EC / IRIS - GERMANY

SEMINAR “FIGHT AGAINST MATCH-FIXING”

Date: 20 March 2014
Place: Munich (Germany)
Participants: cf. appendix

Main issues raised during the seminar:

Level of match-fixing risk and awareness:

- The match-fixing risk in Germany is considered by most of the participants as quite low (a few participants think that it is quite high).
- According to participants, awareness about match-fixing issues still has to be improved even if the country has organised several workshops / seminars on that issue.
- More generally, according to most participants, there is still a certain lack of information, education and prevention about match-fixing in Germany.

Who has to fight against match fixing?

- In Germany, public authorities determine a general framework for sport but respect the autonomy of sports organisations, including sports disciplinary rules. The most concerned sports federations fight against match-fixing and develop their own tools (football, handball, ice hockey, etc.). These federations seem to be ready to accept public intervention in case of public order risks (for instance intrusion of organised Crime within sports structures).
- The National Olympic Committee (Deutscher Olympischer Sportbund) hasn’t developed common rules at the moment because the major federations had implemented clear measures by themselves.
- The idea to develop new strong measures to protect sports integrity and to share information in an international cooperative way is seen as important by all participants. Germany supports the idea of an international convention to fight against match fixing and was actively involved in the negotiations.

Match fixing and betting:

- In Germany, many participants had a quite good knowledge about betting;
- The country adopted new Law (Inter-State Treaty) on gambling in June 2012 (including online sports betting). This new law includes restrictions seeking to safeguard sports integrity. However, even if this law is in force, sports betting licences have not been awarded up to now (some participants hope that it will be done before the end of the year 2014).
The new gambling legislation includes provisions to fight against illegal betting even if it has not been executed yet. For most of the participants, fight against illegal betting is a main issue (even if the representative from EWS/ FIFA pointed out that it is important to cooperate and to exchange information on suspicious betting patterns with every kind of operator). Payment blocking as most effective measure should be implemented in 2014 when a blacklist has been published. Quick issuance of licences in order to enforce the law against illegal betting is a very important step (even a necessary condition) to fight match fixing.

Several participants stressed the need of an enhanced cooperation between national betting regulatory authorities.

For some participants, restricting dangerous types of betting but also bets on secondary competitions (and minors’ competitions) is a key issue.

**Measures to protect sports integrity:**

- Participants give overwhelming support to education and information measures, clearly named as the first priority in the fight against match-fixing.

- In 2010, DFB (Deutsche Fussball Bund) and DFL (Deutsche Fussball Liga) decided to implement a very complete education programme: “Together against match-fixing — Play fair every time ». It has been developed in cooperation with the Transparency International’s one (« Staying on Side »). The programme includes:
  
  - Training of the teams’ integrity officers, trainers, educators, etc.
  - A website focusing on e-learning\(^1\) and offering the possibility to download different practical guidebooks;
  - A hotline with a system of “Ombudsman”. This person is an independent lawyer, whom sports actors can trust, speak and ask for advice.

- Participants think that sports actors should not bet on their own sport, even if it is a difficult measure to check. For the German “Ombudsman”, a sport actor who bets, enters a danger zone: even small stakes may be a gateway to a more important threat.

- In Germany, the general Criminal Code (Section 263) can apply for sports corruption and betting fraud: Anyone who - with the intent of obtaining for himself or a third person an unlawful material benefit - damages the property of another (for example, of the betting operator and the bettors) by causing or maintaining an error by pretending false facts or by distorting or suppressing true facts shall be liable to imprisonment of up to five years (10 years in case of an organized group of people) or a fine. There is a draft of a more specific legislation on sports fraud at a federal level but it still remains under discussion.

- International cooperation is a key issue for many participants, in particular according to the presentation given by the investigator in charge of the “Bochum Case”. Today, Transnational Criminal Organizations work simultaneously on many different aspects (match-fixing with or without violence, money laundering, buying of football teams, betting fraud, etc.) and it is essential to find a global answer to this threat. To create a link between match-fixing, illegal betting and money laundering, Germany currently intends to anticipate the provisions included in the draft of 4\(^{th}\) European Directive against money laundering.

\(^{1}\) [http://gemeinsam-gegen-spielmanipulation.de/etraining/index.htm](http://gemeinsam-gegen-spielmanipulation.de/etraining/index.htm)
Several participants expressed very clearly a pessimistic point of view about the future of the fight against match-fixing.

<table>
<thead>
<tr>
<th>Measures</th>
<th>Existing (Yes / No)</th>
</tr>
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<tbody>
<tr>
<td>Betting: Fight against illegal betting</td>
<td>NOT YET (legislation allows gambling authorities to prohibit financial institutes and financial transaction providers to cooperate and assist in illegal gambling business / Should come into force in 2014)</td>
</tr>
<tr>
<td>Betting: Authorised list of bets</td>
<td>NOT YET (no online betting at the moment / Restrictions on Live betting and on some bets once the federal legislation will come into force)</td>
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<tr>
<td>Betting: Other restrictions (pay out, stakes)</td>
<td>YES (no online betting at the moment / monthly limit on online stakes, face-to-face identification, etc. once the federal legislation will be executed)</td>
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<tr>
<td>Sport: Education programs</td>
<td>YES (football and major sports)</td>
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<tr>
<td>Betting prohibition for sport actors</td>
<td>YES (football and major sports)</td>
</tr>
<tr>
<td>Conflicts of interest: Disclosure of inside information</td>
<td>YES (football and major sports)</td>
</tr>
<tr>
<td>Integrity officer</td>
<td>YES for football</td>
</tr>
<tr>
<td>Sport: Prohibition to control betting operators</td>
<td>NO</td>
</tr>
<tr>
<td>Criminal offence &amp; Sanctions</td>
<td>NO specific offence for sports fraud at the moment (at the moment, use of secion of Criminal Code – new draft bill on a specific criminal offence of sport fraud under discussion)</td>
</tr>
<tr>
<td>Betting: Prohibition to control sports when bets are offered</td>
<td>NO</td>
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<tr>
<td>Contract between sport and betting</td>
<td>NO compulsory</td>
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<tr>
<td>Intelligence and monitoring</td>
<td>YES (through SportRadar (football) and ELMS). In Germany, every betting operator will have to develop its own Early Warning System</td>
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Next steps and recommendations:

- Germany may possibly look into the 4 following priority items:
  - Implementation of a multi-sports coordination at a national level, for example through the National Olympic Committee (Deutscher Olympischer Sportbund). The objective aims in particular at taking advantage of the best practices implemented by DFB and DF, but also setting up some model rules for all the federations (and first of all betting prohibition for the sports stakeholders).
  - Appointment of an “integrity officer” in each “big” sports organisation, not only in football.
  - Enhanced measures to fight against illegal betting (both offline and online).
  - Development of enhanced cooperation between sports organisations, betting regulatory authorities and sports betting operators about betting expertise and betting related risks. The German cooperation could target to determine a “responsible betting framework”.
APPENDIX

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