries. The fact-finding missions also made it clear that, to address sports manipulation effectively, commitment at the legislative, investigative, and judicial levels, as well as from national and international sporting federations, are all necessary.

Attitudes towards Sports Manipulation are important to effectively tackle sport manipulations. Because the Macolin Convention only went into effect recently, attitudes towards sports manipulation are continuing to develop across countries and across sectors.

As well as those of law enforcement, the attitudes of sports federations can influence other parties' attitudes and the level of priority awarded to sports manipulations. The degree of commitment towards sports manipulation from sports federations differed from country to country and across different sports federations.

For those countries without a specific legal provision for sport manipulations, the links between sports manipulation and other financial crimes forms a basis for prosecuting sports-related crimes. However, a correlation is evidenced between countries that do not have a specific sports manipulation provision and which lack serious treatment of sports manipulations by law enforcement authorities and/or the judiciary.

The fact-finding reports indicate that stronger legislative, prosecutorial, and preventative measures are all necessary to combat sports manipulation, and that, in the cycle of prosecution and prevention, prevention continues to serve as an important criminological backdrop, even as the legal aspects of sports manipulation continue to develop.

Even in those countries with a sports manipulation regulation on the books, sports manipulation crimes remain underenforced. One challenge is the lack of access to standard law enforcement methodologies and investigation tools.

Interviewees from all countries and across sectors identified prevention as a better method for dealing with the problem of sports manipulation. Besides education, other preventative measures take the form of deliberate regulation and monitoring of sports club leadership.

Finally, Finland reports a slightly less proactive but still prevention-minded system involving a match observing system, which is undertaken by the betting operator for all three top professional leagues, plus the women's league.

The countries surveyed identified ongoing issues with respect to cooperation and information-sharing that, if resolved, could help to streamline effective sports manipulation enforcement.

While nearly every stakeholder throughout all countries expressed an interest in collaboration across sectors, the examples of effective coordination and collaboration remained few. A problem identified in nearly all countries is the one-way flow of information from sport to law enforcement. Legal barriers to information-sharing exist, from police secrecy and confidentiality to data privacy issues. Moreover, the channels of reporting and collaboration have not been established in every country.

Multiple countries noted that a lack of whistle-blower protection impedes the process of adequately addressing sports manipulation.

Hungary, Finland, and the Netherlands have active National Platforms. The Slovakian National Platform has not met regularly, and the National Platforms of Portugal, Lithuania, and Cyprus remain under development.

Several countries noted that a lack of information-sharing from operators of Asian betting markets posed an obstacle to meaningful international collaboration.

3.2. Key findings of the before-workshop surveys

Most participants are highly experienced, having spent decades in LE/J. They came from a broad range of related fields: Police, Criminal investigators, financial investigators (e.g. Tax Authority), and in smaller numbers included Prosecutors and Judges as well. Despite having decades of experience in the field, most of them had no experience with investigating sport manipulations before.

The basic understanding of sport manipulation as a crime was relatively solid among all respondents, even before the workshops themselves – likely thanks to the high level of experience in the LE/J field.

Higher exposure to sport manipulation cases clearly translated to more awareness and higher confidence levels. Yet, even with 3 or more cases behind them, participants often appeared to lack the full picture.

Below is a list of some of the participants' responses to key points:

- **Inside Information**

Many expert participants emphasized the need for whistleblowers and/or the possibility to use covert techniques to gain access to most crucial inside information. At the same time, these are also the very same techniques to be the least available or the most difficult to access (both mentioned as difficulties and as one of the most important needs to improve effectiveness).

- **Betting Information**

Betting Monitoring reports have been used and praised by experienced investigators, as an important way to get insight into potentially compromised games. Still, very few participants were familiar with them, not even among those, with the most experience in sport-manipulation investigations (a special segment of the workshops is focusing on introducing this topic to participants).

- **Open-source information**

Open-source information (looking up ownership networks, sponsorship, player-transfers, agents, athletes, internal connections etc.) has been touted as one of the 3 most effective investigative instruments (along with betting monitoring reports and inside information) by most experienced participants.

- **Dedicated Team**

Having a dedicated team to work on sport manipulations was raised as the number one factor to improve effectiveness. This is both needed to be able to build up those trusted relationships that can help bridge the current gaps with both the sport and the betting world, as well as other, international stakeholders.

- **Legislation, criminalizing sport manipulation**

A missing sport-manipulation law has been mentioned by many participants to be a key issue they encountered, that in the end made the investigation difficult/impossible.

This problem is to be assessed and possibly addressed on a legislative level.

However, some participants feel that such specific legislation is not needed, as sport manipulation acts very likely brake other criminal legislation, making legislation that is already in place sufficient.

- **Confiscated Computers, Telecommunication devices**

These have been marked as one of the most important evidence types, right after inside information (whistleblowers or surveillance materials). Given the difficulty of obtaining “the most ideal” source of evidence, focusing investigations on data from these devices can prove very effective, as it will contain important information, such as betting data, recorded communication between perpetrators, or virtual wallets with virtual currencies – and their transfer history.

- **(International) Jurisdiction, cooperation**

By nature, a significant proportion of sport manipulation is committed across borders. This becomes an important question even in “simpler” cases, when the online betting operators or their sites are registered or hosted in other countries than where the bettor or athletes are. They could get a lot more complicated when there are bets placed on Asian offline markets, where sport-betting is extremely popular, while much less traceable than in Europe. Jurisdiction can become an important hurdle and international cooperation and relations become essential.

- **Focus of the investigation**

Many participants understood that focusing the investigations on the organized criminal network, or the owners/financers of the club can be much more of a deterrent, especially as, in many cases, the Athletes undertaking the manipulation are merely interchangeable puppets of a much larger web.

Participants were asked which sports they believed would be most affected, as well as how whistleblowers' anonymity could be protected.

- **Sports affected**

Football is mentioned nearly unanimously as the #1 affected crime, but team sports such as Basketball or Ice-hockey were also frequently mentioned.

Individual sports can be particularly vulnerable, as sport manipulation can more easily be committed. Most of these followed lines with local popularity of the games.

There are many, less popular games as well, which could be exposed to such activities, and could be targeted especially for their less popular/more under the radar status.

- **Motive and Influence**

Almost every participant believed that the primary participation motive for athletes was financial.

Many participants understood that owners/leaders of the club or organized criminals can exert much more influence on athletes to enforce participation in sport-manipulation.

- **Protecting Whistleblowers**

Protecting whistleblowers is a key issue. They are seen to be the most important and most needed source of information both for the investigation and the prosecution but exactly 0 participants said they were able to offer sufficient protection for a whistleblower athlete in the past 5 years.

Based on their standpoints in this question there is a huge debate among participants:

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- whether or not whistleblowers' identity can be protected from organized criminals
- whether existing witness-protection measures are sufficient and warranted
- or even if they can legally protect the identity of the whistleblower at all.

Without a clear and solid answer, it is difficult to expect whistleblowers to come forward – regardless of how useful they would be for the investigations.

Based on their prior experience, most investigators had very limited knowledge about cryptocurrencies.



Initial discussions in the project-exploratory phase suggested important hurdles, difficult past experiences, lack of trust, or perceived contradiction in interests.

There was a striking difference in the quality of cooperation between those with formal cooperation agreements, and those without. Such formal agreements have

- expanded the bandwidth and access to information in every case very significantly,
- steered the tone of cooperation away from investigation-focus to general, strategic or even informal and friendly dimensions,
- often improved the quality of received information and almost always improved reciprocity.
- They were, however, not sufficient themselves to improve the trust level between stakeholders.

Below are the key characteristics of cooperation with the various types of stakeholders:

- **Cooperation with (other) Law Enforcement or financial investigators**

Cooperation appears to be running very smoothly with other law enforcement or financial investigators, with high level of trust and useful information exchange. Cross-country cooperation with LE units in other countries is also highly trusted and useful. Somewhat surprisingly, many Law Enforcement participants did not know how to ask for international help, when needed.

- **Cooperation with Sport Stakeholders**

About half of the participants mentioned to have had cooperated with stakeholders from the sport-world before, but the nature and quality of the cooperation was not always rated successful. A clear pattern could be identified:

1. Those with the most sport-manipulation experience had primarily reached out to such partners in relation to ongoing investigations or criminal procedures. They reported a lower level of trust, and ¼ of these participants mentioned they had not received any useful information in the end.
2. Those with less, or no sport-manipulation experience had more frequently reached out in a general, strategic or even informal or friendly nature to sport-related stakeholders. They reported much higher trust and more useful information having received.

- **Cooperation with Betting-related stakeholders**

Cooperation with betting was even less frequent than with sport stakeholders. The three different Betting stakeholders show slightly different experiences.

1. **Betting Operators:** The most experienced investigators more likely reached out in relation to criminal cases, experienced lower trust and faced less useful information received; while more recent investigators managed to pursue a different, more friendly approach, maintained higher trust and received more useful information.
2. **Betting Regulators:** Cooperation with Betting Regulators works nearly as well as with other Law Enforcement, as both trust and information exchange are rated higher.
3. **Betting Monitoring Services:** This group is intending to help sport-manipulation investigators in their work, by providing reports on likely manipulated sport events. Surprisingly, very few participants had any experience with them.

- **Cooperation with National Platforms**

Only a few participants reported to have had been in contact with National Platform members, but the relationship is highly trusted. The value of information exchanged is not always rated very high, but very frequently reciprocated.

- **Government Support**

Most participants feel that fighting sport manipulation is not treated as priority. Dedicated people or organizations are mentioned to be scarce, and government actions are usually seen to be minimal or insufficient.

- **Legislative support**

Most participants find legislation about investigative work in their country to be somewhat supportive. Many report difficulties using covert techniques.

From countries where sport manipulation is criminalized there is a mixed reception of such laws with some reporting the laws as helpful, but not really deterrent.

- **Workplace Support**

Most participants feel that fighting sport manipulation is not treated as a priority at their workplaces. Available human resources are scarce, as most countries a limited number of people working part-time on this topic. Most respondents refer to their workplace's approach as being reactive: performing duties after a case shows up, rather than building up knowledge and databases to be used when needed.

Improving Motivation:

- Those who saw a **dedicated team set up for investigating sport manipulation** were much more motivated, than others
- **Sense of accomplishment** - the feeling of doing something valuable, enjoying the daily work tasks was the second most important factor with positive impact on motivation
- **Seeing sport-manipulation treated as a priority** (in actions)
- Feeling **Respected and Recognized** for exceptional work
- **Not having to deal with political games, personal agendas** that could be hindering police work

3.3. Key findings of the post-workshop surveys

Feedback on the workshops was overwhelmingly positive. It has received very high scores on all three aspects of Satisfaction, Usefulness and whether participants would Recommend it to fellow colleagues. The sessions about Betting and Virtual currencies were often mentioned specifically. These comments also correspond with the favourite sessions of the participants: Betting, Case Studies, Law Enforcement and Virtual Currencies were mentioned the most frequently. Most comments about potential improvement were asking for more case studies, or more similar trainings.

The explicit positive feedback has also been met with changes in awareness and opinions. The proportion of people who did not feel familiar with the various detailed questions during the pre-workshop survey has shrunk to a fraction in every question investigated.

The specific awareness/confidence questions about all 4 domains (investigations, sport, betting and virtual currencies) have increased significantly – doubling or even tripling their previous levels. Both the questions about “feeling confident about the topic” and “knowing whom to call for more details” have shown very significant increases as a result of the workshops.

Key intended messages of the workshops have reached their audience. The most important changes are listed below:

- **Definition, identifying sport-manipulation**

Understanding about what constitutes sport manipulation (despite its very complex nature) has become much clearer in general.

- **Seriousness of sport-manipulation**

Much more participants recognize the seriousness of sport manipulation, while those who believed it is “just a few rotten apples” have declined.

- **Money-laundering via sport-manipulation**

While many people had already understood the risks associated with such activities before the workshops, more people realize its global significance after the survey.

- **Importance of certain evidence types**

The importance of all evidence types is recognized by more people, than before the workshops. But certain examples show even higher awareness, including video-footage of the event, inside information from whistleblowers, covert techniques, contact records and data from phones or computers, and suspicious movements from betting markets.

- **Highest deterrence, influencing actors**

Most participants agreed already prior to the trainings that focusing on the organized criminal network or the owners/managers/investors of a club might be more deterrent, than focusing on the Athletes – who could only be an interchangeable tool in the hands of the more serious criminals in the background. This picture has only changed slightly in light of the trainings, as the potential role of sport agents were also realized by more participants.

- **Sport-Manipulation criminalization**

Specifically criminalizing sport manipulation can make investigators' and prosecutors' work much easier, as the sport-act itself can be prosecuted. Not all countries have such a law, and not all participants were aware of it before the trainings. Yet, awareness of this option has increased after the trainings. It is, as we tried to emphasize during the trainings, not always necessary to specifically criminalize sport manipulation, as almost all cases are also breaking other criminal legislation, which can be prosecuted under criminal law.

- Whistleblowers

Whistleblowers are seen as one of the key sources to provide essential inside information about sport manipulations. This sentiment has been shared already prior to the trainings and has only increased further afterwards. There is also clear understanding that whistleblowers cannot come forward without appropriate protection. There is a strong debate about what kind of protection can be provided. Given the difficulty regarding securing whistleblowers' anonymity, officers need to focus on alternative sources of information and evidence, such as covert techniques or confiscated electronic items, until a solid solution is found.

- Betting Monitoring, Betting-related technical information

All betting-related technicalities show very significant improvements in awareness after the workshops. The highest changes are related to betting-monitoring reports and how they can help an investigation. Such changes clearly show how successfully these were introduced during the trainings, also highlighted by the very positive feedback on these sessions.

- Virtual Currencies

Very few participants were familiar with the specifics of virtual currencies prior to the trainings. This has increased very significantly. This also corresponds with the high satisfaction of these sessions – as expressed in the direct feedback and open comments.

- Governmental support

Governmental organizations were also given the opportunity to participate and talk about their activities to participants. While the general awareness about these activities increased, the overall opinion improved only very slightly. The proportion of those who saw at least a minimal activity in the right direction have increased, but the majority of respondents still found the government support and activities to be “not noticeable”.

- National Platforms

National Platforms were rather new at the times of the workshops, and most participants had not heard about them before. This changed entirely, and most participants gained a clear understanding about what they can expect from their respective National Platforms, where they were in operation.



GENERAL CONCLUSION

ON THE GATHERED DATA

a) After the trainings, several more participants considered the issue of sport manipulation to be more important than originally perceived, and a more significant threat.

b) There are no respondents from any of the countries who would think the problem did not exist in their country.

c) Based on the results of the surveys we can state that the short term legacy of the trainings seems very successful, regarding both the content discussed and provided to the participants during the awareness raising sessions and also the cooperation aspect of the project.

d) The majority of participants who worked on sport manipulation cases reported to have been able to utilize what they learnt in the workshops already in their daily operational activities, in the months following the trainings.

e) Even among those who had not worked on any sport manipulation cases directly, over half reported they could already use what they had learnt in their work overall, therefore increasing the chances of identifying sport manipulation situations within other crimes.

f) Due to the Covid-19 pandemic, cooperation in general has been much more limited. However, even in these circumstances, 40-67% of participants who worked on sport manipulation mentioned that they had cooperated with someone they met via the workshops. Some 10% of those who had not yet had the chance to work on sport manipulation reported that they had cooperated with someone they had met from the training sessions.

g) Almost all participants stated that sport manipulation should be Law Enforcement's responsibility.

h) About half of the participants appeared to agree that sports manipulations is the preferred tool for money laundering due to its less regulated/less prioritized status. Additionally, the results from the survey prior to the training sessions suggest that participants considered sports manipulations not to be a sport-only problem, but one with serious financial, criminal implications.

i) Two thirds of participants felt that sport is a playground for organized criminals.

j) Nearly all participants agree that there might be some sport clubs in their countries that are under the influence of non-genuine leaders/owners/sponsors.

k) One of the main objectives of Integrisport Erasmus+ was to introduce the investigation, betting, sport and virtual currency aspect of sports manipulations to the law enforcement and judiciary representatives of the Partners. Based on our data from post-training questionnaires, we can state that the participants' knowledge on these topics regarding sports manipulations increased significantly.

l) The evaluation survey clearly showed that the participants' knowledge on betting and especially the trust towards betting monitoring reports (as possible evidence in criminal procedures) significantly increased.

m) Understanding about virtual currencies has increased very significantly, especially, as the pre-workshop knowledge level was the lowest of all the disciplines of the trainings. The participants responded that their biggest knowledge increase in the area of virtual currencies was on the topics of centralized and decentralized virtual currencies and virtual wallets, but also on transaction tracking of virtual currencies.

n) The general opinion of the actors and stakeholders, including participants, was that such cases are not necessary on the top of the priority list of public organizations.

o) Sport manipulations are now considered to be linked also to other actors such as agents, owners, coaches or sponsors. This is backed by the survey results, with many respondents agreeing that such crimes could be committed by such persons more than organised criminals.

p) It became obvious during the project that one of the big hurdles for law enforcement to investigate sport manipulation cases concerns using covert techniques in investigations regarding fighting sport manipulation.

q) Following the awareness raising sessions and experts, more law enforcement officers and prosecutors realize the potential impact of an athlete's agent, coach or the owners/leaders/sponsors of any particular sport club on sport and sport manipulation. Fewer participants now think that the athletes to be primarily responsible for sports manipulation, than before the training sessions.

r) The heightened awareness has primarily been retained during the months following the workshops. About a third of participants felt that the Covid-19 pandemic has provided a “temporary relief” in reducing the number of sport manipulation cases, while they expect it to return to the same or even higher level in the future.

s) As it can be seen in the final survey, after a significant period of time, the participants of the awareness raising sessions can still successfully identify various cases of sport manipulation among a list of examples.

t) When discussing what would be most beneficial to improve efficiency of tackling sport manipulations, participants showed an improved understanding of many of the important factors: a dedicated team, whistleblowers/inside information/legislation to use covert techniques, and also the importance of relationships with sport and betting organizations.

u) The proportion of the participants of the awareness raising sessions who had not yet heard about National Platforms has decreased from 50% to 4%. Most participants understand now the importance of their role as a contact point between various stakeholders, how they can help with international cooperation, and how they can best obtain, interpret share intelligence of signals and hints of sport manipulation among themselves.

v) A high proportion of respondents believe that a dedicated team to fight sport manipulation would be the most preferred solution to effectively tackling sport manipulation.

As we see from the results of the project, currently, in most participating countries, only a few people are working - usually part time - on sport manipulation. Concentrating knowledge and expertise on sport manipulation would likely have an enormous impact in any country that follows this route, and would be a definite and significant improvement. It would also create the necessary basis for proactive tackling of such cases.

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