

# EC / IRIS - SPAIN

## SEMINAR “FIGHT AGAINST MATCH FIXING”

**Date:** 24 April 2014

**Place:** Madrid (Spain)

**Participants:** cf. appendix

### **Main issues raised during the seminar:**

#### **Level of match fixing risk and awareness:**

- The match fixing risk in Spain is considered from quite high to very high, depending on the participants;
- There seems to be a quite low level of awareness about match fixing in Spain. Representatives of the sports movement stressed the fact that there is still a strong need of additional information.

#### **Who has to fight against match fixing?**

- In Spain, public authorities respect the autonomy of sports organisations and generally have a strong impact on ethical issues.
- From its part, the sports movement seems to be ready to accept public intervention in case of public order risks (for instance intrusion of organised Crime within sports structures).
- Spain had to face several match fixing cases in the past (football, tennis).
- The idea of developing new strong measures to protect sports integrity and to share information in a national cooperative way is considered important by all participants.
- Spain takes part to the debates on the EPAS convention to fight against match fixing and expressed strong support to the project.

#### **Sports betting:**

- A few participants had a good level of expertise in betting.
- In Spain, there is a system of licences for fixed odds betting (online and through the independent communities) and a monopoly for pools games (La Quiniella), awarded to SELAE at a national level.
- Spain doesn't really fight against illegal betting (the legislation includes some possibilities but hasn't been implemented yet).

#### **Measures to protect sports integrity:**

- Participants give overwhelming support to education and information measures.
- Football (LFP) has already implemented a set of measures:

- Creation of an Integrity Department and a road map dedicated to match fixing;
- Coordination with the police and the anticorruption prosecution office;
- Review of disciplinary rules: today there are no rules on inside information. Moreover, match fixing doesn't cover spot fixing (only results fixing). A code of conduct could also be included within the players' contracts;
- Publication of a guide of good practices for football players and football stakeholders;
- Programme of communication;
- Review of sanctions. Etc.
- In Spain, the Criminal Code has been adapted to take in account sports issues. It was modified in 2010 in the private sector and the Law 5/2010 established a new offence on private corruption, which includes a specific modality in relation to sports. Sanctions are quite important: Imprisonment of up to 5 years, applying to all the sports actors: leaders, coaches, athletes, referees, etc.
- The new Article 286bis 1 refers to active corruption and defines it as anyone who, directly or through an intermediary promise, offers or gives to directors, managers, employees or collaborators a benefit or an undue advantage of any kind so that that person or a third party, acts in breach of professional duties. Punishment includes 6 months to 4 years imprisonment, disqualification from 1 to 6 years and a fine of up to three times the gains obtained by the illicit activity. The same penalties can be applied to passive corruption that is, in relation to a person that directly or through an intermediary, requests, receives or accepts an undue advantage of any kind.
- According to a representative from the anticorruption unit, the new legislation is not always appropriate to operational cases. There are still many loopholes in the new legislation: all the subjects of sports frauds are not covered (e.g. doping, sports betting, illegal networks, etc.), managers, club owners, are not directly concerned, entities such as clubs should be held accountable. The legislation should also better target the criminals who target sports actors. Moreover, protection of sports victims or whistle blowers isn't part of the legislation.
- Different participants consider whistle blowing as a key issue.

| Measures   | Existing (Yes / No)   |
|--|---|
| <b>Betting: Fight against illegal betting</b>                  | NO (no operational actions at the moment)   |
| <b>Betting: Authorised list of bets</b>                        | NO  |
| <b>Betting: Other restrictions (pay out)</b>                   | NO  |
| <b>Sport: Education programs</b>                               | YES (on the way – at least for football, handball, basketball, indoor soccer; Doping education programme for cycling) |
| <b>Betting prohibition for sport actors</b>                    | YES (at least for main sports)  |
| <b>Conflicts of interest: Disclosure of inside information</b> | NO  |
| <b>Integrity officer</b>                                       | YES for football (due to UEFA requirements)   |
| <b>Sport: Prohibition to control betting operators</b>         | NO  |
| <b>Criminal offence &amp; Sanctions</b>                        | YES (Article 286bis of the Criminal Code: Organic Law 10/1995 as amended by Law 5/2010)                               |
| <b>Betting: Prohibition to control</b>                         | NO  |

|   |   |
|---|---|
| <b>sports when bets are offered</b>       |   |
| <b>Contract between sport and betting</b> | NO  |
| <b>Intelligence and monitoring</b>        | YES in football (through UEFA / SportRadar) |

Next steps and recommendations:

Spain may possibly look into the 5 following priority items:

- Implementation of official cooperation at a national level (towards a national action plan), for example through a specific working group (proposal: representatives of the Ministries of Finance, Interior, Justice and Sport, of the National Olympic Committee and the Sports Confederation, of the main sports federations and of legal betting operators). The aim of this group could be to think jointly about model rules, conflicts of interests procedures and measures to fight against match fixing.
- Appointment of an “integrity officer” in each “big” sport Federation, and in the national Olympic committee.
- Review of the Criminal Code including improvements on sports frauds issues and betting fraud.
- Strongly fight against illegal betting operators through operational measures.
- Development of enhanced cooperation between sports organisations and legal betting operators (first of all the national Lottery SELAE) about betting expertise and betting related risks.

# APPENDIX

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