Project Number: 590606- EPP-1-2017-1-PL-SPO-SCP

# Match-fixing and legal systems.

# An analysis of selected legal systems in Europe and worldwide with special emphasis on disciplinary and criminal consequences for corruption in sport and match-fixing.


**Kirstin Hallmann, Severin Moritzer, Marc Orlainsky, Korneliya Naydenova, Fredy Fürst**

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**Management Summary**

In this report, a description and analysis of the criminal law and disciplinary law regulations of the football associations in European countries and selected countries in Asia and South America were conducted. The legal analysis covers a total of 12 countries and four continents, including eight European countries (Austria, Bulgaria, France, Germany, Greece, Italy, Poland, United Kingdom), two Asian countries (Japan, South Korea), one South American country (Paraguay) and one country from Oceania (Australia).

Some of the most relevant key findings and recommendations are:

1. The Macolin Convention is key to further facilitate global efforts in the fight against match-fixing. The forthcoming entry into force of the Convention combined with the efforts of the Group of Copenhagen so far will be a crucial milestone.
2. Implementing specific criminal law provisions against match-fixing can be perceived as a general prevention element in the fight against match-fixing and for integrity in sports.
3. Country-specific Acts of Sport may serve as societal and legal lighthouses of frameworks for ethic conduct (in sport).
4. Extending minimum standards of disciplinary regulations is recommended to further facilitate integrity and behavioural change.

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# 1 Introduction

## 1.1 Background Information

Fixing an end or part result or other single events of a sport event or any component of it contradicts the established norms and values of the sporting competition drawn up at the end of the 19th century by Baron Pierre de Coubertin and known as Olympism. Today, however, some of these values sound slightly abstract, but defending the core values of sports seems to be the only opportunity for humanity to keep the idea of fair play.

Today match-fixing is not only a global phenomenon, but also worldwide a business and a matter of profit. There are individuals or entire public groups for which fixing certain elements of a sport event or its final outcome is natural. In most cases these are people who have not even put up a minimal effort in their development in the given sport and somehow affect active players who in turn are dissatisfied with their status in the sport team. Assuming that these are the main players in the match-fixing market, it is necessary to address the problem with two-directional measures – prevention from the very beginning, which is predominantly with an educative focus and building a sophisticated system of mechanisms to counteract match-fixing by active athletes.

In every society, the athlete is a role model that largely defines the behaviour of young people; typical examples are Cristiano Ronaldo and Lionel Messi, as well as the vast number of children who are their followers. Such examples and role models can be used to educate young athletes and build a value system based on the principles of Olympism and fair play.

Regarding the development of a system of mechanisms to counteract match-fixing, a set of complex measures is required subject to the legal framework, both in the respective country and at an European and global level. Measures framed by legislation and disciplinary regulations in various countries will be introduced in this report.

This report is one of the key outputs of the Erasmus+ project 'Against Match-fixing'. The legal team, one of the four overall project teams (legal, study, research and education), was responsible to conduct a legal analysis, including three activities, namely:

i. A description and analysis of the criminal law and disciplinary law regulations of the sport federations in European countries and selected countries in Asia and South America. The legal analysis covers a total of 12 countries and four continents, including eight European countries (Austria, Bulgaria, France, Germany, Greece, Italy, Poland, United Kingdom), two Asian countries (Japan, South Korea), one South American country (Paraguay) and one country from Oceania (Australia)[1];
ii. A comparison of jurisdictions in the 12 countries; and

[1] Due to accessibility issues Paraguay was chosen instead of Chile, Japan was chosen instead of China. As an added value another continent profile was implemented: Australia. Therefore Brazil was dropped due to lack of access to information.

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iii. Recommendations for possible changes and/or adaptions in legislation based on best-practice.

These activities are in line with the second of the two objectives of the overall project:

1) The key objective of the project is to prepare – on the basis of the collected findings and materials – an innovative training program that takes into account all fixing approaches possibly known so far.
2) The second key objective of the project is to prepare – on the basis of the collected data – guidelines and recommendations concerning sports law at European and national levels, as well as in rules of sporting competitions, contracts and other regulations affecting the behaviour of the football community and its setting.

## 1.2 Methodology

### 1.2.1 Process

The legal team was assigned to work within a defined framework of a total of three meetings. While the transnational project meetings in Warsaw and twice in Vienna, activities and tasks were defined, allocated, developed and elaborated by the project members. Between the meetings, each partner worked independently on the assigned tasks.

The first meeting (TPM2; 15.03.2018) was used to prepare a framework to collect the necessary information on legislations and disciplinary regulations. The framework included for every country

i. an introduction outlining the main stakeholders, possible national integrity strategies and the legal situation of sports betting in the country;
ii. an overview about the criminal law regulations and information how match-fixing and manipulation in sport is dealt with under the respective criminal law code or penal code including a description of the relevant articles, paragraphs or clauses of the criminal law code or penal code;
iii. an overview about disciplinary regulations of the respective football federations in the respective country and a description of relevant articles;
iv. a match-fixing case from each country; and
v. in addition, an excursus on the disciplinary regulations of FIFA and UEFA was implemented.

The above listed tasks were dealt with in the first meeting of the project partners.

The second meeting (TPM5; 27.07.2018) served to facilitate an overview about the current status of the collection of the criminal law and disciplinary regulations for each country and to discuss the accurate fit of the developed framework. The framework was considered precise and suitable and the first country template was created serving as a blueprint for all other countries to be added.

The third meeting (TPM11; 15.03.2019) was moved to an earlier date (March instead of August 2019) to assess the progress of the country chapters and jointly prepare the framework for jurisdictions to compare. So far more than half of the country chapters were completed and intensively scrutinized in order to make sure that information provided is comparable. Also, the comparison framework was developed.

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### 1.2.2 Methods

The partners used content analysis of jurisdictions and disciplinary regulations in the assigned countries and for reasons of comparison developed a country template for all analysed jurisdictions (countries). Eventually a matrix-framework was created based on the available data – using a mixture of a theory-driven and data-driven approach to compare the jurisdictions and regulations.

***Disclaimer.*** Please note that all criminal codes and disciplinary regulations that were not available in English were translated by the authors. Therefore, these texts are not legally binding in English language and might include smaller grammatical flaws.

## 1.3 Excursus Macolin Convention

*"The Macolin Convention is the only internationally binding legal framework in existence which seeks to combat the manipulation of sports. According to Article 1 it has the dual purpose of, on the one hand, preventing, detecting and sanctioning sports manip*ulation nationally and internationally and, on the other hand, promoting cooperation between the various stakeholders involved in sports and sports betting. It thus creates positive obligations on *states to concretely assist both public and private actors in tackling the multi-faceted problem of sports manipulation (Henzelin, 2018). (…) national platforms serve as information hubs that collect, analyse and disseminate relevant intelligence and information as well as take on the role as coordinators of criminal and disciplinary investigations and proceedings related to sports manipulati*on (Article 13). They thus are not abstract forums but rather seek to bring each stakeholder to the table to effectively prevent, detect, *investigate and sanction all forms of manipulation of any type of sports competition as defined in Article 3 of the Convention. It is at the national platform where the implementation of all of the Convention's provisions culminate"* (Council of Europe, 2019a).

The Macolin Convention is open for signing by all member countries of the Council of Europe. According to the current status (July 2019) Italy, Moldova, Norway, Portugal, Switzerland and the Ukraine have signed and ratified the Convention, while 37 states have (only) signed it as Table 1 shows (Council of Europe, 2019a). Therefore, and according to the convention's administrative and general rules, the convention will enter into force on 1 September 2019 (Council of Europe, 2019b).

Beside the reservation of numerous states, one EU-state will still oppose the current wording of the convention. *"A major stumbling block in this regard is the EU's reluctance to allow its members to ratify the Convention due to Malta's opposition" (Council of Europe, 2019a, n.p.).* The Secretariat of the Council of Europe has established the so called 'Group of Copenhagen' as a network of national platforms promoting the Macolin Convention. The goal of the Group of Copenhagen is to establish alerts to help initiate strategies and law enforcement against the manipulation of competitions (Council of Europe, 2019c). Tabke 1 provides an overview about all states having signed the Macolin Convention.

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Table 1: Overview of states having signed the Macolin Convention

| Status | Date of signature | Country |
|---|---|---|
| **Signature** | 18/09/2014 | Armenia, Azerbaijan, Bulgaria, Denmark, Finland, Georgia, Germany, Greece, Lithuania, Montenegro, Netherlands, Russian Federation, Serbia |
| | 02/10/2014 | France |
| | 02/11/2014 | Iceland |
| | 07/07/2015 | Luxembourg, Poland, Spain |
| | 02/06/2016 | Albania, Austria, Slovenia |
| | 19/09/2016 | Estonia |
| | 29/11/2016 | Belgium, Hungary |
| | 04/05/2017 | Cyprus |
| | 12/12/2017 | Latvia |
| | 27/06/2018 | Slovak Republic |
| | 06/12/2018 | United Kingdom |
| | 01/02/2019 | Australia (Non-Member of Council of Europe) |
| | 16/05/2019 | Croatia, San Marino |
| **Signature and Ratification** | 18/09/2014 | Norway (Ratification: 09/12/2014), Switzerland (Ratification: 16.05.2019) |
| | 17/03/2015 | Portugal (Ratification: 29/09/2015) |
| | 21/12/2015 | Ukraine (Ratification: 10/01/2017) |
| | 07/04/2019 | Italy (Ratification: 11/06/2019) |
| | 29/04/2016 | Moldova (Ratification (07/03/2019) |
| **Non** | | Andorra, Bosnia and Herzegovina, Croatia, Czech Republic, Ireland, Lichtenstein, Malta, Monaco, Romania, San Marino, Sweden, The former Yugoslav Republic of Macedonia, Turkey |

Source: (Council of Europe, 2019a)

## 1.4 Structure

This report is structured as follows: First, an overview about the different European countries and the countries in Asia, Oceania and South America will be provided. Each of the country chapters follows the same structure:

i. Introduction;
ii. Criminal Law;
iii. Disciplinary Regulations; and
iv. Case Study.

If additional information was available, this is also displayed in the various country chapters. The laws and regulations were translated into English and the original excerpts can be found in the appendix.

Second, the comparison of jurisdictions and regulations will be presented and synthesised.

Third, recommendations with information on best practice will be provided.

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# 2 Description and Analysis of Jurisdictions within 12 Different Countries

## 2.1 Australia

### 2.1.1 Introduction[2]

Match-fixing and the abuse of sport gambling is a threat to the credibility and integrity of sport events and competitions worldwide. In 2010 governments and sport organisations in Australia were compelled to take action against match-fixing, given the sport-fixing scandal in the National Rugby League (NRL) match. The Australian federal, state and territory governments would in 2011 implement nationally consistent legislation regarding match-fixing and spot fixing (Opie & Lim, 2018).

Australia is a federation, a constitutional monarchy and a parliamentary democracy. Under its federal system, powers are divided between a central government and individual states. In Australia, power is divided between the Commonwealth federal government and the six state and two territory governments. Sport Australia (formerly the Australian Sports Commission (ASC)) is the legislative body of the Commonwealth Government and responsible for developing and implementing national sport policies. All six States and two Territories have their own departments responsible for sport and recreation. Each department coordinates sport policies and development programs independently and works together with the Commonwealth Government on national policy approaches (Cuskelly, Wicker, & O'Brien, 2013). Under the federal system, criminal law and gambling/match-fixing rules are state and territory responsibilities. A 'National Integrity of Sport Unit' (NISU) coordinates the development of new policies in cooperation with national and international stakeholders (Opie & Lim, 2018). The NISU provides national oversight and is responsible for the coordination of efforts to protect the integrity of sport in Australia from threats of match-fixing, doping and other forms of corruption. In the context of match-fixing the NSIU has most power compared to the ASC and the government (Australian Government - Department of Health, 2016).

Because of its specific match-fixing legislation, Australia is regarded world leader in this field. However, the federal structure creates a lack of statutory consistency between the different state and territory jurisdictions (Opie & Lim, 2018).

The main sport integrity stakeholders in Australia are listed in Table 2 and are grouped by their backgrounds. Additionally, the table separates the national and European/international stakeholders as well as in the last paragraph a few monitoring and detection systems.

Table 2: Stakeholders of Australia referring to match-fixing (own depiction)

| | Governmental | Sports Betting Operators | Federations / Leagues | Investigation and Integrity Units |
|---|---|---|---|---|
| **National Level** | Sport Australia | No national Sports Lottery | FFA, NRL etc. and their in-house integrity units | National Integrity in Sport Unit (NISU) |

[2] The authors would like to thank Prof. Geoff Dickson for reviewing this chapter.

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| | | | | |
|---|---|---|---|---|
| | Australian Council of Sport and Recreation Ministers | Bet Easy, betfair, betstar, bluebet, unibet, bet365 etc. (sport betting agencies) | AOC (Australian Olympic Committee) | High Court of Australia |
| **European and International Level** | Council of Europe | | UNESCO World Sport Ministers, UNODC (-IOC), OECD | Europol, Eurojust, Interpol |
| | | | FIFA, UEFA | ICSS (Sorbonne) |
| | | | WADA | Transparency International |
| **Monitoring & Detection Systems** | | Sportradar Fraud Detection System | Several Athletics Integrity Units | European Sports Security Association (ESSA) |
| | | Global Lotteries Monitoring System (GLMS) | | FIFA Early Warning System GmbH (EWS) |
| | | | | IOC Integrity Betting Intelligence System (IBIS) |

#### 2.1.1.1 Macolin Convention

The European Convention on Manipulation of Sports was signed by Australia in 2019. The convention has not yet been ratified by the Australian Government.

### 2.1.2 Criminal Law

On 5 January 2011, the New South Wales Law Reform Commission (NSWLRC) was asked to review the criminal law in the State relating to cheating at gambling due to the 2010 NRL match-fixing incident. Additionally, the Australian Council of Sport and Recreation Ministers (from Commonwealth and all States and territories) drafted a *National Policy on Match-Fixing in Sport (Policy)* on 10 June 2011. The *Policy* contains a commitment by Australian governments facing match-fixing behaviour and is used as a general platform for collaboration. The Policy specifies different roles of governments, sport organisations and betting companies. It comprises four principles (Opie & Lim, 2018):

***National Policy on Match-fixing in Sport (Australian Government - Department of Health, 2013) – 1. Context***

*[…]*
*1.5 This Policy is underpinned by the following agreed principles:*

a. *a national-consistent approach to deterring and dealing with match-fixing in Australia;*
b. *information sharing and highly efficient networks between governments, major sports, betting operators and law enforcers;*
c. *consistent national code of conduct principles for sport; and*
d. *active participation in international efforts to combat corruption in sport including an international code of conduct and an international body.*

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*[…]*

### 2.1.2.1 Specific match-fixing legislation New South Wales

New South Wales (NSW) was the first state that implemented a specific match-fixing legislation in August 2012, when it introduced five new criminal offences (*NSW Crimes Act 1900, s. 193N-Q*). The NSW legislation is used as benchmark against which the regulations of the other states and territories are measured. Specific legislation soon followed in Victoria, Queensland and South Australia as well as in the Northern and Australian Capital Territory. Western Australia and Tasmania retained their existing legislations because it was consistent with the *Policy* (Opie & Lim, 2018). Relevant articles of the *NSW Crimes Act 1900* (New South Wales Government, 2019) are following on Division 1 below.

***Part 4ACA Cheating and Gambling, Crimes Act 1900 No40 – Division 1 Preliminary (New South Wales Government, 2019)***

*193H Corrupting betting outcome of event*

a. *For the purposes of this Part, conduct **corrupts a betting outcome of an event** if the conduct:*
   (a) *affects or, if engaged in, would be likely to affect the outcome of any type of betting on the event, and*
   (b) *is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.*
b. *For the purposes of this Part, an **agreement about conduct that corrupts a betting outcome of an event** is an agreement between 2 or more persons under which one or more of those persons agree to engage in conduct that corrupts a betting outcome of an event.*

*[…]*

There are more relevant articles of the *NSW Crimes Act 1900* (New South Wales Government, 2019) in Division 2 which are displayed.

***Part 4ACA Cheating and Gambling, Crimes Act 1900 No40 – Division 2 Offences***
***193N Engage in conduct that corrupts betting outcome of event (New South Wales Government, 2019)***

*A person who engages in conduct that corrupts a betting outcome of an event:*

a. *knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and*
b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*

***193O Facilitate conduct that corrupts betting outcome of event***

1) *A person who facilitates conduct that corrupts a betting outcome of an event:*
   a. *knowing or being reckless as to whether the conduct facilitated corrupts a betting outcome of the event, and*
   b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

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*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*

2) *A person **facilitates** conduct that corrupts a betting outcome of an event if the person:*
   a. *offers to engage in conduct that corrupts a betting outcome of an event, or*
   b. *encourages another person to engage in conduct that corrupts a betting outcome of an event, or*
   c. *enters into an agreement about conduct that corrupts a betting outcome of an event.*

***193P Concealing conduct or agreement about conduct that corrupts betting outcome of event***

1) *A person who encourages another person to conceal from any appropriate authority conduct, or an agreement about conduct, that corrupts a betting outcome of an event:*
   a. *knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and*
   b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*
*[…]*

***193Q Use of corrupt conduct information or inside information for betting purposes***

1) *A person who possesses information in connection with an event that is corrupt conduct information, and who knows or is reckless as to whether the information is corrupt conduct information, is guilty of an offence if the person:*
   a. *bets on the event, or*
   b. *encourages another person to bet on the event in a particular way, or*
   c. *communicates the information to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.*

*Maximum penalty: Imprisonment for 10 years.*

2) *A person who possesses information in connection with an event that is inside information, and who knows or is reckless as to whether*
3) *r the information is inside information, is guilty of an offence if the person:*
   a. *bets on the event, or*
   b. *encourages another person to bet on the event in a particular way, or*
   c. *communicates the information to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.*

*Maximum penalty: Imprisonment for 2 years.*
*[…]*

### 2.1.2.2 Federal Gambling Regulation

Besides the specific match-fixing regulation, the *Policy* also aims to prevent corruption within the betting industry. This is achieved by prohibiting gambling on sport without the approval of the sport's governing body. The Australian Council of Sport and Recreation Ministers accepted an Approval Pathway for Betting on Sport Events in 2011 based on Victorian legislation (Victorian Legislation and Parliamentary Documents, 2019), which requires betting organisations to register events for betting by sports controlling bodies (Opie & Lim, 2018).

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***Division 4—Approval of sports controlling bodies for sports betting purposes (Gambling Regulation Act 2003, Victoria)***

***4.5.12 Application for approval***

*1) An organisation may apply to the Commission for approval as the sports controlling body for a sports betting event.*
*2) An application for approval must—*
   *a. be in the form approved by the Commission; and*
   *b. specify the sports betting event for which the applicant seeks approval; and*
   *c. be accompanied by the prescribed fee (if any); and*
   *d. contain or be accompanied by any additional information the Commission requires.*
*3) Within 14 days after making an application, the applicant must cause to be published in a newspaper circulating generally throughout Australia, or newspapers circulating generally in each State and Territory of Australia, a notice containing—*
   *a. a statement that any person may object to the application by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for objection; and*
   *b. any other information required by the Commission.*
*4) If a requirement made by this section is not complied with, the Commission may refuse to consider the application.*
*[…]*

Only NSW has passed legislation since the Approval Pathway. However, many governing bodies of major sports have processed agreements and contracts with betting providers to regulate the national betting market. This national application shows that there is no need for legislation in the other states and territories. Moreover, the *Interactive Gambling Act 2001 (Health, 2001)*, which is part of the federal law, regulates some aspects of the Australian online gambling market (Opie & Lim, 2018).

***Interactive Gambling Act 2001 – Simplified outline***

*This Act imposes the following prohibitions:*
*a. a prohibited interactive gambling service must not be provided to customers in Australia;*
*b. unlicensed regulated interactive gambling services must not be provided to customers in Australia;*
*c. an Australian-based prohibited interactive gambling service must not be provided to customers in designated countries;*
*d. prohibited interactive gambling services must not be advertised;*
*e. unlicensed regulated interactive gambling services must not be advertised.*
*The ACMA may, on its own initiative, or in response to a complaint, investigate whether a person has contravened a provision of this Act that imposes any of those prohibitions.*
*A body or association that represents internet service providers may develop an industry code.*
*The ACMA has a reserve power to make an industry standard if there is no industry code or if an industry code is deficient.*
*The ACMA must notify prohibited internet gambling content to internet service providers so that the providers can deal with the content in accordance with procedures specified in an industry code or industry standard.*

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### 2.1.3 Disciplinary regulations

#### 2.1.3.1 Football: Football Federation Australia

The Football Federation Australia's Code of Conduct (Football Federation Australia, 2018a) has several regulations regarding match-fixing, corruption and betting.

***FFA Code of Conduct: 4. Betting, Match-Fixing and Corruption***

*4.1 A Member must not engage, directly or indirectly, in:*

a. *any bet, wager, gamble or any other form of financial speculation where the relevant person stands to win or gain from the win, draw or loss of any Club competing in a Match;*
b. *the throwing or fixing of a Match; or*
c. *any conduct or behaviour intended to unfairly affect the result of a Match, including accepting or agreeing to accept any Benefit connected with or relating to the ability of a Member to exercise control over or influence the outcome of a Match so as to bring about a result other than that which would be achieved in a fair contest between the competing teams.*

*4.2 A Player, an Official, a Match Agent and an Intermediary must not:*

a. *accept bribes through the offer, promise or acceptance of any Benefit in return for violating his or her duties; or*
b. *provide for a Benefit any information concerning a Club, its team's actual or likely composition, the form or injuries of Players or possible tactics (other than in connection with a bona fide media interview).*

*4.3 A person who is under prosecution for action unworthy of a football management position (especially doping, corruption, forgery etc.) or who has been prosecuted for such action in the last 5 years cannot be involved in football management, including as an Official, a Match Agent or an Intermediary.*

*4.4 A Member must immediately report to FFA or a Member Federation any offer of a bribe or any attempt by a person in breach of this clause 4.*

The types of disciplinary sanctions which could be imposed in case of offences are regulated in *the FFA Constitution (Football Federation Australia, 2018b).*

***21.5 Types of Disciplinary Sanctions***

a. *The following disciplinary sanctions may be imposed against a legal person including a Body:*
   *(i) a reprimand;*
   *(ii) warning;*
   *(iii) a fine;*
   *(iv) the return of awards,*
   *(v) a forfeit of match or matches;*
   *(vi) replaying of a match;*
   *(vii) place the Body on a bond;*
   *(viii) a deduction or loss of competition points;*
   *(ix) ban on the registration or transfer of any Players for a specified period of time;*
   *(x) annulment of registration of a Player;*
   *(xi) suspension from participation in a Match or Matches;*

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*(xii) exclusion, suspension or expulsion from a Competition;*
*(xiii) playing a match without spectators or on neutral territory;*
*(xiv) a ban on playing in a particular stadium;*
*(xv) annulment of the result of the match;*
*(xvi) relegation to a lower division; or*
*(xvii) such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes.*
*[…]*

In addition, the FFA promotes the *National Policy on Match-Fixing in Sport,* which is described in 3.1.2., on their official homepage (Football Federation Australia, n.d.).

***Anti-Corruption and Betting Policy – Simplified Version (Rugby Australia, 2019)***

*All participants must be aware of the following:*

- *Professional and semi-professional level participants (including employees) are prohibited from betting on any Rugby games from anywhere in the world;*
- *All other participants are prohibited from betting on any competition that they are involved in;*
- *Participants are prohibited from fixing or attempting to fix the result or progress of any event;*
- *Participants are prohibited from using or attempting to use inside information for the purpose of wagering or participating in a fantasy Rugby competition;*
- *Participants are prohibited from disclosing or attempting to disclose inside information to any person;*
- *Participants must report any approach from any individual(s) that is or may be a breach of the policy.*

### 2.1.4 Case Study

Defender Reiss Noel and keeper Joe Woolley, both English nationals travelled to Australia during English off-season in 2013 as part of an international match-fixing syndicate. Noel and Woolley, as well as others, were charged with eight offences – "four counts of engaging in, and four counts of facilitating conduct that corrupts a betting outcome" (News.com.au, 2013).

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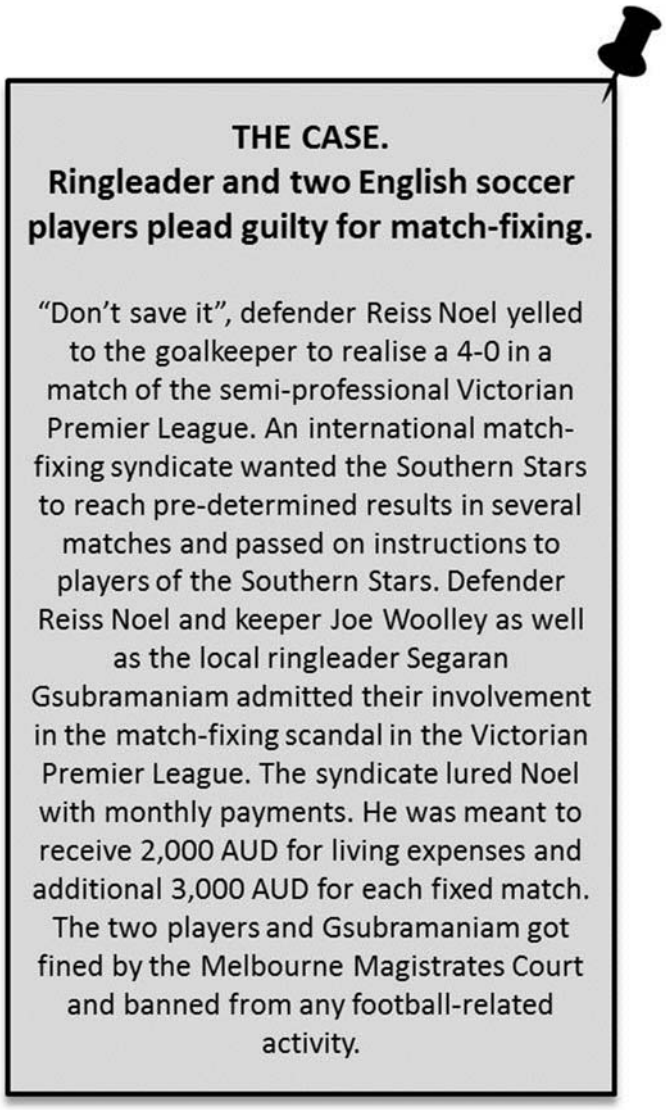


Figure 1: Example for an Australian case (The Guardian, 2014)

### 2.1.5 Conclusion

Australia's match-fixing legislation is amongst the most powerful in the world. The criminal penalties, which offenders are facing, are light but the exclusion from their sports and therefore the end of their career is a severe punishment. However, there are some enforcement difficulties: Match-fixing may only be prosecuted where manipulation occurs in an event which is subject of a legal betting market in Australia. Legislation is not applicable for Asian online betting services not registered in Australia, which remains a big threat to Australian sport due to shared time zones and a tradition of sports betting (Opie & Lim, 2018). Furthermore, both considered federations – Football and Rugby – have a sophisticated guideline regarding match-fixing and sports betting.

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## 2.2 Austria

### 2.2.1 Introduction

"*Prior to 2012, the complex questions relating to how to deal with the controversial issues of match-fixing and betting fraud had never been tackled in a comprehensive manner in Austria. This changed substantially when the Austrian Ministry of Sport, the Austrian Football Association (AFA) and the Austrian Football League collectively founded the Association for Protecting the Integrity in Sport. Using the brand name 'Play Fair Code' in its day-to-day activities, the association has subsequently been joined by a series of other major sports stakeholders in Austria, including the Austrian Federal Sports Organisation, the Austrian Olympic Committee, the Austrian Ski Federation, the Bookmakers' Federation, the Austrian Lotteries, and the Austrian Ice Hockey League (Erste Bank Eishockey Liga), together with a range of Austrian betting providers* (Moritzer, 2016)."

In September 2014, it was agreed that the Austrian Ice Hockey League (Erste Bank Eishockey Liga) should become a full member of the Play Fair Code. This move was synonymous with another training module being developed and worked out for players in the top Austrian Ice Hockey League, which started roll-out in early 2015. In 2017, the ADMIRAL Basketball Bundesliga joined the Play Fair Code as an ordinary member. Accordingly, the Austrian organisation against betting fraud and game manipulation now handles four of the most popular sports in Austria (football, skiing, ice hockey, and basketball) in its daily work. Late 2018/early 2019 the Austrian Handball Federation and the Austrian Tennis Federation joined the Play Fair Code network as new ordinary members and therefore a total of six sporting disciplines are covered. Figure 1 shows the current (April 2019) Play Fair Code network and the equidistant position of the association within the different sports fields including sports associations, sports economy, and sports politics.

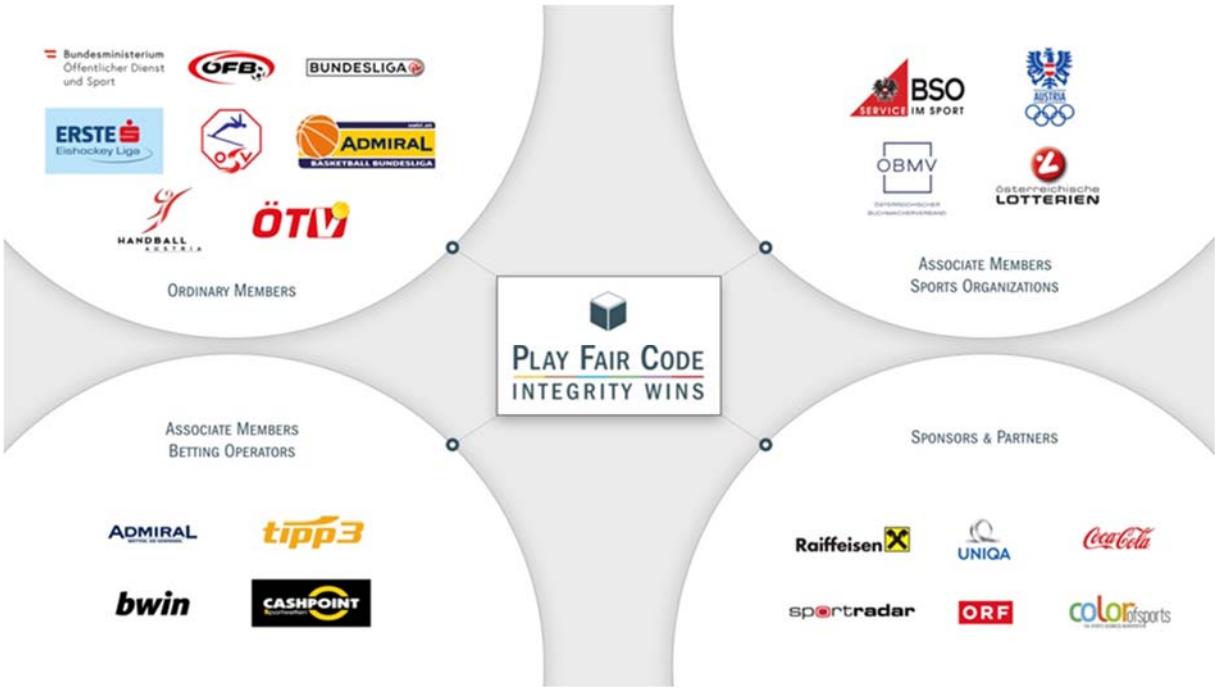


Figure 2: Members, sponsors and partners of the Play Fair Code network (own research).

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#### 2.2.1.1 Betting framework

Peculiar to Austria, sport betting is not defined as a gambling activity. Specific legislation is required to organise a legal sports betting market. Furthermore, no public betting operator holds a monopoly position. As a result of this, each of the nine Austrian federal provinces sets legal rules for betting operators in their own jurisdiction. Basically, betting operators undergo a licensing procedure in each federal province in order to legally offer sports betting in Austria. This licensing procedure also applies to stationary betting shops. At present, there is no law or regulatory system in Austria for the online betting market.

As the law providing the legislative measures pertaining to legal sports betting, Section 1 of the Betting Law of the Federal State of Vienna (Wiener Wettengesetz) is worded as follows:

> *"This state law regulates the commercial conclusion (bookmaking or fixed odds betting) and the commercial brokerage (totalizator or pari-mutuel betting) of bets on the occasion of sporting events as well as the commercial mediation of betting customers (Federal Ministry for Digital and Economic Affairs, 2016)."*[3]

#### 2.2.1.2 Macolin Convention

Austria actively participated in the working groups for the Macolin Convention. Following a request by its Ministry of Sport, Austria's Council of Ministers decided to sign the Council of Europe's Convention on Manipulation of Sports Competitions in January 2016. The Convention was officially signed the Austrian Minister of Sport on June 2, 2016, during an international conference held in Vienna. The then Minister of Sport issued the following statement at the signing of the Convention:

*"By signing the Council of Europe's Convention, we are taking the fight against betting fraud to an international level. I am proud that Austria has been one of the countries pioneering the fight against betting fraud. In our Play Fair Code, we have had a k*ey point of contact in place since 2012 for anyone involved in this issue *(Play Fair Code, 2018b)."*

In addition to this, an informal 'National Platform' (informal, as the Convention has yet to be ratified) is established jointly operated by the Play Fair Code and the Federal Criminal Police Office. This step is designed to push forward the cooperation between sporting associations and the responsible authorities. This 360-degree stakeholder approach also includes the investigative and judicial authorities (cf. Figure 2). In summary, the Austrian response to the Macolin Convention comprises the prevention strategy and the work of the Play Fair Code (including the institution's Austrian and international network) together with the interventionist work of the Federal Criminal Police Office. Each partner and institution is mapped in the following illustration.

[3] For the full text of the law please see Appendix A.1

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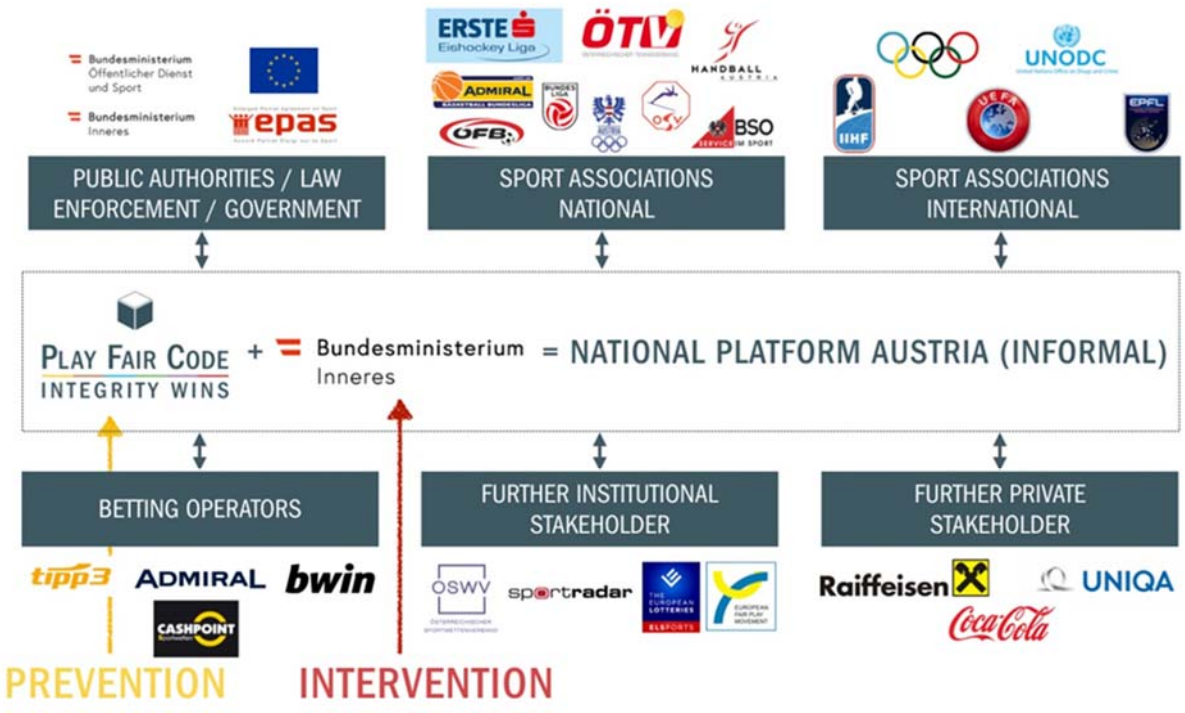


Figure 3: The Austrian approach against match-fixing (own research)

### 2.2.2 Criminal Law

*"From a criminal law perspective, match-fixing is currently dealt with as the criminal offence of fraud. As in other European states, ongoing discussions in Austria are focused on determining whether the introduction of specific sports integrity and anti* match-fixing sections into the existing criminal law code might facilitate the fight against match-fixing. For the moment, however, it would appear that no such addition is on the political and legislative agenda [in Austria] *(Moritzer, 2016)."*

Germany, for example, has taken a different approach, passing new criminal laws against match-fixing (Sections 265c) and d) of the German criminal law code) and doping (law against doping in sports) in recent years.

Regardless of the consent of sports institutions, there are ongoing discussions about the effectiveness and practicality of such sections in the criminal law code. Sport has its own legal system and values; law experts refer to the accountability of the international sports system. Furthermore, existing criminal law codes are applicable when financial assets are violated in Austria.

The existing criminal law clauses dealing with match-fixing seem to be sufficient in the area of criminal justice.

For example, the fraud sections of the Austrian criminal law code can punish fraudulent behaviour when it can be shown that financial losses by betting operators are attributable to the use of insider information or corrupt athletes. In this case, the odds offered by the betting operators do not reflect the real probabilities of the respective event or game result. The financial losses of the relevant parties can be punished with fines or prison sentences.

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The two relevant fraud sections are quoted in the following:

***Section 146 Austrian Criminal Law Code – Fraud***[4]

*"Whosoever with the intent to improperly enrich himself or a third party by the behaviour of the deceived, to induce someone by deception over facts into action, acquiescence or omission, causes financial damage to this or another party shall be punished with a prison sentence of up to six months or with a fine of up to 360 daily rates (Austrian Criminal Law Code, 1975)."*

***Section 147 Austrian Criminal Law Code – Major fraud***

*"[…]*
*(2) Whosoever commits fraud with damages in excess of EUR 5,000 shall also be punished (with a prison sentence of up to three years, see Section 147, para. 1).*
*(3) Anyone who commits fraud with damages in excess of EUR 300,000 shall be punished with a prison sentence from one up to ten years (Austrian Criminal Law Code, 2016)."* [5]

### 2.2.3 Disciplinary regulations

Besides the criminal law, several sports associations in Austria have placed a strong focus on the consequences of match-fixing in their disciplinary regulations. *"As in other countries, there is a specific stipulation in the association's rules requiring players, referees, and officials to report suspicions of match-fixing" (Moritzer, 2016).*

In addition to this obligation to report, there are mandatory prohibitions on betting on the own league and competition classes and games. In recent years, the biggest sports associations revised their regulations and laws with the support of the Play Fair Code. Various paragraphs of the Austrian Football Association's disciplinary regulations regarding the prohibition of sports betting and the obligation to report are listed below.

#### 2.2.3.1 Austrian Football Association – Disciplinary Regulations

The Austrian Football Association has implemented regulations with regard to sports betting.

***Section 114 – Prohibited Sports Betting***[6]

*"A person placing individual or combination bets with bookmakers or virtual betting providers on matches in which* ***their own club or a club active in the same class*** *(highlighting by the author) is involved, or designating third parties to do so, or passing on non-public information to third parties which could be used in such bets, will be subject to the following punishments:*

1. *Warning;*
2. *Ban from a minimum of two official matches;*
3. *Functional ban lasting a minimum of two months;*
4. *Fine of up to three times the amount of the bet placed or winnings paid out;*
5. *Deduction of points;*

[4] Own translations, not legally binding.
[5] For the full text of the fraud sections of the Austrian criminal law code, please see Appendices A.2 and A.3.
[6] Own translations, not legally binding.

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6. *Exclusion from competition;*
7. *Enforced relegation;*
8. *Exclusion from the association."*

***Section 115a – Failure of Obligation to Report***[7]

*"A person who observes the concepts of fair play being violated by third parties or third parties breaching the regulations of this chapter and* ***fails to report this immediately*** *(highlighting by the author) to the association responsible will be subject to the following punishments:*

1. *Warning;*
2. *Ban from a minimum of two official matches;*
3. *Functional ban lasting a minimum of two months;*
4. *Fine ranging from 500 EUR to 15,000 EUR;*
5. *Exclusion from the association.*

*Offenses according to this regulation become time-barred after 5 years" (Austrian Football Association, 2018).*[8]

The fact that the punishments are specified concretely in the paragraphs is considered highly significant. Otherwise, the national jurisdiction of the respective country could declare the disciplinary regulations invalid.

After the match-fixing case in Austria (see below), Dominique Taboga received a lifetime ban from all football activities in Austria from the Austrian Football Association. Dominique Taboga appealed this sentence, and the national jurisdiction determined two facts which invalidated his lifetime ban.

1. At the time of the match-fixing case, the disciplinary regulations of the Austrian Football Association did not stipulate a lifetime ban. This confirms that, in the event that possible bans lack a specified duration, each disciplinary regulation has to be adjusted for any appeal.

2. A lifetime ban from all football activities in Austria is comparable to an occupational ban and thus represents a disproportionate sentence for a qualified football player.

*"The court confirms the nullity of the lifelong suspension, which had already been pronounced by the court of first instance. The lifelong suspension exceeded the discretion (of the Austrian Football Association). Therefore, the lifetime ban is improper" (Streif, 2016).*

In 2016, the lifetime ban of Dominique Taboga was reduced to a five-year ban from all player activities and a ten-year ban on all official activities in Austrian football. The periods of time are retroactive from 2013. Dominique Taboga can return to playing football after 2018 (Tiroler Tageszeitung Online, 2016).

### *2.2.3.2* Disciplinary regulations for all Austrian professional sports associations

*"As a national focal point on sports integrity, the work of the Play Fair Code extends beyond match-fixing, and even beyond Austria, to encompass wider activities related to strengthening integrity in*

[7] Own translations, not legally binding.
[8] The German original version of the disciplinary sections can be found in Appendices A.4 and A.5.

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*sports in the country. An inter-ministerial working group* initiated by *a former sports minister proposed texts for provisions relating to its superstructure ('General Commitment to Integrity in Sports') and substructure ('Prohibited Influence'). As a result of this, the Play Fair Code was entrusted in March 2014 with developing* unified conditions governing integrity in sports for all the Austrian professional sports associations. In January 2015, the American Football Federation Austria became the first such association to incorporate these new conditions (…)*" (Moritzer, 2016).*

As of 2018, almost all Austrian professional sports associations have integrated either the superstructure or the substructure (or both of them) into their sports regulations.[9]

### 2.2.4 Case study

Dominique Taboga, a former professional football player in the first Austrian division, was found guilty of fixing games in several instances. He was ultimately found guilty of fraud and sentenced to three years in prison (Homewood, 2014). The wording of the fraud sections in the Austrian criminal law code stipulates this penalty in the event of major fraud (Section 147 Major fraud).

[9] Please see Appendices A.6 and A.7 for the exemplary texts of the superstructure and substructure for the Austrian professional sports associations in the native language.

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Figure 4: Example for Austrian case (Play Fair Code, 2018c)

The two relevant fraud sections are quoted in the following:

***Section 146 Austrian Criminal Law Code – Fraud***[10]

*"Whosoever with the intent to improperly enrich himself or a third party by the behaviour of the deceived, to induce someone by deception over facts into action, acquiescence or omission, causes financial damage to this or another party shall be punished with a prison sentence of up to six months or with a fine of up to 360 daily rates (Austrian Criminal Law Code, 1975)."*

***Section 147 Austrian Criminal Law Code – Major fraud***

[10] Own translations, not legally binding.

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*"[…]*
2) *Whosoever commits fraud with damages in excess of EUR 5,000 shall also be punished (with a prison sentence of up to three years, see Section 147, para. 1).*
3) *Anyone who commits fraud with damages in excess of EUR 300,000 shall be punished with a prison sentence from one up to ten years (Austrian Criminal Law Code, 2016)."*[11]

### 2.2.5 Miscellaneous

Some Austrian sports associations and leagues have implemented additional declarations to safeguard integrity and to raise awareness among players, referees, and officials. The Erste Bank Ice Hockey League implemented an integrity statement, in which the signing player confirms that he has never participated in and will never participate in match-fixing activities or comparable transactions (see appendix). The Play Fair Code urges several other leagues and federations to implement similar agreements along the lines of the following sample agreement.

***Play Fair Code: sample integrity statement***

*"This declaration is based on a commitment to fundamental values of integrity, transparency, and accountability to (specific sports), as well as any sporting competition. Match-fixing, attempted match-fixing or other forms of corruption will not be tolerated and will be prosecuted; resulting in penalties from the competent federations as well as criminal sentencing.*
*The Player hereby confirms,*

- *his understanding of the provisions of the (association/league)'s Disciplinary Regulations about undue influence (e.g., bribery, illegal sports betting), breach of fair play, and in particular the obligation to report (section) Disciplinary Regulations;*
- *not having been addressed, at any time, in connection with match-fixing or having any knowledge of such being reported, nor having any knowledge of such intended to third parties;*
- *[…]*
- *to at no time have bet/or will bet on his own Club or a Club of his league/competition or to have determined/will determine the outcome of such a bet by a third party;*
- *[…]*

*to never use or disclose non-public information, or use or pass on such information he has access to, owing to his role in (sport) and which are likely to damage the integrity of matches (Play Fair Code, 2018a)."*[12]

Furthermore, as written confirmation of the tasks of the Play Fair Code, all members sign the Play Fair Code Charter. Sports associations and leagues which have currently signed the Charter are:

- Austrian Football Association (AFA),
- Austrian Football League,
- Austrian Ski Federation,
- Austrian Ice Hockey League (Erste Bank Eishockey Liga),

[11] For the full text of the fraud sections of the Austrian criminal law code, please see Appendices A.2 and A.3.
[12] Please see Appendix A.8 for the full text of the exemplary declaration.

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- ADMIRAL Basketball Bundesliga,
- Austrian Tennis Federation,
- Handball Austria,
- Austrian Federal Sports Organisation,
- the Austrian Olympic Committee and
- other partners (betting operators, institutional organisations).

Due to the significance of these institutions for the Austrian world of sports, this commitment could be interpreted as agreement by the entire body of Austrian sports against match-fixing and betting fraud and for integrity in sports. The Play Fair Code has a strong intermediary position in the Austrian network of sports. This position is the corner stone for a cooperation which is international recognized.

***Play Fair Code Charter***

*[…]*
*"The aim is to preserve clean competition, free of manipulation, together with the Austrian Sport Federations and Athletes.*
*The undersigned association supports this aim, the measures associated with it, and the activities of the Association for Protecting the Integrity in Sport (Play Fair Code, 2018c)."13*

### 2.2.6 Conclusion

Recent years have seen rising awareness about the risks of betting fraud and match-fixing in Austrian sport due to the Play Fair Code platform and the announcement of the match-fixing scandal with former professional football player Dominique Taboga in 2013. Several consequences in terms of criminal law and disciplinary regulations are still in existence or have been developed to provide a functional system for the integrity in sports.

Match-fixing and betting fraud will further on threaten the integrity in sports in future. For this case, further developments and additional regulations depending on future match-fixing and integrity developments will be necessary at any time.

[13] Please see Appendix A.9 for the full text of the Play Fair Code Charter.

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## 2.3 Bulgaria

### 2.3.1 Introduction

According to the state policy and the respective sport system in Bulgaria, the main stakeholders related to a regulation of match-fixing constraints in football and beyond this generally in sports are the following:

- Ministry of Youth and Sports,
- Bulgarian Olympic Committee,
- Bulgarian Football Union,
- Football clubs,
- Individual competitors and coaches, members of the respective clubs and
- Betting operators.

In Bulgaria, there is a State Gambling Commission which licenses and regulates, on the basis of the Gambling Act, the relations between traders and customers on the gambling market. According to data of the Bulgarian Gambling Commission (July 2018) nine licensed online betting operators in Bulgaria exist. Between 2013 and 2018 over 800 such licenses have been denied for some other reason, as part of them are presented in Table 3.

Table 3: List of websites through which bets are organised on the territory of the Republic of Bulgaria (Bulgarian Gambling Commission, 2018)

| | Licensed online merchants | Unlicensed online merchants (license was denied) |
|---|---|---|
| **1.** | https://efbet.com/ | https://www.goldbet.com/https://www.goldbetsports.com# |
| **2.** | http://toto.bg/ | http://www.bet365.net/# |
| **3.** | http://www.betfair.com/ | http://www.betin.com/# |
| **4.** | http://eurofootball.bg/ | http://www.morganbet.eu/# |
| **5.** | https://www.7777.bg/ | http://www.betuniq.eu/# |
| **6.** | http://www.bet365.com/ | http://www.planetwin365.com/# |
| **7.** | http://www.winbet.bg/ | http://www.unibet.com/# |
| **8.** | https://www.bwin.com/ | http://www.bet-at-home.com/# |
| **9.** | http://www.efbet.bg/ | https://www.doxxbet.com/# |

The official policy of the Bulgarian State regarding match-fixing of sporting events clearly and methodically follows the EU's policy on integrity in sport. There has been recent evidence such as, for instance:

- the participation of the Minister of Sports of Bulgaria in the High Level Panel "Time to act for Europe against sport manipulations",
- meeting of the Directors-General for Sport in the EU, held on 11 and 12 June, 2018 within the framework of the Bulgarian presidency of the EU, focusing on the handling of sporting competitions and the adoption of the Macolin Convention, and
- the participation of the Minister of Sport of Bulgaria in a working meeting on the fight against the manipulation of sports competitions, organised by the Extended Sport Partial Agreement (EPAS) of the Council of Europe and the Ministry of Sport of the Russian Federation in Moscow, before the start of the World Championship football.

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At these events, the Minister for Sports stated his personal and state position on achieving political consensus in the EU in the fight against the organisation of sporting events, which is a direct reference to the planned ratification of the Council of Europe Convention on the handling of sporting events.

#### 2.3.1.1 Macolin Convention

The European Convention on Manipulation of Sports has been signed by Bulgaria in 2014. The convention has not yet been ratified by the Bulgarian Government.

### 2.3.2 Criminal regulations

All criminal regulations in the sphere of sport in the Republic of Bulgaria are based on the basic legal documents, namely the Constitution, the Criminal Code and the Physical Education and Sports Act. At present, investigations aim at detecting unlawful actions related to the fixing of sporting events are conducted in the country following a referral by the relevant national and international sports organisation to the specialized prosecution in force in the country, which operates since 01.01.2012 or the Directorate-General for Combating Organised Crime.

In the Penal Code of Bulgaria, a new Chapter 8 "a" was included in 2011: Crimes Against Sport, Art. 307 (b-f)[14]. The relevant legislation also contains specific offences in relation to people, who act as intermediaries. Penalties are up to six years imprisonment for active and passive corruption and up to three years for mediators, although they may be up to 10 years when aggravating circumstances occur: For example when offences are committed relating to a participant in a sports competition who is under 18 years of age; to or by a person who is a member of a managing or controlling body of a sports organisation, or involving a referee, delegate or another person undertaking their official duties or functions. The punishment is imprisonment from 3-10 years if a crime has been committed by a person acting on behalf of an organised criminal group or if the crime involves betting on the development or outcome of sporting events. Bulgaria has also amended existing provisions on illegal betting under Art. 327 Criminal Code 54, to ensure that the fixing of competition results by persons under the instruction of organised crime syndicates is considered as a criminal offence. Penalties of up to 10 years imprisonment are imposed if the acts involve betting on the progress or on the outcome of a sports competition (European Commission, 2012).

Relevant articles, followed by the respective penalties, are stated below.

***Art. 307b. (New - SG 60 /11)[15]***

*Whoever, by using violence, deception, intimidation or other unlawful means, persuades another person to influence the development or outcome of a sporting event, administered by a sports organisation, shall be punishable by imprisonment from one to six years and a fine amounting from one thousand to ten thousand levs, if the act does not constitute more serious crime.*
*Prison sentence from one to six years; fine from one thousand to 10,000 BGN (approx. 500-5,000 EUR).*

[14] More information can be found in a report delivered to the European Commission (Ecorys & Manoli, 2018).
[15] Own translations, not legally binding.

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***Art. 307c. (New - SG 60 /11)***

1) *Whoever promises, offers or gives another person a benefit which is not due in order to influence or because the person has influenced the development or outcome of a sporting event, administered by a sports organisation, shall be punishable by imprisonment from one to six years and a fine amounting from 5,000-15,000 BGN.*
2) *The punishment under para 1 shall also be imposed on a person who asks for or accepts any benefit which is not due or accepts an offer or promise for a benefit in order to influence or because the person has influenced the development or outcome of a sporting event, as well as to a person with whose consent the benefit has been offered, promised or given to a third party.*

***Art. 307c. (New – SG 60/11)***

3) *Whoever mediates so as to be committed any of the acts under para 1 and 2, if the act does not constitute more serious crime, shall be punishable by imprisonment of up to three years and a fine of up to 5,000 BGN.*
4) *The punishment under para 1 shall also be imposed on a person who provides or organises the provision of the benefit.*
5) *The perpetrator shall be punished under the terms of Art. 55, if the latter notifies a proper authority of a crime under paras 1 through 4.*

***Art. 307c (3)***

*Prison sentence from one to six years; fine from five thousand to 15,000 BGN (2,556-7,699 EUR).*

***Art. 307d. (New - SG 60 /11)***

1) *The punishment shall be imprisonment from two to eight years and a fine amounting from 10,000-20,000 BGN in those cases where the act under Art. 307b and 307c has been committed:*
   a. *in regard to a participant in a sports competition under 18 years of age;*
   b. *in regard to two or more participants in a sports competition;*
   c. *in regard to or by a person who is a member of a managing of control body of a sports organisation, a referee, delegate or another person during or on occasion of performance of their official duties or functions;*
   d. *repeatedly.*
2) *The punishment shall be imprisonment from three to ten years and a fine amounting from 15,000-30,000 BGN, in those cases where the act under Art. 307b or Art. 307c:*
   a. *has been committed by a person acting on behalf of or pursuant to a decision of an organised criminal group;*
   b. *has been committed under the terms of dangerous recidivism;*
   c. *is a particularly serious case;*
   d. *refers to a sports competition included in a gambling game with betting on the development or outcome of sporting events.*

***Art. 307d. (1)***

*Imprisonment from two to eight years and a fine from 10,000-15,000 BGN.*

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***Art. 307d. (2)***

*Imprisonment from three to ten years and a fine from 15,000-30,000 BGN (Bulgarian Criminal Law Code).*

***Art. 307e. (New - SG 60/11)***

1) *In the cases referred to in Art. 307b, 307c and 307d the court may also rule deprivation of rights pursuant to Art. 37, para 1, items 6 and 7.*
2) *In the cases referred to in Art. 307d the court may also rule seizure of up to one half of the culprit's property.*

***Art. 307f. (New - SG 60 /11)***

*The subject of the crime envisaged in the present chapter shall be seized in favour of the state, and in those cases where it is missing or expropriated, its equivalence shall be awarded.*

In 2017, the country started a lawsuit against two football coaches to match-fixing that were held accountable under Art. 321 (1) of the Penal Code.

***Art. 321 (1) (Amended, SG No. 92/2002)***[16]

*Whoever forms or manages an organised criminal group shall be punished by imprisonment of three to ten years.*
*(6) (New, SG 92/02) Who has negotiated with one or more persons to perform in the country or abroad crimes for which the punishment for deprivation of liberty for more than three years is envisaged and which aims at to acquire a property benefit or to exert an unlawful influence on the activity of a body of authority or local self-government, shall be punished by imprisonment of up to six years (Bulgarian Criminal Law Code) .*

**Act on Physical Education and Sport**

Currently, the Act on Physical Education and Sport regulates public relations related to physical education and sports in the Republic of Bulgaria. The texts in it that can be interpreted to clarify the issue of fixing sporting events are:

***Art. 17b. (New, SG No. 50/2008) (1) (Amended, SG No. 50/2010)***[17]

*Licensed sport organisations shall be subject to a certificate of renewal of the license. The application for renewal of the sport license and the documents thereto shall be filed not later than two months before the expiration of the term of the current license under an order determined by the ordinance under Art. 17, para. 1. (2) (Amended, SG No. 50/2010, No. 68 of 2013, in force as of 2.08.2013) The attestation under para. 1 shall be carried out by a commission appointed by the Minister of Youth and Sports, subject to the following requirements:*

[16] Own translations, not legally binding.
[17] Own translations, not legally binding.

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e. *observes and has promoted the human principles of sport and sports ethics and has taken the necessary actions to prevent the use of doping and violence before, during and after sporting events;*

***Art. 19. (1)***

*The sports federations which have received a sports license shall have the right to:*

9) *(renumbered from Item 8 - SG No. 50/2010, amended, SG No. 87/2012, effective 9.11.2012) sanction athletes and officials who have allowed the use of prohibited substances or prohibited methods;*
10) *(Amended, SG No. 53/2000, former point 9, amended, SG No. 50/2010) carry out sports justice and sports arbitration, adopt rules for the activity of an arbitration body to them, who decides on the occurrence, suspension, revocation and termination of the competition rights and disputes set forth in the regulations of the federations;*

***Art. 34. (2)***

*Sport for excellence shall be developed in compliance with the sports ethics, health protection and the moral and physical integrity of the athletes.*

By July 2018 a number of texts for the amendment of the Physical Education and Sports Act were submitted for public discussion.

***Art. 10.***[18]

1) *The Minister of Youth and Sports shall direct, coordinate and control the implementation of the state policy in the field of physical activity, physical education, sport and sport-tourism activities.*
1) *Exercises control over the persons specified in this Act, enforces administrative measures and imposes penalties for administrative violations under this Act;*

***Art. 23.***

*Persons applying for a sports license must:*

12. *Have internal rules for the control and prevention of money laundering under Art. 16, para. 1 of the Measures against Money Laundering Act;*

***Art. 31.***

*In the course of its activities, the sports federation is obliged to make efforts to:*

8. *Promotion, development and popularization of moral-ethical principles and human principles of sport, physical activity, physical education, sport-tourism activities and sports ethics.*

***Art. 32.***

1) *The Sports Federation:*
9. *create conditions for implementation of sports justice and sports arbitration;*

***Art. 152.***

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1) *For other violations of the law or the normative acts for its implementation, natural or legal persons shall be punished with a fine or a proprietary sanction in the amount of 500 to 1,000 BGN.*
2) *Where the violation under para. 1 is repeated, the fine, respectively the proprietary sanction shall amount to 2,000 BGN.*

Summing up the cited texts of the Physical Education Act, no specific texts are laid down regarding the fixing of sporting events, and the possible sanctions envisaged are related to the revocation of the licenses of sports federations and clubs, as well as pecuniary sanctions of between 500 and 2,000 BGN. For the competitors or coaches, the practices indicate a suspension of racing and respectively coaching rights for a certain period of time.

### 2.3.3 Disciplinary regulations

In the Bulgarian Football Union (BFU) system, the rules for determining the disciplinary offenses, the procedure for imposing the penalties provided, as well as the appeals procedures for ensuring the necessary guarantees for the protection of the rights and interests of clubs, footballers and officials in the meetings for the championships football tournaments are governed by the Disciplinary Rules. The BFU Disciplinary Code is mandatory for football clubs, footballers and officials. Unlike the above-mentioned normative documents, there are texts that regulate the fixing of sporting events. The wording in the disciplinary regulation of the problem at issue is "uncontrolled influence of the development of the result or of the final result of a football match" (Bulgarian Football Union, 2018).

***Art. 4.***[19]

*Clubs, Coaches, Athletes, Leaders and Club Members are required to abide by the principles of the Code of Ethics, Supporter Charter, Loyalty, Honesty, Integrity, Goodwill, Correct Behaviour and Sporting Behaviour.*

***Art. 6.***

2) *A professional player, during the action of the contract is not entitled:*
*[…]*
c. *to participate in betting and similar activities in tournaments organised by BFU or BPFL, or by club participation in international games and tournaments*

***Art. 7.***

1) *A violation within the meaning of the Regulations is an act or omission which violates the rules and / or rules established by the Articles of Association of the BFU, the regulations, regulations and decisions adopted by the BF IC or by FIFA or UEFA in the provided from the rule cases.*

***Art. 8.***

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*Infringements within the meaning of these Rules are:*

- *violation of legal regulations in the Republic of Bulgaria and the documents of FIFA and UEFA.*

***Art. 46.***

1) *Where the non-injurious influence of the development of the result or of the final result of a football match is established, the following penalties shall be imposed:*
   a. *a football player - suspension of the competitor's rights during the term of the player's sentence (respectively for the period of administrative penalty imposed by administrative penalty), but not less than 18 (eighteen) months;*
   b. *to an official, an official of the FC, a medical person, a coach or a manager - a ban on the performance of functions for the term of the sentence (respectively, for the period of administrative penalty imposed in administrative-criminal order), but not less than 18 (eighteen) months;*
   c. *the football club to which the persons under item 1 or item 2 belong - a pecuniary sanction of 40,000 (forty thousand) BGN and the transfer of the team to a lower level (the next in descending order) for the next sporting - a competitive year without the right to complete his participation in the current sporting competition.*
2) *In cases where pre-trial proceedings for actions under para. 1, the Disciplinary Commission suspends the rights of the persons under par. 1, item 1 or 2.*
3) *Where a player, official, official of the FC, medical officer, coach or manager is established to participate in betting or other related to the participation of a Bulgarian club in the championships and tournaments organised by BFU or BPFL or in international meetings and tournaments, a suspension of competitive rights, respectively a ban on the performance of functions for a term of 6 (six) months and a fine of 5,000 (five thousand) BGN shall be imposed.*
4) *When the UEFA receives a UEFA official notification within the sporting competition year of serious doubts about participation in the Championships, the Bulgarian Cup, the Super Cup or other, with a preliminary agreed result, the team involved shall be warned or penalizes as follows:*
   a. *At first formal notification - The Integrity Officer of the Bulgarian Football Union (BFU) draws up a warning protocol, signed by the persons involved, informing UEFA about this;*
   b. *on second formal notice - reprimand;*
   c. *in the third notification - reprimand and property sanction amounting to 5,000 (five thousand) BGN;*
   d. *on the fourth and subsequent notice - the property sanction under b. "In" doubles, triggers, and so on.*
   e. *Where it is established that information of a sporting and technical nature of a confidential nature has been disclosed by persons related to national teams or FCF members to third parties in order to influence the development or outcome of a football match or to committing other crimes of a general nature involving the national teams or FC members of the BFU, the penalties under para. 1, items 1 and 2.*
7) *In the event of significant public-reluctant doubts and a proposal by the Ethics and Fair Play Commission, the DK may impose a penalty on moving the team to a lower group or level (the next in descending order) for the next sporting competition year the right to complete his participation in the current sporting competition year.*

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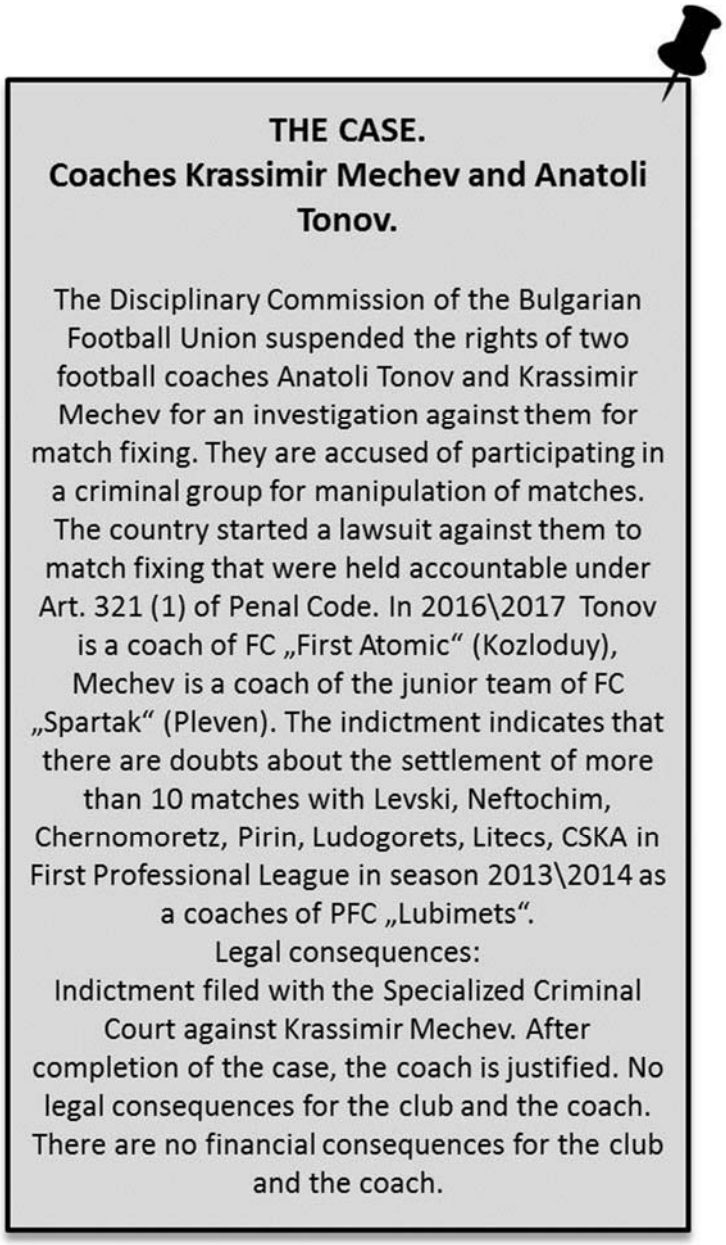
### 2.3.4 Case Study

Kassimir Mechev and Anatoli Tonov are Bulgarian football coaches. In 2016 a lawsuit by the Specialized Prosecutor's Office of the Republic of Bulgaria was instituted against them to settle matches. The case is for settling matches from them during the 2013-2014 season with the team of PFC „Lubimets“ in season 2013-2014, when the team is participant in First Professional League.



**THE CASE.**
**Coaches Krassimir Mechev and Anatoli Tonov.**

The Disciplinary Commission of the Bulgarian Football Union suspended the rights of two football coaches Anatoli Tonov and Krassimir Mechev for an investigation against them for match fixing. They are accused of participating in a criminal group for manipulation of matches. The country started a lawsuit against them to match fixing that were held accountable under Art. 321 (1) of Penal Code. In 2016\2017 Tonov is a coach of FC „First Atomic“ (Kozloduy), Mechev is a coach of the junior team of FC „Spartak“ (Pleven). The indictment indicates that there are doubts about the settlement of more than 10 matches with Levski, Neftochim, Chernomoretz, Pirin, Ludogorets, Litecs, CSKA in First Professional League in season 2013\2014 as a coaches of PFC „Lubimets“.

Legal consequences:

Indictment filed with the Specialized Criminal Court against Krassimir Mechev. After completion of the case, the coach is justified. No legal consequences for the club and the coach. There are no financial consequences for the club and the coach.

Figure 5: Example of a Bulgarian case (Dir Online, 2017; Neshev, 2017; Nov Sport Online, 2017)

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## 2.4 France

### 2.4.1 Introduction

The French legislative framework has a number of measures in place to prevent the integrity of sport. During the process of the liberalization of the sports betting market regulatory choices made by the French legislator gave priority to the protection of bettors against the risk of addiction and the prevention of manipulation of competitions.

The main stakeholders at different levels involved in the legal sports betting licensing and regulatory scheme are:

- Ministère des Sports (Ministry of Sports)
  The sport ministry and ARJEL created the French National Platform according to the Council of Europe (Macolin) Convention in 2016. The platform is situated in and led by the ministry and deals with match-fixing alerts and also is the coordinative prevention hub (The Sports Integrity Initiative, n.d.).
- ARJEL – Autorité de régulation des jeux en ligne (Regulatory authority for online gaming)
  ARJEL is an independent administrative authority created by the law on the opening to competition and regulation of the online gambling sector n° 2010-476 of 12 May 2010. The mission of ARJEL is to issue approvals and ensure compliance by operators, protect the vulnerable and fight against addiction, ensure the safety and fairness of gambling operations, fight against illegal sites and fight against fraud and money laundering. ARJEL is part of the French National Platform coordinating its monitoring efforts (Autorité de régulation des jeux en ligne, 2010).
- FDJ – Française des Jeux (French national lottery)
  Originally established in 1505, it focused initially on lottery games. Yet, online betting and sport betting (e.g., football, basketball, tennis, hockey) are also offered (Française des Jeux, n.d.; France Lottery, n.d.)

#### 2.4.1.1 Legal situation of sports betting

France adopted a new law on gambling in May 2010 (Loi n° 2010-476 du 12 mai 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, dans sa rédaction issue de la LOI n° 2017-261 du 1er mars 2017):

Special topics of the French Law are:

- Licensing system for the online betting market, monopoly system for the land based market (Française des Jeux (French national lottery)
- Role of the online market regulatory authority ARJEL
- Limitation of Pay Out Rate to 85%
- Limitation of competitions offered by betting markets/providers
- Limitation of (single) events within a competition offered by betting markets/providers to betting (no negative events)
- ARJEL can close betting supply on any competition/game at anytime
- Betting operators have to pay a share to sport federations to finance anti match-fixing programs and activities.

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- Prohibition to bet for all sport actors. ARJEL cooperates with national professional leagues and federations to exchange information with betting operators. It regularly imposes sanctions on athletes.
- ARJEL actively fights against illegal betting operators.

#### 2.4.1.2 Macolin Convention

France was in a very active role in the drafting and follow-up process of the Council of Europe's Convention on Manipulation of Sports. The Convention was signed by France in 2014, but has not been not yet been ratified. France is in a leading role in the Group of Copenhagen and established a National Platform.

### 2.4.2 Criminal Law

Most importantly, the law of 1 February 2012, codified in French Criminal Code Articles 445-1-1 et seq., created the new offence of 'betting fraud', which criminalises the act of offering donations, gifts or other advantages to a person involved in a gambling activity to induce a positive act or omission modifying the normal course of the sports event. Such illegal activity may lead to a sentence of up to five years' imprisonment and a fine of 500,000 EUR (or up to twice the profits generated).

***Articles 445-1-1[20] (Legifrance, 2018)***

*He shall be punished by five years' imprisonment and a fine of 500,000 EUR, the amount of which may be doubled to the amount of the proceeds from the offense, the fact, by whomsoever, to propose, without right, at any time, directly or indirectly, to an actor of a sports event giving rise to bets, offers, promises, presents, donations or any advantages, for himself or for others, so that this actor, by an act or an abstention, modifies the normal and fair course of this event or because this actor, by an act or an abstention, has modified the normal and fair course of this event.*

***Articles 445-2-1***

*Is punishable by five years' imprisonment and a fine of 500,000 EUR, the amount of which may be doubled to the proceeds of the offense, the fact, by an actor of a sports event giving rise to bets to solicit or accept from any person, without right, at any time, directly or indirectly, any offers, promises, presents, gifts or benefits of any kind, whether for himself or for others, to modify or to have amended, by an act or an abstention, the normal and fair course of this event.*

***Article 445-3***

*Natural persons guilty of the offenses defined in articles 445-1,445-1-1,445-2 and 445-2-1 also incur the following additional penalties:*

1) *The prohibition, in accordance with the conditions provided for by article 131-26, of civil, civil and family rights; […]*
2) *The prohibition, in accordance with the terms and conditions provided for in article 131-27, of exercising a public office or exercising a professional or social activity in the exercise or on the occasion of the exercise of which the offense has been committed, whether to engage in a*

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*commercial or industrial occupation, to direct, administer, administer or control in any capacity, directly or indirectly, for his own account or on behalf of others, a commercial or industrial enterprise or a commercial company. These prohibitions of exercise may be pronounced cumulatively;*

3) *[…]*
4) *Confiscation, in the manner prescribed by Article 131-21, of the thing which was used or was intended to commit the offense or of the thing which is the product thereof, with the exception of objects liable to restitution.*
5) *The display or the diffusion of the decision pronounced in the conditions envisaged by the article 131-35.*

***Article 445-4***

*Legal persons held criminally liable, in accordance with Article 121-2, for the offenses defined in Articles 445-1,445-1-1,445-2 and 445-2-1, are liable, in addition to the fine, in accordance with the conditions laid down in Article 131-38:*

1) *(repealed);*
2) *For a maximum of five years, the penalties mentioned in 2, 3, 4, 5, 6 and 7 of article 131-39. The prohibition mentioned in 2 of article 131-39 concerns the activity in the exercise or on the occasion of which the offense was committed;*
3) *Confiscation, in the manner prescribed by Article 131-21, of the thing which was used or was intended to commit the offense or of the thing which is the product thereof, with the exception of objects liable to restitution.*
4) *The posting or dissemination of the decision pronounced under the conditions provided for by article 131-35;*
5) *The penalty provided for in article 131-39-2.*

Articles 445-1 and 445-2 of the Criminal Code define private sector corruption not in terms of a commercial activity but as a set of criteria whereby those concerned are persons who do not exercise public authority, perform public duties or hold elective public office but who hold a managerial position or undertake other work, in an occupational or social capacity, for an individual or legal person or for any other body. The private sector is defined firstly in contrast to the public sector. The person concerned must not exercise public authority or perform public duties. Thus, persons operating in the private sector but performing public duties are covered by the offences in articles 432-11 and 433-1 of the Criminal Code. The private sector is not confined to commercial activities but extends to all occupational and social activities, such as none profit activities.

Article 445-3 of the Criminal Code provides for the following additional penalties: loss of civic, civil or family rights for up to five years; disqualification from public office or duties or the occupational or social activity in, or in connection with, the exercise of which the offence was committed (temporary – for up to five years – or definitive); confiscation of the object used in or intended for use in committing the offence, the direct or indirect proceeds of the offence and possessions the origin of which the offender is unable to justify; publication and dissemination of the decision handed down.

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### 2.4.3 Disciplinary regulations

Article L131-15-1 of the French code of sport, created by the law n° 2017-261 of March 1, 2017, determines that sport federations, if applicable in coordination with the professional leagues, are obliged to establish a charter of ethics and professional conduct in accordance with the principles defined by the charter adopted by the French National Olympic Committee (Comité National Olympique et Sportif Français).

These rules further state, that these federations shall establish a committee with independent powers of attorney to appeal to disciplinary bodies responsible for ensuring the application of this charter and the respect of the rules of ethics and integrity in sport.

The French Football Federation (Fédération Française de Football) has fulfilled the obligation stipulated in the code of sport and has introduced corresponding rules in its legal system. Some of these regualtions are presented below.

***Article - 124 Special provisions relating to sports betting and sports manipulation (personal communication Michel Jacquemoux, UEFA, on 15.02.2019)*** [21]

1) *The actors of the competitions organised by the F.F.F. or L.F.P. cannot:*
   a. *Conduct sports betting services on these competitions when they are contractually linked to a sports betting operator holding the approval provided for in Article 21 of Law No. 2010-476 of 12 May 2010 on the opening the competition and regulation of the online gambling industry or where such services are provided under programs sponsored by such an operator,*
   b. *Hold a participation in a sports betting operator holding the approval provided for in the same Article 21, which offers bets on football,*
   c. *Engage, in their personal capacity directly or through an intermediary, bets on bets based on football competitions, as well as events and game phases related to the competition, defined by the Regulatory Authority of the Online Games ,*
   d. *To communicate to third parties privileged information obtained during the course of his profession or his functions, which is unknown to the public.*
   e. *The provisions of this article also apply to bets made in physical networks ("hard" bets).*

2) *For the purposes of paragraph 1, the following persons shall be considered as competitors:*
   a. *players, persons participating in sports, medical and paramedical training, as well as managers, employees, volunteers and members exercising their activity within a sports association, a sports society, their training centre or a legal person participating in a competition serving as a support for bets;*
   b. *the referees and other officials of a betting competition and any person who participates, directly or indirectly, in the arbitration of such a competition;*
   c. *the officers, employees and members of the F.F.F. and L.F.P;*
   d. *sports agents licensed or licensed to provide services and sports attorney lawyers;*
   e. *the managers, employees, volunteers, accredited persons or providers of the organisers of a competition that is used to support bets;*
   f. *the managers and employees of professional organisations representing sportsmen, referees, coaches and professional clubs.*

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3) *Be prohibited any behaviour bearing or likely to harm the integrity of matches and competitions related or not to sports betting. No person shall act in such a way as to influence the course and / or the normal and fair result of a match or competition in order to obtain a benefit for himself or for a third party.*
*Taxable persons must cooperate with the authorities in the fight against such behaviour. They must also report spontaneously to the authorities when they are contacted in order to participate in acts of sport manipulation and must spontaneously report any behaviour of which they are aware in connection with this article.*

4) *Any violation of the provisions of this article by taxable persons constitutes a disciplinary offense which may lead to sanctions under the conditions set out in Appendix 2 to these regulations.*
*Persons guilty of sport corruption are also liable to penal sanctions under the conditions of articles 445-1-1 and 445-2-1 of the Penal Code.*

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### 2.4.4 Case study

In July 2015, the 16 people indicted by French authorities for their part in the match-fixing scandal—including the Karabatic brothers—were found guilty. Nikola Karabatic was fined 10,000 EUR and the largest fine on 30,000 EUR went to Mladen Bojinovic. None of the people were given jail sentences, despite the prosecutor's request. The Karabatic brothers appealed to the decision in 2017 and they lost. A new ruling was made by the Disciplinary Committee of the French Handball Federation leading to a prison sentence on probation for two months for both. Their girlfriends, which also placed bets on the game, where fined with 10,000 EUR (RFI, 2015; Süddeutsche Zeitung, 2017; The Sports Integrity Initiative, 2015).


Figure 6: Example of a French case (RFI, 2015; The Sports Integrity Initiative, 2015)

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## 2.5 Germany

### 2.5.1 Introduction

Similar to Austria, tackling match-fixing in Germany has become increasingly important. Incidents have happened at the elite level. Yet, grassroots sports also suffer from match-fixing. The organisational structure of the German sports system is framed by the federal structure of the Federal Republic of Germany. It features public sports administration and structures of self-autonomy and self-administration (Petry & Hallmann, 2013). Thus, there is no top-to bottom system. The voluntary nature of grassroots sports is dominant. This was also supported by the Treaty of Lisbon (Art. 165 TFEU) for all member states of the European Union. The treaty entered into force in 2009 (EUR-Lex, 2018). After the European Union set up a working plan for developing the 'European dimension of sport' in 2011 (therefore convened an expert group 'Good Governance in Sports' in 2012), German politicians saw the need to ask their government in the beginning of 2013 about a 'good governance' policy in sports (Dr. Frank-Walter Steinmeier und Fraktion, 2013).

The following two years were seminal for Germany in the fight against match-fixing. The start was made by hosting the 5th conference of the UNESCO in Berlin in May, 2013, including the *Declaration of Berlin* as a final output. Again in 2013, the *Ethic-Code* of the German Olympic Sports Confederation came for all member associations into effect. One year later, Germany signed the Macolin Convention of the European Union directly on the date of opening the treaty for signatures on the 18th of September, 2014 (Council of Europe, 2019a; DOSB, 2018; UNESCO, 2013). When in April, 2017, the amending paragraph § 265 of the German Criminal Code came into force, the government of Germany clearly stated its position towards match-fixing (Bundesgesetzblatt, 2017). The legal basis in the fight against match-fixing was therefore established and makes it an offence for a person.

The main stakeholders referring to match-fixing in Germany are listed in Table 4 and they are grouped by their backgrounds. Additionally the Table separates into the national and European/international stakeholders and in the last paragraph some supervision and security warning systems.

Table 4: Stakeholders of Germany referring to match-fixing (own depiction)

| | **Governmental** | **Sports Betting Operators** | **Federations / Leagues** | **Investigation and Integrity Units** |
|---|---|---|---|---|
| **National Level** | Federal Ministry of the Interior, Building and Community | German Sports Lottery | DFL, DFB etc. and their Courts etc. (Sporting Courts of the different Associations) | TAS/CAS |
| | National Government – Lower house of Parliament (Bundestag) | Tipico, bwin, energy bet, betrally, bet365 etc. (sport betting actors) | NOC (DOSB) | Federal Supreme Court of Justice (BGH) |
| | Federal Ministries of federal states (which are in charge for sport) | DLTB ('Deutscher Lotto Totoblock') | NADA | |

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| | | | | |
|---|---|---|---|---|
| **European and International Level** | Council of Europe | | UNESCO World Sport Ministers, UNODC (-IOC), OECD | Europol, Eurojust, Interpol |
| | | | FIFA, UEFA | ICSS (Sarbonne) |
| | | | WADA | Transparency International |
| **Supervision and Warning Systems** | | Sportradar Fraud Detection System | Several Athletics Integrity Units | European Sports Security Association (ESSA) |
| | | Global Lotteries Monitoring System (GLMS) | | FIFA Early Warning System GmbH (EWS) |
| | | | | IOC Integrity Betting Intelligence System (IBIS) |

#### 2.5.1.1 Macolin Convention

The European Convention on Manipulation of Sports has been signed by Germany in 2014. The convention has not yet been ratified by the German Government.

### 2.5.2 Criminal Law

The *German Criminal Code,* amended in November, 2013, with additional paragraphs about 'Betting Fraud and Manipulation' through §265, was passed by the German parliament on 7 March, 2017, and came into force on 19 April, 2017. For the first time match-fixing became a criminal act for a person in Germany. The following legislation excerpts – taken from the German Criminal Code – outline only the most important statements, beginning with § 263 Fraud (Bundesgesetzblatt, 2017; Bundesministerium der Justiz und für Verbraucherschutz, n.a.).

***Section 263 Fraud (Bundesministerium der Justiz und für Verbraucherschutz, 2013)***

1) *Whosoever with the intent of obtaining for himself or a third person an unlawful material benefit damages the property of another by causing or maintaining an error by pretending false facts or by distorting or suppressing true facts shall be liable to imprisonment not exceeding five years or a fine.*
2) *The attempt shall be punishable.*
3) *In especially serious cases the penalty shall be imprisonment from six months to ten years. An especially serious case typically occurs if the offender*
   1. *acts on a commercial basis or as a member of a gang whose purpose is the continued commission of forgery or fraud;*
   2. *causes a major financial loss of or acts with the intent of placing a large number of persons in danger of financial loss by the continued commission of offences of fraud;*
   3. *places another person in financial hardship;*
   4. *abuses his powers or his position as a public official; or*

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5. *pretends that an insured event has happened after he or another have for this purpose set fire to an object of significant value or destroyed it, in whole or in part, through setting fire to it or caused the sinking or beaching of a ship.*

4) *Section 243(2), section 247 and section 248a shall apply mutatis mutandis.*
5) *Whosoever on a commercial basis commits fraud as a member of a gang, whose purpose is the continued commission of offences under sections 263 to 264 or sections 267 to 269 shall be liable to imprisonment from one to ten years, in less serious cases to imprisonment from six months to five years.*
6) *The court may make a supervision order (section 68(1)).*
7) *Section 43a and 73d shall apply if the offender acts as a member of a gang whose purpose is the continued commission of offences under sections 263 to 264 or sections 267 to 269. Section 73d shall also apply if the offender acts on a commercial basis.*[22]

In 2017, section 265c of the German Criminal Code was added. It allows sanctions if parties have agreed to manipulate sporting competitions based on betting activities.

***§ 265c –Betting Fraud in Sports (Kneidel, 2017)***[23]

1) *"An athlete or a coach who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he influences the process or the result of a sports competition in favour of the opponent in the competition and as a result of that an unlawful material benefit will be obtained through a public sports bet placed on this competition shall be liable to imprisonment not exceeding three years or a fine.*
2) *Whosoever offers, promises or grants to a [sic!] athlete or a coach a benefit for himself or for a third person in return for the fact that he influences the process or the result of a sports competition in favour of the opponent of the competition and as a result of that an unlawful material benefit will be obtained through a public sports bet placed on this competition shall incur the same penalty.*
3) *A referee or a judge who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the result of a sports competition in favour of the opponent in the competition and as a result of that an unlawful material benefit will be obtained through a public sports bet placed on this competition shall be liable to imprisonment not exceeding three years or a fine.*
4) *Whosoever offers, promises or grants to a referee or a judge a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the result of a sports competition in favour of the opponent in the competition and as a result of that an unlawful material benefit will be obtained through a public sports bet placed on this competition shall incur the same penalty. (…)"*

***§ 265d –Manipulation of Professional Sport Competitions***

1) *"An athlete or a coach, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the*

[22] The German original version of the disciplinary sections can be found in Appendices B.1.
[23] These paragraphs were translated from German for and first published on the website LawInSport.com. The copyright is owned by LawInSport Ltd. The full article can be found with the website stated in the list of references.

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*result of a professional sports competition in favour of the competition's opponent shall be liable to imprisonment not exceeding three years or a fine.*

2) *Whosoever offers, promises or grants to an athlete or a coach a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the result of a professional sports competition in favour of the competition's opponent shall incur the same penalty.*
3) *A referee or a judge, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the result of a professional sports competition in favour of the competition's opponent shall be liable to imprisonment not exceeding three years or a fine.*
4) *Whosoever offers, promises or grants to a referee or a judge a benefit for himself or for a third person in return for the fact that he irregularly influences the process or the result of a professional sports competition in favour of the competition's opponent shall incur the same penalty (…)."*[24]

### 2.5.3 Disciplinary regulations

As mentioned in the introduction, the different sports federations and associations in Germany are aware of the topic match-fixing. Taking the examples of the DFB (German Football Association) and the DEB (German Ice Hockey Association) the following chapters present an overview about how match-fixing is tackled under the respective disciplinary rules.

#### 2.5.3.1 Football: German Football Federation (DFB)

Regarding all German sport federations, the DFB is the one with the most members; it is composed of 27 member associations with the headquarters of the DFB located in Frankfurt am Main. One of the six central fields of action of the department for social responsibility is to secure the integrity of football and work as a unity against the match manipulation (Deutscher Fussball-Bund, 2018a). Besides the relevant paragraphs in their respective regulations, a specific program was established to gain attention and to educate the all involved people about match-fixing (Deutscher Fussball-Bund, 2018b). The section below states the relevant paragraphs referring to the fight against match-fixing within the *Rechts- und Verfahrensordnung of the German Football Association*.

***Relevant paragraphs (Deutscher Fussball-Bund, 2018c)***[25]
***§ 1 Basic rule***

*[…]*

2) *Players, coaches and officials of clubs and subsidiaries – the latter only if they have a direct influence on the gaming operations – are prohibited from making or attempting to make any for-profit sport bets – themselves or through third parties, in particular close relatives, on their own account or on behalf of others – on the outcome or the course of any football match or competition in which their teams are directly or indirectly involved.*

*They may also not instruct or assist any third party in making such bets. They are obliged to hide from third parties any information or special knowledge relating to such sport bets which is not*

[24] The German original version of the disciplinary sections can be found in Appendices B.2.
[25] Own translations, not legally binding.

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*generally accessible Violations represent a form of unsporting conduct. Players, coaches and officials of clubs and subsidiaries are obliged to inform the DFB immediately and unsolicited if they are offered by a third party the manipulation of a match played by their club or another club (for victory, draw, defeat or goal result, etc.) for a promise of money, payment of money or other benefits. […]*

*3) Referees (§ 13 section 1, sentences 1 and 2 of the DFB Referees' Rules) of the leagues, in which betting offers are made, are prohibited from betting on matches in these leagues. […]*

***§ 6a Match-manipulation***

*(1) Whoever, in particular as a player, referee, coach or official, takes action to influence the course and/or the result of a football match and/or the sporting competition by deliberately wrong decisions or other unauthorised influence with the intention to gain benefit for himself or another person, is guilty of match-manipulation.*

*[…]*

In addition, the statues also elaborate on this issue and outline penalties.

***Charter DFB, relevant paragraphs (Deutscher Fussball-Bund, 2018c)[26]***
***§ 44 Penal power of the association and types of penalties***

*1) All forms of unsporting and unethical conduct as well as violations of the charter and regulations of the DFB and the League Statute shall be prosecuted. […]*

*2) As penalties are admissible: a) Warning, b) Reprimand, c) Fine against players up to 100,000 EUR, otherwise up to 250,000 EUR, d) Imposing a stadium ban on individual persons, e) Temporary ban - for a maximum of three years – or permanently on holding an office within the DFB, its member associations, their associations and corporations, f) Ban on compulsory match days, on a temporary basis - for a maximum of three years - or on a permanent basis, g) exclusion on a temporary basis - for a maximum of three years - or on a permanent basis, h) exclusion from the use of the DFB club facilities for a limited period of time - not exceeding three years - or on a permanent basis, including withdrawal of the licences, i) Prohibition - up to five matches - from staying inside the stadium or sport facility during the match, j) Withdrawal of admission for trainers temporary - for a maximum of three years - or permanently, k) Holding a match under exclusion or partial exclusion of the public, l) Disqualification of points, m) Transfer to a lower division, n) Prohibition to register new players at national and international level on a temporary basis - for a maximum of three years.*

*3) The penalties may also be imposed parallel.*

*[…]*

### 2.5.3.2 Ice Hockey – DEB

The DEB is the collaboration of all members which actively practice or foster ice hockey in Germany. Its aim is to generally take care of ice hockey as a sport and promote in particular the national team (Deutscher Eishockey-Bund, 2018). The association refers to the challenge of match-fixing as well in their respective statutes and regulations, as shown in the following.

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***Satzung of the DEB (Deutscher Eishockey-Bund, 2017)***[27]
***§ 3 Purpose***

1) *The purpose of the DEB is the general care of the ice hockey sport, in particular the promotion of the national ice hockey sport. The DEB is representative of its sport at home and abroad.*
2) *The purpose of the charter is realized primarily by:*

*[…]*

*j. Ensuring the integrity of the sporting competition, in particular through measures according to the Competition Manipulation Rules of the IIHF, to prevent competitions from being manipulated*
*;[…]*

3) *Within the general care of the hockey sport, the DEB also conducts inline hockey competitions according to the rules of the IIHF. This is an ideal complement of the hockey sport during the summer months since inline hockey is also embedded in the rulebook of the IIHF.*

***§ 13 Duties of the members***

*[…]*

4) *The members of the DEB and its members accept the final and binding decision of the IIHF in all international affairs. They agree to comply with the rules of the World Anti-Doping Code and to apply the IIHF Competition Manipulation.*

*[…]*[28]

[27] Own translations, not legally binding.
[28] The full German version can be found in Appendix B.5.

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### 2.5.4 Case study

Robert Hoyzer is a former German football referee and the key person in the match-fixing scandal 2005. During the scandal, Hoyzer admitted manipulating results of several football games to enable participants of sports betting to generate profits. In return he received cash and non-cash benefits. The district court of Berlin sentenced Hoyzer to two years and five months in prison based on the German Criminal Code, Section 263 Fraud (HRR-Strafrecht, 2007).


Figure 7: Example of a German case (Bachner, 2005; Frankfurter Allgemeine Zeitung, 2006; The Guardian, 2005; The Telegraph, 2005)

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### 2.5.5 Conclusion

After the 2005 match-fixing scandal, involving former referee Robert Hoyzer, the awareness of match-fixing and betting-fraud in Germany substantially increased. In 2017, the German Criminal Code was extended by Section 265c ("betting fraud in sports") and Section 265d ("manipulation of professional sports competitions"). These sections' purpose is to protect the integrity and credibility of sport in general. As mentioned before match-fixing is embedded in the regulations of the German Football Association. Additionally, a specific programme was established in 2012 to gain attention and to educate all involved stakeholders about match-fixing (Deutscher Fussball-Bund, 2018b). This programme, called *Together against match-fixing – don't fix the game (Gemeinsam gegen Spielmanipulation, 2019)*, is an initiative of the German FA together with the German Football League. The programme has preventative character and can be grouped into four pillars: Prevention workshops, rules and regulations, ombudsman and monitoring (Deutscher Fussball-Bund, 2018b). This programme was an appropriate start for the fight against match-mixing, including both, the German Football Association and the German Football League, promoting the purpose of the programme online. Meanwhile (2018), the programme *Together against match-fixing – don't fix the game* was completely re-launched which was related to amendments of the Disciplinary Code of the German Football League (§5(8), Licensing Rules [Lizenzierungsordnung DFL, 14.12.2018]; DFL, 2018). The amendments included an obligatory annual education of all players of the first and second Bundesliga. This became a new programme pillar and was inaugurated in the season 2018/19 in cooperation with Sportradar (Sportradar, 2019).

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## 2.6 Greece

### 2.6.1 Introduction

#### 2.6.1.1 Introduction of the Greek approach including a definition of the key stakeholders in Greek sport

Main stakeholders involved at different levels with the legal sports betting offer are:

***Hellenic Gaming Commission (HGC).*** The HGC is an independent administrative authority responsible for the regulation, supervision and audit of gambling activities, carried out on Greek Territory (Hellenic Gaming Commission, n.d.).

***OPAP – Greek Organisation of Football Prognostics S.A.*** OPAP is the leading gaming company in Greece. The company, founded in 1958 as the country's national lottery is the exclusive licensed operator of all numerical lotteries, sports betting (four different types of sports betting methods) and horse racing. It was a public monopoly till 2013. Following that it becomes a private company. OPAP offers online betting and is the only company that legally offers land-based betting (betting shops) (Greek Organization of Football Prognostics S.A., 2017).

***Domestic and international online sports betting providers.*** In 2011, legislation was passed that allowed licenses for online betting.

***KEA – Sports Transparency and integrity protection of Greek Athletism***. Sports Transparency and integrity protection of Greek Athletism (KEA) is a civil non for-profit organisation with the purpose to combat the manipulation of sports competitions to protect the integrity of Greek sport and sports ethics in accordance with the principle of the autonomy of Greek sport organisations. KEA works towards primary prevention and coordination of education and awareness-raising efforts in Greece (cf. Erasmus+ Project Sport Whistle, 2019).

#### 2.6.1.2 Legal situation of sports betting in Greece

Betting, in particular fixed-odds and pari-mutuel betting products (relating mostly to sports), has been exclusively awarded to Hellenic Organisation of Football Prognostics S.A. (OPAP). This exclusive right was initially awarded to OPAP for 20 years (i.e., until 2020) and was extended in 2011 – in relation to land-based betting only – by a further 10 years (i.e., until 2030). With the new law in 2011 (Law 4002/2011) online gambling operators can now apply for licenses to operate within the Greek market.

#### 2.6.1.3 Macolin Convention

The European Convention on Manipulation of Sports has been signed by the Hellenic Republic in 2014 and has not yet been ratified.

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### 2.6.2 Criminal Law

The basis for Greek criminal law is the Greek Penal Code (pinikos kodikas), as well as some subsidiary laws such as the "Emergency measures to tackle violence in sport and other provisions" in Law 4326/2015 (Government Gazette A 49 /13.5.2015) and the sports law. The Greek Code of Criminal Procedure is regulated in the "kodikas pinikis dikonomias".

***Article 7 Manipulating Suspicious Match Handling Gambling[29] (Greek Penal Code, 2015)***

1) *The Hellenic Football Federation is obliged to transmit without delay to the Minister responsible for Sports, to the Chairman of the Cultural Affairs Committee of the Hellenic Parliament and to the Professional Sports Committee, the reports he receives from the European or the World Football Association or their affiliates companies or other organisations, about suspicious manipulation matches. Accordingly, the Minister responsible for Sports and the Professional Sports Committee shall forward to the Hellenic Football Federation reports or information obtained in connection with suspected manipulation matches.*
2) *The Professional Sports Committee, with a special reasoned decision, which takes into account, inter alia, the above reports, may remove groups, upon prior call and hearing, from the list of groups that may be included in the "Games" Pre-defined Performance Bets "of OPAP SA and all other companies that are legally active in Greece on betting.*
3) *In the event that such reports are made known to the Minister responsible for Sports, it may, by decision, postpone the start of the event or postpone its conduct on a date and time specified in consultation with the respective organizing authority and the teams involved.*

With regard to corruption and bribery, Law 2725/1999 (Government Gazette A '121 / 17.6.1999) as amended by paragraph 6 of article 75 of Law 3057/2002, replaced by article 13 of Law 4049/2012 – "Amateur and professional sports and other provisions" Greek Sports Law has been established.

***Article 132 Corruption – Bribery – Bidding for altering match result[30] (Greek Penal Code, 1999)***

1) *Any person who intervenes in an unlawful manner in order to influence the development, form or outcome of a match of any team or individual sport shall be punished by imprisonment of at least one (1) year and a fine of one hundred thousand (100,000) to five hundred thousand (500,000).*
2) *Whoever, for the same purpose, requires or accepts gifts or other benefits or any other provision or promise thereof shall be punished by imprisonment of at least two (2) years and a fine of two hundred thousand (200,000) to one million (1,000,000) .*
3) *The same sentence of paragraph 2 of this article shall be punishable and anyone who for the same purpose provided in this paragraph offers, promises or promises to an athlete, coach, referee or administrative agent or other person connected in any way with the athlete, referee, club, AAA or TAA, gifts, benefits or other benefits.*

[29] Own translations, not legally binding.
[30] Own translations, not legally binding.

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4) *If the offense referred to in paragraphs (1) to (3) has been achieved by the offender or if the match whose outcome is altered is included in domestic or foreign betting competitions then the offender is punished by imprisonment for up to ten (10) years.*
5) *If one of the perpetrators of the acts referred to in paragraphs 1 to 4 makes it possible to initiate the prevention of committing one of the crimes contemplated or in the same way contributes substantially to their punishment, he shall be exempt from the penalty for such offenses. If a criminal prosecution has not yet taken place, the Prosecutor of Infringement by a reasoned order shall refrain from prosecuting that person if that person has already committed any of the offenses referred to in paragraphs 1 to 4, the court it imposes a reduced penalty on him under Article 83 of the Penal Code. In exceptional circumstances, the court, considering all the circumstances and in particular the extent of the involvement of the perpetrator in the criminal act and the extent of his contribution to his disclosure or punishment,*
6) *For the offenses referred to in paragraphs 1 to 4, investigations and investigations carried out may include all actions under Article 253A of the Code of Criminal Procedure, under the conditions set out therein. In the criminal proceedings for these crimes, witness protection measures may be taken in accordance with Article 9 of Law 2928/2001.*
7) *In addition to the abovementioned penalties, persons subject to the offenses referred to in paragraphs 1 to 4 shall also be subject to disciplinary action for breach of the spirit of the fan, in accordance with the provisions of Article 130, upon referral by the Federation concerned to the Spirit of the Fellowship Committee.*

### 2.6.3 Disciplinary regulations

The Hellenic Football Federation (HFF) refers in its "Codified Statutes" (Hellenic Football Federation, 2008) Section D. "Jurisdictional – Disciplinary Organs" Art. 40 "Disciplinary Measures" to the Disciplinary Code of the Hellenic Football Federation (HFF). An overview about the Hellenic Football Federation's (HFF) Disciplinary Code 2017 (Hellenic Football Federation, 2017) is presented in the following.

***Subdivision 4: Integrity of competitions and organisations, Article 26 General Agreement[31] (Hellenic Football Federation, 2017)***

1) *All persons bound by the statutes and regulations of the Hellenic Football Federation must abstain from any behaviour, which harms or could damage the integrity of matches and games organised by the Hellenic Football Federation or commissioned by Its member associations must not always cooperate fully with the Hellenic Football Federation in its efforts to combat such behaviours.*
2) *A violation of these principles is committed, inter alia, by anyone*
   a. *acting in a way that is likely to exert influence on course and / or the result of a match or an event for purpose to gain an advantage either for himself or for himself a third party,*
   b. *who uses or provides other information which, not common knowledge, acquired through its position in football and harm or could harm integrity a match or an organisation of the Hellenic Football Federation,*
   c. *who does not immediately and voluntarily inform the Hellenic Football Federation. If was approached by someone about their intended activities influencing the course and / or the outcome of a match or one organizing,*

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d. *who does not immediately and voluntarily inform the Hellenic Football Federation about any behaviour comes to his knowledge which falls within the scope of this Article.*

3) *If the investigation (upon complaint or ex officio) with respect to with pre-arranged races after the end of the event, she cannot have any effect on the racing effect of that organisation or race. A fight that was judged as premeditated never re-extorted but the culpable or the culpable groups are punished under the provisions of this Code. If the complaint concerns the last match of the championship, the punishment or the punishment racing effects on a team that will be held responsible, if the case has not been judged until the validation of her scoreboard will be enforced from the next season.*
4) *Beyond the natural persons and the teams are considered responsible and are punished in the case of persons having authority to operate on their behalf, participate in any form of behaviour or which hurts or could harm the integrity of the Games and of the events organised by Greek Football Federation or assigned to its member associations*
5) *The disciplinary offenses of the fight manipulation, attempted match manipulation or any other activity associated with it fight manipulation is inalienable.*
6) *These cases will be investigated and adjudicated without delay and without having to complete the corresponding criminal procedure. The cases (prosecutions against specific natural or legal persons) no should be filed because the persons involved can have left the country and are not under its jurisdiction Ε.Π.Ο. In order to have a conviction for the offenses manipulation or attempted match manipulation or other activity associated with match manipulation, the degree of demonstration required it is its comfortable satisfaction (as its meaning is according to CAS case law), i.e. higher from simple quoting and less than the passage doubt.*
7) *If the competent judicial body is of the opinion that the information provided the culprit was decisive in revealing or proving one of the abovementioned provisions, may exercise its discretion powers to reduce or even eliminate the penalty.*
8) *The Hellenic Football Federation recognizes the need for close cooperation and exchange information and know-how with state authorities, including the police and the judiciary in order to eventually win battle against racing manipulation.*
9) *The Hellenic Football Federation will establish a network for secure and confidential information / reporting mechanism with a view to receiving information on any business subject matter pre-match result. The information submitted will are used exclusively for the purpose of protecting it integrity of football.*
10) *The Hellenic Football Federation will establish and implement training programs, especially for young footballers, who will help to inform of the risks involved in racing manipulation; and will ensure that all those involved in football matches know and respect the relevant rules.*
11) *Whenever the Hellenic Football Federation will receive data on manipulation match from FIFA, UEFA or other source, will send them without be delayed to the competent Attorney General.*

***Special Provisions, Article 27 Pre-match match result for bettors reasons***

1) *All persons bound by this Code participate in or attempt to participate in any action which hurts or could harm the integrity of matches and games organizing events to make themselves or others property benefits, through cash prizes from betting, gambling, lotteries and other similar activities; or transactions, shall be punishable by the penalties referred to in Article 29 of the Convention present. These penalties may be imposed cumulatively.*
2) *If the purpose was actually achieved, the above penalties are imposed with a tripling of financial penalties.*
3) *If the effort or the achievement of the above is a group or its officer, the penalty payments are tenfold, and the group (or teams) is penalized by relegation.*

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4) *In the event that her dignitary is not blocked, she is guilty of all case (s) when the group (or groups) are involved in the offense more of its footballers.*
5) *If a group is judged to be a manipulation of a fight, other than the other consequence, loses the match and it falls down to its opponent with goals 3-0. While both groups are judged to be guilty of both, apart from the other consequences, they lose the points of the specific match.*

***Article 28 Prohibition of Betting***

1) *All persons bound by this Code are prohibited to bet on any match or event that you have organised by the Greek Football Association or awarded its member associations. Otherwise, a ban is required perform any activity related to his / her sport football for at least two (2) years.*
2) *If the above behaviour is repeated, a penalty is imposed an equitable exclusion of engagement with the football sport.*

***Article 29 Effect on Competitions***

1) *All persons bound by this Code participate or attempt to engage in an attempt to influence the course or result of a match or match with a non-sporting, unethical or corrupt way are punished:*
   a. *with a fine of twenty thousand (20,000) EUR to sixty thousand (60,000) EUR*
   b. *with at least 10 years of ban on engaging in any activity is related to football, and*
   c. *with at least 10 years' ban on entering the competition venues.*
2) *In serious cases and in case of repetition, the money penalties are doubled, and sentences b and c are given for life.*
3) *If the team is responsible or its official, the team will he is punished with a downgrading and a fine of three hundred thousand (300,000) EUR.*
4) *In the event that her dignitary is not blocked, she is guilty of all case (s) when the group (or groups) are involved in the offense more of its footballers.*

***Article 30 Obligation to inform football authorities***

1) *All persons bound by this Code are required to inform the organiser immediately within forty-eight (48) hours authority and the Hellenic Football Federation in any case they are approached for purpose manipulation of the course and / or match result with non-sporting, unethical or corrupt way. If they become aware of them other persons in such activities are required within five (5) days to inform the organizing authority or the HOP*
2) *The persons referred to in paragraph 1, if they fail to inform organiser or the Hellenic Football Federation for anything that comes to mind, they are required to ban the ban to perform any activity is related to football for at least two (2) years.*
3) *In the event of a repeat, a penalty for equitable exclusion is imposed engaging in soccer.*

***Article 31 Deletion – alteration of competition conditions***

1) *Anyone who acts with acts or omissions to do so distortion or alteration of the conducting conditions or the result a match in a way incompatible with sporting ethics and legislation and the act or omission is not punishable by a specific provision of it of this Regulation, is penalized with a ban on entry to the courts for at least one (1) year and a fine of fifteen thousand (15,000) EUR to forty thousand (40,000) EUR as long as it is related to Professional Tournaments and thousand (1,000) EUR to three thousands (3,000) EUR as it relates to amateurs. Also, cumulatively, I will a ban on engaging in any activity which is required is related to football and in a particularly serious case and / or repetition of conduct; this penalty will be imposed on the*

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*ground. If it is wrong is also the group to which she belongs, she is also punished with a remission sentence seven (7) points and a fine of thirty thousand (30,000) EUR to eighty thousand (80,000)EUR if it is PAE and by two thousand (2,000) EUR up to four thousand (4,000) EUR if it is a club.*

2) *In the case of unjustified absence of a group at the exact time starting the race or continuing it after halftime will be required to the guilty group penalty of twenty thousand (20,000) EUR to one hundred thousand (100,000) EUR if it is PAE and a thousand (1,000) EUR up to four thousand (4,000) EUR if it is an association other than provided by the rules of the Game and the familiar notice.*

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### 2.6.4 Case Study

Greece has a long history in match-fixing scandals, having roots in ancient Greece where athletes and coaches fixed wrestling competitions. Today, the country is repeatedly shaken by extensive scandals in sport concerning violence, match-fixing, money laundering etc.

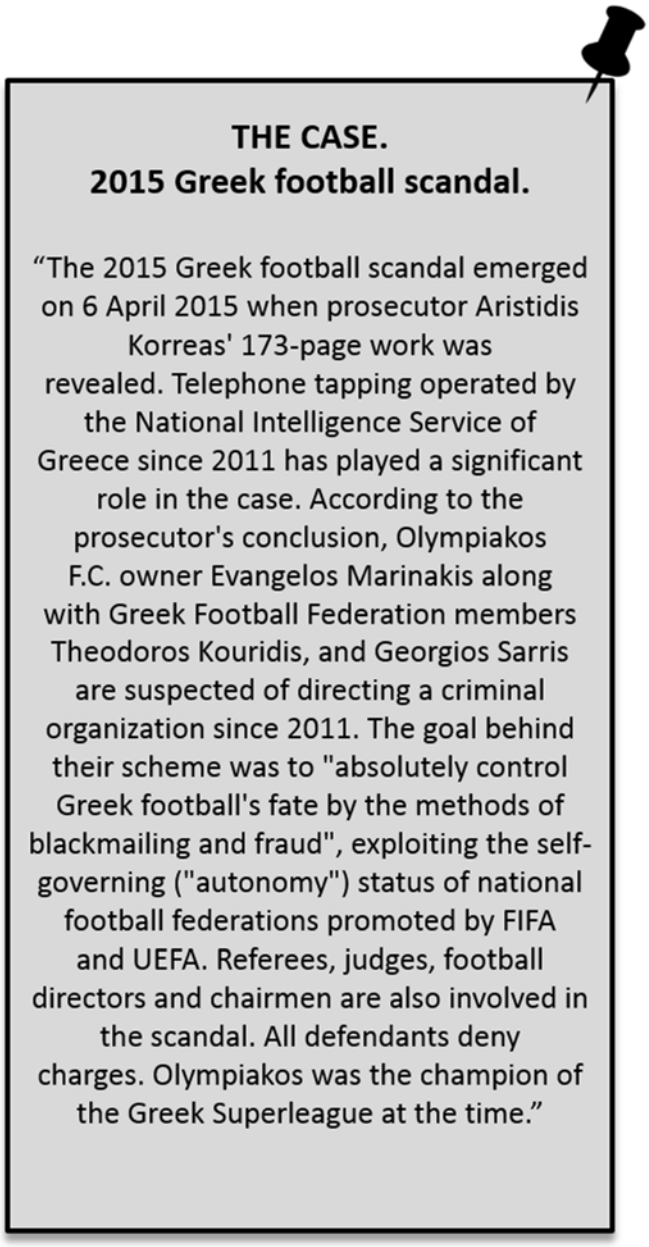


Figure 8: Example of a Greek case (Sky Sports, 2015; The Guardian, 2018)

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## 2.7 Italy

### 2.7.1 Introduction

#### 2.7.1.1 Introduction of the Italian approach including a definition of the key stakeholders in Italian sport

The main stakeholders involved at different levels with the legal sports betting offer are:

- Institutions such as ADM (Agenzia Dogane e Monopoli), Ministry of Finance; Ministry of interior; Office for Sport; National Police corps and finance prosecutor and their specific investigation units (UISS, GISS; Italian Government Office for Sport, 2016);
- Private entities such as legal and licensed sports betting operators;
- National Olympic Committee (CONI) receiving yearly indirect financing deriving from sports betting offer;
- Sistema Gioco Italia (Private betting operators major Syndicate);
- Agency of Customs and Monopolies (ADM).

Possible national integrity strategies are assured through the dedicated units UISS and GISS.

#### 2.7.1.2 Legal situation of sports betting in Italy

The Italian State has the power to organise and exercise, either directly or through licensees any gambling or betting activity in which any kind of reward is paid out and in which the payment of a cash stake is required in order to participate. More specifically, any betting activity that offers cash winnings in exchange of the payment of a stake to participate is regulated and offered through the grant of a license ("concession") to the operator by the Agency of Customs and Monopolies (ADM).

Betting is currently offered by different licensees through shops and through on-line distribution network (remote offer).

#### 2.7.1.3 Macolin Convention

The European Convention on Manipulation of Sports has been signed by the Italian State and a bill is since 15 February 2017 before the Parliament to allow for its ratification. The ratification is about to be executed in late 2019. As of spring 2019 the Italian government has sanctioned Italian gambling regulator AAMS (Amministrazione Autonoma dei Monopoli di Stato) to issue a new decree, which implements an outright ban on wagers placed on competitions exclusively reserved for underage and amateur players.

The decree will be enforced from 1 June 2019 stating that the AAMS has followed procedures/protocols recommended by the EU sanctioned Macolin Convention – on the manipulation of sports competitions. Moving to further empower AAMS frameworks, in April 2019 the Italian Parliament ratified the provisions of the Macolin Convention as Italian law. This development will see the Italian ADM customs agency (Agenzia Dogane e Monopoli) assigned as the nation's 'sports betting

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regulatory authority' tasked with implementing measures on combatting illegal betting and minimizing sports corruption.

Granted new powers, the AAMS will be allowed to confiscate operator goods and earnings deemed to be obtained illegally, in accordance with Article 5 of the Macolin Convention. Becoming a Macolin member, the AAMS has stated that it will cooperate in data and information exchanges with supranational police agencies helping fight European sports corruption. According to the convention's mandate, participating states are entitled to adopt measures such as blocking of financial transactions between illegal sports betting operators and consumers.

### 2.7.2 Criminal Law

As per Law of 13 December 1989, n. 401 on "Interventions in the field of gaming and clandestine bets and protection of fairness in the conduct of sporting events" Italy introduced a special law a sport fraud (§ 48.1.50 - Legge 13 December 1989, n. 401. Interventi nel settore del giuoco e delle scommesse clandestini e tutela della correttezza nello svolgimento di manifestazioni sportive.) The introduction of this law was a response of the difficulties in prosecuting match-fixing cases under the Italian criminal code fraud offence.

The said law provides a more severe sanction for perpetrators who use the match-fix in the context of a bet (art. 1 par 3) to alter the result of a competition. The punishment applies to participants in competitions who accept money, other benefits or advantages, or who accept any promises of the same: the case law considered it applicable to athletes as well as to sport companies' managers or even to persons not involved into sport.

With particular references to the recent amendments of the mentioned law, it is possible to use wiretapping in investigations since 2014 and all forcible measures are applicable. Art. 3 of the said law provides for the obligation to report to the judicial authority as the presidents of national sports federations affiliated to the Italian National Olympic Committee (CONI), the chairmen of the boards of discipline of second order of the same federations and corresponding bodies responsible for the discipline of entities and associations referred to in Paragraph 1 of Article 1, which, in the exercise of their duties or according to their functions, receive news of crimes referred to in Article 1, are obliged to report this, under existing laws, to the judicial authority.

Article 4 of the said law states criminal indictment of unlawful gambling and betting exercise and imposes criminal sanctions against exercise of not legalized games, as well as for gambling / betting exercise by non-authorized operators and advertisement of not legalized games and by not authorized operators. Ancillary punishment is established as for example the denial of access to sport events from six months to three years or the possibility to become a director within sport companies.

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***§ 48.1.50 - Law of 13 December 1989, n. 401***[32]
***Interventions in the field of gaming and illegal betting and protection of fairness in sports events. (GU 18 December 1989, No. 294) (Italian Government, 1989)***

***Art. 1.*** *Fraud in sports competitions.*

1) *Anyone offering or promising money or other benefits or advantages to some of the participants in a sports competition organised by the federations recognized by the Italian National Olympic Committee (CONI), by the Italian Union for the increase of horse breeds (UNIRE) or by others sporting bodies recognized by the State and by their member associations, in order to achieve a result different from that resulting from the correct and fair execution of the competition, or performs other fraudulent acts aimed at the same purpose, is punished with imprisonment from two to six years and with a fine from 1,000 EUR to 4,000 EUR.*
2) *The same penalties apply to the participant in the competition who accepts the money or other benefit or advantage, or accepts the promise.*
3) *If the result of the competition is influential for the purposes of conducting forecast competitions and regularly exercised bets, for the facts referred to in paragraphs 1 and 2, the penalty of imprisonment is increased up to half and the fine from 10,000 EUR to 100,000 EUR.*

***Art. 2.*** *No influence of criminal proceedings.*

1) *The exercise of the penal action for the crime provided for by the art. 1 and the sentence defining the relative judgment in no way affect neither the approval of the tenders nor any other provision of competence of the sports bodies.*
2) *The beginning of the procedure for the crimes provided for by the art. 1 does not preclude the normal performance according to the specific regulations of the sports disciplinary procedure.*
3) *The bodies of the sporting discipline, for the exclusive purposes of their own functional competence, may request a copy of the documents of the criminal proceedings pursuant to art. 116 of the Criminal Procedure Code without prejudice to the prohibition of publication pursuant to art. 114 of the same code.*

***Art. 3.*** *Report obligation.*

1) *The presidents of the national sports federations affiliated to the Italian National Olympic Committee (CONI), the presidents of the second-degree disciplinary bodies of the same federations and the corresponding bodies responsible for the regulation of the bodies and associations referred to in paragraph 1 of art. 1, that in the exercise or because of their functions they have the news of the crimes of the art. 1, are obliged to report to the judicial authority pursuant to the laws in force.*

***Art. 4.*** *Abusive exercise of playing or betting activities.*

1) *Anyone who illegally exercises the organisation of the lottery or betting or forecasting competitions that the law reserves to the State or to another concessionary body, is punished with imprisonment from three to six years and with a fine from 20,000 to 50,000 EUR. The same penalty applies to those who, in any case, organise bets or forecast competitions on sports activities managed by the Italian National Olympic Committee (CONI), by the organisations it employs or by the Italian Union for the increase of horse breeds (UNIRE). Anyone who illegally exercises the organisation of public bets on other competitions of people or animals and skill*

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*games is punished with arrest from three months to one year and with a fine of not less than one million lire. The same penalties apply to anyone who sells on the national territory, without authorization from the Customs and Monopolies Agency, lottery tickets or similar events in foreign states, as well as anyone who participates in such operations by collecting bets and the accreditation of the related winnings and the promotion and advertising carried out by any means of dissemination. He is also punished with imprisonment from three to six years and with a fine of 20,000 EUR to 50,000 EUR anyone who organises, exercises and collects at a distance, without the required concession, any game established or regulated by the Customs and Monopolies Agency. Anyone, even if he is the holder of the prescribed concession, organises, exercises and collects at a distance any game that is or is governed by the.*

2) *When it comes to competitions, games or bets managed in the manner set out in paragraph 1, and outside the cases of competition in one of the crimes envisaged by the same, anyone in any way publicizes their exercise is punished with arrest up to three months and with a fine from one hundred thousand to one million lire. The same sanction applies to anyone, in any way, gives publicity in Italy to games, bets and lotteries, by anyone accepted abroad.*
3) *Anyone who takes part in competitions, games, bets managed in the manner set out in paragraph 1, outside the cases of competition in one of the crimes envisaged by the same, is punished with arrest up to three months or with the fine to be lire one hundred thousand to one million lire.*
   a. *The provisions of paragraphs 1 and 2 also apply to gambling games exercised by means of equipment prohibited by art. 110 of the Royal Decree 18 June 1931, n. 773, as amended by law May 20, 1965, n. 507,and as last modified by the art. 1 of the law 17 December 1986, n. 904. The sanctions referred to in this article are applied to anyone, without a concession, authorization or license pursuant to Article 88 of the Consolidated Law on Public Security, approved with Royal Decree 18 June 1931, n. 773, and subsequent amendments, carry out any organised activity in Italy in order to accept or collect or otherwise encourage the acceptance or in any way the collection, also by telephone or electronic means, of bets of any kind from anyone accepted in Italy or abroad.*
   b. *Without prejudice to the powers attributed to the Ministry of Finance by Article 11 of the decree-law of 30 December 1993, n. 557, converted, with modifications, from law 26 February 1994, n. 133 and in application of article 3, paragraph 228 of the law 28 December 1995, n. 549, the sanctions referred to in this article apply to anyone who carries out the collection or booking of lottery bets, forecasting competitions or bets by telephone or electronic means, where the appropriate authorization from the Ministry of Economy and Finance - Agency of the customs and monopolies to the use of such means for the aforementioned collection or reservation.*
   c. *The Customs and Monopolies Agency is required to implement, in collaboration with the Guardia di Finanza and other police forces, an extraordinary plan to control and combat the illegal activity referred to in the previous paragraphs with the aim of determining the emergence of illegal gaming collection.*

### 2.7.3 Disciplinary regulations

Sport has adopted its own framework to sanction the sport offence as competition alteration within its execution or result. The case law has clarified the relation between the national legal framework and the sport framework in order to clearly state the prevalence of the criminal justice on the sport justice. The Italian Football Federation (Federazione Italiana Giuoco Calcio; FIGC), is the governing body

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of football in Italy. Its Code of Justice prohibits manipulation of games and placing bets by involved athletes and establishes an obligation to report.

***CODE OF JUSTICE OF THE FIGC***
***DECREE OF THE COMMISSIONER AT ACTA OF 30 JULY 2014 (Federazione Italiana Giuoco Calcio, 2014)[33]***
***Art. 6 Prohibition of bets and obligation to report***

1) *To the subjects of the federal order, to the managers, the members and the members of the belonging societies the professional sector is prohibited from making or accepting bets, directly or for interposed person, also with the subjects authorized to receive them, or to facilitate the betting of others with acts uniquely functional to the performance of the same, which have as their object the results relating to official meetings organised within the framework of FIFA, UEFA and the FIGC.*
2) *To the subjects of the federal order, to the managers, the members and the members of the belonging societies the amateur sector and the youth sector are prohibited from making or accepting bets, directly or through a third party, with subjects not authorized to receive them, or to facilitate bets of others with acts uniquely functional to the performance of the same, which have had the results of official meetings organised within the framework of FIFA, UEFA and FIGC. It is also forbidden to make or accept bets, directly or for interposed person, with the subjects authorized to receive them, in relation to competitions for competitions in which their teams play.*
3) *The violation of the prohibition referred to in paragraphs 1 and 2 implies for the subjects of the federal order, for the managers, for the members and for the members of the societies the sanction of inhibition or disqualification not less than three years and a fine of not less than 25,000 EUR.*
4) *If, for the violation of the prohibition referred to in paragraphs 1 and 2, the direct responsibility of the company is ascertained company pursuant to art. 4, the fact is punished with the application of the sanctions referred to in letters g), h), i), l) of art. 18, paragraph 1, also jointly in relation to the circumstances and the gravity of the event.*
5) *The subjects referred to in art. 1 bis, paragraphs 1 and 5, which became known in any way whatsoever companies or persons have placed or are about to put in place any of the acts indicated in paragraphs 1 and 2, they are obliged to inform the FIGC federal prosecutor's office without delay.*
6) *Failure to comply with the obligation referred to in paragraph 5, entails for the subjects referred to in art. 1 bis, paragraphs 1 and 5, the sanction of inhibition or disqualification of not less than six months and of the fine not less than 15,000 EUR.*

***Art. 7 Sports offense and obligation to report***

1) *The fulfilment, by any means, of acts intended to alter the performance or result of a race or a competition or to ensure anyone an advantage in the standings constitutes sports offense.*
2) *The companies and subjects referred to in art. 1, paragraphs 1 and 5, which commit directly or which allow others to perform, in their name or in their interest, the facts referred to in paragraph 1 are responsible.*
3) *If the direct liability of the company pursuant to art. 4, the fact is punished, a depending on its seriousness, with the sanctions referred to in letters h), i), l) of art. 18, paragraph 1, save the application of a greater sanction in the event of insufficient affliction.*

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4) *If the objective or presumed liability of the company pursuant to art. 4, paragraph 5, the fact is punished, depending on its seriousness, with the sanctions referred to in letters g), h), i), l), m) art. 18, paragraph 1.*
5) *The subjects referred to in art. 1 bis, paragraphs 1 and 5, recognized as responsible for a sports offense, are punished with a sanction not less than inhibition or disqualification for a minimum period of four years and with a fine of not less than 50,000 EUR.*
6) *In the event of multiple crimes or if the progress or outcome of the tender has been altered or if the advantage in the standings has been achieved, the penalties are aggravated.*
7) *The subjects referred to in art. 1 bis, paragraphs 1 and 5, which became known in any way whatsoever companies or persons have placed or are about to put in place any of the acts indicated in the paragraphs precedents, have the obligation to inform, without delay, the Federal prosecutor's office of the FIGC.*
8) *Failure to comply with the obligation referred to in paragraph 7, entails for the subjects referred to in art. 1 bis, paragraphs 1 and 5, the sanction of inhibition or disqualification of not less than one year e of the fine of not less than 30,000 EUR.*

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### 2.7.4 Case Study

There is a certain history of match-fixing in Italy. The following case is a typical example of the recurring match-fixing issues. However, there were also much bigger scandals like the 2006 scandal known as "Calciopoli".

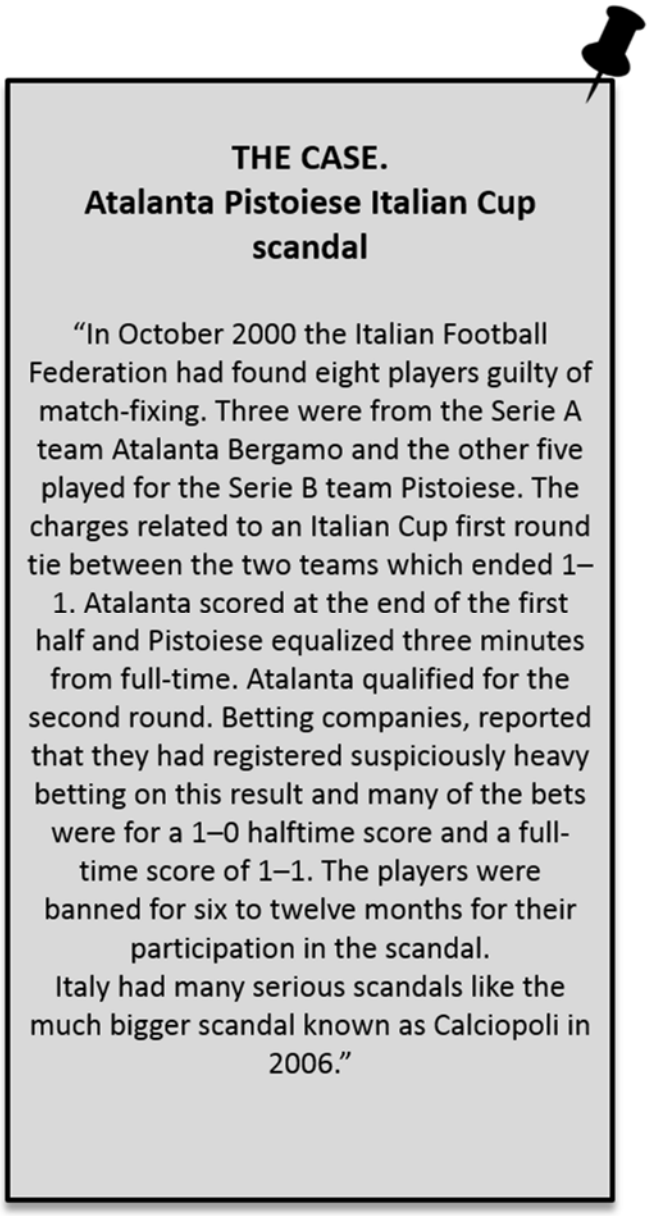


Figure 9: 2006 Italian Football Scandal (The Guardian, 2011)

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## 2.8 Japan

### 2.8.1 Introduction[34]

Japan is an East Asian island country located in the Pacific, east of China, Korea and Russia. The history of Japan is characterized by periods of influence from the outside world, followed by long periods of isolation, which may be the basis of preserving traditions and establishing a culture and values that are unique. For example, Japan's view on sport betting and gambling is quite different compared to European countries or Australia. In Japan, gambling and betting are banned with a few exceptions under strict state control whereas in many European countries it is legalised. Japan lacks a legalised sport betting market and therefore, Japan does not have general laws or regulations that limit match-fixing (Kawai, 2018).

The structure of organised sport in Japan is framed by four levels: The first level is composed of the administrative organisations of the national and local governments whereas the Japan Sport Council (JSC) builds the second level. The JSC is one of the independent Japanese administrative agencies and supports grassroots and competitive sports. The third level contains the Japan Sports Association (JASA) and the Japan Olympic Committee (JOC) which are responsible for promoting national sports activities and the latter for boosting the national elite athletes. The last level is the Nippon Junior High School Physical Culture Association and the All-Japan High School Athletic Federation aimed to subsidise physical education at Japanese high schools. Furthermore, 4,422 non-profit organisations related to the sport sector are promoting sport at the local level (Kurosu, 2013).

#### 2.8.1.1 Macolin Convention

The European Convention on Manipulation of Sports has not been signed by Japan.

### 2.8.2 Criminal Law

#### 2.8.2.1 Gambling regulation

In Japan, betting is prohibited by the Criminal Code of 1907 (act no.45), also known as *Kei hō (Kawai, 2018)*. The Criminal Code contains a special chapter, *No. XXIII Crimes Related to Gambling and Lotteries*, which deals with penalties for betting and gambling offenses. Penalties are imposed for both betting and betting gamblers whose cash is between 200,000 and 1,500,000 JPY, and imprisonment in any case is through work and varies between two months and five years. The detailed comments on penalties are dealt with in Articles 185, 186 and 187 of the Penal Code (CAS, 2006).

[34] The authors would like to thank Prof. Rei Yamashita for reviewing this chapter.

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***Article 185. (Gambling)***[35]

*A person who gambles shall be punished by a fine of not more than 500,000 JPY or a petty fine; provided, however, that the same shall not apply to a person who bets a thing which is provided for momentary entertainment.*

***Article 186. (Habitual Gambling; Running a Gambling Place for the Purpose of Gain)***

1) *A person who habitually gambles shall be punished by imprisonment with work for not more than three years.*
2) *A person who, for the purpose of profit, runs a place for gambling or organises a group of habitual gamblers shall be punished by imprisonment with work for notless than three months but not more than 5 years.*

***Article 187. (Lotteries)***

1) *A person who sells a lottery ticket shall be punished by imprisonment with work for not more than two years or a fine of not more than 1,500,000 JPY.*
2) *A person who acts as an intermediary in the sale of a lottery ticket shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 JPY.*
3) *Except for the cases provided for in the preceding two paragraphs, a person who delivers or receives a lottery ticket shall be punished by a fine of not more than200,000 JPY or a petty fine.*

In recent years, there have been changes in the country that have led to legal betting options. For example, in 2000, the Japanese government allowed betting in football through the government-run *toto*, a national lottery system for soccer. The toto-system is regulated through the *Sports Promotion Lottery Act* (act no. 63) of 1998 and by the Japan Sport Council. The board defines 13 matches from the first and second league that are played in one or at most two days. The bets are on all 13 matches for winner, loser or draw (Kawai, 2018).

In addition, sports betting is legalised in horse racing, powerboat racing, motorcycle speedway and bicycle racing. The bets on the last four sports are known as *Kōei kyōgi* and are regulated by national and local governments by a special law for each of the sports - Horse Racing Act, Bicycle Racing Act, Auto Racing Act and Motor Boat Racing Act (Kawai, 2018).

### 2.8.2.2 Match-fixing regulation

The practice of match-fixing and manipulation is not covered with a special match-fixing clause in the Criminal Code, and is instead viewed as a matter of ethics and sportsmanship excluding the involvement of a sport on which betting is legal (Kawai, 2018). Within this research, the authors were not able to identify a Japanese match-fixing case which was dealt with on a criminal law level. Therefore, no statement can be made regarding the adaptability of the Japanese Criminal Code including the Sports Promotion Lottery Act 1998 (Article 37) and the Horse Racing Act (Article 31) dealing with match-fixing incidents and/or cases.

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The specific match-fixing regulations of football and *Kōei kyōgi* are described in the next section.

### 2.8.3 Disciplinary regulations

#### 2.8.3.1 Football: The Sports Promotion Lottery Act 1998

Match-fixing in football is regulated through the *Sports Promotion Lottery Act.* Even though there was no public debate about the criminalisation of match-fixing when the *toto* system was introduced in 2000, penalties are determined within the Act: *"Article 37 of the Act states that if an executive or employee of an organisation, a player, or other individual directly involved in a game accepts, demands, or agrees to receive or provide a bribe as mentioned in art. 24, he or she, may be sentenced to up to three years of imprisonment with work. If the individual commits a dishonest act or fails to perform his or her required duties, in exchange for a bribe, he or she shall receive up to five years of imprisonment with work" (Kawai, 2018, p. 47).*

#### 2.8.3.2 *Kōei kyōgi*: The Horse Racing Act

As mentioned in section 3.8.2.1, betting on government-run racing industries, *Kōei kyōgi,* is legalised under special laws. In each of the racing disciplines specific statutes considering penalties for match-fixing are stipulated. For example, articles 31-34 of the *Horse Racing Act* includes three years of imprisonment or a fine of 3,000,000 JPY (Kawai, 2018).

***Article 31 (Japan Association for International Racing and Stud Book, 1948)***[36]

*Persons falling under any of the items set forth below shall be punished with imprisonment with hard labour of up to three (3) years or a fine of up to three million (3,000,000) JPY.*

*i. Persons who accept an entrustment to purchase pari-mutuel betting tickets as a business, or who accept an entrustment to purchase pari-mutuel betting tickets from an unspecified large number of persons for the purpose of profiting financially.*

*ii. Persons who use a drug or medicine that temporarily stimulates or depresses the racing performance of a horse declared to run.*

*iii. Jockeys who prevent a horse from displaying its full capabilities in a race for the purpose of profiting financially or enabling others to do so.*

*[…]*

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### 2.8.4 Case Study

In February 2015, the Japan Football Association (JFA) fired Javier Aguirre, at that time Japan's national team manager, due to ongoing match-fixing investigations of a Spanish Court. He had only been in the job since August 2014, but the JFA wanted to prevent the national team of any negative impact during their preparation for the World Cup 2018 (ESPN, 2015; Japan Times, 2015).

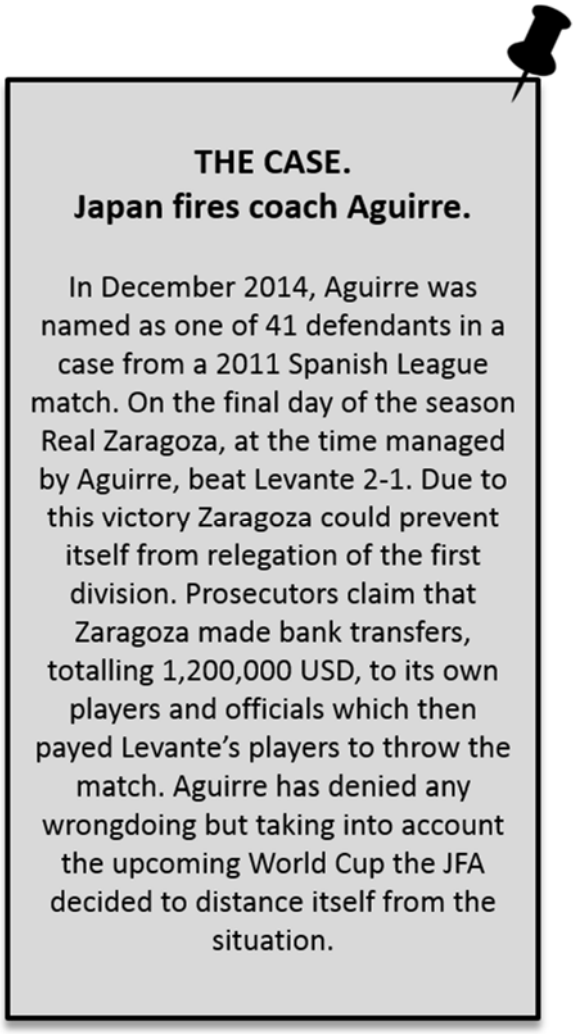


Figure 10: Example of a case in Japan (ESPN, 2015; Japan Times, 2015)

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## 2.9 Paraguay

### 2.9.1 Introduction

In the last few years, Paraguay has made many headlines in sports and in most cases not for its on-field success. The most notorious case was the FIFA-gate with the involvement of high ranking football executives of the FIFA and the CONMEBOL, which directly involved two Paraguayan executives. In 2018, Juan Angel Napout, former head of the Paraguayan Football Association (APF), former president of the CONMEBOL, and vice-president of FIFA, was sentenced to nine years in prison for his role in the scandal. Nicolás Leoz, also former head of the CONMEBOL, has not been extradited to the United States because of his advanced age, but was given house arrest in Paraguay. Only once the investigation by the FBI into the FIFA-gate scandal was well underway the state attorney general's office in Paraguay started its investigations with no further implications or evident results. This scandal, considered as one of the biggest scandals in football yet, shook up the world of football worldwide and attracted an unwanted spotlight on Paraguay (United States Attorney's Office, 2018).

#### 2.9.1.1 The sport system in Paraguay and its legislation

As is the case in many other countries, the sports system in Paraguay is partially financed through a lottery fee (Art.14, Inc. 9; Art. 18, Inc. b). Sports' betting has been regulated through the Law N˚ 1.016 in 1997. According to this law, 'sports betting' is defined as "the activities in which a quantity is risked on the results of a previously determined sporting event, with uncertain outcome and unrelated to the intervening parties". By Article 3, Inc. 8 sport betting is declared as an authorised betting activity in Paraguay.

In 2006, the enactment of the Sports Law attributed the National Secretariat of Sports with the faculty to comply and ensure compliance with the acts set forth in the laws and regulations in relationship to sports (Art. 10). Although the Sports Law includes chapters on anti-doping, violence at sporting events and the prohibition of tobacco and alcoholic beverages advertisement at sporting events, a clear guideline on match-fixing is absent.

***Article 10. – The National Secretariat of Sports shall[37]:***

1) *comply and ensure compliance with the acts provided in the laws and regulations made in relation to sport.*

Based on the principle of the autonomy of sports in Paraguay, the disciplinary actions on sports betting, bribery and match-fixing correspond to each National Sports Federation (NSF) which is attributed with the faculty to investigate and sanction stakeholders that are under its jurisdiction. Therefore, the ultimate responsibility to regulate, monitor and sanction in cases of match-fixing are the NSF's (Art.38).

***Article 38.***

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*The disciplinary power in sport matters corresponds to the sports federations of each discipline, attributing the power to investigate and, if appropriate, sanction or correct persons or entities subject to their jurisdiction. This power is exercised by[38]:*

a. *the judges or referees, during the course of matches or trials, subject to the rules of each sports modality. Sanctions applied in the exercise of this power shall not be subject to any appeal.*
b. *Sports Federations, especially all persons who form part of the organic structure itself; sports clubs and their athletes, technicians and directors; judges and referees, and, in general, all those persons and entities that, being federated, develop the corresponding activity of the appealed sport, subject to the disciplinary and operational rules of the federation.*
b. *the Leagues, on the clubs that participate in official competitions of this nature, and on all persons linked to professional sport practice in the same terms of paragraph b) of this article.*

Article 28 of the Sports Law determines that the SND dictates general norms that sport entities will abide by. All those NSF's that are affiliated to international organisations will be guided by the norms of these organisations, as long as these norms do not infringe the Paraguayan law.

***General Regulations of the SND.***
***Article 46: The Statutes of the Professional Leagues shall include at least the following provisions[39]:***

*h. Procedure for the approval and amendment of the statutes and regulations*
*i. Specific disciplinary regime and, in a differentiated manner, the regime of infractions and sanctions of its directors or administrators.*

#### *2.9.1.1.1 Main Stakeholders*

Secretaría Nacional del Deporte (SND - National Sports Secretariat). The SND is the national governing body for sports in Paraguay with the purpose to implement the 'Ley del Deporte' (Sports Law N˚ 2.874/06) and its regulation, proposing a national sports policy, promoting physical activity, as well as allocating resources to sports activities and supervising sporting entities (Art. 8, Sports Law).

Federations and Leagues. The National Sports Federations are civil associations with their own legal status that have as their object the organisation and promotion of the practice of one or more sports disciplines throughout the national territory, which may also be called leagues, unions or associations (Art.27 , Inc. b). These include the APF, COP (Paraguayan Olympic Committee), etc.

Conajzar (Comisión Nacional de Juegos del Azar). By mandate of Law N˚1.016/1997, the Conajzar is a dependency of the Ministry of Finance that is in charge of the betting and gambling regulations (Ministerio de Hacienda del Paraguay, 2017). The planning, control and supervision of gambling, of the activities of natural or legal persons dedicated to their exploitation, as well as the inter-jurisdictional relations emerging from the activity regulated by this law, shall be exercised by the Conajzar (Law N˚1,016/97). According to Balbuena, in Paraguay an important number of clandestine betting and gambling offices exist which is a constant battle for the Conajzar (Diario La Nación, n.d.).

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*Legal and licensed sports betting operators.* For betting operators, a lottery license is required with exclusive rights at the national level. This license is given to one operator only for a five-year period which in turn is re-distributed to other betting operators (Ministerio de Hacienda del Paraguay, 2018). The re-distribution strategy is used to transfer the responsibility to the betting operator to monitor for clandestine betting shops. Daruma Sam S.A. is the current exclusive sports betting operator at the national level.

*Law enforcement.* The criminal court only intervenes in cases of fraud in sports where third parties outside of the sporting outside of the sporting industry have been affected. The autonomy of sport in Paraguay according to the sports law attributes all the responsibility and faculty to deal with disciplinary actions to the NSF's.

***Sports Law N°.2.874***[40]

*Chapter II: NATIONAL SPORT DEVELOPMENT FUND*
*Article 18: The National Sports Development Fund shall consist of:*

a. *the resources allocated to it by the National Secretariat of Sports from the sources established in Article 14 of this Law.*
b. *the sports lottery.*

*Article 19: The fees that sports lottery concessionaires must pay for the exploitation of gambling will be determined in the corresponding specifications and conditions to be prepared by the National Gaming Commission, after consultation with the National Secretariat of Sports.*

*Article 20: The resources obtained by the exploitation of any sports lottery will be credited directly to the account called "National Fund for Sport Development" which will be open at the National Development Bank or the entity that replaces it, on behalf of and at the disposal of the National Secretariat of Sports.*

#### *2.9.1.1.2 Possible national integrity strategies*

Opposite to some countries like Austria (see chapter in this report) there are no national integrity strategies are currently in place. This is the competency of each NSF. The APF through its Code of Ethics (Annex I, Article 4) has launched the "Zero Tolerance Policy" on match-fixing. This initiative is based on the five pillars suggested by FIFA on prevention, risk management, information management, investigation and sanctioning.

### 2.9.1.2 Macolin Convention

The European Convention on Manipulation of Sports has not been signed by Paraguay.

## 2.9.2 Criminal Law

Match-fixing activity is not contemplated in the Paraguayan Law (Law Nº 1.160/97, Código Penal Paraguayo) with a specific clause. This responsibility is delegated to each National Sports Federation under the Sports Law in its Article 38, since the organisation of sporting events are considered private

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events and therefore the government cannot step in to investigate the performance decline of a player or team if there is no criminal delict (Areco, 2014).

Within this research, the authors were not able to identify a Paraguayan match-fixing case which was dealt with on a criminal law level. Therefore, no statement can be made regarding the adaptability of the Paraguayan Criminal Code dealing with match-fixing incidents and/or cases.

### 2.9.3 Disciplinary regulations

Based on the research of legal aspects within the sports system of Paraguay, only the Paraguayan Football Association had a publicly available *Code of Ethics* that addressed the match-fixing issue and respective disciplinary regulations. Therefore, this section will address the disciplinary regulations of the APF and its approach to match-fixing.

### 2.9.4 Asociación Paraguaya de Fútbol (APF)

Founded in 1906, the APF is the national sports federation responsible for the promotion, organisation, development, orientation, and direction of football in Paraguay. One of the main objectives of the APF is to prevent certain methods or practices from questioning the integrity of matches or competitions, or give rise to abuses in organised football (APF statutes, Article 3, Inc. e). As a result, a code of ethics was elaborated with a specific article regulating match-fixing.

#### 2.9.4.1 Código de ética de la APF (Code of Ethics of the APF)

After a recent restructuring of the Legal Department of the APF, a new code of ethics was developed and then launched at the end of 2018. The need for a framework to address match-fixing and sports betting issues was evident.

The Code of Ethics addresses sport betting, bribery, and match-fixing as individual issues.

***Article 26: INVOLVEMENT IN BETTING, GAMBLING OR SIMILAR ACTIVITIES***[41]

*1) Persons subject to this code are prohibited from:*

*a. Participate, directly or indirectly, in bets, gambling, lotteries and similar activities or businesses related to football matches or competitions and/or other football related activities.*

*b. Have all kinds of interests, directly or indirectly (through third parties or with their collaboration), in entities, companies, organisations, etc. that promote, negotiate, organise or direct bets, gambling, lotteries or similar events or transactions related to football matches or competitions. Interests are understood to be any possible advantage that may be in the interest of persons' subject to this code and/or their related parties.*

*c. Provided that the conduct sanctioned does not constitute another violation of this code, non-compliance with this article shall be sanctioned with the corresponding fine, the minimum amount of which shall be two hundred (200) minimum wages in force in the activities expressly provided for, staggered, and the various amounts not specified, as well as with the prohibition*

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*to engage in activities related to football for a maximum period of three (3) years. Any amount unduly received will be included in the calculation of the fine.*

***Article 27: BRIBERY***[42]

1) *Persons subject to this code:*
a. *Shall not accept, grant, offer, promise, receive, request or solicit improper personal or financial benefits or other advantages in order to obtain or maintain a business or other dishonest benefit for the benefit or through any person of APF, CONMEBOL, and FIFA or outside these entities. These acts are prohibited, regardless of whether they are carried out directly or indirectly through intermediaries or in collaboration with third parties.*
b. *In particular, they shall not solicit, guarantee, accept, offer, promise or give undue personal or financial advantage or other advantage by reason of the execution or omission of any act in connection with their official activities which results in a violation of their obligations or over which they have decision-making power.*
c. They shall refrain from any activity or behaviour that might give the impression or arouse suspicion of a contravention of this article.

2) *Failure to comply with this article shall be sanctioned with the corresponding fine, the minimum amount of which shall be two hundred (200) minimum wages in force in the activities expressly provided for, staggered, and the various amounts unspecified, as well as with the prohibition to engage in activities related to football for a maximum period of five (5) years. Any amount unduly received will be included in the calculation of the fine. This sanction may be increased proportionately if the person holds a high position in football, as well as on the basis of the relevance and amount of the advantage received.*

***Article 28. MISAPPROPRIATION OF FUNDS***

1) *Persons subject to this code:*
a. *The funds of APF, its member clubs, CONMEBOL and FIFA shall not be misappropriated, either directly or indirectly, through or in collaboration with third parties.*
b. *They shall refrain from any activity or behaviour that might give the impression or arouse suspicion of a contravention of this article.*
2) *Failure to comply with this article shall be sanctioned with the corresponding fine, the minimum amount of which shall be two hundred (200) minimum wages in force in the activities expressly provided for, staggered, and the various amounts unspecified, as well as with the prohibition to engage in activities related to football for a maximum period of five (5) years. Any amount unduly received will be included in the calculation of the fine. This sanction may be increased proportionately if the person holds a high position in football, as well as on the basis of the relevance and amount of the advantage received.*

***Article 29: MANIPULATION OF FOOTBALL MATCHES OR COMPETITIONS***

1) *Persons subject to this code are prohibited from:*
a. *Engaging in the manipulation of football matches or competitions. Faking is the act of unlawfully influencing or altering, directly or by an action or omission, the course, outcome or*

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*any other aspect of a football match or competition, irrespective of whether the conduct leading to the commission of the act is for financial gain, sporting advantage or any other purpose.*

b. *In particular, to accept, grant, offer, promise, receive, request or claim any financial or other advantage in connection with the manipulation of football matches or competitions and for their benefit or for the benefit of third parties.*

2) *Persons subject to this code must immediately inform the investigating body of any attempt to contact them in relation to activities and/or information directly or indirectly linked to the possible manipulation of a football match or competition, as described in the previous paragraph.*

3) *The Instructional Body shall be competent to investigate and the Court of Ethics to judge any conduct within football that is not or minimally related to the action on the field of play. The competence of the APF Disciplinary Tribunal is reserved when the conduct has occurred on the field of play.*

4) *Failure to comply with this article shall be sanctioned with the corresponding fine, the minimum amount of which shall be two hundred (200) minimum wages in force in the activities expressly provided for, staggered, and the various amounts not specified, as well as with the prohibition to engage in activities related to football for a maximum period of five (5) years, in case of non-compliance with paragraph 1 and two (2) years, in case of non-compliance with paragraph 2. Any amount unduly received shall be included in the calculation of the fine.*

***Article 67: APPLICATION OF A MUTUALLY AGREED SANCTION***

1) *It will not be possible to negotiate sanctions relating to bribery, misappropriation of funds and the manipulation of football matches or competitions.*

A special annex has been crafted by the APF in regards to match-fixing. As a result, the APF now requires all referees to sign a declaration of integrity in an attempt to raise awareness of the fight against match-fixing. Another initiative is the inclusion of a clause into the work contract of footballers which specifically includes the sanction and potential annulment of the existing contract in case the player is sanction for participation in match-fixing.

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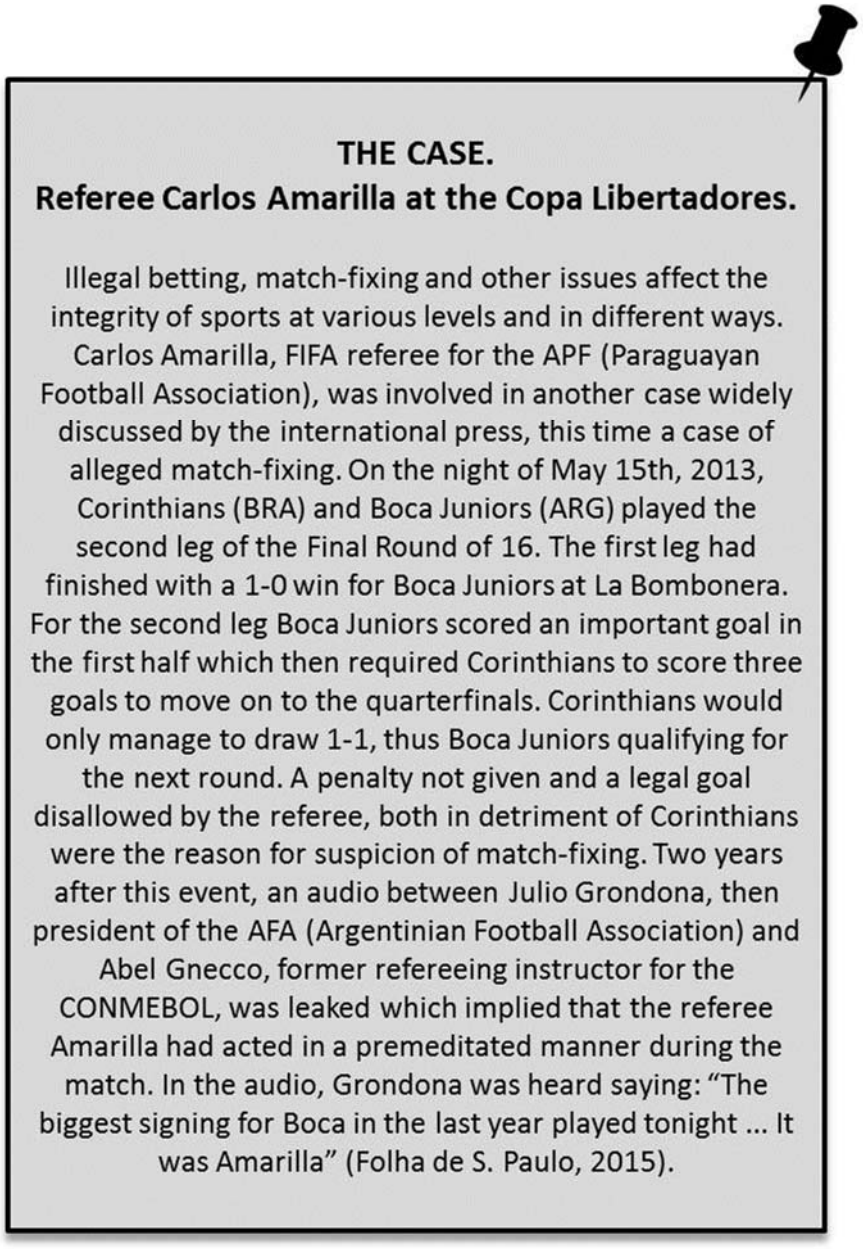
### 2.9.5 Case Study

There are two cases from Paraguay: At first, the referee Carlos Amarilla was involved in match-fixing issues at the Copa Libertadores in 2013 which was detected two years later through an audio between two officials. Secondly, in 2017 the goalkeeper Tobias Vargas, at this time under contract with a football club in the first division of Paraguay, was accused for match-fixing in an official match of his club.



**THE CASE.**
**Referee Carlos Amarilla at the Copa Libertadores.**

Illegal betting, match-fixing and other issues affect the integrity of sports at various levels and in different ways. Carlos Amarilla, FIFA referee for the APF (Paraguayan Football Association), was involved in another case widely discussed by the international press, this time a case of alleged match-fixing. On the night of May 15th, 2013, Corinthians (BRA) and Boca Juniors (ARG) played the second leg of the Final Round of 16. The first leg had finished with a 1-0 win for Boca Juniors at La Bombonera. For the second leg Boca Juniors scored an important goal in the first half which then required Corinthians to score three goals to move on to the quarterfinals. Corinthians would only manage to draw 1-1, thus Boca Juniors qualifying for the next round. A penalty not given and a legal goal disallowed by the referee, both in detriment of Corinthians were the reason for suspicion of match-fixing. Two years after this event, an audio between Julio Grondona, then president of the AFA (Argentinian Football Association) and Abel Gnecco, former refereeing instructor for the CONMEBOL, was leaked which implied that the referee Amarilla had acted in a premeditated manner during the match. In the audio, Grondona was heard saying: "The biggest signing for Boca in the last year played tonight ... It was Amarilla" (Folha de S. Paulo, 2015).

Figure 11: Example of one Paraguayan case (Folha de S. Paulo, 2015)

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**THE CASE.**
**Goalkeeper Tobias Vargas.**

The most recent news on match-fixing was a case that involved the goalkeeper Tobías Vargas, at that time under contract with Sportivo Luqueño, a football club of the first division in Paraguay. On September 15 2017, during an official match between Cerro Porteño and Sportivo Luqueño, Vargas committed an error resulting in the first goal of the match for Cerro Porteño. The match ended with a final score of 3 – 2. After the match, Vargas was accused of match-fixing by the president of Sportivo Luqueño, Walter Benitez and soon thereafter separated from the first team. These accusations allegedly have shut the doors for Vargas to sign for another professional team after having been dismissed by Svo. Luqueño and only one and half years after this incident he was able to resume his professional career by signing for a first division club in Ecuador (Última Hora, 2019).

Following this incident, the head of Conajzar (National Gambling Comission) Balbuena expressed that "match-fixing does exist. There are players who earn low salaries and with a bet they could triplicate the amount they make in a month." Specifically referring to the case of Vargas, Balbuena stated that "doubts remain" (Diario La Nación, n.d.).

Figure 12: Example of second Paraguayan case (Diario La Nación, n.d.; Última Hora, 2019)

### 2.9.6 Miscellaneous

In 2014, the former president Horacio Cartes enacted the so-called "Law of the Professional Footballer" regulating the work contracts of football players and sports clubs as their employers.

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## 2.10 Poland

### 2.10.1 Introduction

Gambling in Poland was mostly not regulated for many years. Thus, gambling and the gambling industry developed and flourished. In 1992, a first legislation passed the parliament. A major change regarding gambling regulations was inaugurated in 2009 through the 2009 Polish Act on Gaming. This Act on Gaming restricted the sizes and locations of casinos. The act also enforced a ban on online gambling in Poland. In 2011, alterations to the Polish Act on Gaming allowed legal online sports betting. Yet, there were restrictions to entities offering online betting such as owned by Polish individuals, registered in the country and operating in the country with a headquarter. After intervention on the EU level in 2011, Polish authorities passed a further amendment to the Polish Act on Gaming in 2014 which guaranteed that organisations from other EU member states are entitled to operate legal online betting sites in Poland. However, the following requirements were demanded: a base in Poland and a Polish speaking representative in the country. Further amendments to the Polish legislation were introduced in 2016. These included payment blocking measures. As a consequence of the blocking measures, various gambling operators (e.g., Bet365, Betfair and William Hill) left the Polish market. Sports betting operators in Poland are required to obtain a license issued by the Ministry of Finance. Requirements such as the obligation to submit detailed data on planned operations, draft terms and conditions of the service, technical documentation of the betting website and documents proving the legitimacy of funds used have to be met. A gambling tax of 12 percent (on the total amount of all stakes) is obligatory for all operators. In addition, all operators need a formal agreement/permission with the respective sport federation to use the results (Lenton, n.d.).

According to the state policy and the sport system in Poland, the main stakeholders related to a regulation of match-fixing constraints in football and beyond this generally in sports are the following:

- Ministry of Sport,
- Ministry of Finance,
- Customs office,
- Licensed sports betting operators,
- Sports federations and
- Football Clubs.

#### 2.10.1.1 Macolin Convention

The European Convention on Manipulation of Sports has been signed by Poland in 2015. The convention has not yet been ratified by the Polish Government.

### 2.10.2 Criminal Law

The number of identified match-fixing cases has decreased in general in Poland over the last years due to the introduced amendments to the legislation.

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In 2003, Poland introduced the new article 296b to the Polish Criminal Code. This article identified professional sport corruption with a focus on those taking part or organising the competition (Wirtualna Polska Media S.A., n.d.).

***296b***[43]

*Any person who, hosts a professional sport event or takes part in such an event and accepts a financial or personal advantage or a promise thereof in exchange for unfair behaviour, which may affect the result of the competition, shall be liable. Penalties include imprisonment between three months and five years.*

This article 296b was replaced in 2010 with the Act on Sports. On 25 June 2010, specific criminal provisions on combating match-fixing and corruption in sports were introduced in Chapter 10 (Art. 46-49) of the newly adopted Act on Sport. In accordance with the new provisions, the following offences were introduced: passive and active corruption (Art. 46); insider information activities (Art. 47) and trafficking of influence (Art. 48). In 2015, amendments to the Act on Sport introduced the penalization of corruption activities altering the course of a sports competition and part results (e.g., the number of yellow cards, winning of a set or a half time period, etc.).

Selected articles of Poland's Act on Sport (Polish Parliament, 2010) are presented in the following.

***Article 46 (Polish Parliament, 2010)***

1) *Whoever, in connection with sports competitions organised by a Polish sports association or by an entity acting on the basis of a contract concluded with that association, or by an entity acting with the authorisation of the association, derives financial or personal benefit or the promise thereof, or demands such benefit or the promise thereof in exchange for dishonest conduct that could influence the outcome of such competitions, shall be liable on conviction to imprisonment for a term from 6 months to 8 years.*
2) *Any person, who gives or promises such material or personal benefits, as described in paragraph 1, shall be liable on conviction to the same punishment.*
3) *In cases of minor significance, anyone who commits the acts described in paragraph 1 or 2 shall be liable on conviction to a fine, restriction of liberty or imprisonment for a term not exceeding 2 years.*
4) *If the value of the material benefit referred to in paragraph 1 or 2 is significant, any person who has accepted the material benefit or promise of such benefit, or has given or promised such benefit, or has demanded such a benefit or promise of such benefit shall be liable on conviction to imprisonment for a term from 1 year to 10 years.*

***Article 47***

*Whoever, possessing information regarding the commission of an act prohibited as defined in Article 46, takes part in betting activities involving sports competitions that are related to this information or discloses this information with the aim of encouraging someone else to participate in such betting activities, is subject to a prison sentence from 3 months up to 5 years.*

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***Article 48***

1) *Whoever, by utilising their own influence within a Polish sports association, or that of an entity acting on the basis of a contract concluded with that association, or that of an entity acting with the authorisation of the association, or by causing a third party to believe or confirm a third party in their belief that such influence exists, acts as an intermediary to cause a specific outcome of a sports event in exchange for financial or personal benefit or the promise thereof, is subject to a prison sentence from 6 months up to 8 years.*
2) *The same penalty applies to any person who provides or promises to provide financial or personal benefit in exchange for mediation in causing a specified outcome in sports competitions by executing an unlawful influence on officials of a Polish sports association, or of an entity acting on the basis of a contract concluded with that association, or of an entity acting with the authorisation of the association, in the execution of their official duties.*
3) *In cases of minor significance, a perpetrator of acts described in paragraphs 1 or 2 shall be liable on conviction to a fine, restriction of liberty or imprisonment for a term not exceeding 2 years.*

***Article 49***

*A person who has committed a crime specified in Article 46 paragraph 2, Article 46 paragraph 3 or 4, in connection with paragraph 2, or in Article 48 paragraph 2 or 3, in connection with paragraph 2, shall not be punished, if the material or personal benefit or a promise of such benefit has been accepted, and the perpetrator immediately notifies the competent law enforcement body and reveals all the important circumstances of the crime before that law enforcement body discloses them otherwise.*

1) *Penalties*
   - *Art. 46 (1) – imprisonment from six months up to eight years.*
   - *Art. 46 (2) – imprisonment from six months up to eight years.*
   - *Art. 46 (3) – fine, restriction of liberty or imprisonment for up to two years.*
   - *Art. 46 (4) – imprisonment from one year up to ten years.*
   - *Art. 47 – imprisonment from three months to five years.*
   - *Art. 48 (1) – imprisonment from six months to eight years.*
   - *Art. 48 (2) – imprisonment from six months to eight years.*
   - *Art. 48 (3) – fine, restriction of liberty or imprisonment up to two years.*

## 2.10.3 Disciplinary regulations

The General Assembly of Delegates of the Polish Football Association (Polski Związek Piłki Nożnej [PZPN]) has changed its Disciplinary Regulations (PZPN, 2015) on 9 June 2015. New provisions of match-fixing have been introduced. This regulation is distinct from the criminal law regulations regarding corruption and reflects the disciplinary regulations within the autonomy of sports.

***Article 79 - Active and passive corruption (PZPN, 2015)***

*§1. Anyone who makes arrangements, attempts to grant, grants or promises to give a financial or personal advantage in return for dishonest behaviour that may affect the outcome of a football competition is subject to:*

a. *a financial penalty not lower than 10,000 PLN,*
b. *punishable temporary disqualification not lower than 6 months,*

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c. *exclusion from PZPN.*

*§2. The penalties described in §1 also apply to those who make preparations, attempts to accept or accepts a property or personal benefit or its promise in exchange for dishonest behaviour that may affect the outcome of a football competition.*

*§3. For the actions described in §1 or §2 made by natural persons, clubs are subject to:*

a. *a financial penalty,*
b. *verification of the competition,*
c. *cancelling the result of the match,*
d. *suspension or deprivation of licenses,*
e. *relegation of the team to a lower division,*
f. *deprivation of the Polish Champion, Polish runner-up or Polish Cup winner, League Cup or Super Cup,*
g. *exclusion from PZPN.*

***Art. 80 - Renunciation/failure to notify about corruption in football or match-fixing***

*Failing to notify the disciplinary authority about behaviour, exhaustive signs of a disciplinary offense of football corruption or match-fixing, individuals are charged with:*

a. *a financial penalty,*
b. *a temporary disqualification penalty of not less than three months.*
c. *cf. Article 107*

*§ 1. Whoever prepares, attempts or commits dishonest conduct that may affect the conduct of a football match or an event that is the subject of a bookmaker, shall be subject to*

a. *a fine of not less than 10,000 PLN,*
b. *punish the temporary ban on participation in all activities related to football for a period of not less than six months,*
c. *exclusion from PZPN.*

*§2. As described in § 1 of the proceedings of a natural person, clubs are subject to:*

a. *a fine,*
b. *verification of the competition,*
c. *cancelling the match result,*
d. *suspension or deprivation of a license,*
e. *relegation of the team to a lower division,*
f. *deprivation of the title of Polish Champion, Polish Vice-Champion or Poland Cup Winner, League Cup or Super Cup,*
g. *exclusion from the PZPN.*

*§3. The following penalties are applicable for the participation of persons subject to this disciplinary rule in betting companies, domestically or internationally, relating to all football matches played against polish teams in the country and abroad:*

a. *a fine of 1,000 PLN,*
b. *suspension or deprivation of a license,*
c. *removal from the list of judges, delegates or observers,*
d. *temporary ban on all activities related to football*
e. *exclusion from PZPN.*

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***Article 107 - Match-Fixing and not allowed bookmakers***

*§ 1. Whoever prepares, attempts or commits dishonest conduct that may affect the conduct of a football match or an event that is the subject of a bookmaker, shall be subject to*

a. *a fine of not less than 10,000 PLN,*
b. *punish the temporary ban on participation in all activities related to football for a period of not less than six months,*
c. *exclusion from PZPN.*

*§2. As described in § 1 of the proceedings of a natural person, clubs are subject to:*

a. *a fine,*
b. *verification of the competition,*
c. *cancelling the match result,*
d. *suspension or deprivation of a license,*
e. *relegating the team to a lower division,*
f. *deprivation of the title of Polish Champion, Polish Vice-Champion or Poland Cup Winner, League Cup or Super Cup,*
g. *exclusion from the PZPN.*

*§3. The following penalties are applicable for the participation of persons subject to this disciplinary rule in betting companies, domestically or internationally, relating to all football matches played against polish teams in the country and abroad:*

a. *a fine of 1,000 PLN,*
b. *suspension or deprivation of a license,*
c. *removal from the list of judges, delegates or observers,*
d. *temporary ban on all activities related to football,*
e. *exclusion from PZPN.*

***Article 116 - Evidence***

*§1. Proof of the case can be anything that is not illegally obtained and can help to clarify the matter. In particular, witnesses and parties, documents, including testimonies or explanations made in the course of other proceedings, conducted by the jurisdiction of the Polish Football Association, the professional league, FIFA, UEFA and public authorities.*
*§2. Facts included in the reports of delegates to take part in a match are presumed to be true. This does not exclude the possibility of proof of the opposite.*
*§4 The facts and conclusions contained in the reports of specialised institutions regarding the possibility of deliberate admission of match-fixing, in the absence of evidence to the contrary, are presumed to be true.*

***Article 117 - Burden of proof***

*§1 The burden of proof of committing a disciplinary offense rests with the disciplinary body, subject to doping or match-fixing crimes.*

The Polish Football Association signed an agreement with the Ministry of Sport and the Police Office to conduct anti-corruption courses for all players of Ekstraklasa (Poland's equivalent to the Premier League) and the 1st League (second division). This is a prerequisite in the annual licensing process (cf.

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Germany). The anti-corruption activities are implemented within a common strategic framework, that is the programme of action against corruption in sports, entitled: „Don't be a pawn sacrifice in the game!" The programme is addressed to the football community in Poland, with priority given to the high-risk target group of young athletes. The programme is geared to reach approximately 2,000 participants including sport managers and officials per year. Besides football, the aim is to educate and sensitise all Polish sport federations by 2020.

Like in all other UEFA member national championships and leagues, all games of the respective first and second divisions are monitored by Sportradar.

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### 2.10.4 Case Study

One of the largest corruption scandals in Polish sport took place in 2005. Sport corruption has been included in the Polish Criminal Law as an offence since 2003. Two years later, the first football referee was found guilty of match-fixing due to a sting operation and the investigation of the prosecutors based in the City of Wroclaw started. The accusation relates to cases of corruption in 68 clubs and 638 matches declared to be fixed (Woźniak, 2018).

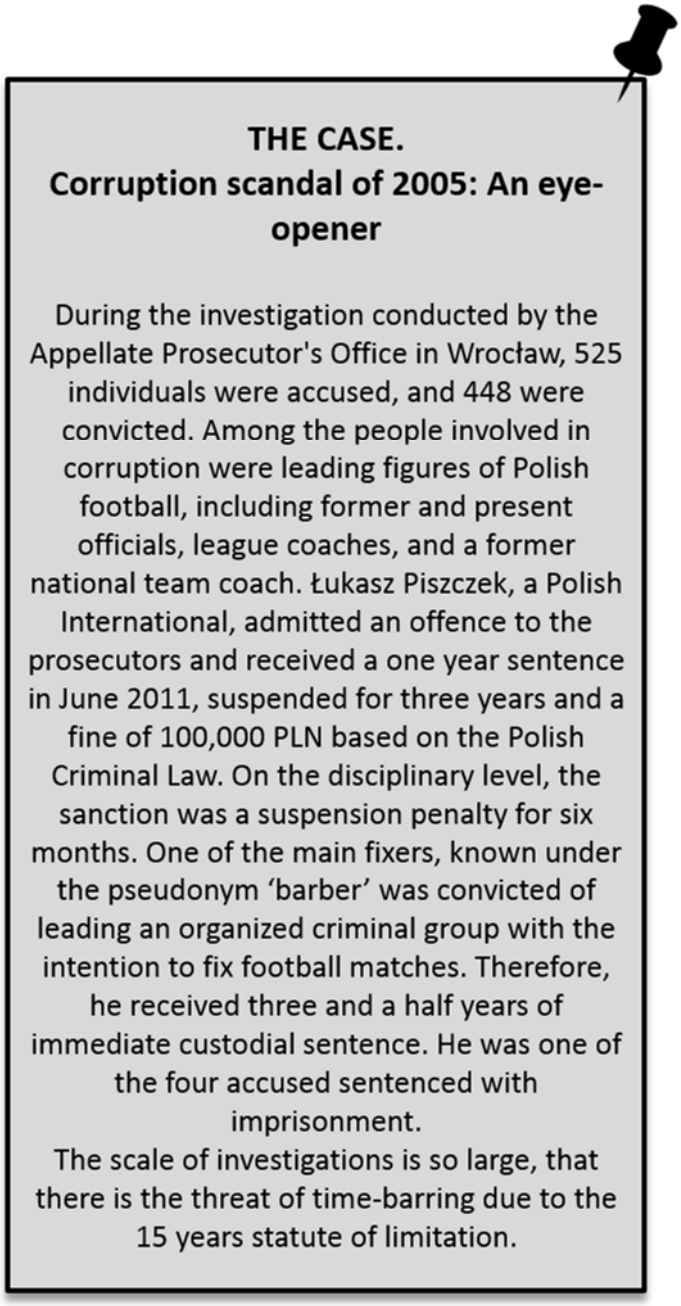


Figure 13: Example of a Polish case (Woźniak, 2018)

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### 2.10.5 Miscellaneous

On 11 September 2014, the Polish Football Association passed and introduced a specific integrity statement as a new and obligatory appendix to player contracts. It includes the following provision: “As a professional player and a member of the football community, I commit to respect the football rules and adhere to all fair play rules. I will devote all my skills, talents and strengths to achieve the best sporting results. At the same time I will respect the aspirations of my opponents in sporting competition. My goal always will be winning, but only in the spirit of noble and fair sporting competition. In case of a convicted bribery by a criminal court of the Polish state or by a disciplinary court of the Polish FA, I am legally committing myself to pay an amount which equals to an annual salary (laid down in my contract) to the Polish Football Association.”

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## 2.11 South Korea

### 2.11.1 Introduction

#### 2.11.1.1 Introduction of the Korean approach including a definition of the key stakeholders in Korean sport

**Sports Toto (Toto, n.d.).** SportsToto is a government-sponsored business initially established in 2001 to help fund the 2002 World Cup and Korea Sports Promotion Foundation. SportsToto is a consignee of the sports betting business headed by the Korea Sports Promotion Foundation. The sports betting business (Toto) is a government-sponsored business approved to help support the Korea Sports Promotion Foundation. The fund is used to develop Korean sports in a variety of ways. The sports betting business managed by SportsToto is an advanced sports leisure activity that enables monetary gain for accurate predictions of game results. Such sports betting services have become increasingly popular worldwide. The Toto business emerged in 1997 when the Korea Football Association suggested that the national government raise funds for the 2002 World Cup. SportsToto eventually launched its operations in October of 2001.

**Ministry of Culture, Sports and Tourism.** From 2011 to 2013 several Match-fixing scandals became public and the Korean public's critical response to those scandals led to a series of major reviews and reforms. The Ministry subsequently strengthened its various practical and operational approaches to combat match-fixing in recent years, including the introduction of a reporting hotline. The government also expanded the scope of the National Sports Promotion Act in 2014 to cover all registered sports and e-sports; not the ones covered by SportsToto (Yeuun, 2018)

**Korean Olympic & Sports Committee.** The Korean Sport and Olympic Committee is a special juridical corporation established by the National Sports Promotion Act and is under the supervision of the Ministry of Culture, Sports and Tourism. In the event of alleged match-fixing incidents by a player, referee, judge or other match official, the related sport federation's disciplinary committee may take disciplinary action. The suspect subject to the disciplinary action can appeal to the Korean Sport and Olympic Committee (Yeuun, 2018).

#### 2.11.1.2 Legal situation of sports betting in Korea

Sport betting is permitted to the extent that it is heavily regulated by the National Sports Promotion Act and exclusively operated by the Korea Sports Promotion Foundation and its entrusted operators. In addition, betting on horse racing, bicycle racing, motorboat racing and traditional bullfighting is permitted and regulated under their respective laws. Under the laws of Korea there is no distinction between land-based betting and online betting.

***NATIONAL SPORTS PROMOTION ACT, Act No.8344 (KLRI, 2017)***
***Article 26 (Prohibition, etc. of Similar Acts)***

1) *No person, other than the Seoul Olympic Sports Promotion Foundation or an entrusted business entity, may issue sports betting tickets or similar things (or issue them by means of information*

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*and communications networks) and provide property or financial benefits (hereinafter referred to as "similar act") to persons who win at the betting.*

*2) No person shall engage in any of the following activities:*

*a. Designing, manufacturing or distributing a system of issuing sports betting tickets or similar by means of information and communications networks under Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., or providing such things to the public for use;*

*b. Providing information concerning sports games for similar acts;*

*c. Publicizing similar acts, or mediating or recommending the purchase of sports betting tickets or similar things.*

*3) and 4) Deleted. <by Act No. 12348, Jan. 28, 2014>*

*[This Article Wholly Amended by Act No. 11309, Feb. 17, 2012]*

#### 2.11.1.3 Macolin Convention

The European Convention on Manipulation of Sports has not been signed by South Korea.

### 2.11.2 Criminal Law

The issue of match-fixing is covered by several laws:

Financiers and brokers who provide financial benefits and property interests to players through illegal solicitation may be liable for an offence of fraud (Criminal Act, act no. 293, 1953 (Republic of Korea), art. 347), interference with business through deception (Criminal Act, art. 314), receiving or giving a bribe by breach of trust (Criminal Act, art. 357) or gambling or habitual gambling (Criminal Act, art. 246).

Article 47 of the National Sports Promotion Act is applicable as well as arts. 3(1) and 3(2) of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes (act no. 3693, 1983 (Republic of Korea)), if the value of the goods or profits on property obtained from the match-fixing exceed KR~~₩~~ 500 million (EUR 390,000).

In addition, if a person has threatened a player, who is involved in match-fixing, in relation to a sport discipline covered by SportsToto with exposure of that player's involvement in match-fixing and that person receives or gains financial benefits and property interests in return for keeping the information confidential, then that person may be guilty of extortion under the amended Punishment of Violence Act (act no. 12896, 2014 (Republic of Kore). This offence would only apply to sports covered by SportsToto, which it is the only licensed betting operator in Korea and this provision applies to the extent that financiers or brokers interfere with that business.

If a player receives money from a broker with a fraudulent request to lose a game, art. 357 of the Criminal Act which prohibits receipt or giving of a bribe by a breach of trust may apply. In addition, embezzlement and breach of trust (Criminal Act, art. 355(2)) may apply if a player underperforms for financial benefits and property interests and third parties such as financiers or brokers receive financial benefits and property interests as a result of the player's underperformance. Embezzlement or breach of trust that breaches one's occupational duties may incur a more severe penalty (Criminal Act, art.

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356). Moreover, a player who is manipulated by financiers and brokers may be guilty of fraud (Criminal Act, art. 347) and be in violation of interference with business (Criminal Act, art. 314) if the player purposely lost a game and deceived the game's organisers, opponents and even the player's teammates. Article 47 or 48 of the National Sports Promotion Act may also apply if a player from a registered sport receives a financial benefit and property interest in return for a dishonest act under an illegal solicitation, and there may also have been a violation of art. 54 of the National Sports Promotion Act if the player purchased, arranged or transferred a sports betting ticket or information to a third party. Any coaches and supervisors who are alleged to have been involved in match-fixing will be treated as alleged joint offenders and may be liable in the same way as a player as noted above (Yeuun, 2018).

***NATIONAL SPORTS PROMOTION ACT, Act No.8344 (KLRI, 2017)***
***Article 30 (Restrictions, etc. on Purchase of Sports Betting Tickets)***

1) *No entrusted business entity shall sell a sports betting ticket or issue a refund to any juvenile as defined under subparagraph 1 of Article 2 of the Juvenile Protection Act. <Amended by Act No. 10557, Apr. 5, 2011>*
2) *Any of the following persons shall be prohibited from purchasing, arranging for the purchase of or acquiring sports betting tickets:*
   a. *A business entity who issues sports betting tickets and its entrusted business entity;*
   b. *A person who is in a position to supervise the issuing of sports betting tickets;*
   c. *A player, manager, coach, or referee of an authorized sports betting event and an executive officer or employee of an athletic affiliate;*
   d. *An executive officer or employee of an organisation holding an authorized sports betting event;*
   e. *Other persons engaged in issuing sports betting tickets.*
3) *No entrusted business entity shall issue a refund under Article 27 to a person falling under any of the subparagraphs of paragraph (2). <Newly Inserted by Act No. 11309, Feb. 17, 2012>*
4) *Where necessary to confirm whether a person to be issued a refund in an amount in excess of the amount under subparagraph 1 of Article 84 of the Income Tax Act is prohibited from being issued a refund pursuant to paragraph (3), an entrusted business entity may request athletic affiliates or organisations holding sports events for which sports betting tickets are to be issued to submit data concerning personal information, such as the names, resident registration numbers, etc. of persons falling under paragraph (2) 3 and 4. <Newly Inserted by Act No. 11309, Feb. 17, 2012; Act No. 12856, Dec. 23, 2014>*
5) *The scope of persons falling under paragraph (2) 2 and 5 shall be prescribed by Presidential Decree. <Amended by Act No. 11309, Feb. 17, 2012>*

***Article 47 (Penalty Provisions)***

*Any of the following persons shall be punished by imprisonment with labour for not more than seven years or by a fine not exceeding 70 million won: <Amended by Act No. 12348, Jan. 28, 2014>*

1) *A player (excluding a student player of a school under Article 2 of the Elementary and Secondary Education Act), manager, coach or referee of an athletic game and an executive officer and employee of an athletic affiliate who commits an unlawful act, in violation of Article 14-3 (1);*
2) *A person who violates Article 26 (1).*

*[This Article Wholly Amended by Act No. 11309, Feb. 17, 2012]*

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***Article 48 (Penalty Provisions)***

*Any of the following persons shall be punished by imprisonment with labour for not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 12348, Jan. 28, 2014>*

1) *A person who promises, provides or express his/her intention to provide property or property benefits under Article 14-3 (excluding a student player of a school under Article 2 of the Elementary and Secondary Education Act);*
2) *A player (excluding a student player of a school under Article 2 of the Elementary and Secondary Education Act), manager, coach or referee of an athletic game, and an executive officer and employee of an athletic affiliate who violates Article 14-3;*
3) *A person who plays for money by committing an offense prohibited under Article 26 (1);*
4) *A person who performs an act under Article 26 (2) 1;*
5) *A person who violates Article 30 (2);*
6) *A person who fraudulently or forcibly interferes with the fair performance of an authorized sports betting event.*

*[This Article Wholly Amended by Act No. 11309, Feb. 17, 2012]*

***Article 49 (Penalty Provisions)***

*Any of the following persons shall be punished by imprisonment with labour for not more than three years or by a fine not exceeding 30 million won:*

1) *A person who engages in any activity referred to in Article 26 (2) 2 or 3;*
2) *A person who violates Article 30 (1).*

*[This Article Wholly Amended by Act No. 11309, Feb. 17, 2012]*

## 2.11.3 Disciplinary regulations

The Ministry of Culture, Sports and Tourism is responsible for administrative guidance and supervision of efforts to combat match-fixing. The Ministry is an executive agency which may take administrative disciplinary actions, such as reducing a person's salary, and administrative legal restrictions, such as revoking a license, in accordance with the rule of law. The Korean constitution also recognizes the rights of sports organisations and federations to exercise disciplinary power on the basis of their sports autonomy.

In addition, the Korean Sport and Olympic Committee arguably have the power to punish match-fixing offenders and exercise its supervisory power to demand that sports federations punish such offenders. Whether the Korean Sport and Olympic Committee has this administrative and disciplinary power to take disciplinary action is a matter of legal debate amongst academics in Korea (Park, 2018).

The K-League (Korean Football League) penalizes match-fixing and/or the participation in sports betting of club officials. The penalties for natural persons are the suspension for at least one year, fines of up to 10 million KR₩ (7,700 EUR). or community service order. In addition to the natural person, the represented club is also punished. Penalties include relegation, suspension, point deduction, ban on signing new players or fines up to 100 million KR₩ (77,000 EUR).

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### 2.11.4 Case Study

South Korea was repeatedly affected by match-fixing scandals. In 2011, several dramatic events became public, greatly changing public perception and public opinion about match-fixing. The government was prompted to reform the laws to more effectively tackle the problem.


Figure 14: Example of South Korean betting scandal (Duerden, 2019; The Korea Times Online, 2011)

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## 2.12 United Kingdom

### 2.12.1 Introduction

The government has launched several initiatives and adopted different laws in the fight against match-fixing over the years. Already in 1906, the *Prevention of Corruption Act* (repealed by the *Bribery Act* 2010) was getting in force, followed by the *Criminal Law Act* in 1977. To tackle the increasing challenge of match-fixing, match manipulation, and betting fraud in a reasonable timeframe, the English government passed in 2005 the *Gambling Act* and the *Fraud Act* in 2006. The first one mentioned requires all bookmarkers to share information with sporting governing bodies and to alert them if suspicious betting activities take place during sporting contests. The *Fraud Act* adds the offence of fraud. The *Bribery Act* 2010 tops this of as it is an anti-corruption law which was designed specifically for those individuals and groups who cannot be prosecuted by sporting governing bodies. These groups include betting syndicates relying on the fixing of matches to make profit. Furthermore, the government of the UK puts direct obligations on their national 'Gambling Authority' to proactively collect and process information on suspicious sports betting activities (The National Archives, 2002, 2005, 2006, 2010, n.a.-a, n.a.-b).

In December 2014, a cross-governmental anti-corruption plan was released with the aim to bring, for the first time, all of the UK's activities against corruption in one place. The purpose of the plan was stated as follows: "The purpose of this plan is threefold: to demonstrate the breadth of the UK's current anti-corruption activities; to set out clearly the actions that government will take to tackle corruption in the UK; and to set out our priorities for raising international standards and leading the global fight against corruption in all its forms"(Law in Sport, 2015). This governmental plan was not only meant for the sector of sport, but includes several areas of society. It's strategy determines to react against corruption with 'four P's': Pursue, Prevent, Protect and Prepare (Law in Sport, 2015).

In 2018, the integrity strategy of the UK, was written down in the Sport and Sports Betting Integrity Action Plan 2018 (SBI Action Plan) published by the Sports Betting Integrity Forum (SBC News, 2018). It outlines the ongoing importance to the topic. It develops an understanding of the threats to the integrity, and an effective risk management. The role of education and other stakeholders and how they can tackle the problems is discussed. Table 5 shows the stakeholders who are already involved referring to match-fixing in the UK.

Table 5: Stakeholders of the UK referring to match-fixing (own depiction)

| | **Governmental** | **Sports Betting Operators** | **Federations / Leagues** | **Investigation and Integrity Units** |
|---|---|---|---|---|
| **National Level** | Department for Culture, Media and Sport (DCMS) | Gambling Commission (and the Sports Betting Intelligence Unit (SBIU)) | English Premier League etc. and their Courts etc. (Sporting Courts of the different Associations) | TAS/CAS |
| | | Tipico, bwin, energy bet, betrally, bet365 | NOC (British Olympic Association) | Crown Prosecution Service (CPS) |

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| | | | | |
|---|---|---|---|---|
| | | etc. (sport betting actors) | | |
| | | | NADA (UK Anti-Doping) | National Crime Agency (NCA) |
| | | | Players Associations from all different sports | |
| **European and International Level** | Council of Europe | | UNESCO World Sport Ministers, UNODC (-IOC), OECD | Europol, Eurojust, Interpol |
| | | | FIFA, UEFA | ICSS (Sarbonne) |
| | | | WADA | Transparency International |
| **Supervision and Warning Systems** | | Global Lotteries Monitoring System (GLMS) | Several Athletics Integrity Units | European Sports Security Association (ESSA) |
| | | Sports Betting Integrity Forum (SBIF) | | FIFA Early Warning System GmbH (EWS) |
| | | Sports Betting Intelligence Units (SBIU) | | IOC Integrity Betting Intelligence System (IBIS) |

#### 2.12.1.1 Macolin Convention

The European Convention on Manipulation of Sports has been signed by the UK in 2018. The convention has not yet been ratified by the government.

### 2.12.2 Criminal Law

The jurisdictional bodies of the United Kingdom have several legislative instruments to fight against match-fixing and match manipulation including the *Prevention of Corruption Act* 1906, the *Criminal Law Act* 1977, the *Proceeds of Crime Act* 2002, the *Gambling Act* 2005, the *Fraud Act* 2006, and the *Bribery Act* 2010. As the *Prevention of Corruption Act* 1906 was repealed after the *Bribery Act* 2010 came into force, it is not listed in the laws below. In addition, the *Proceeds of Crime Act* 2002 are not depicted. The first paragraphs cite the Criminal Law Act 1977.

***Criminal Law Act 1977 (The National Archives, n.a.-a)***
***1. The offence of conspiracy.***

1) *Subject to the following provisions of this Part of this Act, if a person agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either—*
   a. *will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement, or*

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*b. would do so but for the existence of facts which render the commission of the offence or any of the offences impossible, he is guilty of conspiracy to commit the offence or offences in question.*

*2) Where liability for any offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstance necessary for the commission of the offence, a person shall nevertheless not be guilty of conspiracy to commit that offence by virtue of subsection (1) above unless he and at least one other party to the agreement intend or know that that fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.*

*[...]*

***3. Penalties for conspiracy.***

*1) A person guilty by virtue of section 1 above of conspiracy to commit any offence or offences shall be liable on conviction on indictment—*

*a. in a case falling within subsection (2) or (3) below, to imprisonment for a term related in accordance with that subsection to the gravity of the offence or offences in question (referred to below in this section as the relevant offence or offences); and*

*b. in any other case, to a fine.*

*[...]*

28 years later, the Gambling Act 2005 came in force, which is depicted below.

***Gambling Act 2005 (The National Archives, 2005)***

***Cheating***

*1) A person commits an offence if he—*

*a. cheats at gambling, or*

*b. does anything for the purpose of enabling or assisting another person to cheat at gambling.*

*2) For the purposes of subsection (1) it is immaterial whether a person who cheats—*

*a. improves his chances of winning anything, or*

*b. wins anything.*

*3) Without prejudice to the generality of subsection (1) cheating at gambling may, in particular, consist of actual or attempted deception or interference in connection with—*

*a. the process by which gambling is conducted, or*

*b. a real or virtual game, race or other event or process to which gambling relates.*

*4) A person guilty of an offence under this section shall be liable—*

*a. on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or*

*b. on summary conviction, to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding the statutory maximum or to both.*

*[...]*

Only one year later an additional law referring to fraud was enacted. The Fraud Act 2006 is cited in the following.

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***Fraud Act 2006 (The National Archives, 2006)***
***CHAPTER 35***

*An Act to make provision for, and in connection with, criminal liability for fraud and obtaining services dishonestly. [8th November 2006]*
*Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—*

***1 Fraud***

1) *A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).*
2) *The sections are—*
    a. *section 2 (fraud by false representation),*
    b. *section 3 (fraud by failing to disclose information), and*
    c. *section 4 (fraud by abuse of position).*
3) *A person who is guilty of fraud is liable—*
    a. *on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);*
    b. *on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).*

*[...]*

***Fraud by false representation***

1) *A person is in breach of this section if he—*
    a. *dishonestly makes a false representation, and*
    b. *intends, by making the representation—*

*(i) to make a gain for himself or another, or*
*(ii) to cause loss to another or to expose another to a risk of loss.*

2) *A representation is false if—*
    a. *it is untrue or misleading, and*
    b. *the person making it knows that it is, or might be, untrue or misleading.*
3) *"Representation" means any representation as to fact or law, including a representation as to the state of mind of—*
    a. *the person making the representation, or*
    b. *any other person.*

*[...]*

***3 Fraud by failing to disclose information***

*A person is in breach of this section if he—*
    a. *dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and*
    b. *intends, by failing to disclose the information—*

*(i) to make a gain for himself or another, or*
*(ii) to cause loss to another or to expose another to a risk of loss.*

***4 Fraud by abuse of position***

1) *A person is in breach of this section if he—*

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*a. occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,*
*b. dishonestly abuses that position, and*
*c. intends, by means of the abuse of that position—*
*(i) to make a gain for himself or another, or*
*(ii) to cause loss to another or to expose another to a risk of loss.*
*A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.*

The Bribery Act in 2010 repealed the Prevention of Corruption Act from 1906. It is depicted below

***Bribery Act 2010 (The National Archives, 2010)***
***CHAPTER 23***

*An Act to make provision about offences relating to bribery; and for connected purposes. [8th April 2010]*

*Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—*

***1 Offences of bribing another person***
1) *A person ("P") is guilty of an offence if either of the following cases applies.*
2) *Case 1 is where—*
   a. *P offers, promises or gives a financial or other advantage to another person, and*
   b. *P intends the advantage—*

*(i) to induce a person to perform improperly a relevant function or activity, or*
*(ii) to reward a person for the improper performance of such a function or activity.*

3) *Case 2 is where—*
   a. *P offers, promises or gives a financial or other advantage to another person, and*
   b. *P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.*

*[….]*

***2 Offences relating to being bribed***
1) *A person ("R") is guilty of an offence if any of the following cases applies.*
2) *Case 3 is where R requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by R or another person).*
3) *Case 4 is where—*
   a. *R requests, agrees to receive or accepts a financial or other advantage, and*
   b. *the request, agreement or acceptance itself constitutes the improper performance by R of a relevant function or activity.*
4) *Case 5 is where R requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by R or another person) of a relevant function or activity.*
5) *Case 6 is where, in anticipation of or in consequence of R requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly—*

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*a. by R, or*
*b. by another person at R's request or with R's assent or acquiescence.*
*[….]*

## 2.12.3 Disciplinary regulations

### 2.12.3.1 Football: English Football Association

The English Football Association (The FA) is the worlds' oldest and therefore first grounded football association. The union of all professional football clubs of the UK shaped the rules of the game of football essentially. Similarly, the FA is as well a member of UEFA and FIFA like all/most of the other national football associations mentioned in this paper as well (The FA, 2018). In their handbook, the English Football Association states a clear position against match-fixing and fosters that integrity matters in relation to matches and competitions, as the following excerpt shows.

***English Football Association – The FA Handbook 2017/18 (The FA, 2017)***
***INTEGRITY MATTERS IN RELATION TO MATCHES AND COMPETITIONS***

*5)*
*a. A Participant shall not, directly or indirectly, seek to influence for an improper purpose the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition.*
*b. A Participant shall not, directly or indirectly, offer, agree to give, give, solicit, agree to accept or accept any bribe, gift or reward or consideration of any nature which is, or could appear to be related in any way to that Participant, or any other, failing to perform to the best of their ability, or to that Participant or any other person (whether a Participant or not), directly or indirectly, seeking to influence for an improper purpose, the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition.*
*6) A Participant shall immediately report to The Association any offer made to him or any Participant of any bribe, gift or reward or consideration of any nature, or any other incident, fact or matter, which is related in any way to that Participant, or any other, failing to perform to the best of their ability, or to that Participant or any other person (whether a Participant or not) directly or indirectly seeking to influence for an improper purpose the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition contrary to Rule E5(b) above.*
*[….]*

***BETTING***

*8) References to "Participant" in Rule E8 shall be construed in accordance with the following - Rule E8(2) applies to any Match Official, referee coach or referee assessor operating at Level 4 or below, and any other person who is a Participant by virtue only of their involvement at a Club below Step 4 in the National League System, or at a Club at Steps 3-7 inclusive of the Women's Football Pyramid. Such Participants are not subject to Rule E8(1). All other Participants are subject to Rule E8(1), and are not subject to Rule E8(2). All Participants are subject to Rule E8(3).*
*1)*
*a. A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on -*
*(i) the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition; or*

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*(ii) any other matter concerning or related to football anywhere in the world, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters. The terms 'football match' and 'competition' as used in sub-paragraph E8(1)(a)(i) include any Match or Competition (as appropriate) as defined in Rule A2, and also include any other football match or competition not within those definitions in Rule A2, including but not limited to any football match or competition sanctioned by UEFA, or FIFA, or by any other association, federation or governing body.*

b. *Where a Participant provides to any other person any information relating to football which the Participant has obtained by virtue of his or her position within the game and which is not publicly available at that time, the Participant shall be in breach of this Rule where any of that information is used by that other person for, or in relation to, betting.*

c. *It shall be a defence to a charge brought pursuant to sub-paragraph E8(1)(b) if a Participant can establish, on the balance of probability, that the Participant provided any such information in circumstances where he did not know, and could not reasonably have known, that the information provided would be used by the other person for or in relation to betting.*

*2)*

a. *A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –*

*(i) the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition:*

*(A) in which the Participant is participating, or has participated in that season; or*

*(B) in which the Participant has any influence, either direct or indirect; or*

*(ii) any other matter concerning or related to any Club participating in any league Competition, as defined in Rule A2, that the Participant is participating in or has participated in during that season, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters.*

*For these purposes, without limitation to the application of this Rule to other circumstances, all Employees and Officials of a Club are deemed to participate in every football match played by that Club while they are so employed or acting as a Club Official; all Players registered with a Club are deemed to participate in every football match played by that Club while they are so registered.*

b. *Notwithstanding the provisions of sub-paragraph E8(2)(a), a Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet, on the result, progress, conduct or any other aspect of, or occurrence in, any football match played at under 18 level or below. The terms 'football match' and 'competition' as used in sub-paragraphs E8(2) (a) and E8(2)(b) include any Match or Competition (as appropriate) as defined in Rule A2, and also include any other football match or competition not within those definitions in Rule A2, including but not limited to any football match or competition sanctioned by UEFA, or FIFA, or by any other association, federation or governing body.*

c. *A Participant shall not use any information relating to football which the Participant has obtained by virtue of his or her position within the game and which is not publicly available at that time for or in relation to betting.*

d. *Where a Participant provides to any other person any information relating to football which the Participant has obtained by virtue of his or her position within the game and which is not publicly available at that time, the Participant shall be in breach of this Rule where any of that information is used by that other person for or in relation to betting.*

e. *It shall be a defence to a charge brought pursuant to sub-paragraph E8(2)(d) if a Participant can establish, on the balance of probability, that the Participant provided any such information in circumstances where he did not know, and could not reasonably have known, that the information provided would be used by the other person for or in relation to betting.*

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*[...]*

### 2.12.3.2 Cricket: England and Wales Cricket Board

The England and Wales Cricket Board (ECB) is the single national governing body for all Cricket in England and Wales. Its main aim is to be one unified body, responsible for the management and development of every form of cricket for men and women (ECB, 2018a). The ECB claims to understand the continuing risk that corruption poses to cricket and launched therefore an Anti-Corruption Unit (ACU) with the focus of prevention and emphasis on the following aspects: Education, Providing guidance and awareness to participants in the game, and the collaboration and working relationships with different associations (ECB, 2018b). In the following section, relevant paragraphs of the ECBs' Anti-Corruption Code for Participants are listed.

***Anti-Corruption Code for Participants (ECB, n.a.)***
***ARTICLE 2 OFFENCES UNDER THIS ANTI-CORRUPTION CODE***

*The conduct described in the sub-Articles set out in Articles 2.1 – 2.5, if committed by a Participant, shall amount to an offence by such Participant under this Anti-Corruption Code:*

***2.1 Corruption:***
*2.1.1 Fixing or contriving in any way or otherwise influencing improperly, or being a party to any agreement or effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any Match, including (without limitation) by deliberately underperforming therein.*
*NOTE: It shall not be an offence under Article 2.1.1 to manipulate Matches for purely strategic or tactical sporting reasons.*
*2.1.2 Ensuring for Betting or other corrupt purposes the occurrence of a particular incident in a Match*
*2.1.3 Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in a Match.*
*2.1.4 Directly or indirectly soliciting, inducing, enticing, instructing, persuading, encouraging or intentionally facilitating any Participant to breach any of the foregoing provisions of this Article 2.1.*

***2.2 Betting:***
*2.2.1 Placing, accepting, laying or otherwise entering into any Bet with any other party (whether individual, company or otherwise) in relation to the result, progress, conduct or any other aspect of any Match or Competition.*
*2.2.2 Directly or indirectly soliciting, inducing, enticing, instructing, persuading, encouraging, intentionally facilitating or authorising any other party to enter into a Bet in relation to the result, progress, conduct or any other aspect of any Match or Competition.*

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### 2.12.4 Case Study


Figure 15: Example of a UK case (BBC Sport, 2018; Philipps, Ripley, & Farelly, 2018)

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# 3 FIFA and UEFA

## 3.1 FIFA

FIFA (Fédération International de Football Association) is with 211 associations the world's football governing body. The member associations of FIFA get financially and logistically supported through various programs but have in return also obligations to fulfil which are to respect the statutes, aims and ideals of the association. This provides FIFA the opportunity to actively involve their members into the fight against match-fixing, the good governance principles in sport, and the integrity of the game (FIFA, 2018a). FIFA states that one core pillar of the association is integrity. Already in 2012 therefore, all member associations could be included in the fight against match-fixing by launching an integrity initiative. In 2016, FIFA published a roadmap called 'FIFA 2.0: The Vision for the Future' for how to most effectively grow the game and maintain the importance of strengthening the protection of the integrity of the game and the fight against match manipulation. This document also included recommendations to empower all member associations to implement good governance and integrity programs (FIFA, 2016). Furthermore FIFA has an Integrity Department within the Legal & Integrity Division, an Ethics Committee and an independent Disciplinary Committee as well as a reporting platform (BKMS) in order to report any form or knowledge of potential match manipulation and corruption. Since 2017, additionally, an agreement with 'Sportradar' was made, who is responsible for monitoring the various FIFA tournaments (FIFA, 2018b). The focus in 2018, stated by FIFA, lies on building a "global integrity initiative helping confederations and member associations to gain the necessary knowledge and capabilities to fight match manipulation at national level and to support the implementation of a range of preventive measures as well as to adopt long-term, sustainable approaches on ethics and integrity matters, including match manipulation" (FIFA, 2018c). There are several paragraphs of the *FIFA Disciplinary Code 2017* and the *FIFA Code of Ethics 2012* referring to match-fixing.

***FIFA Disciplinary Code 2017 (FIFA, 2017)***
***Section 6. Corruption***

*62 [only]*

1) *Anyone who offers, promises or grants an unjustified advantage to a body of FIFA, a match official, a player or an official on behalf of himself or a third party in an attempt to incite it or him to violate the regulations of FIFA will be sanctioned: a) with a fine of at least CHF 10,000, b) with a ban on taking part in any football-related activity, and c) with a ban on entering any stadium.*
2) *Passive corruption (soliciting, being promised or accepting an unjustified advantage) will be sanctioned in the same manner.*
3) *In serious cases and in the case of repetition, sanction 1b) may be pronounced for life.*
4) *In any case, the body will order the confiscation of the assets involved in committing the infringement. These assets will be used for football development programmes.*

***Section 10. Unlawfully influencing match results***

*69 [only]*

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1) *Anyone who conspires to influence the result of a match in a manner contrary to sporting ethics shall be sanctioned with a match suspension or a ban on taking part in any football-related activity as well as a fine of at least CHF 15,000. In serious cases, a lifetime ban on taking part in any football- related activity shall be imposed.*
2) *In the case of a player or official unlawfully influencing the result of a match in accordance with par. 1, the club or association to which the player or official belongs may be fined. Serious offences may be sanctioned with expulsion from a competition, relegation to a lower division, a point's deduction and the return of awards.*

Below the relevant paragraphs of the *FIFA Code of Ethics* from 2012 are stated.

***FIFA Code of Ethics (FIFA, 2012)***
***21 Bribery and corruption***

1) *Persons bound by this Code must not offer, promise, give or accept any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside FIFA. Such acts are prohibited, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties as defined in this Code. In particular, persons bound by this Code must not offer, promise, give or accept any undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion. Any such offer must be reported to the Ethics Committee and any failure to do so shall be sanctionable in accordance with this Code.*
2) *Persons bound by this Code are prohibited from misappropriating FIFA assets, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties, as defined in this Code.*
3) *Persons bound by this Code must refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the foregoing sections, or any attempt thereof*

***25 Integrity of matches and competitions***

*Persons bound by this Code shall be forbidden from taking part in, either directly or indirectly, or otherwise being associated with, betting, gambling, lotteries and similar events or transactions connected with football matches. They are forbidden from having stakes, either actively or passively, in companies, concerns, organisations, etc. that promote, broker, arrange or conduct such events or transactions.*

## 3.2 UEFA

UEFA (Union of European Football Associations) is the European umbrella organisation for 55 national football associations across Europe and is part as a continental confederation of FIFA. The main objectives of UEFA are to deal with all questions relating to European football, safeguard the values of European football, maintain relations with all stakeholders involved in European football and support and safeguard its member associations for the overall well-being of the European game. Referring to the fight against match-fixing (UEFA, 2018). UEFA has enacted a clear legal framework, applicable to

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the competitions that are organised by them as well as several rules which have been added to the various competition regulations (UEFA, 2017b). In 2011, a network of integrity officers throughout the national associations of UEFA was established. They function through exchanging information, monitor disciplinary proceedings and organizing invaluable education programs, as liaison officers between the football authorities and state law enforcement agencies with respect so suspected match-fixing (UEFA, 2013). As well as FIFA, UEFA stands in close cooperation with the international company Sportradar. In collaboration with them, the own betting fraud detection system of UEFA highlights irregular betting movements both pre-match and in-game (live) in all the core betting markets (Asian handicap, Totals and 1X2) from all major European and Asian bookmakers. Afterwards, collected information can be used preventing and combating sports fraud with the help of the integrity officers and the national law enforcement authorities (UEFA, 2017a). Additionally, UEFA nominated national gambling delegates in all 53 member associations and state that they have a 'zero-tolerance' policy. The relevant legal framework is set out in the *UEFA Disciplinary Regulations*, in particular with Article 12 which covers not only match-fixing, but also any attempts to fix matches (UEFA, 2018).

***Article 12 Integrity of matches and competitions and match-fixing***

1) *All persons bound by UEFA's rules and regulations must refrain from any behaviour that damages or could damage the integrity of matches and competitions and must cooperate fully with UEFA at all times in its efforts to combat such behaviour.*
2) *The integrity of matches and competitions is violated, for example, by anyone:*
   a. *who acts in a manner that is likely to exert an unlawful or undue influence on the course and/or result of a match or competition with a view to gaining an advantage for himself or a third party;*
   b. *who participates directly or indirectly in betting or similar activities relating to competition matches or who has a direct or indirect financial interest in such activities;*
   c. *who uses or provides others with information which is not publicly available, which is obtained through his position in football, and damages or could damage the integrity of a match or competition;*
   d. *who does not immediately and voluntarily inform UEFA if approached in connection with activities aimed at influencing in an unlawful or undue manner the course and/or result of a match or competition;*
   e. *who does not immediately and voluntarily report to UEFA any behaviour he is aware of that may fall within the scope of this article.*
3) *If filed after the relevant competition stage has finished, complaints regarding match-fixing can have no impact on the sporting result of the competition or match in question and, therefore, the match cannot be replayed, unless the competent disciplinary body decides otherwise.*

***Article 17 Ethical provisions: scope, UEFA's competence and general principles***

1) *The following provisions apply to all persons falling within the scope of Article 3(1)(a), (c) and (e), except in cases where the conduct in question is dealt with in an appropriate manner by the relevant bodies of one of UEFA's member associations or by FIFA.*
2) *Notwithstanding the provisions of paragraph 1 above, if an alleged violation of these provisions arises in relation to UEFA matters or the function of an individual which was elected, ratified or assigned by UEFA to exercise a function, UEFA's disciplinary bodies have exclusive competence to deal with the case.*

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3) *All persons bound by these provisions are expected to be aware of the importance of their duties, obligations and responsibilities. They are required to observe the principles of loyalty, integrity and sportsmanship and to act with complete honesty when exercising their functions.*
4) *All persons bound by these provisions have a fiduciary duty towards UEFA.*
5) *All persons bound by these provisions have a responsibility to report unethical conduct to UEFA without delay.*

***Article 18 Use of confidential information and abuse of position***

1) *Persons bound by these provisions shall not use confidential information acquired in the course of their UEFA activities in order to obtain or attempt to obtain a personal advantage or for any other illegitimate purpose. This obligation survives the termination of any relationship pursuant to which a person is subject to this provision.*
2) *Persons bound by these provisions shall not abuse their position in any way, in particular not to take advantage or seek to take advantage of their position for personal gain in a manner that is inconsistent with their duties and responsibilities towards UEFA.*

***Article 19 Conflicts of interest***

1) *All persons bound by these provisions shall avoid any situations that could result in a conflict of interest. Such a conflict may arise if persons bound by these provisions have, or appear to have, private or personal interests that detract from their ability to perform their duties without any undue influence. Private or personal interests may include, but are not limited to, personal benefits, financial gain or other motives to obtain favours for oneself, family, friends or others. All persons bound by these provisions have a responsibility to disclose any such conflicts of interest to UEFA without delay.*
2) *All persons bound by these provisions shall abstain from performing their duties in cases of existing or potential conflicts of interest.*

***Article 20 Offering and accepting gifts and other benefits***

*Persons bound by these provisions shall only offer or accept gifts or other benefits that cannot reasonably be considered as susceptible of influencing their behaviour, creating any form of obligation or resulting in any conflict of interest. Only gifts or benefits of a symbolic or traditional nature according to prevailing customs may be offered or accepted.*

***Article 21 Bribery and corruption***

1) *Persons bound by these provisions shall not directly or indirectly offer, promise, give or accept any undue pecuniary or benefit of any kind with a view to influencing UEFA's decision-making, whether in business related matters or in any other sphere commercial or otherwise. Such acts are prohibited, regardless of whether they are carried out directly or indirectly.*
2) *Persons bound by these provisions shall not offer, promise, give or accept any undue pecuniary or other benefit in return for the execution or omission of an act related to their official UEFA activities or which is contrary to their duties.*
3) *All persons bound by these provisions are obliged to report to UEFA without delay any offer, promise or similar inducement within the meaning of paragraphs 1 or 2 above.*

***Article 22 Bidding and votes***

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*All persons bound by these provisions have a particular duty of care and fidelity when empowered and entrusted to make decisions regarding the staging of UEFA competitions. As such, they are required to faithfully execute their responsibilities and make decisions in good conscience and good faith, in accordance with objective criteria and never on the basis of any real or perceived improper advantage, pecuniary or otherwise.*

Regarding the competitions which are held by UEFA, the associations has a strict approach in its admission criteria since 2007 referring to match manipulation: "The admission to a UEFA competition of a member association or club directly or indirectly involved in any activity aimed at arranging or influencing the outcome of a match at national or international level can be refused with immediate effect, without prejudice to any possible disciplinary measures." (UEFA, 2017b). As a further example, the following section states two paragraphs *Article 4.02 and 4.03* which have been introduced within the UEFA Champions League and UEFA Europa League regulations:

"If, on the basis of all the factual circumstances and information available to UEFA, UEFA concludes to its comfortable satisfaction that a club has been directly and/or indirectly involved, since the entry into force of Article 50(3) of the UEFA Statutes, i.e. 27 April 2007, in any activity aimed at arranging or influencing the outcome of a match at national or international level, UEFA will declare such club ineligible to participate in the competition. Such ineligibility is effective only for one football season" (UEFA, 2017b).

"When taking its decision, UEFA can rely on, but is not bound by, a decision of a national or international sporting body, arbitral tribunal or state court. UEFA can refrain from declaring a club ineligible to participate in the competition if UEFA is comfortably satisfied that the impact of a decision taken in connection with the same factual circumstances by a national or international sporting body, arbitral tribunal or state court has already had the effect to prevent that club from participating in a UEFA club competition" (UEFA, 2017b).

"In addition to the administrative measure of declaring a club ineligible, as provided for in paragraph 4.02, the UEFA Organs for the Administration of Justice can, if the circumstances so justify, also take disciplinary measures in accordance with the UEFA Disciplinary Regulations" (UEFA, 2017b).

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# 4 Findings and Recommendations

The jurisdictions of all countries are compared by means of a matrix that tackles three areas: 1) the Macolin Convention, 2) Criminal Law and 3) Disciplinary Regulations of football. Table 6 provides an overview about all countries discussed and their jurisdictions. This overview suggests that there are several similarities but also many differences across the European countries and the other countries included.

***Finding 1***

All European countries selected for this analysis have signed the Macolin Convention. In addition, Australia, as non-European country in the sample, has also signed it. However, not all countries that have signed the Macolin Convention are also part of the Group of Copenhagen (a network of national platforms which has been inaugurated in sports promoting the Macolin Convention). The goal of the Group of Copenhagen is to establish alerts to help initiate strategies and law enforcement against the manipulation of competitions (Council of Europe, 2019c).

***Recommendation 1***

It is a self-evident key recommendation that as many countries as possible sign and ratify the Macolin Convention globally. With respect to the latest ratifications by Italy and Switzerland, a major milestone will be achieved with the formal entry into force of the Convention. On the basis of the formation of the Group of Copenhagen some years ago, it would be pivotal to use this established network and the key findings to date to further build on those well-established strategies and mechanisms.

***Finding 2***

Regular bribery and/or fraud clauses have been detected in all analysed countries' criminal law frameworks. Developments in recent years have shown that many of the analysed countries in this sample have or are about to establish specific criminal law provisions on the phenomenon of match-fixing.

***Recommendation 2***

A case from Austria has shown that regular bribery and/or fraud clauses can be sufficient to adequately deal with match-fixing issues. For instance, in Austria the major match-fixing scandal in 2013 involving athletes of the top football league, clearly showed that the existing criminal law provisions on bribery and fraud were sufficient to tackle the problem on a criminal law level and have had the main protagonists punished with jail sentences.[44]

***Finding 3***

The majority of the reviewed jurisdictions have specific criminal law provisions in place against match-fixing (partly including betting fraud). Austria, France, Japan, Paraguay and the UK do not have these provisions. Therefore, these five countries also do not have special penalties for match-fixing included in their jurisdictions.

44 The respective criminal court proceedings were finalised in a first court instance. No Supreme Court (criminal law) has been available so far.

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***Recommendation 3***

Implementing specific criminal law provisions against match-fixing can be perceived as a general prevention element in the fight against match-fixing and for integrity in sports. Moreover, it offers a set of options regarding specific deterrents (special prevention element) in case of actual match-fixing incidents/cases. An additional requirement for the effective and efficient execution of the respective specific criminal law provisions is an adequate education of law enforcement and public prosecutors. In this context, as a positive externality public awareness and sport stakeholder awareness (athletes, coaches, federations, etc.) can be generated and, thus, used to influence and educate.

***Finding 4***

Some countries have developed legislation concepts such as an 'Act on Sport'. These countries include Bulgaria, Greece, Italy, Paraguay, Poland and South Korea. All those countries have also own provisions on match-fixing within the Act on Sport – with the exception of Paraguay.

***Recommendation 4***

Cultural, economic, ethical, governance, political, and sociological discussions of sports in general but also of sports and integrity issues can contribute to public agenda setting. This can lead to the implementation of an Act of Sport serving as a societal and legal lighthouse of frameworks for ethic conduct (in sport).

***Finding 5***

All country's football federations – subject to this sample – have specified their own disciplinary regulations including specific anti match-fixing clauses. However, the contents of the match-fixing clauses vary. Beyond this, all country's football federations in the sample – mandatorily being members of either UEFA and/or FIFA – underlie the specific regulations on match-fixing of the European and the global football association.

i. All countries in the sample include a prohibition to influence/fix a match.
ii. All countries in the sample include a prohibition to bet.
iii. Approximately half of the countries (Australia, France, Germany, Greece, UK) include a prohibition to share inside information.
iv. Most countries include an obligation to report (in case of match-fixing perceptions/information).

***Recommendation 5***

This analysis clearly shows that the fight against match-fixing and for integrity in sports is on the agenda of the football federations and the world of sports. This is reflected by the fact that all countries in the sample include the crucial minimum requirement: a prohibition to influence/fix a match and a prohibition to bet. Yet, it is recommended to also implement not only the minimum standards, but also proven efficient and effective measures such as the prohibition to share inside information and an obligation to report to further facilitate integrity and behavioural change.

One best practice example combining legal and educational perspectives is the German initiative 'Together against match-fixing' (Gemeinsam gegen Spielmanipulation, 2019). With an amendment of the Disciplinary Code of the German Football League as of 2009, annual education of all players of the first and second Bundesliga became obligatory.

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Another best practice example stems from Austria where Play Fair Code was inaugurated in 2011 (Play Fair Code, 2018b). This platform's focus is awareness-raising, prevention and education in basketball, football, handball, ice hockey, skiing and tennis. The inclusive stakeholder approach (sport federations, leagues, betting operators, sponsors, media) of Play Fair Code serves the idea o an equidistant network approach.

***Finding 6***

All analysed countries have consequences on match-fixing in place, either as part of the disciplinary regulations or, like in Japan, as part of the Sports Promotion Lottery Act. These penalties include a) a variety of bans for a specific time or lifelong bans in all countries and b) monetary penalties and/or fines in all countries except for Japan.

***Recommendation 6***

The analysis indicates the existence of a certain quality level of consequences in the disciplinary field. The argument of general prevention and specific deterrents (see above) is also valid in this context (cf. UEFA's and FIFA's zero tolerance policy against match-fixing and corruption in sports). Further global harmonisation is recommended.

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Table 6: Comparison of jurisdictions

| Topics/Countries | Australia | Austria | Bulgaria | France | Germany | Greece | Italy | Japan | Paraguay | Poland | South Korea | UK |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Macolin Convention | | | | | | | | | | | | |
| **Signed** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ |
| **Part of Group of Copenhagen** | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ |
| Criminal Law | | | | | | | | | | | | |
| **Regular bribery/fraud clause** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| **Special clause(s) on match-fixing** | ✓ | ✗ | ✓ | ✗ | ✓ | ✓ | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ |
| **Penalties for match-fixing** | ✓ | ✗ | ✓ | ✗ | ✓ | ✓ | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ |
| **Existence of Sport Act** | ✗ | ✗ | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ | ✓ | ✓ | ✓ | ✗ |
| **Special clause(s) on match-fixing in Sport Act** | ✗ | ✗ | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ |
| Disciplinary Regulations of the country's Football Association | | | | | | | | | | | | |
| *Special clauses on match-fixing* | | | | | | | | | | | | |
| **Prohibition to influence/fix a match** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✗[1] \| ✓ | ✓ | ✓ | ✓ | ✓ |
| **Prohibition to bet** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✗[1] \| ✓ | ✓ | ✓ | ✓ | ✓ |
| **Prohibition to share inside information** | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✗ | ✗[1] \| ✓ | ✗ | ✗ | * | ✓ |
| **Obligation to report** | ✓ | ✓ | ✗ | ✓ | ✓ | ✓ | ✓ | ✗[1] \| ✓ | ✓ | ✓ | * | ✓ |
| *Penalties for match-fixing* | | | | | | | | | | | | |
| **Monetary penalties** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✗ | ✓ | ✓ | ✓ | ✓ |
| **Bans for a specific time/lifelong ban/other** | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| **Ban verbatim**[45] | A | B | C | D | E | F | G | H | I | J | K | L |

[45] See Table 7

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*Note. [1] Regulations for all sports governed by the Sports Promotion Lottery Act ; * No information at hand.*

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Table 7: Type of ban verbatim (Discplinary reglations; cf. Table 6)

| Country | Ban (i.e., penalty for match-fixing) verbatim |
|---|---|
| **A - Australia** | a) Reprimand; b) warning; c) caution; d) fine; e) return of award; f) place the individual on a bond; g) ban on registration of player with any club for a specified period of time; h) annulment of registration of a player; i) suspension from participation in a Match or Matches; j) suspension or expulsion from a Competition; k) suspension or cancellation of licence or accreditation, included Licensed player Agent's licence or coaching accreditation; l) termination of registration or playing contract; m) a ban from the dressing rooms and/or the substitutes bench; n) a ban from entering the stadium; o) ban on taking part in any football related activity; p) community or social work; q) such other disciplinary sanctions or measures as is appropriate in all circumstances, including as prescribed in the FIFA statutes |
| **B - Austria** | a) Ban from 8 to 72 competitive matches; b) Functional ban for 6 months to 3 years; c) Fine of 500-15,000 EUR; d) exclusion from the competition; e) education of points; f) forced relegation; g) stadium ban; h) exclusion from the association |
| **C - Bulgaria** | Player: suspension of the competitor's rights at least 18 months; official: ban on the performance of functions at least 18 months; Club: pecuniary sanction of 40,000 BGN, transfer of the team to a lower level |
| **D - France** | Fine up to 45,000 EUR; suspension |
| **E - Germany** | a) Warning; b) reprimand; c) fine against players up to 100,000 EUR, otherwise up to 250,000 EUR; d) stadium ban; e) temporary ban (up to 3 years) or permanent ban on holding an office within the DFB; f) ban on compulsory match days, temporary (up to 3 years) or permanent basis; g) exclusion; h) exclusion from the use of the DFB club facilities for a limited period of time (up to 3 years) or on a permanent basis, including withdrawal of the licences ; i) prohibition – up to 5 matches – from staying inside the stadium during the match; j) withdrawal of admission for trainers temporary (up to 3 years) or permanently; k) holding a match under the exclusion or partial exclusion of the public; l) disqualification of points; m) transfer to a lower division; n) prohibition to register new players at national and international level (up to 3 years) |
| **F - Greece** | Ban from matches / functional ban |
| **G - Italy** | Ban or disqualification for not less than three years and a fine of not less than 25,000 EUR. K=Bans for at least one year, fines of up to 10 million KR₩ (7,700 EUR) |
| **H - Japan** | Imprisonment with work up to 5 years |
| **I - Paraguay** | Fine (minimum amount shall be 200 minimum wages; prohibition to engage in activities related to football for a maximum period of 3 years (betting), 5 years (bribery, misappropriation of funds and manipulation of matches) |
| **J - Poland** | Individual: fine not less than 10,000 PLN; punishable temporary disqualification not lower than 6 months, exclusion from PZPN; clubs: financial penalty; verification of the competition; cancelling the result of the match; suspension or deprivation of the licences; relegation of the team to a lower division; deprivation of the Polish Champion, exclusion from PZPN |
| **K – South Korea** | Natural persons: suspension for at least one year, fine up to 10,000 KR₩ (7,700 EUR) or community service; clubs: relegation, suspension, point deduction, ban on signing new players or fines up to 100 million KR₩ (77,000 EUR) |
| **L - UK** | a) A reprimand and/or warning as to future conduct; b) a fine; c) suspension from all or any specified football activity from a date that the regulatory commission shall order, permanently or for a stated period or number of matches; d) the closure of a ground permanently or for a stated period; e) the playing of a match or matches without spectators being present, and/or at a specific ground; f) any order which may be made under the rules and regulations of a competition in which the participant charged participates or is associated, which shall be deemed to include the deduction of points and |

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| | |
|---|---|
| | removal from a competition at any stage of any playing season; g) expulsion from a competition; h) expulsion from membership of the association or an affiliated association; i) such further or other penalty or order as it considers appropriate |

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# 6 Appendix A: Australia

## 6.1 National Policy on match-fixing

The National Policy on match-fixing (Australian Government - Department of Health, 2013) in sport is displayed in below.

***1) Context***

*1.1 Match-fixing involves the manipulation of an outcome or contingency by competitors, teams, sports agents, support staff, referees and officials and venue staff. Such conduct includes:*
*the deliberate fixing of the result of a contest, or of an occurrence within the contest, or of a points spread;*
*deliberate underperformance;*
*withdrawal (tanking);*
*an official's deliberate misapplication of the rules of the contest;*
*interference with the play or playing surfaces by venue staff; and*
*abuse of insider information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or contingency.*
*1.2 All Australians expect that the sport they watch or participate in is played honestly and to the ideals of fair play and good sportsmanship. Match-fixing and the corruption that flows from it, is not limited to professional or high profile sporting codes. Match-fixing has occurred in smaller sports, in lower grade team competitions and in individual events.*

*1.3 Match-fixing in sport is often motivated by the opportunity for significant financial or other personal gain through the manipulation of the result. Sports betting agencies provide opportunity for high sums to be gambled on sporting events with the prospect of very high returns. These potentially high returns can provide strong incentives to influence results of sporting fixtures.*

*1.4 While it is recognised that betting is a legitimate pursuit, illegal or fraudulent betting is not. Fraudulent betting on sport and the associated match-fixing is an emerging and critical issue globally, for sport, the betting industry and governments alike. It has the potential to undermine public confidence in the integrity of sport, sporting events and the products offered by betting agencies. Left unchecked, this corruption will devalue the integrity of sport and diminish the acceptability and effectiveness of sport as a tool to develop and support many aspects of our society.*

*1.5 This Policy is underpinned by the following agreed principles:*
*a nationally-consistent approach to deterring and dealing with match-fixing in Australia;*
*information sharing and highly efficient networks between governments, major sports, betting operators and law enforcers;*
*consistent national code of conduct principles for sport; and*
*active participation in international efforts to combat corruption in sport including an international code of conduct and an international body.*
*1.6 Irregular and fraudulent sports betting is on the rise around the globe. Figures provided by Interpol on illegal and irregular sports betting state that over US$140 billion is generated annually by illegal betting. This is threatening the credibility of sports around the world.*

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*1.7 At the international level, there is increased focus on cross-border collaboration, with an emerging push for an international information-sharing, monitoring, investigation and enforcement agency. Australia is actively working with other like-minded nations to ensure that international measures are developed and put in place that further safeguard Australian sport from international criminal activity. The demonstration of a robust and comprehensive domestic policy will ensure our voice is heard on the international stage.*

*1.8 Deterring and dealing with match-fixing in sport will be complex. It is the intention that governments will work collaboratively with Australian sporting organisations and the Australian betting industry in a manner consistent with the spirit and intentions of this Policy.*

***2) Purpose***

*2.1 The Policy aims to maximise public confidence in the integrity of sport and to ensure a level playing field, by:*
*articulating the roles, responsibilities and aspirations of all Australian governments, sporting organisations and the betting industry;*
*making a commitment to pursue nationally-consistent legislative arrangements and standard requirements across all governments, sporting organisations and the betting industry in regard to match-fixing in sport; and*
*detailing the approach to implementation of the Policy.*
*2.2 The Policy also provides a basis for Australian international credibility to actively participate in international reforms to achieve similar international outcomes.*

*2.3 Through the Policy all Australian governments commit to a collaborative coordinated effort to safeguard Australian sport from inappropriate and fraudulent sports betting and match-fixing activities.*

***3) Role of government***

*3.1 All Australian governments agree that they have a major obligation to address the threat of match-fixing and the corruption that flows from it.*

*3.2 In advancing this, all jurisdictions will ensure that the legislative framework in Australia accommodates the particular issues associated with match-fixing and the offences that arise from match-fixing.*

*Nationally applied legislation*
*3.3 All Australian governments agree to pursue nationally consistent legislative arrangements to address the particular issues of match-fixing.*

*Criminal offences to deter and deal with match-fixing*
*3.4 All Australian governments agree to pursue, through Attorneys General, a consistent approach to criminal offences, including legislation by relevant jurisdictions, in relation to match-fixing that provides an effective deterrent and sufficient penalties to reflect the seriousness of offences. Governments note the approach to implementation of such provisions may vary in jurisdictions depending on existing legislative arrangements.*

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*Arrangements between sports and betting agencies.*
*3.5 All Australian governments agree to pursue nationally consistent legislative arrangements that provides:*
*a. a 'Sport Controlling Body' for each sport or competition to be identified and registered by an appropriate regulator, for example, a state or territory gaming commission, and be recognised in each jurisdiction;*
*b. the Sport Controlling Body to deal with betting agencies, licensed in any state or territory, on behalf of their sport; and*
*c. the Sport Controlling Body to register all events subject to betting with the relevant regulator.*

*3.6 All Australian governments also agree that this legislation, or binding agreements made pursuant to legislation, will deal with arrangements between the Sport Controlling Body and betting agencies including:*
*a. requirements that a sporting organisation must apply to the appropriate regulator for approval as the Sport Controlling Body for a sports betting event;*
*b. requirements that a betting agency must not offer a betting service on an event unless:*
*i. an agreement is in effect between the registered Sport Controlling Body and the betting agency; or*
*ii. a determination of the appropriate regulator is in effect for the betting agency to offer a betting service on the event;*
*c. requirements for betting agencies to obtain agreement from the sporting organisation on all bet types offered on the sport involved, including what level of competition bets may offered on (for example, minor leagues versus premier leagues), with sports having the ability to veto bet types; and*
*d. arrangements for financial return to the sport based on betting on that particular sport.*

*3.7 Governments note the approach to implementation of such provisions may vary across jurisdictions depending on existing legislative arrangements.*

*3.8 All Australian governments agree that provisions under this legislation may cover:*
*a. definitions of sports betting, sports betting events, sports betting providers, a betting service, sport controlling body and an appropriate regulator;*
*b. requirements for the sporting organisation to provide the betting agency with information regarding their members (players, staff) and relevant competition/event details;*
*c. provision for information to be referred to the appropriate regulator or law enforcement agency in the event of an incident;*
*d. facilitation of international information sharing where appropriate (eg in trans-Tasman sporting competitions);*
*e. approval of events and competitions of any kind for sports betting purposes, and of bet types relating to those events and competitions, by an appropriate regulator (with the exception of horse, harness or greyhound racing); f. provision for the appropriate regulator to have the right to seek information it thinks fit from betting agencies and the relevant sporting organisation to assess sports betting applications;*
*g. provision for the appropriate regulator to have the right to impose any conditions it thinks fit to provide approval of an event at the time of giving the approval or at any later time;*
*h. approvals that will be controlled by the appropriate regulator including approval conditions, variation and revocation of approvals, application process, determination of applications and duration and surrender of approvals, costs of investigating applications, and mechanisms to manage objections, disputes and tribunals;*
*i. the range of matters the appropriate regulator will consider when assessing events for sports betting eg integrity risks, the sport organisation's capacity to administer and enforce rules or codes*

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*of conduct to ensure the integrity of the event or competition;*
*j. specification of reporting and publication requirements of the appropriate regulator to government, the public and other agencies as required;*
*k. provision that the Sport Controlling Body may make an agreement with a betting agency for the betting agency to offer a betting service on the event and under the agreement the parties will:*
*i. provide for the sharing of information between a sport controlling body and a betting agency for the purposes of protecting and supporting integrity in sport and sport betting; and*
*ii. state whether or not a fee is payable by the betting agency to the sport controlling body in respect of betting on the sports betting event and if a fee is payable, what the fee is or how it is calculated.*
*l. a betting agency must not accept, offer to accept, or invite a person to place, a bet; or facilitate the placing of a bet on a contingency that is the subject of a prohibition.*
*3.9 All Australian governments recognise that smaller sports will need assistance to adjust and adapt their policies and practices to meet the requirements of the new national provisions. The mechanism to achieve this will be discussed among governments and with sporting organisations and betting agencies and will be resolved in accordance with the arrangements outlined below in the section on implementation.*

*National Oversight and Coordination Function (a National Integrity of Sport Unit)*
*3.10 All Australian governments agree that a national approach to governing the implementation of this National Policy is required. The adoption of this approach will require co-operation and collaboration across Commonwealth agencies, state and territory governments, their gaming commissions, sporting organisations and betting agencies, to ensure the policy is consistently applied. The specific arrangements will be finalised in accordance with the arrangements out-lined below in the section on implementation.*

*3.11 In recognition of the need for national coordination, monitoring and reporting, the Commonwealth Government will establish a National Integrity of Sport Unit.*

*3.12 All Australian governments agree that the functions associated with this approach will include:*
*a. supporting and as required, reviewing information sharing and monitoring protocols to expand networks between governments, sports, betting industry and law enforcement agencies;*
*b. supporting the development of industry capacity to ensure the integrity of sport in all sporting codes including practical and financial support for smaller sports where necessary;*
*c. ensuring sports have the capacity either internally or through an independent body, to under-take investigations into betting impropriety;*
*d. monitoring compliance of stakeholders in relation to the application of the national code of conduct principles;*
*e. facilitating the adoption of National Code of Conduct principles by all sports;*
*f. resolving disputes as appropriate over issues of concern arising from the implementation of the national policy;*
*g. developing protocols for sanctions by sports and referral of criminal activity to law enforcement agencies; and*
*h. supporting international efforts to combat corruption in sport through information sharing arrangements.*
*Funding Agreements with Sports*
*3.13 Considerable public money is provided to sporting organisations in recognition of the significant role they play in Australian society.*

*3.14 Consequently, all Australian governments agree to make new and ongoing funding to sports on which there is betting conditional on the sporting organisations developing and implementing*

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*appropriate anti-match-fixing and anti-corruption policies and practices, including codes of conduct and sanctions regimes.*

***4) Role of the Sporting Organisations***

*4.1 It is the intention of this Policy that governments will work in partnership with sporting organisations or Sport Controlling Bodies and the betting industry to ensure the integrity of Australian sport is protected from the threat of match-fixing and the corruption that flows from it.*

*4.2 As part of this Policy, sporting organisations or Sport Controlling Bodies will be expected to:*
*a. adopt an anti-match-fixing/anti-corruption code of conduct which aligns with nationally agreed principles – see paragraph 4.5 for details;*
*b. apply the code of conduct to all players, player agents, support personnel, officials and staff;*
*c. apply a disciplinary framework within the code of conduct including sanctions and appropriate investigative processes with minimum and meaningful sanctions;*
*d. develop and enter into national integrity agreements with betting organisations in relation to the provision of betting and information sharing on the sport involved by July 2012;*
*e. provide appropriate information to betting agencies to support preventative and investigative measures in a timely manner;*
*f. provide appropriate education of players, player agents, support personnel, officials and staff on their responsibilities under the code of conduct and to provide information on match-fixing to assist with prevention, detection and disciplinary actions in accordance with this policy;*
*g. liaise with and report to the relevant government agencies including the over-sighting/coordinating agency; and*
*h. provide and exchange information on suspected match-fixing or corrupt activities with the over-sighting/coordinating agency, betting agencies, and law enforcement agencies.*

*4.3 For smaller sporting organisations or smaller Sport Controlling Bodies, in recognition that governing organisations may have limited capacity to establish self-governing arrangements, these sports will be assisted by the over-sighting/coordinating agency and will be subject to the code of conduct principles as provided at 4.5.*

*4.4 This Policy recognises that Sport Controlling Bodies must reach specific integrity benchmarks to gain approval to be part of a sports betting regime.*

*4.5 With respect to an anti-match-fixing/anti-corruption code of conduct, sporting organisations and Sport Controlling Bodies agree that the code will restrict players, player agents, support personnel, officials and staff, directly or indirectly, engaging in the following conduct:*
*a. betting, gambling or entering into any other form of financial speculation on any match or on any event connected with the sport involved;*
*b. inducing or encouraging any other person to bet, gamble or enter into any other form of financial speculation on any match or event or to offer the facility for such bets to be placed on the sport involved;*
*c. 'tanking' (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons in line within the rules of the respective sport;*
*d. inducing or encouraging any player to 'tank' (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons within the rules of the respective sport;*
*e. for money, benefit or other reward (whether for the player him or herself or any other person and*

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*whether financial or otherwise), providing insider information that is considered to be in-formation not publicly known such as team or its members configuration (including, without limitation, the team's actual or likely composition, the form of individual players or tactics) other than in connection with bona fide media interviews and commitments;*
*f. any other form of corrupt conduct in relation to any match or event connected with the respective sport;*
*g. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received an approach from another person to engage in conduct such as that de-scribed in paragraphs (a) – (f) above;*
*h. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she knows or reasonably suspects that any current or former player or official or any other person has engaged in conduct, or been approached to engage in conduct, such as that described in paragraphs (a) – (f) above;*
*i. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received, or is aware or reasonably suspects that another player or official or any other person has received, actual or implied threats of any nature in relation to past or pro-posed conduct such as that described in paragraphs (a) – (f) above; or*
*j. conduct that relates directly or indirectly to any of the conduct described in paragraphs (a) – (i) above and is prejudicial to the interests of the sport or which bring him or her or the sport into disrepute.*

*4.6 Sporting organisations and Sport Controlling Bodies will be responsible for the application of appropriate responses to breaches of their code of conduct acknowledging that penalties should be broadly consistent across sporting codes and reflect the severity of the breach.*

*4.7 In developing these principles, all governments acknowledge the significant work already undertaken by many sports to develop their integrity systems and put in place codes of conduct that address the threat of match-fixing. The general principles specified above have been drawn from these existing principles.*

***5) Role of the Betting Agencies***

*5.1 All Australian governments agree to work with betting agencies in the implementation of this policy.*

*5.2 As part of this Policy, betting agencies will be asked to:*
*a. adopt an industry standard for information exchange and information provision requirements with sports, governments and law enforcement agencies by July 2012;*
*b. develop and enter into national integrity agreements with sporting organisations in relation to the provision of betting and information sharing on the sport involved by July 2012;*
*c. guarantee confidentiality of information provided by sports to the betting agencies;*
*d. collaborate with sports and law enforcement agencies and the appropriate regulator on the provision of information to assist detection and investigation of suspicious activity or breaches of the relevant code of conduct for that sport; and*
*e. provide a share of revenue to implement this policy, including to sports.*

***6) Implemention, Policy Oversight and Governance***

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*6.1 All Australian governments agree to support the establishment of a cross-portfolio/ cross-jurisdictional working group to facilitate the development of nationally consistent arrangements consistent with this National Policy. This working group will provide an implementation work plan to Sports Ministers within three months, which will include an assessment of the readiness of the sporting organisations and the betting industry to pursue the requirements under this Policy.*

*6.2 All Australian governments agree that this work will also include advice on national governance arrangements for the long-term oversight of this policy and will require consideration by Attorneys General and possibly other Ministers.*

***7) Associated Considerations***

*7.1 It is recognised that there are a number of other issues for consideration which, while of broad relevance to this policy, are more appropriately dealt with in other forums. These include considerations associated with cash betting limits, live on-line betting during an event, specialist investigative law enforcement officers or units and advertising of betting products, noting the Australian Government's recent announcement to work with the sporting and betting industries to reduce and control the promotion of live odds during sports coverage through amendments to their existing industry codes.*

*7.2 The Australian Government has recently announced a review of the operation of the Interactive Gambling Act 2001, including examining how harm minimisation measures can be improved for online gambling services. It will consult widely with states and territories, sports, the betting industry and the broader community in undertaking the review.*

***8) International Options***

*8.1 All Australian governments agree to support Australian participation in international debate and initiatives to protect the integrity of sport globally.*
*8.2 At a minimum, Australian governments will provide support for international arrangements which provide*
*monitoring of irregular sports betting on international events (such as Olympics Games and world championships) through the IOC and international sporting federations;*
*the development of formal information sharing arrangement through the proposed over-sighting/coordinating agency; and*
*the development of agreements between sports betting agencies and international sporting federations relating to return of revenue for international events.*
*8.3 The Australian Government agrees to pursue relationships with the international sporting movement, and betting agencies when opportunities arise in international forums such as the International Olympic Committee Working Group on the Fight against Irregular and Illegal Betting on Sport.*
*8.4 Failing development of an international agreement or treaty, the Australian Government will seek to formalise information sharing arrangements with appropriate bodies in other nations.*

## 6.2 Crimes Act of the New South Wales Government

In the following, several articles from the Crimes Act of the New South Wales Government are displayed (New South Wales Government, 2019).

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***Part 4ACA Cheating and Gambling, Crimes Act 1900 No40 – Division 2 Offences***

*193N Engage in conduct that corrupts betting outcome of event*
*A person who engages in conduct that corrupts a betting outcome of an event:*

a. *knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and*
b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*

*193O Facilitate conduct that corrupts betting outcome of event*
*1) A person who facilitates conduct that corrupts a betting outcome of an event:*

a. *knowing or being reckless as to whether the conduct facilitated corrupts a betting outcome of the event, and*
b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*
*2) A person **facilitates** conduct that corrupts a betting outcome of an event if the person:*

(a) *offers to engage in conduct that corrupts a betting outcome of an event, or*
(b) *encourages another person to engage in conduct that corrupts a betting outcome of an event, or*
(c) *enters into an agreement about conduct that corrupts a betting outcome of an event.*

*193P Concealing conduct or agreement about conduct that corrupts betting outcome of event*
*1) A person who encourages another person to conceal from any appropriate authority conduct, or an agreement about conduct, that corrupts a betting outcome of an event:*

a. *knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and*
b. *with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event,*

*is guilty of an offence.*
*Maximum penalty: Imprisonment for 10 years.*
*2) In this section, an **appropriate authority** includes:*

a. *a police officer, or*
b. *a body that has the official function of controlling, regulating or supervising an event, or any betting on an event.*

*193Q Use of corrupt conduct information or inside information for betting purposes*
*1) A person who possesses information in connection with an event that is corrupt conduct information, and who knows or is reckless as to whether the information is corrupt conduct information, is guilty of an offence if the person:*

a. *bets on the event, or*
b. *encourages another person to bet on the event in a particular way, or*
c. *communicates the information to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.*

*Maximum penalty: Imprisonment for 10 years.*

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*2) A person who possesses information in connection with an event that is inside information, and who knows or is reckless as to whether the information is inside information, is guilty of an offence if the person:*
   *a. bets on the event, or*
   *b. encourages another person to bet on the event in a particular way, or*
   *c. communicates the information to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.*

*Maximum penalty: Imprisonment for 2 years.*

*3) Information in connection with an event is **corrupt conduct information** if the information is about conduct, or proposed conduct, that corrupts a betting outcome of the event.*

*4) Information in connection with an event is **inside information** if the information:*
   *a. is not generally available, and*
   *b. if it were generally available, would, or would be likely to, influence persons who commonly bet on the event in deciding whether or not to bet on the event or making any other betting decision.*

*5) Information is **generally available** if:*
   *a. it consists of matter that is readily observable by the public, or*
   *b. it has been made known in a manner that would, or would be likely to, bring it to the attention of the public, or*
   *c. it consists of deductions, conclusions or inferences made or drawn from information referred to in paragraph (a) or (b).*

*6) In proceedings for an offence against subsection (1) (b) or (c) or (2) (b) or (c) it is not necessary to prove that the person encouraged to bet, or to whom information was communicated, actually bet on the event concerned.*

*7) If, on the trial of a person for an offence under subsection (1), the trier of fact is not satisfied that the accused is guilty of the offence charged but is satisfied that the accused is guilty of an offence under subsection (2), it may find the accused not guilty of the offence charged but guilty of an offence under subsection (2), and the accused is liable to punishment accordingly.*

*A reference in this section to communicating information includes a reference to causing information to be communicated.*

## 6.3 Discpliniary Regulations of the Football Federation Australia

The Football Federation Australia has several types of disciplinary Sanctions (Football Federation Australia, 2018b), as displayed below.

***21.5 Types of Disciplinary Sanctions***

*a. The following disciplinary sanctions may be imposed against a legal person including a Body:*
*(i) a reprimand;*
*(ii) warning;*
*(iii) a fine;*
*(iv) the return of awards,*
*(v) a forfeit of match or matches;*
*(vi) replaying of a match;*
*(vii) place the Body on a bond;*
*(viii) a deduction or loss of competition points;*
*(ix) ban on the registration or transfer of any Players for a specified period of time;*

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*(x) annulment of registration of a Player;*
*(xi) suspension from participation in a Match or Matches;*
*(xii) exclusion, suspension or expulsion from a Competition;*
*(xiii) playing a match without spectators or on neutral territory;*
*(xiv) a ban on playing in a particular stadium;*
*(xv) annulment of the result of the match;*
*(xvi) relegation to a lower division; or*
*(xvii) such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes.*

*b. The following disciplinary sanctions may be imposed against a natural person:*
*(i) a reprimand;*
*(ii) a warning;*
*(iii) a caution;*
*(iv) a fine;*
*(v) return of award;*
*(vi) place the individual on a bond;*
*(vii) ban on registration of Player with any Club for a specified period of time;*
*(viii) annulment of registration of a Player;*
*(ix) suspension from participation in a Match or Matches;*
*(x) suspension or expulsion from a Competition;*
*(xi) suspension or cancellation of licence or accreditation, including Licensed Player Agent's licence or coaching accreditation;*
*(xii) termination of registration or playing contract;*
*(xiii) a ban from the dressing rooms and/or the substitutes' bench;*
*(xiv) a ban from entering a stadium;*
*(xv) ban on taking part in any football related activity;*
*(xvi) community or social work; or*
*(xvii) such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes.*

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# 7 Appendix B: Austria

## 7.1 Law on Betting

Gesetz über den Abschluss und die Vermittlung von Wetten (Wiener Wettengesetz; version: 07.08.2018; Federal Ministry for Digital and Economic Affairs, 2016).

**I. Abschnitt**

**Allgemeine Bestimmungen**

**Inhalt**

**§ 1.** Dieses Landesgesetz regelt den gewerbsmäßigen Abschluss (Buchmacherwette) und die gewerbsmäßige Vermittlung (Totalisateurwette) von Wetten aus dem Anlass sportlicher Veranstaltungen sowie die gewerbsmäßige Vermittlung von Wettkundinnen und Wettkunden.

## 7.2 Criminal Law A

Austrian Criminal Law Code (§ 146 Fraud; version: 07.02.2018; Austrian Criminal Law Code, 1975).

Gesamte Rechtsvorschrift heute / anderes Datum
< § 145 am 07.08.2018 § 147 am 07.08.2018 >

**Kurztitel**
Strafgesetzbuch

**Hauptdokument**

**Kundmachungsorgan**
BGBl. Nr. 60/1974

**Typ**
BG

**§/Artikel/Anlage**
§ 146

**Inkrafttretensdatum**
01.01.1975

**Außerkrafttretensdatum**

**Abkürzung**
StGB

**Index**
24/01 Strafgesetzbuch

**Text**

**Betrug**

**§ 146.** Wer mit dem Vorsatz, durch das Verhalten des Getäuschten sich oder einen Dritten unrechtmäßig zu bereichern, jemanden durch Täuschung über Tatsachen zu einer Handlung, Duldung oder Unterlassung verleitet, die diesen oder einen anderen am Vermögen schädigt, ist mit Freiheitsstrafe bis zu sechs Monaten oder mit Geldstrafe bis zu 360 Tagessätzen zu bestrafen.

**Anmerkung**
Zu dieser Bestimmung gibt es im HELP folgenden Artikel: Betrug

**Zuletzt aktualisiert am**
07.02.2018

**Gesetzesnummer**
10002296

**Dokumentnummer**
NOR12029690

**Alte Dokumentnummer**
N2197415142T

## 7.3 Criminal Law B

Austrian Criminal Law (§ 147 Major fraud; version: 01.01.2016; Austrian Criminal Law Code, 2016)

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Gesamte Rechtsvorschrift heute / anderes Datum
< § 146 am 07.08.2018 § 148 am 07.08.2018 >

**Kurztitel**
Strafgesetzbuch

**Hauptdokument**

**Kundmachungsorgan**
BGBl. Nr. 60/1974 zuletzt geändert durch BGBl. I Nr. 154/2015

**Typ**
BG

**§/Artikel/Anlage**
§ 147

**Inkrafttretensdatum**
01.01.2016

**Außerkrafttretensdatum**

**Abkürzung**
StGB

**Index**
24/01 Strafgesetzbuch

**Text**

**Schwerer Betrug**

**§ 147.** (1) Wer einen Betrug begeht, indem er zur Täuschung

1. eine falsche oder verfälschte Urkunde, ein falsches, verfälschtes oder entfremdetes unbares Zahlungsmittel, ausgespähte Daten eines unbaren Zahlungsmittels, falsche oder verfälschte Daten, ein anderes solches Beweismittel oder ein unrichtiges Meßgerät benützt oder

*(Anm.: Z 2 aufgehoben durch BGBl. I Nr. 112/2015)*

3. sich fälschlich für einen Beamten ausgibt,

ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.

(1a) Ebenso ist zu bestrafen, wer einen Betrug mit mehr als geringem Schaden begeht, indem er über die Anwendung eines verbotenen Wirkstoffs oder einer verbotenen Methode nach der Anlage der Anti-Doping-Konvention, BGBl. Nr. 451/1991, zu Zwecken des Dopings im Sport täuscht.

(2) Ebenso ist zu bestrafen, wer einen Betrug mit einem 5 000 Euro übersteigenden Schaden begeht.

(3) Wer durch die Tat einen 300 000 Euro übersteigenden Schaden herbeiführt, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.

**Im RIS seit**
29.12.2015

**Zuletzt aktualisiert am**
29.12.2015

**Gesetzesnummer**
10002296

**Dokumentnummer**
NOR40177264

## 7.4 Disciplinary Regulations of the Austrian Football Association A

AFA Disciplinary Regulations (§ 114 Inadmissible Sports Betting; Austrian Football Association, 2018)

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**§ 114 Unzulässige Sportwetten**

(1) Wer Einzel- oder Kombinationswetten bei Buchmachern oder virtuellen Wettanbietern auf Spiele seines eigenen oder eines in derselben Klasse tätigen Vereines abschließt oder Dritte dazu bestimmt oder Dritten nicht-öffentliche Informationen weitergibt, die für solche Wetten verwendet werden können, wird mit folgenden Sanktionen bestraft:
   a) Ermahnung;
   b) Sperre von mindestens 2 Pflichtspielen;
   c) Funktionssperre von mindestens 2 Monaten;
   d) Geldstrafe bis zur dreifachen Höhe des getätigten Einsatzes bzw. ausbezahlten Gewinnes;
   e) Abzug von Punkten;
   f) Wettbewerbsausschluss;
   g) Zwangsabstieg;
   h) Ausschluss aus dem Verband.

(2) Vergehen gemäß dieser Bestimmung verjähren nach 5 Jahren, sofern sie nicht unter § 47 Abs. 3 fallen.

## 7.5 Disciplinary Regulations of the Austrian Football Association B

AFA Disciplinary Regulations (§ 115a Failure of Duty to Repor; Austrian Football Association, 2018).

**§ 115a Unterlassen der Meldeverpflichtung**

(1) Wer Verletzungen des Fairplay-Gedankens durch Dritte oder Verstöße Dritter gegen Bestimmungen dieses Kapitels wahrnimmt und es unterlässt, sie dem zuständigen Verband unverzüglich zu melden, wird mit folgenden Sanktionen bestraft:
   a) Ermahnung;
   b) Sperre von mindestens 2 Pflichtspielen;
   c) Funktionssperre von mindestens 2 Monaten;
   d) Geldstrafe von € 500,- bis € 15.000,-;
   e) Ausschluss aus dem Verband.

(2) Vergehen gemäß dieser Bestimmung verjähren nach 5 Jahren sofern sie nicht unter § 47 Abs. 3 fallen.

## 7.6 Exemplary text A

Exemplary text of the superstructure for the Austrian professional sports associations which were created by Play Fair Code.

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**Oberbaubestimmung:**

**Für eine Implementierung eines Bekenntnisses zur Integrität im Sport, vorzugsweise im Statut des Verbandes, dürfen wir folgenden Vorschlag darlegen:**

**Bekenntnis zur Integrität im Sport**

*Spielmanipulation und Wettbetrug sind in der globalisierten Welt von heute eine ernstzunehmende Bedrohung für die Integrität und die Glaubwürdigkeit des Sports geworden. Der Verband und seine Vertreter (Variante: Mitglieder) bekennen sich zu den sozialen, ethischen und kulturellen Werten des Sports. Der Verband und seine Vertreter (Variante: Mitglieder) treten daher aktiv für die Integrität und Glaubwürdigkeit im Sport ein und lehnen jede Form der Manipulation von Sportbewerben strikt ab. Der Verband und seine Vertreter (Variante: Mitglieder) richten ihr Handeln und Auftreten nach den Grundsätzen des Sportgeists, der Glaubwürdigkeit, des Bewusstseins, der Verantwortung und der Prävention aus und fordern die genannten Grundwerte der Integrität im Sport im Sinne des Verbandszwecks auch von den Verbandsangehörigen als Verhaltensmaxime ein.*

## 7.7 Exemplary text B

Exemplary text of the substructure for the Austrian professional sports associations assembled by Play Fair Code.

**Unterbaubestimmung:**

**Unzulässige Einflussnahme**

1. Spielmanipulation (Bestechung)

1.1. Wer einem offiziellen Vertreter des (Name des Verbandes), eines angehörigen Landesverbandes bzw. eines angehörigen Vereines, einem Spieloffiziellen oder einem Spieler (Athleten) einen unrechtmäßigen Vorteil für ihn oder für eine dritte Person direkt oder indirekt in der Absicht anbietet, verspricht oder gewährt, dass der Bestochene das Regelwerk verletzt bzw. die sportliche Leistung einer Mannschaft oder eines oder mehrerer Spieler (Athleten) mindert oder den sportlichen Ausgang eines Wettbewerbes beeinflusst, ist wie folgt zu bestrafen:

a) Sperren von 8 bis 72 Pflichtspielen
b) Funktionssperre von 6 Monaten bis zu 3 Jahren
c) Geldstrafen von 500 EUR bis zu 15.000 EUR
d) Wettbewerbsauschluss
e) Abzug von Punkten
f) Zwangsabstieg
g) Stadionverbot
h) Ausschluss aus dem Verband

Alternativ zu b): Separate Funktionssperren für Funktionäre und Athleten
Alternativ zu c): Geldstrafe in der mehrfachen (z.B.: dreifachen) Höhe des tatsächlich getätigten Bestechungsbetrages oder des Bereicherungsbetrages.

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1.2. Wer einen unrechtmäßigen Vorteil für sich oder eine dritte Person erbittet, annimmt, versprechen oder gewähren lässt oder einen entsprechenden Versuch für das unter 1.1. beschriebene Verhalten nicht unverzüglich (schriftlich) dem zuständigen Verband meldet, wird auf die gleiche Weise bestraft.
1.3. Verjährungsregel
Der Tatbestand der Spielmanipulation verjährt nach 36 Monaten.

2. Unzulässige Sportwetten

2.1. Wer Einzel- oder Kombinationswetten bei Buchmachern oder virtuellen Wettanbietern auf Spiele oder Wettbewerbe seines eigenen oder eines in derselben Klasse bzw. im selben Wettbewerb tätigen Vereins abschließt oder dritte Personen dazu bestimmt oder dritten Personen nicht-öffentliche Informationen weitergibt, die für solche Wetten verwendet werden können, ist wie folgt zu bestrafen:
a) Ermahnung
b) Sperre von mindestens 2 Pflichtspielen
c) Funktionssperre von mindesten 2 Monaten
d) Geldstrafe in der dreifachen Höhe des getätigten Einsatzes bzw. des ausbezahlten Gewinnes
e) Abzug von Punkten
f) Wettbewerbsausschluss
g) Zwangsabstieg
h) Ausschluss aus dem Verband

2.2. Verjährungsregel
Der Tatbestand der unzulässigen Sportwetten verjährt nach 12 Monaten.

3. Unterlassen einer Meldeverpflichtung
Wer Verletzungen des (sportlichen) Integritätsgedankens durch dritte Personen oder Verstöße dritter Personen gegen die Integritätsbestimmungen wahrnimmt und es unterlässt, sie dem zuständigen Verband unverzüglich (schriftlich) zu melden, ist wie folgt zu bestrafen:
a) Ermahnung
b) Sperre von mindestens 2 Pflichtspielen
c) Funktionssperre von mindestens 2 Monaten
d) Geldstrafe von 500 EUR bis 15.000 EUR
e) Ausschluss aus dem Verband

## 7.8 Exemplary Declaration of Integrity

Exemplary Declaration of Integrity (Play Fair Code, 2018a).

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Muster Play Fair Code

# Declaration of Integrity

This declaration is based on a commitment to fundamental values of integrity, transparency and accountability to *(sports)*, as well as any sporting competition. Match-fixing, attempted match-fixing or other forms of corruption will not be tolerated and will be prosecuted; resulting in penalties from the competent federations as well as criminal sentencing.

The Player hereby confirms,

- his understanding of the provisions of the *(sports association / league)* Disciplinary Regulations about undue influence (e.g. bribery, illegal sports betting), breach of fair play and in particular the obligation to report *(section)* Disciplinary Regulations;
- having been informed of how to access all national and international regulations at the office of the Club;
- having been informed of the establishment and duties of the "Play Fair Code" and the available ombudsman.

The Player further confirms:

- not having been addressed, at any time, in connection with match-fixing or having any knowledge of such being reported, nor having any knowledge of such intended to third parties;
- to have, at no time, bet / or will bet on his own Club or a Club of his league / competition or will have determined / will determine the outcome of such third parties bet;
- to never use or disclose non-public Information, or use or pass on such information he has access to, owing his function in *(sports)* and which are likely to damage the integrity of matches.

The Player pledges,

- without exception, to immediately report any violation of fair play by third parties or violations of third parties against the relevant provisions of the relevant federation;
- to participate in all "Play Fair Code" organized prevention trainings and in relevant publications and activities of the Club or the *(sports association / league)*;
- to cooperate fully with the Club, the associations and the investigating authorities on suspicion of violating the integrity rules of any kind,
- accountability to compensate for damages suffered by the Club for the breach of international or national integrity regulations.

.....
Player

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## 7.9 Play Faird Code Charta

Play Fair Code Charta (Play Fair Code, 2018c).

PLAY FAIR CODE
INTEGRITY WINS

CHARTA – PLAY FAIR CODE

CRIMINALITY IN COMPETITION IN GENERAL, AND MATCH FIXING IN PARTICLUAR, ARE THREATENING TO INFILTRATE THE FUNDAMENTAL CHARACTER TRAITS, THAT IST HE CREDIBILITY, THE FAIRNESS AND THE INTEGRITY, OF SPORT.

THIS NEGATIVE TREND SIGNIFIES A GRAVE THREAT FOR SPORT AS A WHOLE.

THE LEADING REPRESENTATIVES OF AUSTRIAN SPORT HAVE REGOCNIZED THIS TREND THREATENING THE INTEGRITY OF SPORT AND SOCIAL SIGNIVICANCE OF SPORT WORLDWIDE, AND CREATED A PLATFORM NAMED ASSOCIATION FOR PROTECTING THE INTEGRITY IN SPORT.

THE CHALLENGE FACING THE ASSOCIATION FOR PROTECTING THE INTEGRITY IN SPORT IST O PRESERVE THE SOCIAL, ETHICAL AND CULTURAL VALUES OF SPORT, AS WELL AS IST ECONOMIC SIGNIFICENCE.

THE TASKS OFT HE ASSOCIATION FOR PROTECTING THE INTEGRITY IN SPORT, THEREFORE, ARE AS FOLLOWS:

- **PREVENTION** (EDUCATION AND AWARENESS RAISING FOR THOSE AFFECTED);
- **MONITORING** (OBSERVATION AND ANALYSIS OF MATCH RESULTS UNSING MONITORING);
- **OPERATING** AN OMBUDSMAN OFFICE AS AN CONFIDENTIAL FIRST POINT OF CONTACT FOR ATHLETES AND STAKEHOLDERS.

THE AIM IS TO PRESERVE CLEAN COMPETITION, FREE OF MANIPULATION, TOGETHER WITH THE AUSTRIAN SPORT ASSOCIATIONS AND ATHLETES.

THIS AIM, THE MEASURES ASSOCIATED WITH IT, AND THE ACTIVITIES OF THE ASSOCIATION FOR PROTECTING THE INTEGRITY IN SPORT ARE SUPPORTED BY THE UNDERSIGNED ASSOCIATION.

**DATE, PLACE:** **DATE, PLACE:**

_____ _____

**PLAY FAIR CODE**

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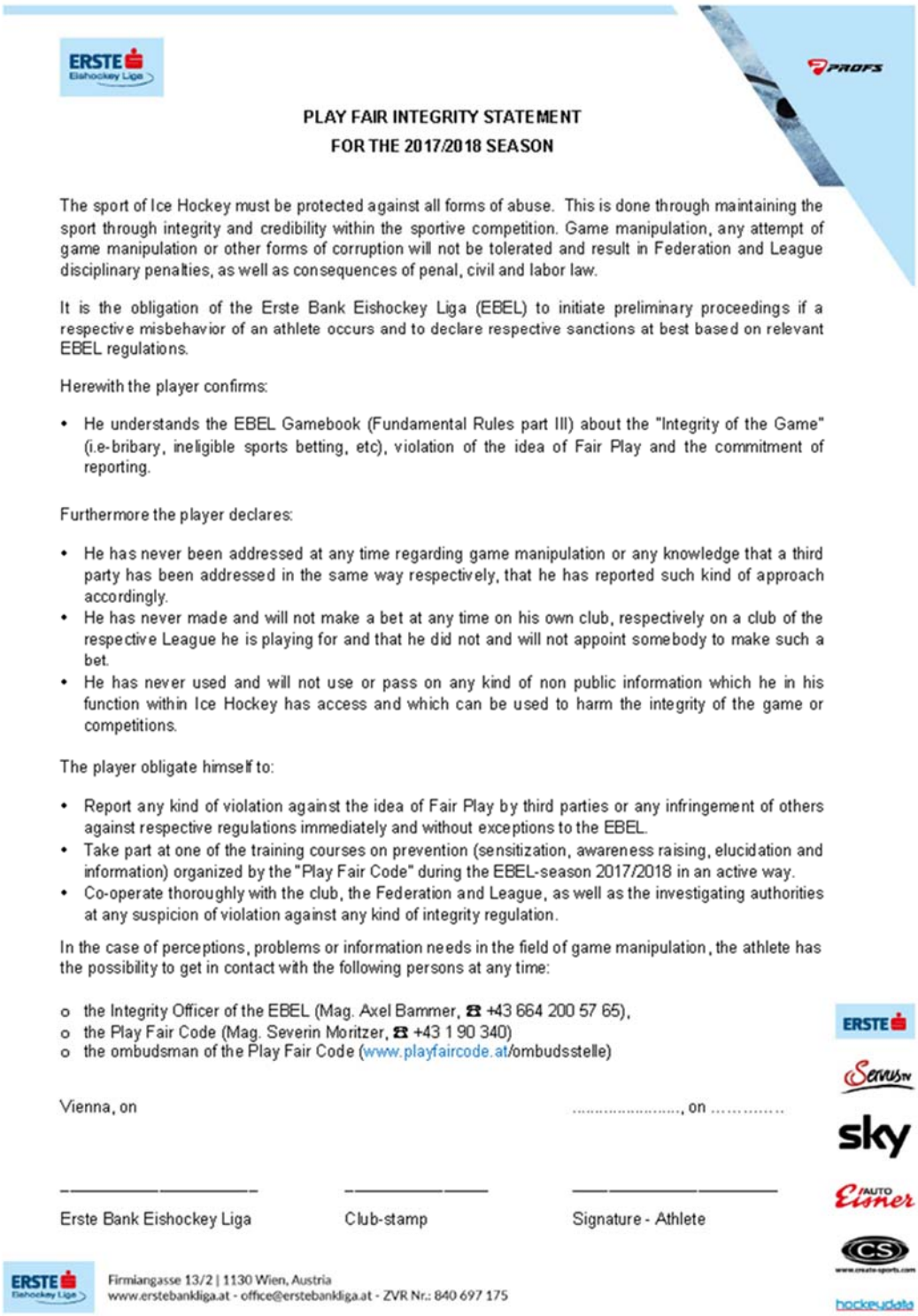
## 7.10 Play Fair Integrity Statement



ERSTE Eishockey Liga

PROFS

**PLAY FAIR INTEGRITY STATEMENT**
**FOR THE 2017/2018 SEASON**

The sport of Ice Hockey must be protected against all forms of abuse. This is done through maintaining the sport through integrity and credibility within the sportive competition. Game manipulation, any attempt of game manipulation or other forms of corruption will not be tolerated and result in Federation and League disciplinary penalties, as well as consequences of penal, civil and labor law.

It is the obligation of the Erste Bank Eishockey Liga (EBEL) to initiate preliminary proceedings if a respective misbehavior of an athlete occurs and to declare respective sanctions at best based on relevant EBEL regulations.

Herewith the player confirms:

- He understands the EBEL Gamebook (Fundamental Rules part III) about the "Integrity of the Game" (i.e-bribary, ineligible sports betting, etc), violation of the idea of Fair Play and the commitment of reporting.

Furthermore the player declares:

- He has never been addressed at any time regarding game manipulation or any knowledge that a third party has been addressed in the same way respectively, that he has reported such kind of approach accordingly.
- He has never made and will not make a bet at any time on his own club, respectively on a club of the respective League he is playing for and that he did not and will not appoint somebody to make such a bet.
- He has never used and will not use or pass on any kind of non public information which he in his function within Ice Hockey has access and which can be used to harm the integrity of the game or competitions.

The player obligate himself to:

- Report any kind of violation against the idea of Fair Play by third parties or any infringement of others against respective regulations immediately and without exceptions to the EBEL.
- Take part at one of the training courses on prevention (sensitization, awareness raising, elucidation and information) organized by the "Play Fair Code" during the EBEL-season 2017/2018 in an active way.
- Co-operate thoroughly with the club, the Federation and League, as well as the investigating authorities at any suspicion of violation against any kind of integrity regulation.

In the case of perceptions, problems or information needs in the field of game manipulation, the athlete has the possibility to get in contact with the following persons at any time:

- the Integrity Officer of the EBEL (Mag. Axel Bammer, ☎ +43 664 200 57 65),
- the Play Fair Code (Mag. Severin Moritzer, ☎ +43 1 90 340)
- the ombudsman of the Play Fair Code (www.playfaircode.at/ombudsstelle)

Vienna, on ....., on .....

| _____ | _____ | _____ |
|---|---|---|
| Erste Bank Eishockey Liga | Club-stamp | Signature - Athlete |

ERSTE Eishockey Liga
Firmiangasse 13/2 | 1130 Wien, Austria
www.erstebankliga.at - office@erstebankliga.at - ZVR Nr.: 840 697 175

ERSTE · Servus TV · sky · Eisner Auto · CS · hockeydata

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# 8 Appendix C: Bulgaria

## 8.1 Penal Code

**Наказателен кодекс**

Чл. 307б. (Нов - ДВ, бр. 60 от 2011 г.) Който чрез насилие, измама, заплашване или по друг незаконен начин склони другиго да повлияе на развитието или резултата от спортно състезание, администрирано от спортна организация, ако извършеното не представлява по-тежко престъпление, се наказва с лишаване от свобода от една до шест години и глоба от хиляда до десет хиляди лева.
Чл. 307в. (Нов - ДВ, бр. 60 от 2011 г.) (1) Който обещае, предложи или даде на другиго облага, която не му се следва, за да повлияе или загдето е повлиял на развитието или резултата от спортно състезание, администрирано от спортна организация, се наказва с лишаване от свобода от една до шест години и глоба от пет хиляди до петнадесет хиляди лева.
(2) Наказанието по ал. 1 се налага и на онзи, който поиска или приеме каквато и да е облага, която не му се следва, или приеме предложение или обещание за облага с цел да повлияе или загдето е повлиял върху развитието или резултата от спортно състезание, както и когато с негово съгласие облагата е предложена, обещана или дадена другиму.
(3) Който посредничи да се извърши някое от деянията по ал. 1 и 2, ако извършеното не представлява по-тежко престъпление, се наказва с лишаване от свобода до три години и глоба до пет хиляди лева.
(4) Наказанието по ал. 1 се налага и на лице, което осигурява или организира предлагането или даването на облагата.
(5) Деецът се наказва при условията на чл. 55, ако доброволно съобщи на надлежен орган на властта за извършено престъпление по ал. 1 - 4.
Чл. 307г. (1) Наказанието е лишаване от свобода от две до осем години и глоба от десет хиляди до двадесет хиляди лева, когато деянието по чл. 307б или чл. 307в е извършено:
1. по отношение на участник в състезание, който не е навършил 18 години;
2. по отношение на двама или повече участници в състезание;
3. по отношение на или от лице от управителен или контролен орган на спортна организация, спортен съдия, делегат или друго лице, при или по повод изпълнение на службата или функцията му;
4. повторно.
(2) Наказанието е лишаване от свобода от три до десет години и глоба от петнадесет хиляди до тридесет хиляди лева, когато деянието по чл. 307б или чл. 307в:
1. е извършено от лице, което действа по поръчение или в изпълнение на решение на организирана престъпна група;
2. е извършено при условията на опасен рецидив;
3. представлява особено тежък случай;
4. се отнася за състезание, включено в хазартна игра със залагания върху развитие или резултати от спортни състезания.
Чл. 307д. (1) В случаите по чл. 307б, 307в и 307г съдът може да постанови лишаване от права по чл. 37, ал. 1, т. 6 и 7.
(2) В случаите по чл. 307г съдът може да постанови и конфискация до една втора от имуществото на виновния.
Чл. 307е. Предметът на престъплението по тази глава се отнема в полза на държавата, а ако липсва или е отчужден, се присъжда неговата равностойност.

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Чл. 321. (1) (Изм. - ДВ, бр. 92 от 2002 г.) Който образува или ръководи организирана престъпна група, се наказва с лишаване от свобода от три до десет години.
(6) (Нова - ДВ, бр. 92 от 2002 г.) Който се сговори с едно или повече лица да върши в страната или чужбина престъпления, за които е предвидено наказание лишаване от свобода повече от три години и чрез които се цели да се набави имотна облага или да се упражни противозаконно влияние върху дейността на орган на властта или местното самоуправление, се наказва с лишаване от свобода до шест години.

## 8.2 Act of Physical Education and Sport

**Закон за физическото възпитание и спорта**

Чл. 17б. (Нов - ДВ, бр. 50 от 2008 г.) (1) (Изм. - ДВ, бр. 50 от 2010 г.) Лицензираните спортни организации подлежат на атестация за подновяване на лицензията. Заявлението за подновяване на спортната лицензия и документите към него се подават не по-късно от два месеца преди изтичането на срока на действащата лицензия по ред, определен с наредбата по чл. 17, ал. 1. (2) (Изм. - ДВ, бр. 50 от 2010 г., бр. 68 от 2013 г., в сила от 2.08.2013 г.) Атестацията по ал. 1 се извършва от комисия, назначена от министъра на младежта и спорта, при следните изисквания: д) (изм. - ДВ, бр. 87 от 2012 г., в сила от 9.11.2012 г.) спазвала е и е популяризирала хуманните принципи на спорта и спортната етика и е осъществила необходимите действия за недопускане използването на допинг и насилие преди, по време на и след провеждане на спортни мероприятия;
Чл. 19. (1) Спортните федерации, получили спортна лицензия, имат право да:
9. (предишна т. 8 - ДВ, бр. 50 от 2010 г., изм., бр. 87 от 2012 г., в сила от 9.11.2012 г.) санкционират спортисти и длъжностни лица, допуснали използване на забранени субстанции или забранени методи; 10. (изм. - ДВ, бр. 53 от 2000 г., предишна т. 9, изм., бр. 50 от 2010 г.) осъществяват спортно правосъдие и спортен арбитраж, приемат правила за дейността на арбитражен орган към тях, който се произнася по възникването, спирането, отнемането и прекратяването на състезателните права и по спорове, определени в правилниците на федерациите;
Чл. 34. (2) (Изм. – ДВ, бр. 21 от 2014 г.) Спортът за високи постижения се развива при зачитане на спортната етика, защита на здравето, моралната и физическата неприкосновеност на спортистите.

Глава осма
СПОРТНА ЕТИКА
Чл. 41. (1) Държавата, специализираните държавни органи и спортните организации: 1. защитават и развиват моралните и етичните основи на спорта; 2. защитават спорта и спортистите от експлоатация за политически, комерсиални и финансови интереси и от вредни и унизителни действия; 3. насърчават и подкрепят спортни организации и лица, които са демонстрирали солидни етични принципи в своята работа със спорта; 4. предприемат подходящи обществени образователни мерки за популяризиране на спортните идеали, идеята за честна игра, насърчават взаимното уважение между зрители и между играчи, а също така и по-широко активно участие в спорта; 5. (изм. - ДВ, бр. 87 от 2012 г., в сила от 9.11.2012 г.) предприемат мерки срещу проявите на насилие по време на спортни състезания, използването на допинг и всички форми на социална дискриминация. (2) (Нова - ДВ, бр. 53 от 2000 г., изм., бр. 96 от 2004 г., доп., бр. 50 от 2008 г., отм., бр. 50 от 2010 г.). (3) (Предишна ал. 2 - ДВ, бр. 53 от 2000 г.) Спортистите, спортните деятели, техническите и ръководните лица и зрителите са задължени да зачитат и спазват спортната етика.

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Чл. 10. (1) Министърът на младежта и спорта ръководи, координира и контролира осъществяването на държавната политика в областта на физическата активност, физическото възпитание, спорта и спортно-туристическата дейност.

5. осъществява контрол върху лицата, определени в този закон, прилага принудителни административни мерки и налага наказания за извършване на административни нарушения по този закон;

Чл. 23. Лицата, които кандидатстват за получаване на спортен лиценз, трябва:

12. да имат приети и утвърдени от председателя на Държавна агенция „Национална сигурност“ вътрешни правила за контрол и предотвратяване на изпирането на пари по чл. 16, ал. 1 от Закона за мерките срещу изпирането на пари;

Чл. 31. При развитие на дейността си спортната федерация е длъжна да полага усилия за:

8. утвърждаване, развитие и популяризиране на морално - етичните основи и хуманните принципи на спорта, физическата активност, физическото възпитание, спортно-туристическата дейност и спортната етика.

Чл. 32. (1) Спортната федерация:

9. създават условия за осъществяване на спортно правосъдие и спортен арбитраж;

Чл. 36. (1) Спортната федерация регулира своята дейност и тази на членовете си като може да приема

7. правила за осъществяване на спортно правосъдие и спортен арбитраж, който да се произнася по възникването, спирането, отнемането и прекратяването на състезателните права, налагане на наказания и по други определени спорове, освен ако е многоспортова федерация;

Чл. 152. (1) За други нарушения на закона или нормативните актове по прилагането му физическите или юридическите лица се наказват съответно с глоба или с имуществена санкция в размер от 500 до 1 000 лв.

(2) Когато нарушението по ал. 1 е извършено повторно, глобата, съответно имуществената санкция е в размер на 2 000 лв.

## 8.3 Disciplinary regulations of the Bulgarian Football Association

**Дисциплинарен правилник**

Чл. 4. Клубовете, треньорите, състезателите, ръководителите и членовете на клубовете, са длъжни да спазват принципите на Етичния кодекс, Хартата на поддръжниците, лоялност, честност, почтеност, добронамереност, коректно поведение и спортсменско поведение.

Чл. 7. (1) Нарушение по смисъла на правилника е действие или бездействие, което нарушава реда и/или правилата, установени с Устава на БФС, с наредбите, правилниците и решенията, приети от ИК на БФС или с документите на ФИФА или УЕФА в предвидените от правилника случаи.

Чл. 8. Нарушения по смисъла на този правилник са:

- нарушаване правните норми в Република България и документите на ФИФА и УЕФА.

Чл. 46. (1) Когато по надлежния ред е установено неспортно противоправно влияние на развитието на резултата или на крайния резултат на футболна среща се налагат следните наказания:

1. на футболист - спиране на състезателни права за срока на присъдата на футболиста (съответно за срока на наложеното му административно наказание по административно-наказателен ред), но не по-малко от 18 (осемнадесет) месеца;

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2. на длъжностно лице, служебно лице от ФК, медицинско лице, треньор или ръководител - забрана за изпълняване на функции за срока на присъдата (съответно, за срока на наложеното му административно наказание по административно-наказателен ред), но не по-малко от 18 (осемнадесет) месеца;
3. на футболния клуб, към който се числят лицата по т. 1 или т. 2 - имуществена санкция в размер на 40 000 (четиридесет хиляди) лева и преместване на отбора в по-ниско ниво (следващото по низходящ ред) за следващата спортно-състезателна година без право да довърши участието си в настоящата спортно-състезателна година.
(2) В случаите, когато е образувано досъдебно производство за деяния по ал. 1, Дисциплинарната комисия спира правата на лицата по ал. 1, т. 1 или 2.
(5) Когато за футболист, длъжностно лице, служебно лице от ФК, медицинско лице, треньор или ръководител е установено да участва в залагания или други, свързани с участието на български клуб в първенствата и турнирите, организирани от БФС или БПФЛ, или в международни срещи и турнири, се налага наказание спиране на състезателни права, съответно забрана за изпълняване на функции за срок от 6 (шест) месеца и глоба от 5000 (пет хиляди) лева.
(6) Когато в БФС постъпи официално уведомление от УЕФА, в рамките на спортно състезателната година, за сериозни съмнения за участие в срещи от първенствата, турнира за Купа „България", Суперкупата или други, с предварително уговорен резултат, замесеният отбор се предупреждава или наказва както следва:
а) При първо официално уведомление - Експертът по почтеността при БФС съставя предупредителен протокол, който се подписва от замесените лица, като информира УЕФА за това;
б) при второ официално уведомление – порицание;
в) при трето уведомление – порицание и имуществена санкция в размер на 5 000 (пет хиляди) лева;
г) при четвърто и следващо уведомление – имуществената санкция по б. „в" се удвоява, утроява и т.н.
е) Когато е установено, че е изнесена информация от спортно-техническо естество с поверителен характер, от лица свързани с националните отбори или с ФК-членове на БФС към трети лица, с цел влияние на развитието или на резултата от футболна среща или с цел извършване на други престъпления от общ характер, в които участват националните отбори или ФК-членове на БФС, се налагат наказанията по ал. 1, т. 1 и 2.
(7) Когато са налице значителни съмнения с голям обществен отзвук и по предложение на Комисията за етика и феърплей, ДК може да наложи наказание преместване на отбора в по-ниска група или ниво (следващото по низходящ ред) за следващата спортно-състезателна година без право да довърши участието си в настоящата спортно-състезателна година.

## 8.4 Rules about contracts and transfers of footballers

**Правилник за договорите и трансферите на футболистите**

Чл. 6. (1) Футболистът-професионалист, въз основа на договора, извършва само тренировъчна и състезателна дейност в полза на клуба.
в) да участва в залагания и други подобни занимания в първенствата и турнирите, организирани от БФС или БПФЛ, или с участието на клуба в международни срещи и турнири.

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# 9 Appendix E France

## 9.1 French Criminal Code

Code pénal (Legifrance, n.d.)

Partie législative

Livre IV : Des crimes et délits contre la nation, l'Etat et la paix publique

Titre IV : Des atteintes à la confiance publique

Chapitre V : De la corruption des personnes n'exerçant pas une fonction publique

Section 1 : De la corruption passive et active des personnes n'exerçant pas une fonction publique

***Article 445-1-1 En savoir plus sur cet article...***
***Modifié par LOI n°2018-202 du 26 mars 2018 - art. 26***
Est puni de cinq ans d'emprisonnement et d'une amende de 500 000 €, dont le montant peut être porté au double du produit tiré de l'infraction, le fait, par quiconque, de proposer, sans droit, à tout moment, directement ou indirectement, à un acteur d'une manifestation sportive donnant lieu à des paris, des offres, des promesses, des présents, des dons ou des avantages quelconques, pour lui-même ou pour autrui, pour que cet acteur, par un acte ou une abstention, modifie le déroulement normal et équitable de cette manifestation ou parce que cet acteur, par un acte ou une abstention, a modifié le déroulement normal et équitable de cette manifestation.

***Article 445-2-1 En savoir plus sur cet article...***
***Modifié par LOI n°2018-202 du 26 mars 2018 - art. 26***
Est puni de cinq ans d'emprisonnement et d'une amende de 500 000 €, dont le montant peut être porté au double du produit tiré de l'infraction, le fait, par un acteur d'une manifestation sportive donnant lieu à des paris, de solliciter ou d'agréer de quiconque, sans droit, à tout moment, directement ou indirectement, des offres, des promesses, des présents, des dons ou des avantages quelconques, pour lui-même ou pour autrui, pour modifier ou pour avoir modifié, par un acte ou une abstention, le déroulement normal et équitable de cette manifestation.

Section 2 : Peines complémentaires applicables aux personnes physiques et responsabilité pénale des personnes morales

***Article 445-3 En savoir plus sur cet article...***
***Modifié par LOI n°2012-158 du 1er février 2012 - art. 9***
Les personnes physiques coupables des infractions définies aux articles 445-1,445-1-1,445-2 et 445-2-1 encourent également les peines complémentaires suivantes:
1° L'interdiction, suivant les modalités prévues par l'article 131-26, des droits civiques, civils et de famille;

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2° L'interdiction, suivant les modalités prévues par l'article 131-27, soit d'exercer une fonction publique ou d'exercer l'activité professionnelle ou sociale dans l'exercice ou à l'occasion de l'exercice de laquelle l'infraction a été commise, soit d'exercer une profession commerciale ou industrielle, de diriger, d'administrer, de gérer ou de contrôler à un titre quelconque, directement ou indirectement, pour son propre compte ou pour le compte d'autrui, une entreprise commerciale ou industrielle ou une société commerciale. Ces interdictions d'exercice peuvent être prononcées cumulativement;
3° La confiscation, suivant les modalités prévues par l'article 131-21, de la chose qui a servi ou était destinée à commettre l'infraction ou de la chose qui en est le produit, à l'exception des objets susceptibles de restitution;
4° L'affichage ou la diffusion de la décision prononcée dans les conditions prévues par l'article 131-35.

***Article 445-4 En savoir plus sur cet article...***
***Modifié par LOI n°2016-1691 du 9 décembre 2016 - art. 18***
Les personnes morales déclarées responsables pénalement, dans les conditions prévues par l'article 121-2, des infractions définies aux articles 445-1,445-1-1,445-2 et 445-2-1 encourent, outre l'amende suivant les modalités prévues par l'article 131-38:
1° (Abrogé) ;
2° Pour une durée de cinq ans au plus, les peines mentionnées aux 2°, 3°, 4°, 5°, 6° et 7° de l'article 131-39.
L'interdiction mentionnée au 2° de l'article 131-39 porte sur l'activité dans l'exercice ou à l'occasion de laquelle l'infraction a été commise;
3° La confiscation, suivant les modalités prévues par l'article 131-21, de la chose qui a servi ou était destinée à commettre l'infraction ou de la chose qui en est le produit, à l'exception des objets susceptibles de restitution ;
4° L'affichage ou la diffusion de la décision prononcée dans les conditions prévues par l'article 131-35 ;
5° La peine prévue à l'article 131-39-2.

## 9.2 French Football Federation General Regulations

Règlements Généraux de la F.F.F. (Fédération Francaise de Football, 2018)

***Article - 124 Dispositions particulières relatives aux paris sportifs et à la manipulation sportive***
1. Les acteurs des compétitions organisées par la F.F.F. ou la L.F.P. ne peuvent :
- Réaliser des prestations de pronostics sportifs sur ces compétitions lorsqu'ils sont contractuellement liés à un opérateur de paris sportifs titulaire de l'agrément prévu à l'article 21 de la loi n°2010-476 du 12 mai 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne ou lorsque ces prestations sont effectuées dans le cadre de programmes parrainés par un tel opérateur,
- Détenir une participation au sein d'un opérateur de paris sportifs titulaire de l'agrément prévu au même article 21 qui propose des paris sur le football,
- Engager, à titre personnel directement ou par personne interposée, des mises sur des paris reposant sur les compétitions de football, ainsi que sur les événements et les phases de jeu liés à la compétition, définis par l'Autorité de Régulation des Jeux en Ligne,
- Communiquer à des tiers des informations privilégiées obtenues à l'occasion de sa profession ou de ses fonctions, et qui sont inconnues du public.

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Les dispositions du présent article s'appliquent également aux paris réalisés dans les réseaux physiques (paris « en dur »).

2. Sont considérés comme des acteurs des compétitions, au sens du paragraphe 1, les personnes suivantes :

a) les joueurs, les personnes participant à l'encadrement sportif, médical et paramédical ainsi que les dirigeants, salariés, bénévoles et membres exerçant leur activité au sein d'une association sportive, d'une société sportive, de leur centre de formation ou d'une personne morale participant à une compétition servant de support à des paris ;
b) les arbitres et autres officiels d'une compétition servant de support à des paris ainsi que toute personne qui participe, directement ou indirectement, à l'arbitrage d'une telle compétition ;
c) les dirigeants, salariés et membres des organes de la F.F.F. et de la L.F.P ;
d) les agents sportifs licenciés ou autorisés en prestation de service et les avocats mandataires sportifs;
e) les dirigeants, salariés, bénévoles, personnes accréditées ou prestataires des organisateurs d'une compétition servant de support à des paris ;
f) les dirigeants et salariés des organisations professionnelles représentatives des sportifs, arbitres, entraîneurs et clubs professionnels.

3. Est interdit tout comportement portant ou susceptible de porter atteinte à l'intégrité des matchs et des compétitions en lien ou non avec des paris sportifs. Il est interdit à toute personne d'agir de façon à influencer le déroulement et/ou le résultat normal et équitable d'un match ou d'une compétition en vue d'obtenir un avantage pour lui-même ou pour un tiers.
Les assujettis se doivent de coopérer avec les instances dans la lutte contre de tels comportements. Ils se doivent également de rapporter spontanément aux instances lorsqu'ils sont contactés en vue de participer à des actes de manipulation sportive et se doivent de dénoncer spontanément tout comportement dont ils ont connaissance en lien avec le présent article.

4. Toute violation des dispositions du présent article par des assujettis constitue une infraction disciplinaire qui pourra entraîner des sanctions dans les conditions prévues par l'Annexe 2 aux présents règlements.
Les personnes coupables de faits de corruption sportive sont également passibles de sanctions pénales dans les conditions des articles 445-1-1 et 445-2-1 du Code Pénal.

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# 10 Appendix F: Germany

## 10.1 German Criminal Code A

German Criminal Code, relevant paragraph (Bundesministerium der Justiz und für Verbraucherschutz, n.a.).

***§ 263 – Betrug***

1) *Wer in der Absicht, sich oder einem Dritten einen rechtswidrigen Vermögensvorteil zu verschaffen, das Vermögen eines anderen dadurch beschädigt, daß er durch Vorspiegelung falscher oder durch Entstellung oder Unterdrückung wahrer Tatsachen einen Irrtum erregt oder unterhält, wird mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe bestraft.*
2) *Der Versuch ist strafbar.*
3) *In besonders schweren Fällen ist die Strafe Freiheitsstrafe von sechs Monaten bis zu zehn Jahren. Ein besonders schwerer Fall liegt in der Regel vor, wenn der Täter*
   1. *gewerbsmäßig oder als Mitglied einer Bande handelt, die sich zur fortgesetzten Begehung von Urkundenfälschung oder Betrug verbunden hat,*
   2. *einen Vermögensverlust großen Ausmaßes herbeiführt oder in der Absicht handelt, durch die fortgesetzte Begehung von Betrug eine große Zahl von Menschen in die Gefahr des Verlustes von Vermögenswerten zu bringen,*
   3. *eine andere Person in wirtschaftliche Not bringt,*
   4. *seine Befugnisse oder seine Stellung als Amtsträger oder Europäischer Amtsträger mißbraucht oder*
   5. *einen Versicherungsfall vortäuscht, nachdem er oder ein anderer zu diesem Zweck eine Sache von bedeutendem Wert in Brand gesetzt oder durch eine Brandlegung ganz oder teilweise zerstört oder ein Schiff zum Sinken oder Stranden gebracht hat.*
4) *§ 243 Abs. 2 sowie die §§ 247 und 248a gelten entsprechend.*
5) *Mit Freiheitsstrafe von einem Jahr bis zu zehn Jahren, in minder schweren Fällen mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren wird bestraft, wer den Betrug als Mitglied einer Bande, die sich zur fortgesetzten Begehung von Straftaten nach den §§ 263 bis 264 oder 267 bis 269 verbunden hat, gewerbsmäßig begeht.*
6) *Das Gericht kann Führungsaufsicht anordnen (§ 68 Abs. 1).*

## 10.2 German Criminal Code B

German Criminal Code, amended paragraphs in 2017 (Bundesgesetzblatt, 2017).

***§ 265c – Sportwettbetrug***

1) *Wer als Sportler oder Trainer einen Vorteil für sich oder einen Dritten als Gegenleistung dafür fordert, sich versprechen lässt oder annimmt, dass er den Verlauf oder das Ergebnis eines Wettbewerbs des organisierten Sports zugunsten des Wettbewerbsgegners beeinflusse und infolgedessen ein rechtswidriger Vermögensvorteil durch eine auf diesen Wettbewerb bezogene öffentliche Sportwette erlangt werde, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.*

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2) *Ebenso wird bestraft, wer einem Sportler oder Trainer einen Vorteil für diesen oder einen Dritten als Gegenleistung dafür anbietet, verspricht oder gewährt, dass er den Verlauf oder das Ergebnis eines Wettbewerbs des organisierten Sports zugunsten des Wettbewerbsgegners beeinflusse und infolgedessen ein rechtswidriger Vermögensvorteil durch eine auf diesen Wettbewerb bezogene öffentliche Sportwette erlangt werde.*
3) *Wer als Schieds-, Wertungs- oder Kampfrichter einen Vorteil für sich oder einen Dritten als Gegenleistung dafür fordert, sich versprechen lässt oder annimmt, dass er den Verlauf oder das Ergebnis eines Wettbewerbs des organisierten Sports in regelwidriger Weise beeinflusse und infolgedessen ein rechtswidriger Vermögensvorteil durch eine auf diesen Wettbewerb bezogene öffentliche Sportwette erlangt werde, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.*
4) *Ebenso wird bestraft, wer einem Schieds-, Wertungs- oder Kampfrichter einen Vorteil für diesen oder einen Dritten als Gegenleistung dafür anbietet, verspricht oder gewährt, dass er den Verlauf oder das Ergebnis eines Wettbewerbs des organisierten Sports in regelwidriger Weise beeinflusse und infolgedessen ein rechtswidriger Vermögensvorteil durch eine auf diesen Wettbewerb bezogene öffentliche Sportwette erlangt werde.*
5) *Ein Wettbewerb des organisierten Sports im Sinne dieser Vorschrift ist jede Sportveranstaltung im Inland oder im Ausland,*
    1. *die von einer nationalen oder internationalen Sportorganisation oder in deren Auftrag oder mit deren Anerkennung organisiert wird und*
    2. *bei der Regeln einzuhalten sind, die von einer nationalen oder internationalen Sportorganisation mit verpflichtender Wirkung für ihre Mitgliedsorganisationen verabschiedet wurden.*
6) *Trainer im Sinne dieser Vorschrift ist, wer bei dem sportlichen Wettbewerb über den Einsatz und die Anleitung von Sportlern entscheidet. Einem Trainer stehen Personen gleich, die aufgrund ihrer beruflichen oder wirtschaftlichen Stellung wesentlichen Einfluss auf den Einsatz oder die Anleitung von Sportlern nehmen können.*

***§ 265d – Manipulation von berufssportlichen Wettbewerben***

1) *Wer als Sportler oder Trainer einen Vorteil für sich oder einen Dritten als Gegenleistung dafür fordert, sich versprechen lässt oder annimmt, dass er den Verlauf oder das Ergebnis eines berufssportlichen Wettbewerbs in wettbewerbswidriger Weise zugunsten des Wettbewerbsgegners beeinflusse, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.*
2) *Ebenso wird bestraft, wer einem Sportler oder Trainer einen Vorteil für diesen oder einen Dritten als Gegenleistung dafür anbietet, verspricht oder gewährt, dass er den Verlauf oder das Ergebnis eines berufssportlichen Wettbewerbs in wettbewerbswidriger Weise zugunsten des Wettbewerbsgegners beeinflusse.*
3) *Wer als Schieds-, Wertungs- oder Kampfrichter einen Vorteil für sich oder einen Dritten als Gegenleistung dafür fordert, sich versprechen lässt oder annimmt, dass er den Verlauf oder das Ergebnis eines berufssportlichen Wettbewerbs in regelwidriger Weise beeinflusse, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.*
4) *Ebenso wird bestraft, wer einem Schieds-, Wertungs- oder Kampfrichter einen Vorteil für diesen oder einen Dritten als Gegenleistung dafür anbietet, verspricht oder gewährt, dass er den Verlauf oder das Ergebnis eines berufssportlichen Wettbewerbs in regelwidriger Weise beeinflusse.*
5) *Ein berufssportlicher Wettbewerb im Sinne dieser Vorschrift ist jede Sportveranstaltung im Inland oder im Ausland,*
    1. *die von einem Sportbundesverband oder einer internationalen Sportorganisation veranstaltet oder in deren Auftrag oder mit deren Anerkennung organisiert wird,*

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2. *bei der Regeln einzuhalten sind, die von einer nationalen oder internationalen Sportorganisation mit verpflichtender Wirkung für ihre Mitgliedsorganisationen verabschiedet wurden, und*
3. *an der überwiegend Sportler teilnehmen, die durch ihre sportliche Betätigung unmittelbar oder mittelbar Einnahmen von erheblichem Umfang erzielen.*

*(6) § 265c Absatz 6 gilt entsprechend.*

***§ 265e – Besonders schwere Fälle des Sportwettbetrugs und der Manipulation von berufssportlichen Wettbewerben***

*In besonders schweren Fällen wird eine Tat nach den §§ 265c und 265d mit Freiheitsstrafe von drei Monaten bis zu fünf Jahren bestraft. Ein besonders schwerer Fall liegt in der Regel vor, wenn*
*1. die Tat sich auf einen Vorteil großen Ausmaßes bezieht oder*
*der Täter gewerbsmäßig handelt oder als Mitglied einer Bande, die sich zur fortgesetzten Begehung solcher Taten verbunden hat.*

## 10.3 Discplinary Regulations German Football Association

Rechts- und Verfahrensordnung des DFB, relevant paragraphs (Deutscher Fussball-Bund, 2018c).

***§ 1 Grundregel***

*4) Der Deutsche Fußball-Bund, seine Mitgliedsverbände, ihre Mitgliedsvereine und Tochtergesellschaften sowie die Spieler, Trainer, Schiedsrichter, Funktionsträger und Einzelmitglieder bekennen sich zu den Grundsätzen der Ethik, Integrität, Loyalität, Solidarität und Fairness und sorgen für die Einhaltung dieser Grundsätze und für Ordnung und Recht im Fußballsport.*

*5) Spielern, Trainern und Funktionsträgern von Vereinen und Tochtergesellschaften – letzteren nur, wenn sie unmittelbar auf den Spielbetrieb einwirken können – ist es untersagt, auf Gewinnerzielung gerichtete Sportwetten – selbst oder durch Dritte, insbesondere nahe Angehörige, für eigene oder fremde Rechnung – auf den Ausgang oder den Verlauf von Fußballspielen oder Fußballwettbewerben, an denen ihre Mannschaften mittelbar oder unmittelbar beteiligt sind, abzuschließen oder dieses zu versuchen. Sie dürfen auch Dritte dazu nicht anleiten oder dabei unterstützen, solche Wetten abzuschließen. Sie sind verpflichtet, sich auf solche Sportwetten beziehende, nicht allgemein zugängliche Informationen oder ihr Sonderwissen Dritten nicht zur Verfügung zu stellen. Verstöße stellen eine Form unsportlichen Verhaltens dar. Spieler, Trainer und Funktionsträger von Vereinen und Tochtergesellschaften sind verpflichtet, es unverzüglich und unaufgefordert dem DFB mitzuteilen, wenn ihnen von dritter Seite die Manipulation eines Spiels ihres oder eines anderen Vereins (auf Sieg, Unentschieden, Niederlage oder Torergebnis etc.) gegen Geldversprechen, Geldzahlung oder andere Vorteile angeboten wird. Dies gilt unabhängig davon, ob der Spieler, Trainer oder Funktionsträger Geld oder andere Vorteile angenommen oder abgelehnt bzw. die Manipulation zugesagt oder nicht zugesagt hat. Verstöße stellen eine Form unsportlichen Verhaltens dar. Unsportlich verhält sich auch, wer den DFB nicht unverzüglich und unaufgefordert über Verhalten im Sinne des § 1 Nr. 2., Absätze 1, 2, Nr. 3. und § 6a Nr. 1., von denen er Kenntnis erlangt, informiert.*

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6) *Schiedsrichtern (§ 13 Absatz 1, Sätze 1 und 2 der Schiedsrichterordnung des DFB) der Spielklassen, in denen Wettangebote gemacht werden, ist es untersagt, auf Spiele dieser Spielklassen zu wetten. Im Übrigen findet Nr. 2. entsprechend Anwendung.*
7) *Sportliche Vergehen, d.h. alle Formen unsportlichen Verhaltens aller in Nr. 1. genannten Angehörigen des DFB, sowie unethische Verhaltensweisen werden mit den in § 44 der Satzung des DFB aufgeführten Strafen geahndet.*

***§ 6a Spielmanipulation***

2) *Wer es, insbesondere als Spieler, Schiedsrichter, Trainer oder Funktionsträger, unternimmt, auf den Verlauf und/oder das Ergebnis eines Fußballspiels und/oder den sportlichen Wettbewerb durch wissentlich falsche Entscheidungen oder andere unbefugte Beeinflu*ssung einzuwirken in der Absicht, sich oder einem anderen einen Vorteil zu verschaffen, macht sich der Spielmanipulation schuldig. Dies gilt nicht für Spieler, die beim Spiel oder im Zusammenhang mit diesem durch Verletzung einer Fußballregel ausschließlich einen spielbezogenen sportlichen Vorteil anstreben; die Möglichkeit der Bestrafung als unsportliches Verhalten gemäß § 1 Nr. 4. bleibt insoweit unberührt.
3) *Eine Spielmanipulation wird als unsportliches Verhalten gemäß § 1 Nr. 4. geahndet (§ 44 der Satzung des DFB).*

***§ 17a Einspruch bei Spielmanipulationen***

1) *Ein Einspruch gegen die Spielwertung ist zusätzlich zu Sanktionen mit der Begründung statthaft, dass eine Spielmanipulation vorliegt, die das Spielergebnis beeinflusst hat (§ 17 Nr. 2., Buchstabe e); der Einspruchsberechtigte hat den Nachweis der Spielmanipulation zu führen.*

*Bei einem infolge nachgewiesener, ergebnisbeeinflussender Manipulation begründeten Einspruch gegen eine Spielwertung (§ 17 Nr. 2., Buchstabe e) kann entweder auf Spielwiederholung oder Spielwertung entsprechend § 17 Nr. 5. der Rechts- und Verfahrensordnung des DFB, § 12b Nr. 2. der Spielordnung des DFB erkannt werden. Hat die Manipulation ausschließlich auf die Höhe des Spielergebnisses, jedoch nicht auf den Ausgang des Spiels Einfluss, so führt dies in der Regel nicht zu einer Spielwiederholung oder Spielwertung. § 10 Nr. 3. bleibt unberührt.*

## 10.4 Statutes of the German Football Association

Satzung DFB, relevant paragraphs (Deutscher Fussball-Bund, 2018c).

***§ 44 Strafgewalt des Verbandes und Strafarten***

*Alle Formen unsportlichen und unethischen Verhaltens sowie Verstöße gegen die Satzung und Ordnungen des DFB und das Ligastatut werden verfolgt. Das Nähere regeln die Rechts- und Verfahrensordnung des DFB, der Ethik-Kodex des DFB, die DFB-Spielordnung, das DFB-Statut für die 3. Liga, das DFB-Statut für die Frauen-Bundesliga und die 2. Frauen- Bundesliga, die DFB-Schiedsrichterordnung, die DFB-Jugendordnung, die Ausbildungsordnung des DFB, die Durchführungsbestimmungen zur DFB Spielordnung, die Anti-Doping-Richtlinien des DFB und die ergänzenden Regelungen unterhalb der DFB-Ordnungen, insbesondere die allgemeinverbindlichen Vorschriften über die Beschaffenheit und Ausgestaltung der Spielkleidung und die Richtlinien zur*

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*Verbesserung der Sicherheit bei Bundesspielen. Bei einem Feldverweis ist der Spieler bis zur Entscheidung durch das zuständige Rechtsorgan vorläufig gesperrt. Zur Aufrechterhaltung der sportlichen Disziplin oder eines geordneten Rechtswesens kann durch den Vorsitzenden des zuständigen Rechtsorgans bei Verstößen gegen die Satzung und Ordnungen des DFB eine vorläufige Maßnahme ausgesprochen werden.*
*Als Strafen sind zulässig: a) Verwarnung, b) Verweis, c) Geldstrafe gegen Spieler bis zu 100.000 EUR, im Übrigen bis zu 250.000 EUR, d) Verhängung eines Platzverbots für einzelne Personen, e) Verbot auf Zeit – längstens drei Jahre – oder Dauer, ein Amt im DFB, seinen Mitgliedsverbänden, deren Vereinen und Kapitalgesellschaften zu bekleiden, f) Sperre für Pflichtspieltage, auf Zeit – längstens drei Jahre – oder auf Dauer, g) Ausschluss auf Zeit – längstens drei Jahre – oder auf Dauer, h) Ausschluss auf Zeit – längstens drei Jahre – oder auf Dauer von der Nutzung der Vereinseinrichtungen des DFB einschließlich Lizenzentzug, i) Verbot – bis zu fünf Spiele – sich während eines oder mehrerer Spiele im Innenraum des Stadions oder der Sportstätte aufzuhalten, j) Entzug der Zulassung für Trainer auf Zeit – längstens drei Jahre – oder auf Dauer, k) Platzsperre oder Spielaustragung unter Ausschluss oder Teilausschluss der Öffentlichkeit, l) Aberkennung von Punkten, m) Versetzung in eine tiefere Spielklasse, n) Verbot auf Zeit – längstens drei Jahre – auf nationaler und internationaler Ebene neue Spieler zu registrieren.*
*Die Strafen können auch nebeneinander verhängt werden.*
*Mit Ausnahme der Strafen nach § 44 Nr. 2., Buchstaben a) und b) sowie von Ausschlüssen auf Dauer (einschließlich des Lizenz- bzw. Zulassungsentzugs) kann die Vollstreckung jeder Strafe zur Bewährung ausgesetzt werden. Das Nähere regelt die Rechts- und Verfahrensordnung des DFB.*
*Auflagen gegen Vereine bzw. Kapitalgesellschaften und erzieherische Maßnahmen gegen natürliche Personen (z.B. Auflagen und Bußen) sind zulässig.*

## 10.5 Statutes of the German Ice Hockey Federation

Satzung of the DEB (Deutscher Eishockey-Bund, 2017).

***§ 3 Zweck***

*1) Zweck des DEB ist die allgemeine Pflege des Eishockey-Sports, insbesondere die Förderung des nationalen Eishockey-Sports. Der DEB ist Vertreter seiner Sportart im In- und Ausland.*
*2) Der Satzungszweck wird verwirklicht insbesondere durch:*
*[…]*
*j) Gewährleistung der Integrität des sportlichen Wettbewerbes insbesondere durch Maßnahmen entsprechend den Competition Manipulation Rules des IIHF, um zu verhindern, dass Wettbewerbe manipuliert werden;*
*[…]*
*3) Im Rahmen der allgemeinen Pflege des Eishockey-Sports führt der DEB auch InlineHockey-Wettbewerbe nach den dafür erlassenen Regeln der IIHF als ideale Ergänzung des Eishockey-Sports während der Sommermonate durch, da auch Inline-Hockey im Regelwerk des Internationalen Eishockey-Verbandes (IIHF) verankert ist.*

***§ 13 Pflichten der Mitglieder***

*[…]*
*4) Die Mitglieder des DEB und deren Mitglieder erkennen die endgültige und bindende Entscheidung der IIHF in allen internationalen Angelegenheiten an. Sie verpflichten sich die*

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*Regelungen des World Anti-Doping Codes einzuhalten und die Competition Manipulation Rules des IIHF anzuwenden.*

*[…]*

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# 11 Appendix G: Greece

## 11.1 Appendix G1: Άρθρο 6 Αντιμετώπιση ύποπτων χειραγώγησης αγώνων Στοιχηματισμός

**ΝΟΜΟΣ 4326/2015**

**ΦΕΚ**

**Ποιους νόμους τροποποίησε**

**Με τις τελευταίες αλλαγές**

**από το Νόμο 4603/2019**

**1**. Η Ελληνική Ποδοσφαιρική Ομοσπονδία υποχρεούταινα διαβιβάζει αμελλητί στον αρμόδιο για τονΑθλητισμόΥπουργό, στον Πρόεδρο της Επιτροπής ΜορφωτικώνΥποθέσεων της Βουλής των Ελλήνων και στην ΕπιτροπήΕπαγγελματικού Αθλητισμού, τις εκθέσεις που λαμβάνειαπό την Ευρωπαϊκή ή την Παγκόσμια ΠοδοσφαιρικήΟμοσπονδία ή τις συνεργαζόμενες με αυτές εταιρίεςή άλλους φορείς, σχετικά με ύποπτους χειραγώγησηςαγώνες. Αντιστοίχως, ο αρμόδιος για τον ΑθλητισμόΥπουργός και η Επιτροπή Επαγγελματικού Αθλητισμούδιαβιβάζει στην Ελληνική Ποδοσφαιρική Ομοσπονδίαεκθέσεις που λαμβάνει ή πληροφορίες που συγκεντρώνει αναφορικά με ύποπτους χειραγώγησης αγώνες.

**2**. Η Επιτροπή Επαγγελματικού Αθλητισμού, με ειδικάαιτιολογημένη απόφαση της, η οποία λαμβάνει υπόψημεταξύ άλλων και τις παραπάνω εκθέσεις, μπορεί νααφαιρεί ομάδες, μετά από προηγούμενη κλήση και ακρόαση τους, από τον πίνακα των ομάδων που μπορούν νασυμπεριληφθούν στα έντυπα «Παιχνιδιών ΣτοιχημάτωνΠροκαθορισμένης Απόδοσης» της ΟΠΑΠ Α.Ε. και όλωντων άλλων εταιρειών που τυχόν δραστηριοποιούνταινόμιμα στην Ελλάδα με αντικείμενο το στοιχηματισμό.

**3**. Σε περίπτωση που περιέλθουν σε γνώση του αρμόδιου για τον Αθλητισμό Υπουργό τέτοιες εκθέσεις πριναπό τη διεξαγωγή του αγώνα, μπορεί με απόφασή τουνα μεταθέσει την ώρα έναρξης του αγώνα ή να αναβάλειτη διεξαγωγή του, σε ημέρα και ώρα που προσδιορίζεταικατόπιν συνεννόησης με την αντίστοιχη διοργανώτριααρχή και τις διαγωνιζόμενες ομάδες.

## 11.2 Appendix G2: Άρθρο 132 Δωροδοκία - Δωροληψία για αλλοίωση αποτελέσματος αγώνα

**ΝΟΜΟΣ 2725/1999**

**ΦΕΚ**

**Ποιους νόμους τροποποίησε**

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**Με τις τελευταίες αλλαγές**

**από το Νόμο 4603/2019**

**Σημ.:** όπως τροποποιήθηκε με την παρ.6 άρθρ.78 Ν.3057/2002,ΦΕΚ Α 239/10.10.2002, αντικαταστάθηκε πάλι με το άρθρο 13 του Ν.4049/2012 ΦΕΚ Α 35/23-02-2012

**1**. Όποιος παρεμβαίνει με αθέμιτες ενέργειες, με σκοπό να επηρεάσει την εξέλιξη, τη μορφή ή το αποτέλεσμα αγώνα οποιουδήποτε ομαδικού ή ατομικού αθλήματος, τιμωρείται με φυλάκιση τουλάχιστον ενός (1) έτους και χρηματική ποινή από εκατό χιλιάδες (100.000) έως πεντακόσιες χιλιάδες (500.000) ευρώ.

**2.** Όποιος, για τον ίδιο σκοπό, απαιτεί ή δέχεται δώρα ή άλλα ωφελήματα ή οποιαδήποτε άλλη παροχή ή υπόσχεση αυτών τιμωρείται με φυλάκιση τουλάχιστον δύο (2) ετών και χρηματική ποινή από διακόσιες χιλιάδες (200.000) έως ένα εκατομμύριο (1.000.000) ευρώ.

**3.** Με την ίδια ποινή της παραγράφου 2 του παρόντος άρθρου τιμωρείται και όποιος για τον ίδιο σκοπό κατά την παράγραφο αυτή προσφέρει, δίνει ή υπόσχεται σε αθλητή, προπονητή, διαιτητή ή διοικητικό παράγοντα ή άλλο πρόσωπο που συνδέεται με οποιονδήποτε τρόπο με τον αθλητή, τον διαιτητή, το σωματείο, την Α.Α.Ε. ή το Τ.Α.Α., δώρα, ωφελήματα ή άλλες οποιεσδήποτε παροχές.

**4.** Εάν από την αξιόποινη πράξη των προηγούμενων παραγράφων 1 έως 3 επιτεύχθηκε ο σκοπός που επιδίωκε ο δράστης ή αν ο αγώνας το αποτέλεσμα του οποίου αλλοιώνεται περιλαμβάνεται σε στοιχηματικές διοργανώσεις του εσωτερικού ή εξωτερικού, τότε ο δράστης τιμωρείται με κάθειρξη μέχρι δέκα (10) ετών.

**5.** Αν κάποιος από τους υπαίτιους των πράξεων των παραγράφων 1 έως 4 καταστήσει δυνατή με αναγγελία στην αρχή την πρόληψη της διάπραξης ενός από τα σχεδιαζόμενα εγκλήματα ή με τον ίδιο τρόπο συμβάλει ουσιωδώς στην τιμωρία τους, απαλλάσσεται από την ποινή για τις πράξεις αυτές. Αν δεν έχει ακόμη ασκηθεί ποινική δίωξη, ο εισαγγελέας πλημμελειοδικών με αιτιολογημένη διάταξη του απέχει από την άσκηση της ποινικής δίωξης κατά του προσώπου αυτού, αν, δε, το πρόσωπο αυτό έχει ήδη τελέσει κάποιο από τα διωκόμενα εγκλήματα των παραγράφων 1 ως 4, το δικαστήριο επιβάλλει σε αυτόν ποινή ελαττωμένη κατά το άρθρο 83 του Ποινικού Κώδικα. Σε εξαιρετικές περιπτώσεις, το δικαστήριο, εκτιμώντας όλες τις περιστάσεις και ιδίως την έκταση της συμμετοχής του υπαίτιου στην εγκληματική πράξη και το βαθμό της συμβολής του στην αποκάλυψη ή τιμωρία της, μπορεί να διατάξει την αναστολή της εκτέλεσης της ποινής για τρία έως δέκα έτη, εφαρμοζόμενων κατά τα λοιπά των άρθρων 99 έως 104 του Ποινικού Κώδικα.

**6**. Για τις αξιόποινες πράξεις των παραγράφων 1 έως 4, η έρευνα και οι διενεργούμενες ανακριτικές πράξεις μπορούν να συμπεριλαμβάνουν και όλες τις ενέργειες του άρθρου 253Α του Κώδικα Ποινικής Δικονομίας, υπό τις αναφερόμενες εκεί προϋποθέσεις. Κατά την ποινική διαδικασία για τα εγκλήματα αυτά μπορεί να λαμβάνονται μέτρα προστασίας μαρτύρων σύμφωνα με το άρθρο 9 του ν. 2928/2001.

**7.** Εκτός από τις παραπάνω ποινές, στα πρόσωπα που υποπίπτουν στα αδικήματα των παραγράφων 1 έως 4 επιβάλλεται και πειθαρχική ποινή για παράβαση του φιλάθλου πνεύματος, σύμφωνα με τις

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διατάξεις του άρθρου 130, ύστερα από παραπομπή της οικείας ομοσπονδίας στην Επιτροπή Φιλάθλου Πνεύματος.

## 11.3 Appendix G3: Hellenic Football Federation (HFF) Disciplinary Code 2017

# ΚΩΔΙΚΑ ΔΕΟΝΣΟΛΟΓΙΑ

ΙΟΥΝΙΟΣ 2017

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**Υποενότητα 4: Ακεραιότητα αγώνων και διοργανώσεων**

**Άρθρο 26 Γενική διάταξη**

**1.** Όλα τα πρόσωπα που δεσμεύονται από το καταστατικό και τους κανονισμούς της Ε.Π.Ο. πρέπει να απέχουν από οποιαδήποτε συμπεριφορά, η οποία βλάπτει ή θα μπορούσε να βλάψει την ακεραιότητα των αγώνων και των διοργανώσεων που οργανώνονται από την Ε.Π.Ο. ή κατ' ανάθεση από τις Ενώσεις-μέλη της, πρέπει δε πάντα να συνεργάζονται πλήρως με την Ε.Π.Ο. στις προσπάθειές της να καταπολεμήσει τέτοιες συμπεριφορές.

**2.** Μια παραβίαση των αρχών αυτών διαπράττεται, μεταξύ άλλων, από οποιονδήποτε

**(a)** ο οποίος ενεργεί με τρόπο που είναι πιθανό να εξασκήσει επιρροή στην πορεία και/ή στο αποτέλεσμα ενός αγώνα ή μιας διοργάνωσης με σκοπό να αποκομίσει κάποιο πλεονέκτημα είτε για τον εαυτό του, είτε για κάποιον τρίτο,

**(b)** ο οποίος χρησιμοποιεί ή παρέχει προς άλλους πληροφορίες, οι οποίες δεν αποτελούν κοινή γνώση, αποκτήθηκαν μέσω της θέσης του στο ποδόσφαιρο και βλάπτουν ή θα μπορούσαν να βλάψουν την ακεραιότητα ενός αγώνα ή μιας διοργάνωσης της Ε.Π.Ο.,

**(c)** ο οποίος δεν ενημερώνει άμεσα και αυτοβούλως την Ε.Π.Ο. εάν προσεγγίστηκε από κάποιον σχετικά με δραστηριότητες που σκοπεύουν στον επηρεασμό της πορείας και/ή του αποτελέσματος ενός αγώνα ή μιας διοργάνωσης,

**(d)** ο οποίος δεν ενημερώνει άμεσα και αυτοβούλως την Ε.Π.Ο. σχετικά με οποιαδήποτε συμπεριφορά περιέρχεται σε γνώση του η οποία εμπίπτει στο πεδίο εφαρμογής του παρόντος άρθρου.

**3.** Εάν η έρευνα (κατόπιν υποβολής καταγγελίας ή αυτεπαγγέλτως) αναφορικά με προσυνεννοημένους αγώνες γίνει μετά την λήξη της διοργάνωσης, αυτή δεν μπορεί να έχει καμία συνέπεια στο αγωνιστικό αποτέλεσμα της εν λόγω διοργάνωσης ή του αγώνα. Ένας αγώνας που κρίθηκε ως προσυνεννοημένος, ποτέ δεν επαναδιεξάγεται αλλά η υπαίτια ή οι υπαίτιες ομάδες τιμωρούνται με βάσει τις διατάξεις του παρόντα κώδικα. Αν η καταγγελία αφορά τον τελευταίο αγώνα του πρωταθλήματος, η τιμωρία ή οι αγωνιστικές συνέπειες σε μία ομάδα, που θα κριθεί υπαίτια, εφόσον η υπόθεση δεν έχει κριθεί μέχρι την επικύρωση του βαθμολογικού πίνακα της διοργάνωσης, θα επιβάλλονται από την επόμενη αγωνιστική περίοδο.

**4.** Πέραν των φυσικών προσώπων και οι ομάδες θεωρούνται υπεύθυνες και τιμωρούνται στην περίπτωση που πρόσωπα έχοντα εξουσία να λειτουργούν εξ ονόματος αυτών, συμμετέχουν σε οποιαδήποτε μορφή συμπεριφοράς η οποία βλάπτει ή θα μπορούσε να βλάψει την ακεραιότητα των αγώνων και των διοργανώσεων που διοργανώνονται από την Ελληνική Ποδοσφαιρική Ομοσπονδία ή ανατίθενται στις ενώσεις-μέλη της

**5.** Τα πειθαρχικά αδικήματα της χειραγώγησης αγώνα, απόπειρας χειραγώγησης αγώνα ή όποιας άλλης δραστηριότητας σχετίζεται με τη χειραγώγηση αγώνα είναι απαράγραπτα.

**6.** Οι υποθέσεις αυτές θα ερευνώνται και θα δικάζονται χωρίς καθυστέρηση και χωρίς να απαιτείται να ολοκληρωθεί η αντίστοιχη ποινική διαδικασία. Οι υποθέσεις (διώξεις κατά συγκεκριμένων φυσικών ή νομικών προσώπων) δεν θα πρέπει να τίθενται στο αρχείο επειδή τα εμπλεκόμενα πρόσωπα μπορεί να έχουν εγκαταλείψει την χώρα και να μη βρίσκονται υπό τη δικαιοδοσία της Ε.Π.Ο. Προκειμένου να υπάρξει απόφαση καταδίκης για τα αδικήματα χειραγώγησης ή απόπειρας χειραγώγησης αγώνα ή άλλης δραστηριότητας σχετιζόμενης με τη χειραγώγηση αγώνα, ο βαθμός απόδειξης που απαιτείται είναι αυτός του comfortable satisfaction (όπως η έννοια αυτού έχει



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διαμορφωθεί σύμφωνα με τη νομολογία του C.A.S.), δηλαδή μεγαλύτερος από την απλή πιθανολόγηση και μικρότερος από την απόδειξη πέραν πάσας αμφιβολίας.

7. Εάν το αρμόδιο δικαστικό όργανο έχει την άποψη ότι τα στοιχεία που παρείχε ο υπαίτιος ήταν αποφασιστικής σημασίας στην αποκάλυψη ή απόδειξη μιας παραβίασης των ως άνω διατάξεων, μπορεί να ασκήσει τις διακριτικές του εξουσίες για να μειώσει ή ακόμα και να απαλείψει την κύρωση.
8. Η Ε.Π.Ο. αναγνωρίζει την ανάγκη στενής συνεργασίας και ανταλλαγής πληροφοριών και τεχνογνωσίας με τις κρατικές αρχές, συμπεριλαμβανομένης της αστυνομίας και των δικαστικών αρχών προκειμένου να κερδηθεί τελικά η μάχη ενάντια στη χειραγώγηση αγώνων.
9. Η Ε.Π.Ο. θα καθιερώσει ένα δίκτυο για έναν ασφαλή και εμπιστευτικό μηχανισμό υποβολής πληροφοριών/αναφοράς με στόχο τη λήψη πληροφοριών για οποιαδήποτε υπόνοια δραστηριότητας που αφορά στον προκαθορισμό αποτελέσματος αγώνα. Οι πληροφορίες που υποβάλλονται θα χρησιμοποιούνται αποκλειστικά για τους σκοπούς προστασίας της ακεραιότητας του ποδοσφαίρου.
10. Η Ε.Π.Ο. θα καθιερώσει και θα πραγματοποιήσει εκπαιδευτικά προγράμματα, κυρίως για νεαρούς ποδοσφαιριστές, που θα συντελέσουν στην ενημέρωση αυτών για τους κινδύνους που ενέχει συμμετοχή σε χειραγώγηση αγώνων και θα εξασφαλίσουν πως όλοι όσοι εμπλέκονται σε ποδοσφαιρικούς αγώνες γνωρίζουν και σέβονται τους σχετικούς κανόνες.
11. Κάθε φορά που η Ε.Π.Ο. θα παραλαμβάνει στοιχεία σχετικά με χειραγώγηση αγώνα από την FIFA, UEFA ή άλλη πηγή, θα τα αποστέλλει χωρίς καθυστέρηση στον αρμόδιο αθλητικό Εισαγγελέα.

**Ειδικές Διατάξεις**

**Άρθρο 27 Προκαθορισμός αποτελέσματος αγώνα για στοιχηματικούς λόγους**

1. Όλα τα πρόσωπα που δεσμεύονται από τον παρόντα Κώδικα που συμμετέχουν ή αποπειρώνται να συμμετάσχουν ,σε οποιαδήποτε ενέργεια που βλάπτει ή θα μπορούσε να βλάψει την ακεραιότητα των αγώνων και των διοργανώσεων, για να προσπορίσουν στον εαυτό τους ή σε τρίτους περιουσιακά οφέλη, μέσω χρηματικών αποδόσεων από στοιχηματισμό, τυχερά παιχνίδια, λοταρίες και άλλες παρόμοιες δραστηριότητες ή συναλλαγές, τιμωρούνται με τις ποινές που αναφέρονται στο άρθρο 29 του παρόντος. Οι ως άνω ποινές δύναται να επιβληθούν σωρευτικά.
2. Εάν υπήρξε πράγματι επίτευξη του σκοπού, επιβάλλονται οι ανωτέρω ποινές με τριπλασιασμό των χρηματικών ποινών.
3. Εάν υπαίτια της προσπάθειας ή και της επίτευξης των ανωτέρω είναι ομάδα ή αξιωματούχος της, οι χρηματικές ποινές δεκαπλασιάζονται, η δε ομάδα (ή ομάδες) τιμωρείται με υποβιβασμό.
4. Σε περίπτωση μη εμπλοκής αξιωματούχου της, υπαίτια θεωρείται, σε κάθε περίπτωση, η ομάδα (ή ομάδες) όταν εμπλέκονται στο αδίκημα περισσότεροι του ενός ποδοσφαιριστές της.
5. Αν μία ομάδα κριθεί υπαίτια χειραγώγησης ενός αγώνα, πέραν των λοιπών συνεπειών, χάνει τον αγώνα και αυτός κατωκυρώνεται στην αντίπαλό της με τέρματα 3-0. Αν και οι δύο ομάδες κριθούν υπαίτιες χειραγώγησης και οι δύο, πέραν των λοιπών συνεπειών, χάνουν τους βαθμούς του συγκεκριμένου αγώνα.

**Άρθρο 28 Απαγόρευση στοιχηματισμού**



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1. Όλα τα πρόσωπα που δεσμεύονται από τον παρόντα Κώδικα απαγορεύεται να στοιχηματίζουν σε οποιονδήποτε αγώνα ή διοργάνωση που διοργανώνονται από την Ελληνική Ποδοσφαιρική Ομοσπονδία ή ανατίθενται στις ενώσεις-μέλη της. Σε αντίθετη περίπτωση επιβάλλεται απαγόρευση να εκτελούν οποιαδήποτε δραστηριότητα σχετίζεται με το άθλημα του ποδοσφαίρου τουλάχιστον για δύο (2) έτη.
2. Σε περίπτωση επαναλήψεως της ανωτέρω συμπεριφοράς επιβάλλεται ποινή ισόβιου αποκλεισμού ενασχόλησης με το άθλημα του ποδοσφαίρου.

**Άρθρο 29 Επηρεασμός για χειραγώγηση αγώνα**

1. Όλα τα πρόσωπα που δεσμεύονται από τον παρόντα Κώδικα που συμμετέχουν ή αποπειρώνται να συμμετάσχουν σε προσπάθεια επηρεασμού της πορείας ή του αποτελέσματος αγώνα ή διοργάνωσης με αντιαθλητικό, ανήθικο ή διεφθαρμένο τρόπο τιμωρούνται:
   **α.** με χρηματική ποινή είκοσι χιλιάδων ευρώ (20.000) έως εξήντα χιλιάδων (60.000) ευρώ,
   **β.** με δεκαετή τουλάχιστον απαγόρευση ενασχόλησης με οποιαδήποτε δραστηριότητα σχετίζεται με το ποδόσφαιρο, και
   **γ.** με δεκαετή τουλάχιστον απαγόρευση εισόδου τους στους αγωνιστικούς χώρους.
2. Σε σοβαρές περιπτώσεις και σε περίπτωση επαναλήψεως, οι χρηματικές ποινές διπλασιάζονται, οι δε ποινές β και γ απαγγέλλονται εφ' όρου ζωής.
3. Σε περίπτωση που υπαίτια είναι ομάδα ή αξιωματούχος της, η ομάδα θα τιμωρείται με υποβιβασμό και χρηματική ποινή τριακοσίων χιλιάδων (300.000) ευρώ.
4. Σε περίπτωση μη εμπλοκής αξιωματούχου της, υπαίτια θεωρείται, σε κάθε περίπτωση, η ομάδα (ή ομάδες) όταν εμπλέκονται στο αδίκημα περισσότεροι του ενός ποδοσφαιριστές της.

**Άρθρο 30 Υποχρέωση ενημέρωσης ποδοσφαιρικών αρχών**

1. Όλα τα πρόσωπα που δεσμεύονται από τον παρόντα Κώδικα υποχρεούνται να ενημερώνουν άμεσα εντός σαράντα οχτώ (48) ωρών τη διοργανώτρια αρχή και την Ε.Π.Ο. σε οποιαδήποτε περίπτωση προσεγγιστούν με σκοπό τη χειραγώγηση της πορείας και/ή του αποτελέσματος αγώνα με αντιαθλητικό, ανήθικο ή διεφθαρμένο τρόπο. Εάν υποπέσει στην αντίληψή τους εμπλοκή άλλων προσώπων σε τέτοιες δραστηριότητες υποχρεούνται εντός πέντε (5) ημερών να ενημερώσουν τη διοργανώτρια αρχή ή την Ε.Π.Ο.
2. Στα πρόσωπα της παραγράφου 1, εφόσον παραλείψουν να ενημερώσουν τη διοργανώτρια ή την Ε.Π.Ο. για οτιδήποτε σχετικό υποπέσει στην αντίληψή τους, επιβάλλεται η ποινή της απαγόρευσης να εκτελούν οποιαδήποτε δραστηριότητα σχετίζεται με το ποδόσφαιρο για δύο (2), τουλάχιστον, έτη.
3. Σε περίπτωση επανάληψης επιβάλλεται ποινή ισόβιου αποκλεισμού ενασχόλησης με το άθλημα του ποδοσφαίρου.

**Άρθρο 31 Διαστρέβλωση - αλλοίωση συνθηκών διεξαγωγής αγώνα**

1. Οποιοσδήποτε ενεργεί με πράξεις ή παραλείψεις έχοντας σκοπό τη διαστρέβλωση ή αλλοίωση των συνθηκών διεξαγωγής ή του αποτελέσματος ενός αγώνα κατά τρόπο ασύμβατο με την αθλητική δεοντολογία και νομοθεσία και η πράξη ή η παράλειψη δεν τιμωρείται με ειδική διάταξη του παρόντος κανονισμού, τιμωρείται με ποινή απαγόρευσης εισόδου στα γήπεδα τουλάχιστον για ένα (1) έτος και χρηματική ποινή δεκαπέντε χιλιάδων ευρώ (15.000) έως σαράντα χιλιάδων ευρώ (40.000) εφόσον σχετίζεται με τα επαγγελματικά πρωταθλήματα και χιλίων(1.000) έως τριών χιλιάδων (3.000)



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Ευρώ εφόσον σχετίζεται με ερασιτεχνικά. Επίσης, σωρευτικά, θα του επιβάλλεται απαγόρευση ενασχόλησης σε οποιαδήποτε δραστηριότητα που σχετίζεται με το ποδόσφαιρο και σε ιδιαίτερα σοβαρή περίπτωση ή/και επανάληψη συμπεριφοράς η ποινή αυτή θα επιβάλλεται ισοβίως. Εάν υπαίτια είναι και η ομάδα στην οποία ανήκει, τιμωρείται και αυτή με ποινή αφαίρεσης επτά (7) βαθμών και χρηματική ποινή τριάντα χιλιάδων ευρώ (30.000) έως ογδόντα χιλιάδων ευρώ (80.000) εφόσον είναι Π.ΑΕ. και από δύο χιλιάδες (2.000) μέχρι τέσσερεις χιλιάδες (4.000) Ευρώ εάν είναι σωματείο.

**2.** Σε περίπτωση αδικαιολόγητης μη εμφάνισης ομάδας κατά την ακριβή ώρα έναρξης του αγώνα ή της συνέχισης αυτού μετά το ημίχρονο, θα επιβάλλεται στην υπαίτια ομάδα χρηματική ποινή είκοσι χιλιάδων ευρώ (20.000) έως εκατό χιλιάδων ευρώ (100.000) εφόσον είναι Π.Α.Ε. και από χίλια (1.000) Ευρώ έως τέσσερεις χιλιάδες (4.000) Ευρώ εάν είναι σωματείο, πέραν των προβλεπομένων από τους κανόνες του Παιχνιδιού και της οικείας προκήρυξης.

## ΚΕΦΑΛΑΙΟ ΙΙΙ: ΟΡΓΑΝΩΣΗ ΚΑΙ ΔΙΑΔΙΚΑΣΙΕΣ ΤΗΣ ΕΠΙΤΡΟΠΗΣ ΔΕΟΝΤΟΛΟΓΙΑΣ

### Α. ΟΡΓΑΝΩΣΗ

#### Ενότητα 1: Επιτροπή Δεοντολογίας

**Άρθρο 32 Τμήματα της Επιτροπής Δεοντολογίας- Διάκριση Διαδικασιών**

**1.** Η Επιτροπή Δεοντολογίας αποτελείται από ένα ερευνητικό και ένα δικαστικό τμήμα.

**2.** Οι διαδικασίες της Επιτροπής Δεοντολογίας θα διακρίνονται σε ερευνητική και δικαστική διαδικασία.

**3.** Ο Πρόεδρος της Επιτροπής Δεοντολογίας θα ορίζει το μέλος του ερευνητικού τμήματος, αναθέτοντας σε αυτό κατά την κρίση του ερευνητικά καθήκοντα είτε για συγκεκριμένη υπόθεση είτε για ορισμένο χρονικό διάστημα. Καθήκοντα ερευνητή μπορεί να ανατεθούν και στον αναπληρωτή Πρόεδρο.

#### Ενότητα 2: Δικαιοδοσία, καθήκοντα και αρμοδιότητες της Επιτροπής Δεοντολογίας

**Άρθρο 33 Δικαιοδοσία της Επιτροπής Δεοντολογίας**

**1.** Η Επιτροπή Δεοντολογίας έχει την αρμοδιότητα να χειρίζεται και να δικάζει όλες τις υποθέσεις που προκύπτουν από την εφαρμογή του παρόντα Κώδικα.

**2.** Η Επιτροπή Δεοντολογίας έχει αρμοδιότητα να κρίνει την συμπεριφορά όλων των προσώπων που δεσμεύονται από τον παρόντα Κώδικα όταν εκτελούν τα καθήκοντα τους. Επιπρόσθετα η Επιτροπή Δεοντολογίας έχει την αρμοδιότητα να διερευνά και να κρίνει συγχρόνως την συμπεριφορά και άλλων προσώπων, που δεσμεύονται από τον παρόντα Κώδικα, εφόσον μία ενιαία απόφαση κρίνεται αναγκαία βάση των συγκεκριμένων συνθηκών.

**3.** Η Επιτροπή Δεοντολογίας έχει την αρμοδιότητα να ερευνά και να κρίνει την συμπεριφορά όλων των προσώπων που δεσμεύονται από τον παρόντα Κώδικα εφόσον η υπόθεση στην οποία βασίζεται η φερόμενη παράβαση δεν



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# 12 Appendix H: Italy

## 12.1 Appendix H1: § 48.1.50 - Legge 13 dicembre 1989, n. 401. Interventi nel settore del giuoco e delle scommesse clandestini e tutela della correttezza nello svolgimento di manifestazioni sportive. (G.U. 18 dicembre 1989, n. 294)

***Art. 1.*** *Frode in competizioni sportive.*

1) *Chiunque offre o promette denaro o altra utilità o vantaggio a taluno dei partecipanti ad una competizione sportiva organizzata dalle federazioni riconosciute dal Comitato olimpico nazionale italiano (CONI), dall'Unione italiana per l'incremento delle razze equine (UNIRE) o da altri enti sportivi riconosciuti dallo Stato e dalle associazioni ad essi aderenti, al fine di raggiungere un risultato diverso da quello conseguente al corretto e leale svolgimento della competizione, ovvero compie altri atti fraudolenti volti al medesimo scopo, è punito con la reclusione da due a sei anni e con la multa da euro 1.000 a euro 4.000.*
2) *Le stesse pene si applicano al partecipante alla competizione che accetta il denaro o altra utilità o vantaggio, o ne accoglie la promessa.*
3) *Se il risultato della competizione è influente ai fini dello svolgimento di concorsi pronostici e scommesse regolarmente esercitati, per i fatti di cui ai commi 1 e 2, la pena della reclusione è aumentata fino alla metà e si applica la multa da euro 10.000 a euro 100.000.*

***Art. 2.*** *Non influenza del procedimento penale.*

1) *L'esercizio dell'azione penale per il delitto previsto dall'art. 1 e la sentenza che definisce il relativo giudizio non influiscono in alcun modo sull'omologazione delle gare nè su ogni altro provvedimento di competenza degli organi sportivi.*
2) *L'inizio del procedimento per i delitti previsti dall'art. 1 non preclude il normale svolgimento secondo gli specifici regolamenti del procedimento disciplinare sportivo.*
3) *Gli organi della disciplina sportiva, ai fini esclusivi della propria competenza funzionale, possono chiedere copia degli atti del procedimento penale ai sensi dell'art. 116 del codice di procedura penale fermo restando il divieto di pubblicazione di cui all'art. 114 dello stesso codice.*

***Art. 3.*** *Obbligo del rapporto.*

1) *I presidenti delle federazioni sportive nazionali affiliate al Comitato olimpico nazionale italiano (CONI), i presidenti degli organi di disciplina di secondo grado delle stesse federazioni e i corrispondenti organi preposti alla disciplina degli enti e delle associazioni di cui al comma 1 dell'art. 1, che nell'esercizio o a causa delle loro funzioni hanno notizia dei reati di cui all'art. 1, sono obbligati a farne rapporto, ai sensi delle vigenti leggi, all'autorità giudiziaria.*

***Art. 4.*** *Esercizio abusivo di attività di giuoco o di scommessa.*

1) *Chiunque esercita abusivamente l'organizzazione del giuoco del lotto o di scommesse o di concorsi pronostici che la legge riserva allo Stato o ad altro ente concessionario, è punito con la reclusione da tre a sei anni e con la multa da 20.000 a 50.000 euro. Alla stessa pena soggiace chi comunque organizza scommesse o concorsi pronostici su attività sportive gestite dal Comitato olimpico nazionale italiano (CONI), dalle organizzazioni da esso dipendenti o dall'Unione italiana per l'incremento delle razze equine (UNIRE). Chiunque abusivamente esercita l'organizzazione di pubbliche scommesse su altre competizioni di persone o animali e giuochi di abilità è punito con l'arresto da tre mesi ad un anno e con l'ammenda non inferiore a lire un milione. Le stesse sanzioni si applicano a chiunque venda*

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*sul territorio nazionale, senza autorizzazione dell'Agenzia delle dogane e dei monopoli, biglietti di lotterie o di analoghe manifestazioni di sorte di Stati esteri, nonchè a chiunque partecipi a tali operazioni mediante la raccolta di prenotazione di giocate e l'accreditamento delle relative vincite e la promozione e la pubblicità effettuate con qualunque mezzo di diffusione. È punito altresì con la reclusione da tre a sei anni e con la multa da 20.000 a 50.000 euro chiunque organizza, esercita e raccoglie a distanza, senza la prescritta concessione, qualsiasi gioco istituito o disciplinato dall'Agenzia delle dogane e dei monopoli. Chiunque, ancorché titolare della prescritta concessione, organizza, esercita e raccoglie a distanza qualsiasi gioco isituito o disciplinato dall'Agenzia delle dogane e dei monopoli con modalità e tecniche diverse da quelle previste dalla legge è punito con l'arresto da tre mesi a un anno o con l'ammenda da euro 500 a euro 5.000.*

2) *Quando si tratta di concorsi, giuochi o scommesse gestiti con le modalità di cui al comma 1, e fuori dei casi di concorso in uno dei reati previsti dal medesimo, chiunque in qualsiasi modo dà pubblicità al loro esercizio è punito con l'arresto fino a tre mesi e con l'ammenda da lire centomila a lire un milione. La stessa sanzione si applica a chiunque, in qualsiasi modo, dà pubblicità in Italia a giochi, scommesse e lotterie, da chiunque accettate all'estero.*
3) *Chiunque partecipa a concorsi, giuochi, scommesse gestiti con le modalità di cui al comma 1, fuori dei casi di concorso in uno dei reati previsti dal medesimo, è punito con l'arresto fino a tre mesi o con l'ammenda da lire centomila a lire un milione.*
4) *Le disposizioni di cui ai commi 1 e 2 si applicano anche ai giuochi d'azzardo esercitati a mezzo degli apparecchi vietati dall'art. 110 del regio decreto 18 giugno 1931, n. 773, come modificato dalla legge 20 maggio 1965, n. 507, e come da ultimo modificato dall'art. 1 della legge 17 dicembre 1986, n. 904.*
   a. *Le sanzioni di cui al presente articolo sono applicate a chiunque, privo di concessione, autorizzazione o licenza ai sensi dell'articolo 88 del testo unico delle leggi di pubblica sicurezza, appovato con regio decreto 18 giugno 1931, n. 773, e successive modificazioni, svolga in Italia qualsiasi attività organizzata al fine di accettare o raccogliere o comunque favorire l'accettazione o in qualsiasi modo la raccolta, anche per via telefonica o telematica, di scommesse di qualsiasi genere da chiunque accettate in Italia o all'estero.*
   b. *Fermi restando i poteri attribuiti al Ministero delle finanze dall'articolo 11 del decreto-legge 30 dicembre 1993, n. 557, convertito, con modificazioni, dalla legge 26 febbraio 1994, n. 133, ed in applicazione dell'articolo 3, comma 228 della legge 28 dicembre 1995, n. 549, le sanzioni di cui al presente articolo si applicano a chiunque effettui la raccolta o la prenotazione di giocate del lotto, di concorsi pronostici o di scommesse per via telefonica o telematica, ove sprovvisto di apposita autorizzazione del Ministero dell'economia e delle finanze - Agenzia delle dogane e dei monopoli all'uso di tali mezzi per la predetta raccolta o prenotazione.*
   c. *L'Agenzia delle dogane e dei monopoli è tenuta alla realizzazione, in collaborazione con la Guardia di finanza e le altre forze di polizia, di un piano straordinario di controllo e contrasto all'attività illegale di cui ai precedenti commi con l'obiettivo di determinare l'emersione della raccolta di gioco illegale.*

## 12.2 Appendix H2: CODICE DI GIUSTIZIA SPORTIVA DELLA FIGC DECRETO DEL COMMISSARIO AD ACTA DEL 30 LUGLIO 2014

***Art. 6** Divieto di scommesse e obbligo di denuncia*

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1) *Ai soggetti dell'ordinamento federale, ai dirigenti, ai soci e ai tesserati delle società appartenenti al settore professionistico è fatto divieto di effettuare o accettare scommesse, direttamente o per interposta persona, anche presso i soggetti autorizzati a riceverle, o di agevolare scommesse di altri con atti univocamente funzionali alla effettuazione delle stesse, che 4 abbiano ad oggetto i risultati relativi ad incontri ufficiali organizzati nell'ambito della FIFA, della UEFA e della FIGC.*
2) *Ai soggetti dell'ordinamento federale, ai dirigenti, ai soci e ai tesserati delle società appartenenti al settore dilettantistico e al settore giovanile è fatto divieto di effettuare o accettare scommesse, direttamente o per interposta persona, presso soggetti non autorizzati a riceverle, o di agevolare scommesse di altri con atti univocamente funzionali alla effettuazione delle stesse, che abbiano ad oggetto i risultati relativi ad incontri ufficiali organizzati nell'ambito della FIFA, della UEFA e della FIGC. Ai predetti è altresì fatto divieto di effettuare o accettare scommesse, direttamente o per interposta persona, presso i soggetti autorizzati a riceverle, relativamente a gare delle competizioni in cui militano le loro squadre.*
3) *La violazione del divieto di cui ai commi 1 e 2 comporta per i soggetti dell'ordinamento federale, per i dirigenti, per i soci e per i tesserati delle società la sanzione della inibizione o della squalifica non inferiore a tre anni e dell'ammenda non inferiore ad euro 25.000,00.*
4) *Se, per la violazione del divieto di cui ai commi 1 e 2, viene accertata la responsabilità diretta della società ai sensi dell'art. 4, il fatto è punito con l'applicazione delle sanzioni di cui alle lettere g), h), i), l) dell'art. 18, comma 1, anche congiuntamente in relazione alle circostanze e alla gravità del fatto.*
5) *I soggetti di cui all'art. 1 bis, commi 1 e 5, che siano venuti a conoscenza in qualunque modo che società o persone abbiano posto o stiano per porre in essere taluno degli atti indicati ai commi 1 e 2, hanno l'obbligo di informarne, senza indugio, la Procura federale della FIGC.*
6) *Il mancato adempimento dell'obbligo di cui al comma 5, comporta per i soggetti di cui all'art. 1 bis, commi 1 e 5 la sanzione della inibizione o della squalifica non inferiore a sei mesi e dell'ammenda non inferiore ad euro 15.000,00.*

***Art. 7** Illecito sportivo e obbligo di denunzia*

1) *Il compimento, con qualsiasi mezzo, di atti diretti ad alterare lo svolgimento o il risultato di una gara o di una competizione ovvero ad assicurare a chiunque un vantaggio in classifica costituisce illecito sportivo.*
2) *Le società e i soggetti di cui all'art. 1 bis, commi 1 e 5, che commettono direttamente o che consentono che altri compiano, a loro nome o nel loro interesse, i fatti di cui al comma 1 ne sono responsabili.*
3) *Se viene accertata la responsabilità diretta della società ai sensi dell'art. 4, il fatto è punito, a seconda della sua gravità, con le sanzioni di cui alle lettere h), i), l) dell'art. 18, comma 1, salva l'applicazione di una maggiore sanzione in caso di insufficiente afflittività.*
4) *Se viene accertata la responsabilità oggettiva o presunta della società ai sensi dell'art. 4, comma 5, il fatto è punito, a seconda della sua gravità, con le sanzioni di cui alle lettere g), h), i), l), m) dell'art. 18, comma 1.*
5) *I soggetti di cui all'art. 1 bis, commi 1 e 5, riconosciuti responsabili di illecito sportivo, sono puniti con una sanzione non inferiore all'inibizione o alla squalifica per un periodo minimo di quattro anni e con l'ammenda non inferiore ad euro 50.000,00.*
6) *In caso di pluralità di illeciti ovvero se lo svolgimento o il risultato della gara è stato alterato oppure se il vantaggio in classifica è stato conseguito, le sanzioni sono aggravate.*
7) *I soggetti di cui all'art. 1 bis, commi 1 e 5, che siano venuti a conoscenza in qualunque modo che società o persone abbiano posto o stiano per porre in essere taluno degli atti indicati ai*

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*commi precedenti, hanno l'obbligo di informarne, senza indugio, la Procura federale della FIGC.*

8) *Il mancato adempimento dell'obbligo di cui al comma 7, comporta per i soggetti di cui all'art. 1 bis, commi 1 e 5 la sanzione della inibizione o della squalifica non inferiore a un anno e dell'ammenda non inferiore ad euro 30.000,00.*

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# 13 Appendix I: Japan

## 13.1 Appendix I1: Horse racing Act 31-34

***Article 31***

*Persons falling under any of the items set forth below shall be punished with imprisonment with hard labor of up to three (3) years or a fine of up to three million (3,000,000) yen.*

*i. Persons who accept an entrustment to purchase pari-mutuel betting tickets as a business, or who accept an entrustment to purchase pari-mutuel betting tickets from an unspecified large number of persons for the purpose of profiting financially.*

*ii. Persons who use a drug or medicine that temporarily stimulates or depresses the racing performance of a horse declared to run.*

*iii. Jockeys who prevent a horse from displaying its full capabilities in a race for the purpose of profiting financially or enabling others to do so.*

***Article 32***

*According to the circumstances, a combination of imprisonment with hard labor and a fine may be imposed on any person who commits an offense under the preceding two Articles.*

***Article 32-2***

*Any trainer, jockey, or person who assists with rearing or training racehorses, who receives, demands or promises a bribe in connection with a race shall be punished with imprisonment with hard labor of up to three (3) years. If committing a dishonest act as a result thereof, or failing to take appropriate rectifying measures, the same shall be punished with imprisonment with hard labor of up to five (5) years.*

***Article 32-3***

*In cases provided in the preceding Article, the received bribe shall be confiscated. If it is not possible to confiscate all or part of the bribe, a sum of equivalent value shall be collected.*

***Article 32-4***

1. *Persons who provide, solicit or promise the bribe provided in Article 32-2 shall be punished with imprisonment with hard labor of up to three (3) years or a fine of up to three million (3,000,000) yen.*
2. *Persons who surrender themselves after committing an offense provided in the preceding paragraph may have their punishment reduced or remitted.*

***Article 32-5***

*Persons who commit acts that damage the fairness and impartiality of horse racing through deception or coercion shall be punished with imprisonment with hard labor of up to three (3) years or a fine of up to two million (2,000,000) yen.*

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***Article 32-6***

*Persons who conspire to operate racing in a manner that damages the fairness and impartiality of horse racing shall be punished with imprisonment with hard labor of up to two (2) years or a fine of up to one million (1,000,000) yen.*

***Article 32-7***

*If there has been an act in violation of the provisions of Article 23-42, the officer or employee of the Association who committed the violation shall be punished with imprisonment with hard labor of up to one (1) year or a fine of up to one million (1,000,000) yen.*

***Article 32-8***

*If a report under the provisions of Article 25 paragraph 1 is not made or a false report is made, or an inspection under the provisions of said paragraph is refused, obstructed or evaded, the Persons Entrusted with the Administration of Horse Racing (limited to private individuals) or officer or employee of the Association who committed the violation shall be punished with a fine of up to three hundred thousand (300,000) yen.*

***Article 32-9***

*In cases falling under any of the items set forth below, the officer or employee of the Association who committed the violation shall be punished with a penalty of up to two hundred thousand (200,000) yen.*

i. *When authorization or approval must be obtained from the Minister for Agriculture, Forestry and Fisheries under the provisions of this Act, but said authorization or approval has not been obtained.*
ii. *When registration has been neglected in violation of the provisions of the Cabinet Order provided in Article 23-13 paragraph 1.*
iii. *When operations other than those provided in Article 23-36 paragraphs 1 and 2 have been undertaken.*
iv. *When there has been a violation of the provisions of Article 23-43.*
v. *When there has been a violation of an order by the Minister for Agriculture, Forestry and Fisheries under the provisions of Article 23-45 paragraph 2.*

***Article 32-10***

*Persons who violate the provisions of Article 23-14 shall be punished with a penalty of up to one hundred thousand (100,000) yen.*

***Article 33***

*Persons who fall under either of the items set forth below shall be punished with a fine of up to one million (1,000,000) yen.*

i. *Persons who violate the provisions of Article 29.*
ii. *Persons who commit an act resembling pari-mutuel betting in cases provided in Article 30 item (iii) (except when permission has been obtained under the provisions of Article 29-2 paragraph 1)*

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***Article 34***

*If there has been an act in violation of the provisions of Article 28 or Article 29, a person who becomes the other party to such violation (or, when the other party is the seller, a person who committed an act pertaining to such purchase), despite knowing that the person who committed said act is prohibited from purchasing or receiving pari-mutuel betting tickets under these provisions, shall be punished with a fine of up to five hundred thousand (500,000) yen.*

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# 14 Appendix J: Paraguay

***Artículo 10.- La Secretaría Nacional de Deportes deberá:***

*cumplir y velar por el cumplimiento de los actos previstos en las leyes y reglamentos que se dictaren con relación al deporte.*

***Artículo 38.- La potestad disciplinaria en materia deportiva corresponde a las Federaciones Deportivas de cada disciplina, atribuyéndole la facultad de investigar y, en su caso, sancionar o corregir a las personas o entidades sometidas a su jurisdicción. Dicha potestad es ejercida por:***

a. *los jueces o árbitros, durante el desarrollo de los encuentros o pruebas, con sujeción a las reglas de juego de cada modalidad deportiva. Las sanciones que se aplicaren en ejercicio de esta potestad no serán susceptibles de recurso alguno.*
b. *las Federaciones Deportivas, sobre todas las personas que formen parte de la propia estructura orgánica; los clubes deportivos y sus deportistas, técnicos y directivos; los jueces y árbitros, y, en general, todas aquellas personas y entidades que, estando federadas, desarrollan la actividad correspondiente de dicho deporte, con sujeción a las reglas disciplinarias y de funcionamiento de la federación.*
c. *las Ligas, sobre los clubes que participan en competiciones oficiales de dicho carácter, y sobre todas las personas vinculadas a la práctica deportiva profesional en los mismos términos del inciso b) de este artículo.*

***Sports Law N˚.2.874***

*Chapter II: DEL FONDO NACIONAL DE DESARROLLO DEL DEPORTE*
*Artículo 18: El Fondo Nacional de Desarrollo del Deporte estará compuesto por:*

a. *los recursos que le asigne la Secretaría Nacional de Deportes de las fuentes establecidas en el Artículo 14 de esta Ley.*
b. *la lotería deportiva.*

*Artículo 19: Los cánones que las empresas concesionarias de las loterías deportivas deban pagar por la explotación de este juego de azar serán determinados en el correspondiente pliego de bases y condiciones que elaborará la Comisión Nacional de Juegos de Azar, previa consulta a la Secretaría Nacional de Deportes.*
*Artículo 20: Los recursos obtenidos por la explotación de toda lotería deportiva serán acreditados directamente en la cuenta denominada "Fondo Nacional de Desarrollo del Deporte" que estará abierta en el Banco Nacional de Fomento o la entidad que la sustituya, a nombre y disposición de la Secretaría Nacional de Deportes.*

***Reglamento General de la SND. Artículo 46: Los Estatutos de las Ligas Profesionales deberán incluir al menos las siguientes disposiciones:***

*h. Procedimiento para la aprobación y reforma de los Estatutos y Reglamentos*

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*i. Régimen disciplinario específico y de forma diferenciada el régimen de infracciones y sanciones de sus directivos o administradores.*

## 14.1 Appendix J1: ANEXO I (pg. 30); REGLAMENTO PARA COMBATIR EL AMAÑO DE PARTIDOS; Parte I; PREVENCIÓN

***ARTÍCULO 1. POLÍTICA DE TOLERANCIA CERO***

1) *A los efectos de la aplicación del presente reglamento, la APF adopta expresa e irrevocablemente su POLÍTICA DE TOLERANCIA CERO ante todo tipo de manipulación o influencia ilícita en los resultados de los partidos, sea directa o indirectamente; por lo cual la APF ratifica su compromiso con este principio fundamental reflejado en la política de la FIFA en esta materia.*

2) *En tal sentido y en virtud al presente instrumento, se prohíbe a las personas sujetas al presente reglamento y al Código de Ética de la APF, participar directa e indirectamente y/o estar asociadas de manera alguna con sistemas y plataformas de apuestas, loterías, juegos de azar o actividades similares, a negocios relacionados con partidos de fútbol. Tampoco tendrán relación alguna, sea ésta de forma activa o pasiva; en compañías, empresas, organizaciones o similares, que promuevan, concierten, organicen o dirijan dichas actividades o transacciones.*

***ARTÍCULO 2. MARCO NORMATIVO Y ORGANIZACIÓN JURISDICCIONAL***

1) *La APF adapta su marco normativo para abordar de forma concreta la manipulación o amaño de partidos o de competiciones de fútbol, mediante la entrada en vigor del Código de Ética y del presente reglamento, con base en sus estatutos.*
2) *La APF establece, de conformidad con lo dispuesto en el artículo 30 del Código de Ética, los siguientes órganos:*
   a. *El Órgano de Instrucción, con competencias exclusivas para investigar la conducta de todas las personas sujetas al código, y*
   b. *El Tribunal de Ética, con competencias exclusivas para juzgar y decidir respecto de la conducta de todas las personas sujetas al código.*

***ARTÍCULO 3. PUNTO DE CONTACTO***

1) *La APF nombra un solo "punto de contacto", que coincide con el Órgano de Instrucción establecido en el Código de Ética.*

2) *El punto de contacto es el encargado de actuar en todo lo relacionado con el amaño de partidos o de competiciones de fútbol, siendo sus principales funciones:*
   a. *Establecer y mantener las iniciativas de integridad en el seno de la APF.*
   b. *Recibir información a propósito del amaño de partidos en el seno de la APF.*
   c. *Llevar a cabo investigaciones para esclarecer los hechos o nombrar a un encargado de ello.*
   d. *Servir como contacto con la FIFA y su eficiente sistema de supervisión.*
   e. *Previo mandato, llevar a cabo investigaciones y pesquisas para esclarecer los hechos, en estrecha colaboración con el Tribunal de Ética.*
   f. *Trabajar con las autoridades correspondientes, tanto policiales como judiciales.*

***ARTÍCULO 4. COMPROMISOS INSTITUCIONALES***

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1) *La APF establecerá una iniciativa de integridad nacional, con enfoque holístico, que fomente programas de integridad basados en los cinco pilares de la iniciativa de la FIFA: prevención, gestión de riesgos, recopilación de información, investigación e imposición de sanciones.*

2) *La APF lanzará programas de formación específicos encaminados a que los principales protagonistas aprendan a "reconocer, resistirse y denunciar" todo intento de manipular encuentros.*

3) *La APF encarará la misión de:*
   a. *Requerir a los árbitros de fútbol, futsal y fútbol playa, la firma de una "declaración de integridad" mediante la cual conozcan la reglamentación en materia de lucha contra el amaño de partidos, así como las formas de denunciar comportamientos sospechosos.*
   b. *Redactar una cláusula para los contratos de trabajo deportivo que incluya la mención específica a la sanción y posible anulación del contrato en caso de que se sancione al jugador por participar en el amaño de partidos.*

4) *La APF actuará con diligencia debida en materia administrativa y establecerá los cauces reguladores para protegerse de posibles injerencias de terceros o amaños de partidos, basados en el Reglamento FIFA de partidos internacionales, que establece estándares en la administración de dichos encuentros.*

5) *La APF formulará una estrategia comunicacional en caso de amaño que gestione correctamente y destaque su función, respuesta, acciones y postura frente a la manipulación de partidos, para abordar adecuadamente la eventual crisis con la prensa.*

***Parte II***
***GESTIÓN DE RIESGOS***

***ARTÍCULO 5. EVALUACIÓN DE LA GESTIÓN DE RIESGOS***

*La APF evaluará sus competiciones para determinar si existe el riesgo de que se amañen partidos, de la siguiente forma:*
   a. *Determinará si existe riesgo de amaño en su ámbito de competencia sobre la base de factores relacionados con los mercados de apuestas, preferentemente, mediante la evaluación con la ayuda de un sistema de supervisión – Early Warning System (EWS) o similar – que ofrezca datos sobre el número de casas de apuestas que ofertan partidos de la APF en el mercado.*
   b. *Determinará si existe riesgo de manipulación con fines deportivos, a través del análisis de la estructura competitiva, como los partidos del final de la temporada o de la fase de grupos en los que uno de los equipos no tiene interés alguno en ganar o perder debido a que tiene garantizado su posición o clasificación, en tanto su adversario lucha contra el descenso o por clasificarse y necesita los puntos y/o un resultado determinado.*

***ARTÍCULO 6. ADSCRIPCIÓN A UN SISTEMA DE SUPERVISIÓN EFICAZ***

*La APF se adscribirá a un sistema de supervisión eficaz, como el Early Warning System (EWS) creado por la FIFA, para supervisar el mercado de apuestas deportivas legales en relación con todos los partidos de su competencia.*

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***Parte III***
***INFORMACIÓN***

***ARTÍCULO 7. INTERCAMBIO DE INFORMACIÓN Y BUENAS PRÁCTICAS***

1) *La APF, a través de su punto de contacto, compartirá la evolución, la información y las buenas prácticas relacionadas con sus casos, las acciones legales o cualquier información en materia de inteligencia con la división de Seguridad de la FIFA o los órganos jurisdiccionales de la FIFA de forma habitual.*

2) *La APF, a través de su punto de contacto, se relacionará con los principales protagonistas y las autoridades administrativas – como la CONAJZAR – las policiales y las judiciales.*

***ARTÍCULO 8. MECANISMO DE DENUNCIAS***

*La APF pondrá en marcha un mecanismo que pueda usarse para denunciar de forma confidencial todo intento de acercamiento sospechoso o actividades relacionadas con el amaño de partidos, de forma que jugadores, árbitros, oficiales, administradores, implicados y otros miembros de la comunidad futbolística dispongan de una vía para denunciar casos de manipulación, corrupción u otras infracciones en materia ética o disciplinaria.*

***ARTÍCULO 9. CENTRALIZACIÓN DE LA INFORMACIÓN***

1) *Dada la naturaleza mundial y multi-jurisdiccional del amaño de partidos, la APF coordinará con la CONMEBOL y la FIFA la información a nivel nacional, continental e internacional.*

2) *Toda información o informes de posible manipulación que surjan antes, durante o después de un partido, incluido todo intento de acercamiento por parte de terceros que tratan de manipular cualquier aspecto del partido, y todo informe del sistema de supervisión sobre irregularidades en las apuestas se comunicarán, sin mayor demora, a la división de Seguridad de la FIFA para que esta actúe y ofrezca su apoyo.*

***ARTÍCULO 10. RECOPILACIÓN DE LA INFORMACIÓN***

*La APF, a través de su punto de contacto, recabará, analizará y recopilará la información sobre actividades reales relacionadas con el amaño de partidos, incluidos los informes en prensa o fuentes desconocidas, con el fin de conformar el enfoque de la gestión de riesgos de la iniciativa de integridad nacional.*

***Parte IV***
***PROCEDIMIENTO DE INVESTIGACIÓN E INSTRUCCIÓN***

***ARTÍCULO 11. VÍAS DE INVESTIGACIÓN***

*La APF dispensará sus mejores oficios para dotarse de vías para investigar o llevar a cabo pesquisas administrativas para determinar los hechos relacionados con casos o acusaciones de amaño de partidos, mediante las cuales:*

a. *Se establezca un sistema para gestionar las sospechas o alegaciones de partidos manipulados que sea capaz de:*

I. *Nombrar a la/s persona/s que deban iniciar el proceso de investigación;*

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II. *Recabar, examinar y determinar la validez de la información;*
III. *Hallar las disposiciones clave y las infracciones;*
IV. *Individualizar a los posibles infractores y posibles testigos para obtener declaraciones y corroboraciones;*
V. *Planificar las pesquisas para determinar los hechos, y*
VI. *Señalar los recursos, la prioridad de los casos y el marco para llevar a cabo la investigación.*

b. *Se recabe, analice y use la información pertinente de apuestas ilegales obtenida gracias al sistema de supervisión para detectar actividades sospechosas durante el partido.*
c. *Se adopten medidas preventivas, tal como como se definen en el artículo 12.*
d. *Se inicien las pesquisas para determinar los hechos, a través del punto de contacto de partes externas.*
e. *Se gestionen los resultados, pruebas, documentos e informes de la investigación.*
f. *Se aborden las sanciones por parte del Tribunal de Ética.*
g. *Se establezca un mecanismo de coordinación con otros protagonistas a nivel nacional e internacional.*
h. *Se consolide una cooperación entre el punto de contacto y el Tribunal de Ética.*
i. *Se garanticen la confidencialidad, el anonimato y la imparcialidad en todo momento.*
j. *Se busquen resultados de las decisiones sancionadoras de conformidad con las infracciones cometidas.*

***ARTÍCULO 12. MEDIDAS PREVENTIVAS ANTES O DURANTE EL PARTIDO***

1) *Antes de un partido o durante el mismo, en caso de que el punto de contacto de la APF reciba un informe sobre posibles irregularidades o que señale el riesgo de posible amaño, deberá actuar de inmediato para velar por la integridad del partido o la competición.*

2) *El punto de contacto será el responsable de actuar y de adoptar más medidas para recabar y conservar más información y pruebas para corroborar la veracidad de la información.*

3) *Si se descubren irregularidades antes o durante el partido, el punto de contacto deberá considerar medidas preventivas que aumenten la seguridad, supervisión, observación e información del partido, debiendo coordinarse con los comisarios de partido u organizadores, de ser posible, para celebrar o participar en reuniones informativas, en tanto sean necesarias. Cuando se produzcan situaciones graves, el punto de contacto podrá considerar que se sustituya a los árbitros o se retrase o posponga el partido, en colaboración con las autoridades pertinentes de la APF.*

4) *Las acciones de carácter preventivo del punto de contacto deben enmarcarse dentro de sus obligaciones y observar la reglamentación de la APF.*

5) *Asimismo, el punto de contacto coordinará las actividades sospechosas o irregularidades que se comuniquen al Tribunal de Ética, a fin de que dicho órgano pueda adoptar, de ser necesario, medidas provisionales adicionales.*

***ARTÍCULO 13. PROTOCOLO DE PROCEDIMIENTO***

1) *Antes de que se detecten posibles irregularidades previas al partido o durante el mismo, el punto de contacto de la APF deberá gestionar la puesta en vigor de un protocolo de procedimiento.*

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2) *La decisión de posponer o cambiar el horario de un encuentro solamente podrá ser adoptada por el Tribunal de Ética, dada su relevancia y repercusión. Solo se considerará cuando exista un grave riesgo contrastado para la integridad del partido y siempre en colaboración con el organizador responsable.*

3) *Tras el partido, el punto de contacto comenzará las pesquisas para esclarecer los hechos e investigar a fondo el informe o irregularidad inicial y preparar un informe final para el Tribunal de Ética.*

***ARTÍCULO 14. INVESTIGACIONES O PESQUISAS ADMINISTRATIVAS***

1) *El punto de contacto de la APF llevará a cabo un proceso interno de investigación basado en el presente reglamento y en las "Recomendaciones específicas para combatir el amaño de partidos. Directrices para las asociaciones miembro de la FIFA", comunicadas por la Circular N° 1424 del 30 de mayo de 2014. Este proceso se iniciará tras recibir informes o descubrir irregularidades una vez que el partido haya terminado.*

2) *La división de Seguridad de la FIFA podrá intervenir y trabajar estrechamente con el punto de contacto, de conformidad con lo dispuesto por el artículo 62, párrafo 4, del "Reglamento FIFA de Seguridad en los Estadios".*

***ARTÍCULO 15. BASE DE LA INVESTIGACIÓN***

1) *El Código de Ética de la APF permite y autoriza la investigación e indagación sobre las alegaciones de partidos amañados u otras infracciones señaladas en el mismo.*

2) *De acuerdo a lo señalado en el artículo 63 del Código de Ética, el punto de contacto está autorizado para dirigir estas investigaciones, asistiendo al Tribunal de Ética.*

***ARTÍCULO 16. REUNIONES DE COORDINACIÓN CON EL TRIBUNAL DE ÉTICA***

1) *Cuando el punto de contacto considere necesaria la investigación para emprender posibles acciones disciplinarias relacionadas con el amaño de partidos, celebrará una reunión inicial con el Tribunal de Ética para coordinar el caso y, posiblemente, solicitarle que proceda a su apertura con carácter formal.*

2) *La apertura formal del caso:*
   a. *Ofrecerá las garantías procesales debidas y la aplicación precisa de las disposiciones normativas en la búsqueda de sanciones.*
   b. *Obligará al o los acusados a cumplir con los procedimientos establecidos, lo que puede ayudar a esclarecer los hechos.*

3) *La reunión de coordinación servirá para definir el ámbito de la misión investigadora, las posibles pruebas, el alcance de las entrevistas y los testigos, el curso y la naturaleza de las entrevistas y las normas que rigen la pertinencia y admisibilidad de las pruebas. El punto de contacto y el Tribunal de Ética también decidirán cuándo es necesaria más ayuda en la investigación, allí donde los recursos, la complejidad del caso o los límites jurisdiccionales lo requieran.*

***ARTÍCULO 17. CASOS COMPLEJOS Y MULTIJURISDICCIONALES***

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1) *Cuando el ámbito de la misión investigadora supere los recursos disponibles o la capacidad del responsable, sobre todo en los casos complejos, el punto de contacto, podrá enviar por escrito una solicitud a la Secretaría General de la APF para que contacte con la división de Seguridad de la FIFA y obtenga su apoyo. En esta solicitud debe reflejarse por escrito de forma clara que la APF tiene la prioridad en la investigación pero requiere la ayuda de la división de Seguridad de la FIFA debido a infracciones disciplinarias o éticas. El director de Seguridad de la FIFA adoptará una decisión, como estime oportuna, sobre la base de los recursos disponibles y la veracidad y naturaleza de las alegaciones de amaño de partidos.*

2) *En los casos en que la división de Seguridad de la FIFA ofrezca su apoyo a la APF., ésta última garantizará que la división pueda trabajar de forma eficaz. Por tanto, todos aquellos que se encuentren dentro del ámbito de competencias de la APF estarán obligados a sujetarse a la investigación, aclarando los hechos y las circunstancias tanto al punto de contacto como a la división de Seguridad de la FIFA, de conformidad con las disposiciones establecidas en el artículo 27 del presente reglamento.*

3) *El punto de contacto y la división de Seguridad de la FIFA adoptarán las medidas necesarias de acuerdo con la normativa nacional. En determinadas circunstancias, la división de Seguridad de la FIFA se reserva el derecho de asumir la prioridad en la investigación si el caso lo requiere, sin menoscabo de la competencia de los órganos jurisdiccionales de la FIFA para decidir sobre su propia competencia y, donde proceda, sobre la base de los hechos del caso.*

***ARTÍCULO 18. PREPARACIÓN DEL INFORME FINAL PARA EL PROCEDIMIENTO ANTE EL TRIBUNAL DE ÉTICA***

1) *En todos los casos, el punto de contacto preparará un informe final por escrito con toda la información relevante sobre los hechos relacionados con el amaño de partidos que se hayan descubierto durante la investigación. Este documento se enviará al Tribunal de Ética para que adopte las medidas disciplinarias recomendadas, con copia a la división de Seguridad de la FIFA para informarle acerca de los procedimientos.*

2) *En concreto, el informe final contendrá:*
   a. *Un registro detallado de todas las acciones emprendidas en el curso de la investigación.*
   b. *La presentación detallada de los hechos.*
   c. *Un informe del sistema de supervisión (en caso de existir) acerca de irregularidades en el mercado de apuestas.*
   d. *Una evaluación (preliminar), en particular de las disposiciones que seguramente se hayan infringido y de los infractores, y*
   e. *Recomendaciones sobre futuras acciones con base en los resultados de la investigación.*

3) *El punto de contacto hará llegar el informe al Tribunal de Ética para:*
   a. *Hacerlo conocedor de los hechos y las circunstancias, de manera tal que proceda conforme los siguientes pasos, en particular, que emprenda acciones disciplinarias.*
   b. *Permitirle abrir un procedimiento contra el sospechoso o sospechosos.*

***ARTÍCULO 19. COORDINACIÓN CON AUTORIDADES JUDICIALES Y POLICIALES***

*Cuando sea necesario y pertinente, el punto de contacto deberá contactar con las autoridades judiciales y policiales nacionales. Esta remisión del caso a la autoridad pública no implica la*

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*suspensión del procedimiento interno en sede de la APF, que será paralelo y complementario al procedimiento judicial, en tanto fuese posible.*

***Parte V***
***PROCEDIMIENTO DE DECISIÓN Y SANCIÓN***

***ARTÍCULO 20. TRIBUNAL DE ÉTICA***

1) *En materia de amaño de partidos, el Tribunal de Ética se constituye con la presencia de al menos tres (3) miembros, incluido el presidente, de conformidad con lo establecido en los artículos 30, párrafo 2, 31, párrafo 2, del Código de Ética y 73 de los Estatutos de la APF.*

2) *Cuenta con una oficina auxiliar que lo ayuda con la administración de los casos, a tenor de lo dispuesto por el artículo 33 del Código de Ética de la APF.*

3) *El Tribunal de Ética se reunirá cuando sea necesario o posible, tras recibir el informe de supuestos amaños de partidos del punto de contacto u otras fuentes. Asimismo, se informará al acusado o a los acusados de los cargos que se le imputan cuando se abran procedimientos disciplinarios.*

***ARTÍCULO 21. TIPOS DE PRUEBA***

1) *Podrá reproducirse todo tipo de prueba, como, entre otros, documentos, informes de oficiales, declaraciones de las partes, declaraciones de testigos, grabaciones en audio y vídeo, opiniones de expertos y cualquier otro medio que resulte relevante para el caso. La información técnica obtenida por el sistema de supervisión puede y debe ser usada como prueba en procedimientos judiciales o disciplinarios; los empleados del sistema pueden participar como peritos en los mismos procedimientos.*

2) *El Tribunal de Ética hará un uso particular del informe final, la información y las pruebas recibidas del punto de contacto y del resto de las partes involucradas.*

3) *El Tribunal de Ética goza de discreción absoluta para evaluar las pruebas. Dictará sus resoluciones sobre la base de su íntima convicción.*

4) *La carga de la prueba, tratándose de la comisión de faltas disciplinarias, incumbe al punto de contacto y al Tribunal de Ética.*

***ARTÍCULO 22. COLABORACIÓN DE LAS PARTES Y DE LOS TESTIGOS***

1) *La APF, a través de los mecanismos institucionales y normativos disponibles, podrá:*
   a. *Obligar a las partes a colaborar para esclarecer los hechos. Éstas deberán, en especial, facilitar la información que les solicite el Tribunal de Ética.*
   b. *Obligar a las partes a esclarecer los hechos del caso, a decir la verdad absoluta y a responder a las preguntas que se les formulen según su mejor saber y entender.*

2) *En caso de que las partes se demoren en responder, el Tribunal de Ética podrá, una vez advertidas, imponerles una sanción proporcional al hecho en sí, incluso, la prohibición de ejercer actividades relacionadas con el fútbol por el plazo de hasta dos (2) meses.*

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3) *En ciertos y determinados casos, podrán aplicarse los artículos 44 y 45 del Código de Ética de la APF, que regulan la posibilidad de testificar de forma anónima.*

***ARTÍCULO 23. ALCANCE DE LOS DERECHOS DE LAS PARTES***

1) *Las partes tendrán los siguientes derechos:*

   a. *Recibir asistencia jurídica, al igual que a ser representadas cuando no se exija su comparecencia personal. Podrán elegir libremente su representación, así como decidir si desean o no hacer uso de la asistencia jurídica.*
   b. *Ser oídas antes de que se dicte resolución.*
   c. *Examinar el expediente.*
   d. *Formular alegaciones de hecho y de derecho.*
   e. *Solicitar la práctica de pruebas.*
   f. *Participar en la práctica de pruebas.*
   g. *Que la resolución esté fundamentada.*

2) *La decisión adoptada por el Tribunal de Ética deberá contener:*

   a. *Su composición.*
   b. *La identidad de las partes.*
   c. *La expresión resumida de los hechos.*
   d. *Los fundamentos de derecho.*
   e. *Las disposiciones normativas invocadas y aplicadas.*
   f. *El fallo, y*
   g. *La indicación de las vías de recurso.*

3) *De conformidad con lo enunciado por el artículo 41 del Código de Ética de la APF, las actuaciones, decisiones y otro tipo de documentos se notificarán por correo electrónico directamente a las personas sujetas a este reglamento, las que deberán consignar su dirección de correo al momento de su primera intervención procesal. A continuación, podrá enviarse una carta certificada. Las notificaciones por correo electrónico se considerarán un medio de comunicación válido y suficiente para establecer plazos y exigir su observancia. La entrega de documentación por fax no tendrá efectos legales.*

4) *En casos concretos y a criterio del Tribunal de Ética, las decisiones, así como cualesquiera otros documentos cuyos destinatarios sean jugadores u oficiales, podrán remitirse al club correspondiente, siendo obligación de esta trasladar el documento a los interesados. Se entenderá que los documentos han sido debidamente notificados o comunicados al destinatario final transcurridos cuatro (4) días de haberse efectuado dicha notificación o comunicación al club, siempre que no se hayan enviado únicamente a la parte correspondiente.*

***ARTÍCULO 24. SANCIONES DE ALCANCE MUNDIAL***

1) *Todas las decisiones adoptadas por el Tribunal de Ética de la APF se enviarán a la FIFA, con el fin de que su efecto se amplíe a escala mundial. Por tanto, deberá presentarse a la FIFA la siguiente documentación:*
   a. *SSolicitud de ampliación del efecto.*
   b. *Copia de la decisión en uno de los cuatro idiomas oficiales de la FIFA.*

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c. *Identificación del o los sancionados, es decir: nombre y apellidos, club, nacionalidad y fecha de nacimiento.*
d. *Documento donde conste la infracción cometida por el o los sancionados: carta donde se los mencione o acuse o informe final del punto de contacto.*
e. *Prueba de que se ha respetado el derecho a ser oído, en el cuerpo de la decisión.*
f. *Prueba de que se han notificado la decisión y el documento que menciona o acusa a la o las personas: correo electrónico, acuse de recibo o correo postal.*

2) *La decisión podrá recurrirse conforme con el procedimiento de apelación establecido en el Código de Ética de la APF.*

***Parte VI***
***DERECHO SUSTANTIVO APLICABLE***

***ARTÍCULO 25. ÁMBITO DE APLICACIÓN***

1) *Este reglamento se centra en normas generales, procedimentales, organizativas y en el derecho sustantivo en materia de amaño de partidos. Se encuentra armonizado con la normativa específica de la FIFA y de la APF.*

2) *La aplicación del presente reglamento se extiende a todos los partidos y competiciones organizados por la APF. Están sujetos a sus prescripciones:*
   a. *Todos los miembros directos e indirectos de la APF, en particular los clubes.*
   b. *Jugadores.*
   c. *Árbitros.*
   d. *Oficiales.*
   e. *Agentes organizadores de partidos e intermediarios de clubes y jugadores.*

***ARTÍCULO 26. GENERALIDADES DE LAS SANCIONES***

1) *Las infracciones al presente reglamento serán punibles con una o más sanciones establecidas en el artículo 7 del Código de Ética de la APF.*

2) *La sanción impuesta será proporcional a la gravedad de la infracción.*

3) *La APF notificará a la FIFA las sanciones impuestas sobre la base de estas recomendaciones y de solicitar su extensión de conformidad con el artículo 136 del Código Disciplinario de la FIFA. También se tendrá especialmente en cuenta el artículo 12 del Reglamento sobre el Estatuto y la Transferencia de Jugadores de la FIFA.*

***ARTÍCULO 27. PRINCIPIOS SANCIONADORES***

1) *Culpabilidad: Se sancionarán las infracciones mencionadas en las presentes recomendaciones que se hayan cometido deliberadamente o por negligencia.*

2) *Tentativa: Es también punible la tentativa.*

3) *Participación: Aquellos que intencionalmente induzcan o se hagan cómplices de los autores de una infracción mencionada en el presente reglamento, incurrirán en responsabilidad sancionable.*

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4) *Reincidencia: El Tribunal de Ética podrá, en el supuesto de que el infractor fuese reincidente, incrementar la sanción que corresponda.*

5) *Simultaneidad de infracciones: Cuando, por la comisión de una o más infracciones, a una persona se le impongan varias sanciones el Tribunal de Ética basará la sanción en la infracción más grave, sin perjuicio de que pueda incrementarse analizando las circunstancias, si bien, en todo caso, tal incremento no podrá superar la mitad del máximo de la cuantía prevista para la infracción de mayor gravedad. Idéntica regla se aplicará cuando, por la comisión de una o más infracciones, una persona hubiese incurrido en faltas para las que se prevén sanciones con una duración de la misma naturaleza.*

***ARTÍCULO 28. PRINCIPIO DE PROTECCIÓN DE LA INTEGRIDAD DEL FÚTBOL***

*Quienes estén sujetos a este reglamento se abstendrán de ejercer toda conducta que perjudique o pudiera perjudicar la integridad de los partidos. Asimismo, estarán obligados a cooperar en todo momento con los órganos competentes en su lucha contra tal comportamiento.*

***ARTÍCULO 29. OBLIGACIÓN DE INFORMAR Y DENUNCIAR***

*Será sancionada toda persona sujeta al presente reglamento que, en los términos del artículo 17 del Código de Ética de la APF:*

a. *No informe de inmediato y de forma voluntaria al punto de contacto de la APF respecto de toda conducta que haya observado y esté prohibida por este reglamento.*
b. *En concreto, no comunique inmediatamente toda oferta que se le haya hecho en relación con alguna conducta prohibida por este reglamento, sin importar si la aceptó o la rechazó.*

***ARTÍCULO 30. AMAÑO DE PARTIDOS O COMPETICIONES DE FÚTBOL***

1) *Será sancionada todo persona sujeta al presente reglamento que, en los términos del artículo 29 del Código de Ética de la APF:*
   a. *Se encuentre involucrada en el amaño de partidos o de competiciones de fútbol, o*
   b. *Que acepte, conceda, ofrezca, prometa, reciba, pida o solicite ventajas pecuniarias o de otro tipo en relación con el amaño de partidos o competiciones de fútbol, en su beneficio o en el beneficio de terceros.*

2) *Será sancionado de la misma manera quien ayude a otra persona a cometer alguna de las infracciones descritas en el párrafo 1.*

3) *En caso de que sea un jugador o un oficial el involucrado, tal como describe el párrafo 1, también se podrá sancionar al club al que pertenezca el jugador o el oficial. En casos especialmente graves, se podrá sancionar al infractor con la exclusión de una competición, el descenso a una categoría inferior, la deducción de puntos y/o la devolución de premios.*

4) *Incluso en los casos de amaño de un partido de fútbol, el resultado del mismo permanecerá inalterable.*

***ARTÍCULO 31. COHECHO***

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1) *Será sancionada toda persona sujeta al presente reglamento que, en los términos del artículo 27 del Código de Ética de la APF:*
   a. *Acepte, conceda, ofrezca, prometa, reciba, pida o solicite beneficios personales o económicos indebidos u otras ventajas, a fin de conseguir o mantener un negocio o cualquier otro beneficio deshonesto en beneficio o por medio de cualquier persona de la APF, la CONMEBOL, la FIFA o ajena a estas entidades.*
   b. *Solicite, garantice, acepte, ofrezca, prometa u otorgue beneficios personales o económicos indebidos u otras ventajas por la ejecución u omisión de un acto relacionado con sus actividades oficiales y que dé lugar a un incumplimiento de sus obligaciones o sobre el que tengan poder de decisión, o*
   c. *Realice una actividad o se comporte de forma que pudiera dar la impresión o despertar sospechas de una contravención de la presente disposición y del artículo 27 del Código de Ética de la APF.*

2) *Será aplicable también lo dispuesto en el artículo 82 del Código Disciplinario de la APF.*

***ARTÍCULO 32. IMPLICACIÓN EN APUESTAS, JUEGOS DE AZAR O ACTIVIDADES SIMILARES***

1) *Será sancionada toda persona sujeta al presente reglamento que, en los términos del artículo 26 del Código de Ética de la APF:*
   a. *Participe, directa o indirectamente, en apuestas, juegos de azar, loterías y actividades o negocios similares relacionados con partidos o competiciones de fútbol y/u otras actividades relacionadas con el fútbol.*
   b. *Tenga todo tipo de intereses, de forma directa o indirecta (a través de terceros o con la colaboración de estos), en entidades, empresas, organizaciones, etc. que promuevan, negocien, organicen o dirijan apuestas, juegos de azar, loterías o eventos o transacciones similares relacionadas con partidos o competiciones de fútbol.*

***ARTÍCULO 33. REVELACIÓN Y USO DE INFORMACIÓN PRIVILEGIADA***

*Será sancionada toda persona sujeta al presente reglamento que, en los términos del artículo 16 del Código de Ética de la APF:*
   a. *Haga uso de información que no sea pública, que haya obtenido gracias a su posición en el mundo del fútbol y con ello dañe o pueda dañar la integridad de un partido organizado por la APF en su propio beneficio económico, en beneficio de terceros o con cualquier otro fin, o*
   b. *Revele o publique la información descrita en el inciso precedente a terceros de dentro o fuera de la APF, en beneficio económico de dichos terceros o con cualquier otro tipo de beneficio o fin.*

***Parte VI***
***PUNTO DE CONTACTO***

***ARTÍCULO 34. CONOCIMIENTOS***

*El punto de contacto deberá contar con suficientes conocimientos sobre la legislación nacional y la normativa federativa aplicable, a efectos de que:*
   a. *Pueda decidir a quién compete cada caso (nacional, internacional, FIFA, CONMEBOL y si concurre un delito que requiera la aplicación de la ley penal).*
   b. *Sepa cómo aplicar la diferente normativa y la información requerida para imponer sanciones en la APF.*

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c. *Distinga entre infracciones disciplinarias y hechos punibles (qué casos remitir, también, a la policía).*
d. *Conozca los requisitos y el funcionamiento del Tribunal de Ética que impone las sanciones.*
e. *Conozca el "modus operandi" de quienes amañan partidos, es decir, las técnicas de adiestramiento, acercamientos, indicadores sobre el terreno, tanto para apuestas como para obtener beneficios deportivos.*
f. *Sepa cómo funcionan las apuestas, legales e ilegales, en el extranjero y online.*
g. *Sepa cómo desarrollar y gestionar las fuentes de información.*
h. *Respete la confidencialidad y el anonimato, si correspondiera.*
i. *Conozca el grado de certeza jurídica de "convicción personal" o de "satisfacción razonable", según la jurisprudencia del TAD.*
j. *Entienda los procedimientos de instrucción, decisión y apelación, incluidos los principios de diligencia, apariencia de legalidad, ramificación de las acciones, responsabilidad y otros procedimientos dificultosos con respecto al proceso de apelación ante el TAD.*

***ARTÍCULO 35. FUNCIONES***

*El punto de contacto asumirá las siguientes funciones:*

a. *Aplicar la iniciativa de integridad nacional de la APF.*
b. *Cuando así se le solicite, informar sobre el desarrollo de la iniciativa al Consejo Ejecutivo de la APF.*
c. *Planificar el procedimiento y objetivos de la investigación.*
d. *Llevar a cabo investigaciones o pesquisas de conformidad con el presente reglamento y el Código de Ética de la APF.*
e. *Recopilar documentación, informes, papeles, pruebas documentales y otros artículos relevantes.*
f. *Obtener y acopiar otros tipos de prueba, mediante solicitudes consentidas o registros financieros, de llamadas telefónicas u otras pruebas forenses como correos electrónicos y correspondencia, etc.*
g. *Entrevistar a testigos, sospechosos o acusados, delatores, etc.*
h. *Analizar y evaluar la veracidad o legitimidad de la información.*
i. *Usar la información de forma adecuada sin revelar aspectos confidenciales, es decir, técnicas de construcción paralela.*
j. *Redactar y presentar informes ante el Tribunal de Ética para que adopte sanciones.*

***ARTÍCULO 36. RESPONSABILIDADES***

*Las responsabilidades mínimas y concretas que asumirá el punto de contacto, serán las siguientes:*

a. *Coordinarse de forma habitual con el Tribunal de Ética para tratar casos, pesquisas e investigaciones.*
b. *Contactar con la policía, las autoridades judiciales (como fiscales, defensores públicos, abogados) y otros, así como establecer colaboraciones.*
c. *Contribuir a intercambiar información, hablar de la experiencia adquirida y de las mejores prácticas posibles con otras asociaciones nacionales, confederaciones y con la FIFA.*
d. *Realizar campañas de formación, sensibilización, educación y prevención que respondan a los pilares de la iniciativa de integridad de la FIFA: prevención, gestión de riesgos, recopilación de información, investigación e imposición de sanciones.*
e. *Participar en la campaña de integridad FIFA–INTERPOL, centrada en el marco de alianzas, información, coordinación, prevención y proactividad para jugadores, oficiales, árbitros y*

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*otros protagonistas y aplicar dichas campañas en todos los niveles de la estructura de gobierno y organización de la APF.*

f. *Desarrollar y poner en práctica una estrategia vertical ante los medios para controlar la información, evitar revuelos y destacar que la lucha contra el amaño de partidos y competiciones de fútbol requiere de iniciativa propia.*
g. *Ser justo e imparcial en las investigaciones; no ceder a presiones externas u otras motivaciones políticas.*

***ARTÍCULO 37. MEDIDAS PREVENTIVAS SUSCEPTIBLES DE ADOPCIÓN***

*El punto de contacto, siempre en el marco de sus obligaciones contempladas en la normativa, podrá adoptar medidas preventivas en caso de que existan sospechas de que se ha amañado un partido o una competición, o se ha manipulado de alguna manera, esté programado o en marcha. Ellas podrán consistir en:*

a. *Asistencia a las reuniones previas al partido.*
b. *Coordinación con el comisario de partido asignado.*
c. *Reuniones de árbitros previas al partido.*
d. *Reuniones de equipos, entrenadores y otros oficiales, previas al partido.*
e. *Reunión del asesor de árbitros previa al partido, independiente de los árbitros asignados.*
f. *Supervisión coordinada de los mercados de apuestas antes y durante el partido, a través del sistema de supervisión.*
g. *En casos especialmente graves, recomendación al comisario de partido que sustituya a los árbitros asignados, en cumplimiento del Reglamento de partidos internacionales de la FIFA.*
h. *Intensificación de las medidas de seguridad en la zona de la competición y del terreno de juego para incluir los pasillos de los vestuarios, el túnel de vestuarios y las zonas de los equipos en el campo.*
i. *Aumento del control de personal y acceso por acreditación a los vestuarios.*
j. *Verificación de la identidad de árbitros, jugadores y oficiales.*
k. *Aumento de la seguridad y restricción del acceso a la zona de la competición, incluido el acceso a los túneles.*
l. *Grabaciones del partido para recabar pruebas, incluidas imágenes en tiempo real desde ángulos alternativos.*
m. *Coordinación con el coordinador de seguridad de la sede y/o los auxiliares, policías u otra compañía privada de seguridad de la sede.*
n. *Contacto con los investigadores de la división de Seguridad de la FIFA para recibir ayuda.*
o. *Coordinación con los oficiales de seguridad de los equipos para aumentar la vigilancia en los hoteles.*
p. *Coordinación con las autoridades judiciales y policiales para adoptar más medidas preventivas.*
q. *Prohibición del uso de dispositivos móviles de comunicación, incluidos los ordenadores portátiles con conexión inalámbrica, dentro de la zona de la competición.*
r. *Presentación inmediata del informe del partido redactado por el árbitro.*
s. *Informes detallados que documenten las medidas adoptadas, con nombre, cargo, actividad, observaciones, etc.*
t. *Coordinación con el Tribunal de Ética para imponer medidas provisionales (en caso de que se observen infracciones antes o durante el partido) e iniciar procedimientos disciplinarios.*
u. *En casos especialmente graves, la posibilidad de poner a consideración del Tribunal de Ética el retraso o postergación del partido, solo en caso de que el comisario del partido, los coordinadores de la competición y otras autoridades estén de acuerdo.*

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***ARTÍCULO 38. CONTENIDO DEL INFORME FINAL PARA EL TRIBUNAL DE ÉTICA***

*El informe final deberá ser detallado, atenerse a los hechos, estar bien estructurado y:*

a. *Señalar a la persona contra quien se abren diligencias judiciales.*
b. *Centrarse en una única persona como posible acusada.*
c. *En caso de que varias personas cooperasen en la infracción (instigadores, cómplices, etc.), solo mencionar la información necesaria sobre el acusado, dado que el objetivo es evitar que conste información confidencial sobre el acusado en otros expedientes disciplinarios.*
d. *Describir todos los hechos pertinentes, es decir, mencionar el/los partido/s, la conducta del supuesto acusado, etc.*
e. *Indicar detalladamente la labor realizada por punto de contacto. Por ejemplo, las entrevistas realizadas, las fechas, los entrevistados (o quienes rehusaron cooperar), etc.*
f. *Señalar los asuntos objeto de la investigación.*
g. *Adjuntar todas las pruebas, tales como entrevistas, declaraciones de terceros, informes del sistema de supervisión, comprobantes bancarios, registros, justificantes, etc.*
h. *Mencionar si los testigos permanecerán en el anonimato.*
i. *Presentar conclusiones a la atención del Tribunal de Ética.*
j. *Señalar si la información contenida se atiene a los hechos y está contrastada o se trata simplemente de una hipótesis, o si se basa en rumores u otras pruebas indirectas.*

## 14.2 Appendix J2: Estatuto del Futbolista Profesional (Statute of the Professional Football Player)

***LEY N° 5.322***
***QUE ESTABLECE EL ESTATUTO DEL FUTBOLISTA PROFESIONAL.***
***EL CONGRESO DE LA NACIÓN PARAGUAYA SANCIONA CON FUERZA DE LEY***

*Artículo 1.° La naturaleza de la relación jurídica que vincula los Clubes Deportivos con los que se dediquen a la práctica del fútbol profesional, es un contrato de trabajo deportivo, que se regirá por las disposiciones de la presente ley, por el contrato que las partes suscriban. Subsidiariamente se aplicarán las disposiciones laborales que resulten compatibles y las de las convenciones individuales y colectivas que se celebren.*

*Artículo 2.° Habrá contrato válido a los fines de la presente ley cuando una parte se obligue por tiempo determinado a jugar al fútbol, integrando equipos de una entidad deportiva y esta a acordarle por ello una retribución en dinero. Son partes en el contrato:*

a. *los Clubes de la División de Honor o los que participen del campeonato de mayor jerarquía que organiza la Asociación Paraguaya de Fútbol.*
b. *los Clubes de la División Intermedia, de conformidad al estatuto de la Asociación Paraguaya de Fútbol.*
c. *los futbolistas calificados como profesionales por dichos clubes, siempre que hayan cumplido la edad de dieciocho años, con una duración mínima desde la fecha de inscripción hasta el final de la temporada y la duración máxima será de cinco años.*
d. *los futbolistas de dieciséis años con una duración no mayor a tres años.*
e. *los Clubes de la División de Honor y Categoría Intermedia deberán iniciar la temporada anual deportiva con un plantel de jugadores profesionales debidamente habilitados, conforme al*

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*reglamento de la Asociación Paraguaya de Fútbol y de la Federación Internacional del Fútbol Asociado (FIFA).*

*Artículo 3.° De acuerdo con lo dispuesto por la Federación Internacional del Fútbol Asociado (FIFA) y lo previsto en el Estatuto de la Asociación Paraguaya de Fútbol, los Clubes podrán registrar su participación en las diversas competencias que anualmente se celebren a dos categorías de jugadores:*

a. *aficionados.*
b. *no aficionados o profesionales.*
c. *un jugador profesional es uno que tiene un contrato escrito con un Club y percibe un monto superior a los gastos que realmente efectúa por su actividad futbolística. Cualquier otro jugador se considera aficionado.*

***FORMA Y CONTENIDO DEL CONTRATO***

*Artículo 4.° La convención entre Club y jugador se formalizará mediante contrato escrito en cuatro ejemplares de un mismo tenor, que corresponderán: uno para su inscripción en el registro que la Asociación Paraguaya de Fútbol creará; uno para el Club contratante; otro para el jugador que le será entregado en el acto de suscripción, y finalmente; el último ejemplar para la agremiación a la cual está afiliado el futbolista, de conformidad al artículo 27.*
*Los contratos se extenderán en formularios uniformes que proveerá la Asociación Paraguaya de Fútbol, al coste, en los que se harán constar:*

a) *lugar y fecha de celebración.*
b) *la identificación de las partes.*
c) *el objeto del contrato.*
d) *las remuneraciones, beneficios y obligaciones estipulados para el futbolista.*
e) *el tiempo de duración que no podrá ser inferior a un año ni superior a cinco años.*
f) *en los casos de los contratos de los menores de dieciocho años, la duración no podrá ser superior a tres años.*
g) *las partes podrán pactar la extensión y prolongar el contrato de común acuerdo.*

***REGISTRO DE CONTRATO***

*Artículo 5.° El Club, dentro del plazo máximo de diez días, contados a partir de la fecha del contrato, deberá presentar a la Asociación Paraguaya de Fútbol el respectivo contrato para su registro.*
*El jugador deberá, dentro del mismo plazo de diez días de la fecha del contrato, presentar a la Asociación Paraguaya de Fútbol el ejemplar del contrato en su poder para que se certifique su registro o, en su defecto, sea registrado. El incumplimiento por una de las partes de la obligación de presentar el respectivo ejemplar del contrato para los fines indicados más arriba, no invalida la vigencia del contrato, si fuera registrado por la otra.*

*Será nulo todo acuerdo o convención que modifique, altere o desvirtúe el contenido del que se hubiese registrado. No se registrará contrato alguno que no se ajustare a las disposiciones del presente Estatuto, a las convenciones individuales o colectivas y reglamentaciones deportivas nacionales e internacionales de la Federación Internacional del Fútbol Asociado (FIFA) y de la Confederación Sudamericana de Fútbol. El registro del contrato, efectuado de acuerdo con las normas que anteceden, habilitará al jugador a integrar el equipo del Club contratante para los partidos amistosos, oficiales nacionales e internacionales.*

***SUELDOS Y OTROS BENEFICIOS***

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*Artículo 6.° En el contrato se deberá establecer en forma clara y precisa el monto discriminado de la remuneración que el jugador percibirá en concepto de:*

*a) sueldo mensual, que no podrá ser inferior al salario mínimo legal para actividades diversas no especificadas, y en el caso de los menores de dieciocho años lo que establece el Código de la Niñez y la Adolescencia 60% (sesenta por ciento) del mínimo legal.*

*b) otros beneficios que las partes podrán estipular libremente.*

*Artículo 7.° Las remuneraciones devengadas, incluidos sueldos y otros beneficios pactados deberán ser pagados por el Club dentro de los diez días siguientes al del nacimiento de la obligación.*
*El Club que no pagare al jugador las remuneraciones devengadas correspondientes a dos meses corridos, será intimado por la Asociación Paraguaya de Fútbol, a hacerlo a instancia del jugador, por cuenta del mismo y con indicación del monto adeudado.*

*La Asociación Paraguaya de Fútbol dentro de tres días de recibida la reclamación, intimará al Club por telegrama colacionado a depositar en la tesorería de la misma, dentro de los diez días de notificado, el importe reclamado del monto adeudado. Si el Club no justificase la improcedencia del reclamo del jugador o si no hiciere efectivo el depósito correspondiente dentro del término de la intimación, el jugador quedará automáticamente libre y el Club obligado a pagar las remuneraciones devengadas reclamadas y las que hubiere tenido que percibir el jugador hasta la expiración del año corriente del contrato extinguido.*

*Artículo 8.° El jugador profesional de fútbol percibirá como sueldo anual complementario una suma equivalente a la doceava parte, calculada exclusivamente sobre el importe total de sus sueldos mensuales percibidos durante el año calendario, que será abonada en la oportunidad establecida en la ley.*
*Artículo 9.° No se podrá abonar otras remuneraciones que las autorizadas por el presente Estatuto y las establecidas en el propio contrato. El jugador no podrá reclamar premios especiales para o por su participación en determinados partidos, campeonatos y/o torneos cuando no estén específicamente establecidos en el contrato. Si el Club infringiere las disposiciones precedentes, será sancionado con una multa equivalente hasta el décuplo de lo pagado en exceso. Su importe será ingresado en la Tesorería de la Asociación Paraguaya de Fútbol.Si el infractor fuera el jugador, la sanción será la rescisión del contrato y la inhabilitación deportiva por el término de un año.*

***CESIÓN Y TRANSFERENCIAS***

*Artículo 10. Durante la vigencia del contrato los Clubes podrán ceder temporariamente a otros el registro de un futbolista profesional, con el consentimiento expreso de este. El tiempo de cesión no interrumpe ni suspende el término del contrato establecido con la entidad cedente. Vencido el término de la cesión, la entidad cedente reasumirá las obligaciones contenidas en el contrato cedido, con más los aumentos generales producidos, excepto las mayores remuneraciones convenidas por el jugador con la entidad cesionaria.El Club cesionario y el jugador deberán formalizar y registrar el acuerdo que los vinculará durante el período de cesión, cumpliendo las formalidades establecidas en el artículo 4°.*

*Artículo 11. Durante la vigencia del contrato, podrá el registro del jugador ser transferido a Clubes nacionales o del exterior, en forma temporaria o definitiva, con expreso consentimiento del futbolista de conformidad al Reglamento de Transferencia de la Federación Internacional del Fútbol Asociado (FIFA) en su artículo 10.*

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*Artículo 12. Si la transferencia del registro del jugador profesional tuviera lugar mediante contraprestación económica, el futbolista tendrá derecho a percibir un porcentaje sobre la misma, que no será menor de 12% (doce por ciento) cuando fuera a nivel local y del 20% (veinte por ciento) si la transferencia fuera a nivel internacional. El monto que resultare de estos porcentajes, será depositado por el Club transferente, a disposición del jugador. Dichos porcentajes serán irrenunciables por parte del futbolista.*

*Artículo 13. El futbolista cuyo registro haya sido transferido debe convenir con el Club al cual se incorpora, los términos y la formación de un nuevo contrato.*

*Artículo 14. Solo el Club contratante con el propio jugador puede concertar la transferencia a otro Club a nivel local o internacional.*

*Artículo 15. En toda transferencia al exterior, se estipulará expresamente que el futbolista estará a disposición de la Asociación Paraguaya de Fútbol para competencias internacionales en que la Asociación actúe como tal.*

***DERECHOS Y OBLIGACIONES DE LAS PARTES***

*Artículo 16.- El Club está obligado a:*

a. *pagar las estipulaciones económicas y cumplir con las demás prestaciones establecidas en el contrato.*
b. *otorgar asistencia médica integral, para asegurar el desempeño eficiente de las actividades del futbolista.*

*Asimismo, la Asociación Paraguaya de Fútbol establecerá un sistema de Seguro Médico Familiar y de riesgos, de común acuerdo entre las partes.*

a. *conceder un día de descanso semanal, y anualmente treinta días de licencia con goce de remuneración mensual. Salvo acuerdo de partes, los días de licencia serán corridos.*
b. *pagar los gastos de transporte, hospedaje y alimentación en los casos de viaje que deba efectuar el futbolista para el cumplimiento de su contrato.*

*Artículo 17. Cuando el futbolista preste su concurso en equipos representativos de la Asociación Paraguaya de Fútbol, esta substituirá al Club por el tiempo que dure la incorporación del jugador en lo referente a las remuneraciones, pero subsiste entre las partes los derechos y obligaciones estipulados en el contrato.*

*Artículo 18. El futbolista está obligado a:*

a. *prestar sus servicios exclusivamente al Club contratante y cumplir las cláusulas contractuales, el reglamento interno del Club y las resoluciones de la Comisión Directiva.*
b. *mantener y perfeccionar sus aptitudes y condiciones psicofísicas para el desempeño de su actitud, constituyendo la disminución o pérdida de dichas condiciones, por causas imputables a él, falta grave a sus obligaciones.*
c. *desempeñarse con voluntad y eficiencia, poniendo el máximo de sus energías y toda su capacidad como profesional.*
d. *ajustar su régimen de vida a las exigencias de sus obligaciones.*
e. *concurrir puntualmente en el lugar, día y hora que le convoque el Club para intervenir en los partidos, sean estos oficiales o amistosos.*

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f. *cumplir con el entrenamiento que le asigne el Club por intermedio de las personas que designe a ese efecto. Esta obligación subsiste aun cuando se hallase suspendido. Será facultad del Club establecer el lugar y horario de entrenamiento y de concentraciones.*
g. *dar aviso al Club, dentro de las veinticuatro horas de producida cualquier circunstancia que afecte la normalidad de su estado psicofísico, debiendo aceptar la intervención de los profesionales y acatar las prescripciones de los facultativos.*
h. *participar de los viajes que se efectúen para intervenir en competencias que se realicen en el país o en el exterior.*
i. *comportarse con corrección y disciplina, tanto en las concentraciones como en los partidos, siguiendo las indicaciones del Club o de sus representantes, con el debido respeto al público, a las autoridades deportivas, a sus compañeros de equipo y a los jugadores adversarios.*
j. *los adolescentes profesionales de dieciséis años hasta cumplir los dieciocho años no podrán prestar trabajo más de seis horas diarias ni treinta y seis semanales.*

***SANCIONES***

*Artículo 19. En el caso en que el futbolista falte al cumplimiento de sus obligaciones con el Club, este podrá adoptar las medidas previstas en el contrato o en el Reglamento Interno, consistente en amonestación y suspensión por un período que no podrá exceder de sesenta días por cada falta de una misma temporada, previo sumario administrativo, y su sanción deberá ser comunicada a la Asociación Paraguaya de Fútbol.*

*Artículo 20. Las sanciones de inhabilitación aplicadas por los organismos competentes de la Asociación Paraguaya de Fútbol autorizan al Club a suspender el pago de la remuneración del profesional por el término que dure la inhabilitación, siempre que esta fuera mayor a dos fechas, sin perjuicio de la obligación de continuar con sus entrenamientos.*

*Artículo 21. Para que el Club pueda hacer efectivas las sanciones disciplinarias aplicadas con justa causa al jugador, será necesario que la entidad no esté en mora en el pago de las remuneraciones al jugador sancionado.*

***JURISDICCIÓN Y COMPETENCIA***

*Artículo 22. Los Tribunales de Trabajo tendrán competencia para el conocimiento y decisión de todas las cuestiones de carácter contencioso que susciten la formación, cumplimiento o alteración de las relaciones individuales o colectivas previstas en esta ley.*

*Artículo 23. Los jueces del Trabajo, no pueden dejar de administrar justicia ni retardarla, bajo pretexto de silencio, oscuridad o insuficiencia de la ley.*

*RESCISIÓN Y RESOLUCIÓN DEL CONTRATO*

*Artículo 24. El contrato se extingue por:*
a. *mutuo consentimiento.*
b. *el vencimiento del plazo contractual.*
c. *el incumplimiento de las obligaciones contractuales por una parte y a petición de la otra.*
d. *por la transferencia definitiva.*
e. *por la ruptura sin justa causa del contrato. En todos los casos para las indemnizaciones se observarán las reglas previstas en el artículo 17 inciso 2), de los Estatutos de la Federación Internacional del Fútbol Asociado (FIFA).*

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*Artículo 25. En los casos de resolución del contrato por culpa del Club, el futbolista tendrá derecho a una indemnización igual a las retribuciones que le restan percibir en virtud del contrato correspondiente a ese año.*

*Artículo 26. La extinción del contrato da derecho al futbolista profesional a convenir libremente un nuevo contrato con el Club que mejor convenga a sus intereses.*

*Artículo 27. Esta ley que regirá exclusivamente para los clubes de la División de honor y la División Intermedia, que organiza la Asociación Paraguaya de Fútbol, consagrada los derechos individuales o colectivos reconocidos con carácter general en la Constitución Nacional y la legislación vigente que garantiza a los futbolistas profesionales a agremiarse libremente y a celebrar contratos colectivos.*

***LIBERACIÓN DE PASES***

*Artículo 28. La liberación de pase del jugador profesional se producirá:*

- *a. por las causales previstas en el artículo 24 de esta ley.*
- *b. para los jugadores profesionales originarios del Club que hayan cumplido cinco años de servicios para la misma institución y además otro período de hasta dos años.*
- *c. haber cumplido con lo establecido entre las partes conforme a las formas del artículo 4°.*

***DISPOSICIONES TRANSITORIAS Y FINALES***

*Artículo 29. Para la aplicación del sistema de seguro médico familiar y de riesgos, se establece un plazo de hasta un año para su implementación, a partir de la promulgación de la presente ley. En caso de que no se proceda a la implantación en el plazo señalado, el sistema de seguro médico familiar y de riesgo será determinado por ley.*

*Artículo 30. A los efectos de resolver los litigios relacionados con la presente ley en el ámbito administrativo, la Asociación Paraguaya de Futbol deberá crear un Tribunal conforme al Reglamento de la Federación Internacional del Fútbol Asociado (FIFA).*

*Artículo 31. Deróganse la Ley N° 88/91 "QUE ESTABLECE EL ESTATUTO DEL FUTBOLISTA PROFESIONAL", y su modificatoria la Ley N° 3.580/08 y toda otra disposición que se oponga o contradiga a la presente ley.*

*Artículo 32. Comuníquese al Poder Ejecutivo.*
*Aprobado el Proyecto de Ley por la Honorable Cámara de Diputados, a los dieciocho días del mes de junio del año dos mil catorce, y por la Honorable Cámara de Senadores, a los dieciocho días del mes de setiembre del año dos mil catorce, queda sancionado, de conformidad con lo dispuesto en el artículo 204 de la Constitución Nacional.*

***Artículo 26: IMPLICACIÓN EN APUESTAS, JUEGOS DE AZAR O ACTIVITADES SIMILARES***

1) *Las personas sujetas a este código tienen prohibido:*
   - *a. Participar, directa o indirectamente, en apuestas, juegos de azar, loterías y actividades o negocios similares relacionados con partidos o competiciones de fútbol y/u otras actividades relacionadas con el fútbol.*

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b. *Tener todo tipo de intereses, de forma directa o indirecta (a través de terceros o con la colaboración de estos), en entidades, empresas, organizaciones, etc. que promuevan, negocien, organicen o dirijan apuestas, juegos de azar, loterías o eventos o transacciones similares relacionadas con partidos o competiciones de fútbol. Se entiende por intereses toda posible ventaja que redunde en beneficio de las personas sujetas al presente código y/o sus partes vinculadas.*
c. *Siempre y cuando la conducta sancionada no constituya otra violación del presente código, el incumplimiento de este artículo será sancionado con la correspondiente multa, cuyo importe mínimo será de doscientos (200) salarios mínimos vigentes en las actividades expresamente previstas, escalafonadas, y las diversas no especificadas, así como con la prohibición de ejercer actividades relacionadas con el fútbol durante un periodo máximo de tres (3) años. Cualquier cantidad recibida indebidamente se incluirá en el cálculo de la multa.*

***Artículo 27: COHECHO***

1) *Las personas sujetas al presente código:*
   a. *No deberán aceptar, conceder, ofrecer, prometer, recibir, pedir o solicitar beneficios personales o económicos indebidos ni otras ventajas, a fin de conseguir o mantener un negocio o cualquier otro beneficio deshonesto en beneficio o por medio de cualquier persona de la APF, la CONMEBOL, la FIFA o ajena a estas entidades. Estos actos están prohibidos, indistintamente de que se lleven a cabo de forma directa o indirecta a través de intermediarios o en colaboración con terceros.*
   b. *En particular, no deberán solicitar, garantizar, aceptar, ofrecer, prometer u otorgar beneficios personales o económicos indebidos u otras ventajas por la ejecución u omisión de un acto relacionado con sus actividades oficiales y que dé lugar a un incumplimiento de sus obligaciones o sobre el que tengan poder de decisión.*
   c. *Se abstendrán de toda actividad o comportamiento que pudiera dar la impresión o despertar sospechas de una contravención del presente artículo.*

2) *El incumplimiento de este artículo será sancionado con la correspondiente multa, cuyo importe mínimo será de doscientos (200) salarios mínimos vigentes en las actividades expresamente previstas, escalafonadas, y las diversas no especificadas, así como con la prohibición de ejercer actividades relacionadas con el fútbol durante un periodo máximo de cinco (5) años. Cualquier cantidad recibida indebidamente se incluirá en el cálculo de la multa. Esta sanción podrá aumentarse de manera proporcional si la persona ostenta un alto cargo del fútbol, así como en función de la relevancia y la cantidad de la ventaja recibida.*

***Artículo 28. APROPIACIÓN INDEBIDA DE FONDOS***

1) *Las personas sujetas al presente código:*
   a. *No se apropiarán de manera indebida de fondos de la APF, sus clubes miembros, la CONMEBOL y la FIFA, sea de forma directa o indirecta, mediante o en colaboración con terceros.*
   b. *Se abstendrán de toda actividad o comportamiento que pudiera dar la impresión o despertar sospechas de una contravención del presente artículo.*
2) *El incumplimiento de este artículo será sancionado con la correspondiente multa, cuyo importe mínimo será de doscientos (200) salarios mínimos vigentes en las actividades expresamente previstas, escalafonadas, y las diversas no especificadas, así como con la prohibición de ejercer*

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*actividades relacionadas con el fútbol durante un periodo máximo de cinco (5) años. La cantidad de los fondos apropiados indebidamente se incluirá en el cálculo de la multa. Esta sanción podrá aumentarse de manera proporcional si la persona ostenta un alto cargo del fútbol, así como en función de la relevancia y la cantidad del beneficio o ventaja recibida.*

***Artículo 29: AMAÑO DE PARTIDOS O COMPETICIONES DE FÚTBOL***

1) *Se prohíbe a las personas sujetas al presente código:*
   a. *Involucrarse en el amaño de partidos o de competiciones de fútbol. Se entiende por amaño la acción de influir o alterar de manera ilegítima, de forma directa o mediante un acto o una omisión, el curso, el resultado o cualquier otro aspecto de un partido o u*na competición de fútbol, con independencia de si la conducta que lleve a la comisión del acto tenga como finalidad una ganancia económica, una ventaja deportiva o cualquier otro fin.
   b. *En particular, aceptar, conceder, ofrecer, prometer, recibir, pedir o solicitar ventajas pecuniarias o de otro tipo en relación con el amaño de partidos o competiciones de fútbol y en su beneficio o en el beneficio de terceros.*

2) *Las personas sujetas al presente código deberán comunicar de inmediato al Órgano de Instrucción cualquier tentativa de contacto en relación con actividades y/o información vinculadas, directa o indirectamente, con el posible amaño de un partido o una com*petición de fútbol, tal y como se han descrito en el párrafo precedente.

3) *El Órgano de Instrucción será competente para investigar y el Tribunal de Ética para juzgar toda conducta dentro del fútbol que no esté o esté mínimamente relacionada con la acción sobre el terreno de juego. Queda reservada la competencia del Tribunal D*isciplinario de la APF, cuando la conducta haya ocurrido en el terreno de juego.

4) *El incumplimiento de este artículo será sancionado con la correspondiente multa, cuyo importe mínimo será de doscientos (200) salarios mínimos vigentes en las actividades expresamente previstas, escalafonadas, y las diversas no especificadas, así como con* la prohibición de ejercer actividades relacionadas con el fútbol durante un periodo máximo de cinco (5) años, en caso de incumplimiento del párrafo 1 y de dos (2) años, en caso de incumplimiento del párrafo 2. Cualquier cantidad recibida indebidamente se incluirá en el cálculo de la multa.

***Artículo 67: APLICACIÓN DE UNA SANCIÓN DE MUTUO ACUERDO***

1) *No será posible negociar sanciones relativas a infracciones de cohecho, apropiación indebida de fondos y amaño de partidos o competiciones de fútbol.*

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# 15 Appendix K Poland

## 15.1 Corruption Regulation in the Act of Sport

**Sport.**

Dz.U.2018.1263 t.j. z dnia 2018.06.29
Status: Akt obowiązujący
Wersja od: 1 października 2018r.

**Wejście w życie:**
16 października 2010 r.

**USTAWA**

z dnia 25 czerwca 2010 r.

**o sporcie**

**Rozdział 1**

**Przepisy ogólne**

**Rozdział 10**

**Przepisy karne**

**Art. 46. [Korupcja sportowa]**

1. Kto, w związku z zawodami sportowymi organizowanymi przez polski związek sportowy lub podmiot działający na podstawie umowy zawartej z tym związkiem, lub podmiot działający z jego upoważnienia, przyjmuje korzyść majątkową lub osobistą albo jej obietnicę lub takiej korzyści albo jej obietnicy żąda w zamian za nieuczciwe zachowanie, mogące mieć wpływ na wynik lub przebieg tych zawodów, podlega karze pozbawienia wolności od 6 miesięcy do lat 8.

2. Tej samej karze podlega, kto w wypadkach określonych w ust. 1 udziela albo obiecuje udzielić korzyści majątkowej lub osobistej.

3. W wypadku mniejszej wagi, sprawca czynu określonego w ust. 1 lub 2 podlega grzywnie, karze ograniczenia wolności albo pozbawienia wolności do lat 2.

4. Jeżeli sprawca czynu określonego w ust. 1 lub 2 przyjmuje korzyść majątkową znacznej wartości albo jej obietnicę lub udziela takiej korzyści albo jej obietnicy lub takiej korzyści albo jej obietnicy żąda, podlega karze pozbawienia wolności od roku do lat 10.

**Art. 47. [Nieuczciwy udział w zakładach wzajemnych]**

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Kto, mając wiadomość o popełnieniu czynu zabronionego określonego w art. 46, bierze udział w zakładach wzajemnych dotyczących zawodów sportowych, do których odnosi się ta wiadomość, lub ujawnia tę wiedzę w celu wzięcia udziału przez inną osobę w takich zakładach,
podlega karze pozbawienia wolności od 3 miesięcy do lat 5.

**Art. 48. [Płatna protekcja w sporcie]**

1. Kto, powołując się na wpływy w polskim związku sportowym lub podmiocie działającym na podstawie umowy zawartej z tym związkiem, lub podmiocie działającym z jego upoważnienia albo wywołując przekonanie innej osoby o istnieniu takich wpływów, lub utwierdzając ją w przekonaniu o istnieniu takich wpływów, podejmuje się pośrednictwa w ustaleniu określonego wyniku lub przebiegu zawodów sportowych w zamian za korzyść majątkową lub osobistą albo jej obietnicę,
podlega karze pozbawienia wolności od 6 miesięcy do lat 8.

2. Tej samej karze podlega, kto udziela albo obiecuje udzielić korzyści majątkowej lub osobistej w zamian za pośrednictwo w ustaleniu określonego wyniku lub przebiegu zawodów sportowych polegające na bezprawnym wywarciu wpływu na zachowanie osoby pełniącej funkcję w polskim związku sportowym lub podmiocie działającym na podstawie umowy zawartej z tym związkiem, lub podmiocie działającym z jego upoważnienia w związku z pełnieniem tej funkcji.

3. W wypadku mniejszej wagi, sprawca czynu określonego w ust. 1 lub 2
podlega grzywnie, karze ograniczenia wolności albo pozbawienia wolności do lat 2.

**Art. 49. [Klauzula bezkarności]**

Nie podlega karze sprawca przestępstwa określonego w art. 46 ust. 2, art. 46 ust. 3 lub 4, w związku z ust. 2, lub w art. 48 ust. 2 lub 3, w związku z ust. 2, jeżeli korzyść majątkowa lub osobista albo ich obietnica zostały przyjęte, a sprawca zawiadomił o tym fakcie organ powołany do ścigania przestępstw i ujawnił wszystkie istotne okoliczności przestępstwa, zanim organ ten o nim się dowiedział.

## 15.2 Match Fixing in the Disciplinary Regulation of the Polish Football Association

***tj uwzględniający zmiany z dnia 7 grudnia 2018 roku***

**REGULAMIN DYSCYPLINARNY**

**POLSKIEGO ZWIĄZKU PIŁKI NOŻNEJ**

**DZIAŁ PIERWSZY. CZĘŚĆ OGÓLNA**

**ROZDZIAŁ I. ZASADY ODPOWIEDZIALNOŚCI**

**ROZDZIAŁ V. KORUPCJA W PIŁCE NOŻNEJ**

Art. 79

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Korupcja czynna i bierna

§1. Kto czyni przygotowania, usiłuje udzielić, udziela lub obiecuje udzielić korzyści majątkowej lub osobistej w zamian za nieuczciwe zachowanie, mogące mieć wpływ na wynik zawodów piłkarskich podlega:

a) karze pieniężnej nie niższej niż 10.000 zł,

b) karze dyskwalifikacji czasowej w wymiarze nie niższym niż 6 miesięcy,

c) wykluczeniu z PZPN

§2. Karom opisanym w §1 podlega również ten, kto czyni przygotowania, usiłuje przyjąć lub przyjmuje korzyść majątkową lub osobistą albo jej obietnicę w zamian za nieuczciwe zachowanie, mogące mieć wpływ na wynik zawodów piłkarskich.

§3. Za opisane w §1 lub §2 postępowanie osób fizycznych, kluby podlegają:

a) karze pieniężnej,

b) weryfikacji zawodów jako walkower,

c) anulowaniu wyniku meczu,

d) zawieszeniu lub pozbawieniu licencji,

e) przeniesieniu zespołu do niższej klasy rozgrywkowej,

f) pozbawieniu tytułu Mistrza Polski, Wicemistrza Polski lub Zdobywcy Pucharu Polski, Pucharu Ligi lub Superpucharu,

g) wykluczeniu z PZPN.

Art. 80

Zaniechanie zawiadomienia o korupcji w piłce nożnej lub match-fixingu

Za zaniechanie zawiadomienia organu dyscyplinarnego o zachowaniu, wyczerpującym znamiona przewinienia dyscyplinarnego korupcji w piłce nożnej lub match-fixingu, osobom fizycznym wymierza się:

a) karę pieniężną,

b) karę dyskwalifikacji czasowej w wymiarze nie niższym niż 3 miesiące.

Art. 107

Match-Fixing i niedozwolone zakłady bukmacherskie

§ 1. Kto czyni przygotowania, usiłuje lub dopuszcza się nieuczciwego zachowania, mogącego mieć wpływ na przebieg zawodów piłkarskich lub zdarzenia będące przedmiotem zakładów bukmacherskich, podlega:

a) karze pieniężnej nie niższej niż 10.000 zł,

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b) karze czasowego zakazu udziału we wszelkiej działalności związanej z piłką nożną w wymiarze nie niższym niż 6 miesięcy,

c) wykluczeniu z PZPN

§2. Za opisane w § 1 postępowanie osoby fizycznej, kluby podlegają:

a) karze pieniężnej,

b) weryfikacji zawodów jako walkower,

c) anulowaniu wyniku meczu,

d) zawieszeniu lub pozbawieniu licencji,

e) przeniesieniu zespołu do niższej klasy rozgrywkowej,

f) pozbawieniu tytułu Mistrza Polski, Wicemistrza Polski lub Zdobywcy Pucharu Polski, Pucharu Ligi lub Superpucharu,

g) wykluczeniu z PZPN.

§3. Za uczestnictwo osób podlegających niniejszemu regulaminowi dyscyplinarnemu w zakładach bukmacherskich, zawieranych w kraju lub zagranicą, odnoszących się do wszystkich meczów piłkarskich, rozgrywanych z udziałem drużyn krajowych w kraju i zagranicą wymierza się kary:

a) kara pieniężna od 1.000 zł,

b) zawieszenie lub pozbawienie licencji,

c) skreślenie z listy sędziów, delegatów lub obserwatorów,

d) karze czasowego zakazu udziału we wszelkiej działalności związanej z piłką nożną,

e) wykluczenie z PZPN.

Art. 116

Dowody

§1. Dowodem w sprawie może być wszystko, co nie jest sprzeczne z prawem i może przyczynić się do wyjaśnienia sprawy. W szczególności dowodem mogą być zeznania świadków i stron, dokumenty, w tym protokoły zeznań lub wyjaśnień, sporządzone w toku innych postępowań, prowadzonych przez organy jurysdykcyjne Polskiego Związku Piłki Nożnej, ligi zawodowej, FIFA, UEFA oraz organy władzy publicznej.

§2. Fakty zawarte w sprawozdaniach osób delegowanych do wzięcia udziału w meczu objęte są domniemaniem prawdziwości. Nie wyłącza to możliwości przeprowadzenia dowodu przeciwnego.

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§3. W przypadku rozbieżności pomiędzy sprawozdaniami (raportami), których nie można usunąć, sprawozdanie sędziego uznaje się za przedstawiające prawdziwy stan faktyczny odnośnie przebiegu zdarzeń na boisku a raport delegata odnośnie przebiegu zdarzeń poza boiskiem.

§4.Fakty oraz wnioski zawarte w raportach wyspecjalizowanych instytucji dotyczące możliwości umyślnego dopuszczenia się przewinienia match-fixingu, w braku dowodu przeciwnego, objęte są domniemaniem prawdziwości.

Art. 117

Ciężar dowodu

§1.Ciężar dowodu popełnienia przewinienia dyscyplinarnego spoczywa na organie dyscyplinarnym, z zastrzeżeniem przewinień związanych z dopingiem lub match-fixingiem.

§2. Zasady postępowania dowodowego w przewinieniach związanych z dopingiem określają Polskie Przepisy Antydopingowe przyjęte przez Komisję ds. Zwalczania Dopingu w Sporcie, z wyłączeniem zastosowania ich Artykułu 8.1, stanowiące załącznik nr 2 do niniejszego regulaminu.”

Art. 118

Zasada swobodnej oceny dowodów

Organy dyscyplinarne w toku rozpoznania sprawy kierują się zasadą swobodnej oceny dowodów. Zasady tej nie stosuje się w postępowaniu uproszczonym w sprawach chuligaństwa, rasizmu i ksenofobii.

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