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# FIGHTING SPORTS MANIPULATION

*Proposals for a Swiss National Action Plan*

January 2022



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## ***Proposals for a Swiss National Action Plan***

January 2022

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The views and the proposals expressed in this document are those of the authors, not necessarily those of the stakeholders that have been interviewed.

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# Foreword

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Started in 2020, EPOSM (Evidence-based Prevention of Sporting-related Manipulation) is a two-year Erasmus+ collaborative partnership between academic and on-the-field organisations that studies sporting-related manipulation in different sports disciplines on the European level and organises tailor-made training sessions. EPOSM's vision is "Safeguarding fair play in sport by striving for a competition free of manipulation". Its objectives are (a) raising awareness about the prevalence of sporting-related manipulation, (b) stimulating moral judgement regarding the fact that sporting-related manipulation is wrong as it threatens the credibility and attractiveness of sport, and (c) sharing and transferring knowledge on sporting-related manipulation through the organisation of a training procedure. The project team consists of Ghent University (BEL—coordinating organisation), Utrecht University (NLD—project partner organisation), the French Institute for International and Strategic Affairs (IRIS; FR—project partner organisation), Play Fair Code (AUT—project partner organisation), the Croatian Olympic Committee (HRV—project partner organisation), Lausanne University (CHE—project partner organisation), Loughborough University (GBR—project partner organisation), Panathlon International (IT—project partner organisation), the International Centre Ethics in Sport (ICES; BEL—project partner organisation), the Counter Sport Corruption Foundation for Sport Integrity (CSCF; NLD—project partner organisation), and the Council of Europe (associated partner organisation).

For each of the countries involved, EPOSM partners developed proposals for national action plans against match manipulation. Accordingly, this document describes the state of the art of regulation in Switzerland, addressing the main actors involved and their roles against match manipulation. Moreover, the document provides suggestions and recommendations to enhance the fight against match manipulation in the country with a focus on three main disciplines: football, tennis, and basketball.

What is manipulation in sports competitions?

The manipulation of sports competitions is an ancient phenomenon in the sports world. However, this fraud has taken a new public dimension since the appearance of the internet and online sports betting in the mid-1990s, to the point that it threatens the credibility and economic viability of certain championships and even sports in general. Today, the impact of Covid-19 may contribute to further destabilise the sports system, exposing it to higher fraud risks.

Manipulation of sports competitions has been defined as "an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others" (Council of Europe Convention on the Manipulation of Sports Competitions, Article 3.4<sup>1</sup>).

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<sup>1</sup> Accessible here: <https://rm.coe.int/16801cdd7e>.

Manipulations can, however, take a wide variety of forms depending on the country, discipline, and level of competition. These criteria complicate the understanding, detection, and prevention of the phenomenon.

For example, betting-related manipulation is said to take place in relation to betting. It entails the influencing or manipulation of the result, score, or course of the game/match on which specific people have wagered money. Alternatively, sports-related manipulation can occur when a game/match is manipulated by another team or another player to influence the course of a competition or tournament, for example, to ensure that one's own team is not relegated or that the player concerned advances to the next round. A financial inducement or a material one (for example, a car or a new contract) may be provided here. Sometimes a case can involve both betting and sporting strategies.

# Executive Summary

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The document “Fighting sports manipulation: Proposals for a Swiss national action plan” is a deliverable of the Erasmus+ EPOS (Evidence-based Prevention of Sporting-related Manipulation) project.

It aims to provide an overview of the issue of sports manipulation in Switzerland, present the current legislative framework and the stakeholders active in the field, and formulate a proposal to develop a national action plan against match manipulation.

From the media’s perspective, Switzerland does not seem to be harmed by serious match manipulations, as it has only been involved in one major match-fixing case in the 2000s (i.e., Bochum).

However, a non-representative survey conducted in 2020 with a sample of 206 Swiss respondents suggests that the issue of match-fixing does exist. More than 15% of the respondents (athletes, coaches, referees, etc.) either acknowledge personally knowing someone who has been approached by a match-fixer or have been personally approached by one. Most people who have been approached to fix a game were asked to manipulate the result of a match for sporting reasons. While these results are not surprising, this study is the first one expressing the prevalence of measured manipulation in the country.

Even if the survey does not intend to reflect the propensity of match-fixing attempts/success at a Swiss level, this outcome invites Swiss sports governing bodies, public or private, to take the measure of the manipulation phenomenon and react accordingly to protect the integrity of their competitions.

In recent years, Switzerland has updated its legislative framework to allow for the criminal prosecution of betting-related match-fixing. The country has already signed and ratified the Macolin Convention, which also highlights the importance of international cooperation through the establishment of national platforms.

In Switzerland, the Swiss Gambling Supervisory Authority (Gespa) is the national platform.

Based on the analysis of several interviews conducted with sports stakeholders in 2021, this document addresses some general proposals that may improve the current framework against match manipulation. Because the EPOS project has a requirement to focus on three national sports disciplines, specific recommendations have been provided for basketball, football, and tennis.



# Summary

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# 1. Introduction: The EPOSM project

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This document describes the state of the art of developments in the fight against manipulation in Swiss sports as of summer 2021 and proposes a series of recommendations for a possible Swiss national action plan. The University of Lausanne developed these guidelines within the scope of the Erasmus+ project Evidence-based Prevention of Sporting-related Manipulation (EPOSM; <http://www.eposm.net>). The Erasmus+ EPOSM project aims to raise knowledge and awareness about sporting-related manipulation in various sports.

## 2. Questions to be answered

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This document answers the following questions:

- 1) Describing the context
  - a. To the public's knowledge, how many cases related to sports manipulation have been reported in Switzerland in the recent past (2000–2021)?
  - b. To what extent do sports actors (coaches, players, managers, and referees) perceive the existence of sports manipulation in Switzerland?
- 2) Describing the social reaction
  - c. What is the legislative framework in place?
    - i. Macolin Convention
    - ii. Criminal law
    - iii. Betting law
  - d. What is the disciplinary framework in place?
  - e. Who are the main stakeholders against match manipulation in Switzerland? How are they organised, what do they do, and what are their responsibilities?
- 3) Identifying loopholes and making proposals
  - f. What are the areas of improvement in the prevention, detection, and sanctioning of match manipulation in Switzerland?

### 3. Methodology

To answer the above-mentioned questions, a mixed-methods approach has been used. Tab. 1 summarises the methods used for each question. In particular, we focus on the methodologies used in the online questionnaire and the interviews.

**Tab. 1 – Topics, questions, and methods used in preparation for this study**

Topics	Questions	Methods
Describing the context	a. To the public's knowledge, how many cases related to sports manipulation have been reported in Switzerland in the recent past (2000–2021)?	Search by keywords ("match-truqué" and "Suisse" or "manipulation" and "Switzerland") using the Nexis Uni platform between 2000 and 2021 (30 June)
	b. To what extent do sports actors (coaches, players, managers, and referees) perceive the existence of sports manipulation in Switzerland?	Online questionnaire opened between June and October 2020 to all Swiss sports actors
Describing the social reaction	c. What is the legislative framework in place? i. Macolin Convention ii. Criminal law iii. Betting law	Desk research and interviews with experts
	d. What is the disciplinary framework in place?	Desk research and interviews with experts
	e. Who are the main stakeholders against match manipulation in Switzerland? How are they organised, what do they do, and what are their responsibilities?	Desk research and interviews with experts
Identifying loopholes and making proposals	f. What are the areas of improvement in the prevention, detection, and sanctioning of match manipulation in Switzerland?	Desk research and interviews with experts

#### *The online questionnaire*

A standardised questionnaire in English, French, and German was produced by the EPOSM project. In Switzerland, the questionnaire was disseminated online via the LimeSurvey platform. Although the questionnaire was accessible online, the dissemination mainly targeted the French-speaking part of Switzerland, and answers were collected from the German-speaking part of Switzerland on a smaller scale.

The UNIL team contacted sports participants, clubs, and federations and prioritised sports professionals (such as professional coaches, athletes, and referees and the medical teams of official members of national or international sports federations [ISFs]). The dissemination was also extended to amateurs in order to attain broad representation of the sports population (both women and men) who are practicing sports or involved in the sports sector.

Three disciplines were mainly targeted: football, tennis, and basketball. They were selected because they are popular disciplines in Switzerland, covering extensive amateur and professional, women's and men's, activity. These three disciplines have also been affected by the manipulation phenomenon, making them priority targets for the questionnaire.

In total, 1215 people started the survey and 202 completed the questionnaire (response rate = 16,6%).

### *The interviews*

To gather more information about the activities in place in Switzerland and in national sports federations, the UNIL team carried out seven semi-structured interviews with Swiss experts from federal institutions and national federations. Moreover, the UNIL team asked experts about their views on the state of the art, its current limitations, and further areas of improvement. The interviews were conducted between June and August 2021. Experts were selected following a snowball sampling technique. Finally, the UNIL team interviewed members of the following entities (listed in alphabetical order):

- the Association Suisse de Football;
- the Federal Office of Police;
- foreign national platforms;
- Gespa, the Swiss Gambling Supervisory Authority;
- the Office Fédéral du Sport (OFSP);
- Swiss Badminton;
- Swiss Basketball;
- Swiss Handball;
- Swiss Olympic; and
- Swiss Tennis.

The opinions of these experts are not reported word for word but instead have been translated into a narrative framework.

## 4. Results

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# Describing the context

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***a. To the public's knowledge, how many cases related to sports manipulation have been reported in Switzerland in the recent past (2000–2021)?***

Nowadays, manipulation is barely mentioned or discussed in national Swiss media. The topic almost exclusively concerns foreign cases. At the national level, the peak of visibility was reached between 2009 and 2012, concerning what is commonly known as the “Bochum case” in which at least 200 football matches were manipulated in nine European countries from the beginning of 2009. Some of them were in Switzerland. At that time, Swiss prosecutors investigated five clubs in Switzerland (four in the second tier: FCs Thun, Gossau, Wil 1900, and Schaffhausen and another in the third tier: FC Fribourg). According to the Association Suisse de Football (ASF), a total of 17 league games and two test games were affected in the second leg of the 2008–09 season and the first leg of the 2009–10 season (Swiss prosecutors, 2009). No Swiss referees nor club officials were implicated. The reaction of the two clubs allegedly involved in suspicious matches, FCs Thun and Gossau, was prompt: the players interrogated by the police were immediately suspended, and FC Thun asked their players to sign a declaration of innocence. The Thun president declared that “those who refused to sign would be directed to speak with police and football authorities. Those who sign and are later shown to have been dishonest will be dismissed” (Dunbar, 2009). The manipulation announcements created a climate of suspicion among club officials and players with at least one case of public accusation of manipulation (Buhler, 2010). As another club official reported to a journalist while the investigation was still ongoing: “When you see the number of matches involved, doubt creeps in everywhere. This season we lost 1-0 in Gossau because we thought the refereeing was bad. Our first game this summer in Thun we lost 5-3, knowing our goalkeeper was ill. But again, we don’t know what to think anymore. As long as everything is not revealed about the matches in question, there is still a sense of unease. And that is unfortunately how it must be at all clubs” (Wurlod, 2009, translated).

In May 2010, ASF announced the suspension of nine players who had accepted money or agreed to help manipulate a match. They played in the lower divisions of Swiss football. Five of them were suspended for an undetermined period, while the rest were suspended for periods ranging from one to three years (Football, 2010). As for the criminal case, three players were prosecuted. However, the court acquitted the players saying there was no obvious victim of bets placed online (Dunbar, 2012). The absence of direct victims did not permit the court to render judgement (i.e., there was a lack of legal basis). The decision soon led to public debate about the lack of legal basis to prosecute manipulation in Switzerland, the urgency of updating Swiss legislation—which was later amended (see below)<sup>2</sup>, and the importance of international cooperation in the fight against manipulation, which led Switzerland to support the Council of Europe Convention on the Manipulation of Sports Competition (also called the Macolin Convention).

After these events linked to the Bochum case, no public evidence of match manipulation in Swiss sports has been found in open sources except for an alleged attempt of sporting-related match manipulation in June 2019 to avoid the relegation of the football club Ascona in the sixth tier of the Swiss football league. The disciplinary investigation stated that the match was clean, but the two players involved in the alleged combine were initially disqualified for several months. Claiming their innocence, they appealed the decision, and they received a lenient disqualification (8 and 16 matches of suspension; Laregione, 2019).

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<sup>2</sup> For a full review of international and national regulation against match manipulation, please see Conseil Fédéral (2012), *Lutte contre la corruption et les matchs truqués dans le sport* - Rapport en réponse au postulat 11.3754 déposé le 28 juin 2011 par la Commission de la science, de l’éducation et de la culture du Conseil des Etats, 2012.



***b. To what extent do sports actors (coaches, players, managers, and referees) perceive the existence of sports manipulation in Switzerland?***

To complete the panorama on the Swiss context, we complemented the online research on public sources with an online open questionnaire addressed to all the people involved in Swiss sports at a professional or non-professional level. In this study we wanted to cover manipulation to a larger extent, reaching not only professional but also non-professional participants (players, staff, referees, etc.). The questionnaire covered manipulation risks linked to both betting and sporting strategies. A final report on the results of this questionnaire in Switzerland will soon be available on the EPOSM website (<https://www.eposm.net>).

Despite the sample size (202 respondents) and its non-generalisability, three major conclusions can be drawn.

The first one is the existence of the manipulation of competition in Switzerland. Although this should not come as a surprise, to our knowledge, it is the first time that the prevalence of manipulation has been measured and documented in the country. More than 15% of respondents either personally know someone who has been approached by a match-fixer or have been personally approached by one. Given the fact that the vast majority of the respondents are involved as amateurs, and given the potential social desirability trends in the responses, this finding should be considered interesting, despite its non-generalisability. In particular, football and tennis respondents acknowledge that manipulation has become an important threat to the integrity of their disciplines. The results of this study do not reveal how often Swiss sports actors have been (directly or non-directly) impacted by manipulation. Still, the results remain non-neglectable and invite Swiss sports governing bodies, public or private, to measure the manipulation phenomenon and react accordingly to protect the integrity of their competitions.

The second conclusion concerns the nature of sports manipulation in Switzerland. As the majority of the respondents operate at an amateur level, where competitions are less likely to appear on the betting markets, the threat of betting-related manipulation has logically not been highlighted by the findings. Another inquiry focusing on the professional level is needed to assess the risks of betting-related corruption. The findings still underline the reality of sporting-related manipulation, particularly with end-of-season arrangements for teams wanting to avoid relegation or to qualify for an upper level of competition. The manipulation approaches emanate from individuals from the sports environment (teammates, coaches, officials, and athletes). This indicates how corruption can not only be prevalent but also integrated in local norms. Moreover, the findings underline the internal, or consubstantial, nature of sporting-related corruption, in contrast with traditional understandings of corruption as an external threat. The risk with the social nature of sporting-related manipulation is that it tends to normalise manipulation in general. It can therefore explain how betting-related manipulation could not be perceived by some sports stakeholders as a serious threat. If manipulation for sporting reasons is more or less tolerated at the amateur and semi-professional levels, this may push others to consider manipulating games (or parts of games, without affecting the final outcomes) for betting purposes as an inappropriate but tolerable practice. Also, the two types of manipulation should not be automatically separated as both motives can interact in one manipulation occurrence.

The third conclusion addresses the fight against manipulation. The potential inherent nature of sporting-related manipulation in some parts of Swiss sports makes it difficult for sports governing bodies to protect the integrity of competitions. Long-term ethical change is necessary to influence the values and normative frameworks within local clubs. Moreover, the low rate of whistle-blowing indicated by our findings suggests that sports stakeholders do not articulate strong moral reasoning when it comes to manipulation, thereby confirming the lack of social stigma towards these manipulative agreements, or, if they do, that they do not trust that the existing reporting mechanisms and responsible authorities will handle a report appropriately.

# Describing the social reaction

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Under the term “social reaction”, we include the measures that have been adopted by public authorities and sports bodies in response to the phenomenon. For ease of reading, we have divided the section into three parts: the legislative framework (including the Macolin Convention and criminal law and betting law in Switzerland), the disciplinary framework, and, in the final section, an overview of the ecosystem of the main stakeholders active against match manipulation in Switzerland, including their responsibilities and activities.



### ***c. What is the legislative framework in place?***

In this section, we provide a review of the most important legislative tools against match manipulation at the international and national levels.

#### **i. Macolin Convention**

The Council of Europe Convention on the Manipulation of Sports Competitions, also known as the Macolin Convention, is the only international legal instrument that addresses the issue of the manipulation of sports competitions. To prevent, detect, and sanction match manipulation in sports, the Macolin Convention invites countries to develop a common legal framework and improve international cooperation among public authorities, competition organisers and sports organisations (COE, n.d.).

The Macolin Convention entered into force on 1 September 2019. It has been ratified by Greece, Italy, Norway, Portugal, the Republic of Moldova, Switzerland, and Ukraine. It was also signed by 30 other European states and Australia. Switzerland was the first country to sign the convention on 18 September 2014 and ratified it on 16 May 2019.

A key disposition of the convention is the constitution of a national platform to coordinate the fight against manipulation at the national level and to serve as an information hub (Art. 13<sup>3</sup>). The Swiss national platform has been fully operational based on federal law since 1 January 2019<sup>4</sup>. Gespa (ex-Comlot) is the designated Swiss national platform according to the Macolin Convention. At the national level, Gespa is the point of contact, reporting office, and information hub.

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<sup>3</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cdd7e>

<sup>4</sup> <https://rm.coe.int/t-mc-2019-3sw-goc-country-factsheet-switzerland/1680923e88>

## ii. Criminal law

In a prominent manipulation case in 2012 (see point a. of this section), the Swiss Federal Criminal Court disposed the acquittal of the defendants, although one of them admitted his involvement in match manipulation as a player (Diaconu and Kuhn, 2019). The court stated that Swiss criminal laws in force in 2012 were unsuitable to convict the accused persons. According to Diaconu and Kuhn (2019), the Swiss criminal code (SCC) at the time did not provide for crimes such as private bribery<sup>5</sup>, unless it distorted market competition under the federal law against unfair competition<sup>6</sup> (LCD, Article 4a; see Annexe 1). For the 2012 case, the only articles in the Swiss criminal code that could have been considered applicable were Arts. 146 and 147 SCC (see Annexe 1), regulating fraud. However, as the judges stated, these articles were established to sanction fraud against persons, so they were not applicable to the case under discussion since fraudsters had targeted an anonymous Asian online betting platform.

Following this case, Switzerland not only signed and ratified the Macolin Convention (see above) but also introduced a new criminal law provision specifically tackling manipulation. In the Sport Promotion Act (SpoPA)<sup>7</sup>, Article 25a introduces a specific penal offence on competition manipulation under the title “Measures to Combat Competition Rigging” (Diaconu and Kuhn, 2019; see Annexe 1).

The new dispositions entered into force on 1 January 2019. The legal framework leaves aside the issue of “sports-related” manipulation, or tactical losses<sup>8</sup>, and concentrates on manipulation linked to betting issues, contrary to the Macolin Convention, which adopts a larger view (see the definition in the foreword). In theory, other offences could be used besides those listed in Article 25a of SpoPA: fraud (Art. 146 Swiss Criminal Code), computer fraud (Art. 147 Swiss Criminal Code), or bribery (Art. 322 octies and 322 novies Swiss Criminal Code). The jurisprudence has yet to clarify the potential concurrence between these offences.

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<sup>5</sup> Nowadays, private bribery is prosecuted ex officio and punished even in cases that do not distort competition. The criminal code has been amended with the new rules in force since 1 July 2016.

<sup>6</sup> In French, *Loi fédérale contre la concurrence déloyale* (LCD) 241 19 December 1986.

<sup>7</sup> In French, *Loi fédérale sur l'encouragement du sport et de l'activité physique* (Loi sur l'encouragement du sport, LESp) du 17 juin 2011.

<sup>8</sup> This could be the case with a tactical draw arranged (explicitly or implicitly) by two teams at the expense of a third team in a minor competition for which no betting possibility is offered, as was the alleged case of match manipulation reported in 2019 in the sixth tier of the Swiss football league. In general, manipulation that has not yet been criminalised under Swiss law includes acts where “fraud” has been committed against a collective entity such as a corporation, a federation, a club, or other corporate organisers of a sports event without any betting opportunity (Diaconu and Kuhn, 2019).

### iii. Betting law

In Switzerland, gambling is mentioned in the Swiss Federal Constitution (CCS). Its Art. 106 CCS distinguishes between (a) gambling houses and (b) lotteries, sports betting, and games of skill. According to Art. 106, para. 3 CCS, the cantons authorise and supervise lotteries, sports betting, and games of skill. Gambling houses are under the enforcement powers of the Confederation (specifically the *Federal Gaming Board*).

Swiss gambling regulation has been completely revisited in recent years. In January 2019, the Federal Act on Gambling (Gambling Act or LJar in French<sup>9</sup>), approved by referendum in June 2018, entered into force. This law—built upon a system of licensing as required by the Swiss Federal Constitution—defines new categories of gambling and delimits competencies in a new way.

According to the Gambling Act, the Swiss betting system is regulated at the federal, intercantonal, and cantonal levels.

The Gambling Act distinguishes between large-scale and small-scale gambling:

- a. Large-scale games are lotteries, sports betting, and games of skill that are operated in an automated manner, either intercantationally or online.
- b. Small-scale games are lotteries, sports betting, and poker tournaments that are not operated in an automated, either intercantonal or online, manner (small lotteries, local sports betting, and small poker tournaments).

Casino games remain under the jurisdiction of the Confederation. Small-scale gambling (e.g., small lotteries, local sports betting, and small poker tournaments) is the responsibility of the individual cantons. The cantons decide whether to authorise large-scale games (lotteries, sports betting, and large-scale games of skill). If they authorise them, they are obliged to join a concordat establishing an intercantonal supervisory and enforcement authority (Art. 105 Gambling Act), which the law also calls an “intercantonal authority”.

Following the new law, cantons approved a new concordat (*Concordat sur les jeux d'argent au niveau suisse* [CJA]), which entered into force 1 January 2021. The CJA instituted a new intercantonal authority that is independent according to Art. 106 of the Gambling Act.

The new body is called the “Swiss Gambling Supervisory Authority” (Gespa; [www.gespa.ch/en](http://www.gespa.ch/en)). Among its tasks, Gespa—which has replaced Comlot—is responsible for combating illegal gambling (see Art. 107, para. 1, let. b, of the Gambling Act), for cooperating with domestic and foreign authorities (see Art. 107, para. 1, let. c, of the Gambling Act), and for compiling and publishing a report on its activities (Art. 107, para. 1, let. d, of the Gambling Act).

Art. 23 of the Gambling Act states that the cantons determine the maximum number of large-scale lottery and sports betting operators and that they may also designate the companies to which the intercantonal authority may grant a licence to operate lotteries and sports betting, provided that the licensing requirements are met. The number of operators of lotteries and sports betting is limited to two.

For this purpose, Swiss cantons signed two conventions:

- Convention intercantonale sur l'organisation commune des jeux d'argent (IKV 2020). It was signed by the cantons of German-speaking Switzerland and the canton of Ticino and appoints *Swisslos* as the only operator authorised in their cantons.
- Convention romande sur les jeux d'argent (CORJA) signed by the six French-speaking cantons (Vaud, Fribourg, Valais, Neuchâtel, Geneva, and Jura), which appoints *Loterie Romande (Loro)* as the only operator authorised in their cantons.

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<sup>9</sup> <https://www.admin.ch/gov/en/start/documentation/votes/20180610/Federal-Act-on-Gambling.html>

Concerning sports betting, Art. 29 of the Gambling Act states that operators may not offer sports betting on events that present a high risk of manipulation. In particular, this covers bets on (a) sporting competitions with no sporting stakes and (b) events of little importance to the outcome of a competition.

***Example of regulation: Maximum amount per bet***

Loro and Swisslos have established their regulations on sports betting (Jouez Sport Règlement 7e edition for Loro and Sporttip for Swisslos). Accordingly, it is possible to place a single bet with a maximum of CHF 500 (for Loro) or CHF 1,000 (for Swisslos). Regulation also provides for collaboration with authorities in case of sports manipulation and reserves the right to suspend and cancel bets in cases where the sports betting operators are aware of possible betting fraud or manipulation. All these dispositions apply for both physical bets and online bets.

#### d. What is the disciplinary framework in place?

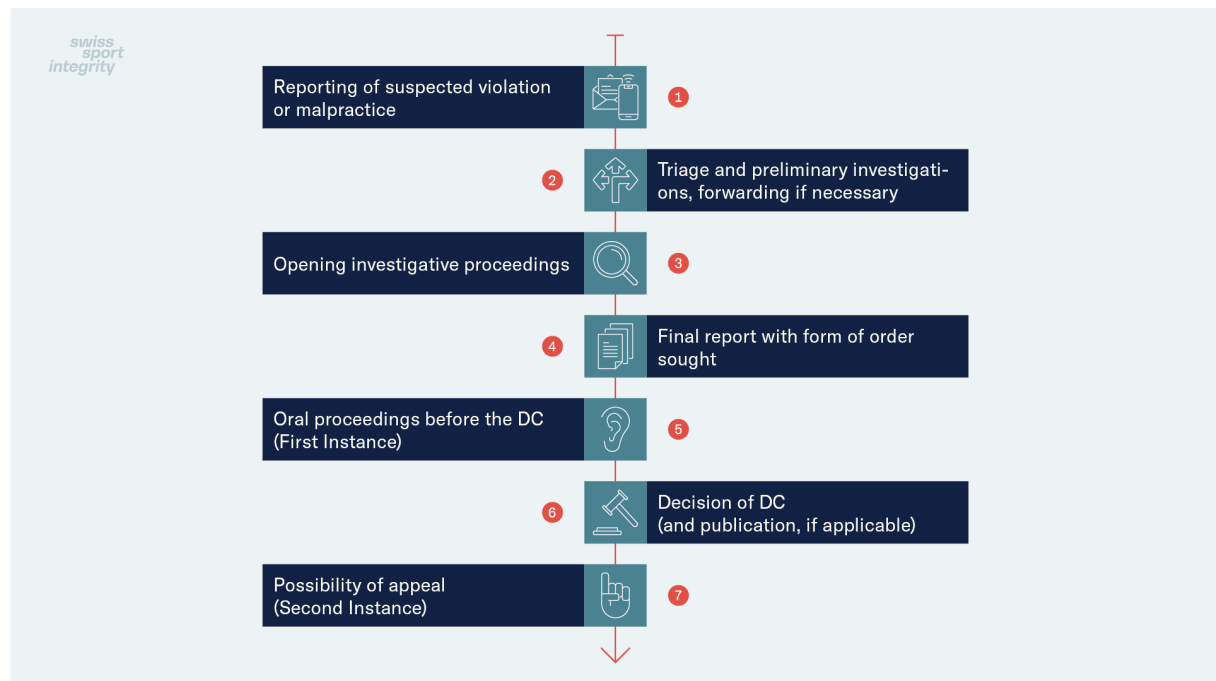
Together with the Federal Office of Sports, Swiss Olympic has developed a nine-point Ethical Charter that applies to the entire Swiss sports movement. Point 9 states:

*S'opposer à toute forme de corruption. Promouvoir et exiger la transparence des processus et des décisions. Réglementer et rendre systématiquement publics les conflits d'intérêt, les cadeaux, les finances et les paris.*

All federations have to nominate an ethical contact point who is in charge of implementing the charter, as well as the Code of Conduct<sup>10</sup>, which also includes integrity obligations. Corruption and betting are mentioned in both the Code of Conduct and the Ethical Charter.

National federations have their own disciplinary regulations. For example, the Association Suisse de Football has its own Code of Conduct<sup>11</sup>, which follows the same model as the Swiss Olympic document but does not contain specific dispositions linked to manipulation. Since 1 January 2022, a new Ethics Statute of Swiss Sports has entered into force together with the launch of a new independent body, Swiss Sport Integrity<sup>12</sup>. The new statute is binding for all Swiss sports organisations and for their members. It lists four violations of ethics provisions (Art. 2): mistreatment (discrimination and unequal treatment, violation of psychological integrity, violation of physical integrity, violation of sexual integrity, and neglect of a duty of care), abuse of position (corruption and acceptance of gifts and ignoring conflicts of interest), unsporting behaviour and incitement, and complicity in and attempts at large, mainly interpersonal violence and anti-doping. It also establishes obligations to cooperate (Art. 4) and describes the procedural steps that should be followed when reporting, investigating, and assessing ethics violations (Fig. 1).

**Fig. 1: Swiss sports integrity investigation procedure, step by step**



<sup>10</sup> [https://www.swissolympic.ch/fr/dam/jcr:4831d6e7-3c3c-417c-8122-2a9296f91cb8/Code\\_of\\_Conduct\\_2015\\_fr\\_.pdf](https://www.swissolympic.ch/fr/dam/jcr:4831d6e7-3c3c-417c-8122-2a9296f91cb8/Code_of_Conduct_2015_fr_.pdf)

<sup>11</sup> [https://org.football.ch/fr/portaldata/28/Resourses/dokumente/fr/01\\_statuts\\_et\\_domaine\\_disciplinaire/1.3\\_Code\\_of\\_Conduct\\_F\\_.pdf](https://org.football.ch/fr/portaldata/28/Resourses/dokumente/fr/01_statuts_et_domaine_disciplinaire/1.3_Code_of_Conduct_F_.pdf)

<sup>12</sup> The Ethics Statute is available here (only in German): [https://www.sportintegrity.ch/sites/default/files/ethik-statut\\_2021\\_de.pdf](https://www.sportintegrity.ch/sites/default/files/ethik-statut_2021_de.pdf).



**e. Who are the main stakeholders against match manipulation in Switzerland? How are they organised, what do they do, and what are their responsibilities?**

This section explores the organisational landscape in the fight against manipulation. We have already explained that, following the signing of the Macolin Convention, Switzerland has set up a national platform. Fig. 2 provides a visual representation of the main stakeholders and their roles. For ease of reading, we created five dimensions of actors: those mainly involved in international cooperation, those mainly involved in criminal investigation (when applicable), and those who have a duty to report suspicious activities to the national platform: international sports bodies, Swiss gambling operators and monitoring services, and national bodies (Swiss Olympic, national federations, sports clubs, and sports associations). The rest of the section provides a specific description for each of the stakeholders represented in the chart.

**Fig. 2: Visual chart of the Swiss national platform and the actors that may participate in the prevention, monitoring, detection, and prosecution of match manipulation in Switzerland**



## The Swiss National Platform – Gespa

Gespa is the Swiss Gambling Supervisory Authority and the Swiss national platform for the Macolin Convention. Established in 2021, it has the duty to control sports betting in the country. It participates in the Copenhagen Group (GoC) to support international information exchange. As mentioned, Gespa is the enforcement authority responsible for the supervision and licensing of large-scale games, and, since its institution in 2021, it has been appointed as the Swiss national platform following the requirement of the Macolin Convention. A list of its activities in the fight against match manipulation is presented in Tab. 2. Previously, these activities were performed by the Swiss Lottery and Betting Board (Comlot). With the new Gambling Concordat (CJA), which came into force on 1 January 2021, Comlot has become Gespa.

**Tab. 2: Gespa-relevant activities against match manipulation**

### Blocking access

The new Federal Gambling Act (Gambling Act) prohibits offering gambling from abroad, and it therefore allows the restriction of access to unauthorised online gambling services. According to its mandate, Gespa releases a blocking list (“blacklist”) of domain names that offer unauthorised foreign gambling. Swiss telecommunications service providers are obliged to block access to the domains on these lists (DNS blocking). The aim is to prevent foreign companies from participating in the Swiss gambling market. Foreign companies often have poor measures in place to combat fraud, money laundering, and gambling addiction, and they often do not pay any taxes or duties in Switzerland.

### Permissible betting

Offering betting on sports events involving an increased risk of competition manipulation is prohibited (cf. Art. 29 Gambling Ordinance). Subsequently, Swiss betting operators (Loterie Romande and Swisslos) cannot offer sports betting on just any sports event. To indicate the range of permissible offers, Gespa has compiled a list to which operators must adhere.

### Reporting obligation

Sports governing bodies and other organisations headquartered in Switzerland that organise, supervise, or themselves take part in sports events are obliged by law to inform Gespa about suspected cases of competition manipulation. The prerequisite for such an obligation is that (a) the event takes place in Switzerland or (b) betting on the event is available in Switzerland (irrespective of the event’s location). Reports received by Gespa may be forwarded to prosecution or other authorities, to betting operators, to sports governing bodies, or to reporting offices abroad.

### (Anonymous) Reporting platform

In terms of reporting related to competition manipulation in sports, it is possible to use the Gespa website to report any suspicious activity related to betting. Individuals who report may decide to supply a mail address (discretionary) or choose to stay anonymous. Gespa intends to follow up on any plausible information, even if provided anonymously.

### National platform and international cooperation

The Swiss Gambling Act allots to Gespa the task of being a “national platform” following the Macolin Convention (Art. 13). The national platforms coordinate the fight against the manipulation of sports competitions at the national level and cooperate with all relevant organisations and authorities. According to the Council of Europe, “[t]hey should receive, centralise and analyse information on irregular and suspicious betting or not-betting activities related to sports competitions taking place on the territory of the concerned Party. Where appropriate, the National Platforms should issue alerts and transmitting relevant information in connection with possible breaches of legislation or sports regulations. The National Platforms should create practical opportunities for gathering together all stakeholders, starting with relevant public authorities in order to co-ordinate their policies and action. They also should encourage sports organisations, competition organisers and sports betting operators to co-operate” (COE, n.d.).

### Annual report

Since 2020, (previously Comlot and now) Gespa has released its annual report, which presents the number of suspected cases of manipulation reported to Gespa during the year. The number of reports decreased from 263 (over 192 competitions) in 2019 to 125 (over 97 competitions) in 2020. Most of the reports have come from the Fédération Internationale de Football Association (FIFA) and the Global Lottery Monitoring System (GLMS), which partly covers reporting obligations for national lotteries. A scarcity of alerts from UEFA was mentioned by Gespa in their reports, with the announcement that, following recent clarifications between Gespa and the Union of European Football Associations (UEFA), a sharp increase in UEFA reporting is expected for 2022. On the other hand, although the International Olympic Committee (IOC) has the Integrity Betting intelligence System (IBIS) in place, no reports have been transmitted in past years. For confidentiality reasons, Gespa has clarified that it “does not provide information on specific individual cases with a link to Switzerland unless the suspicions are well-founded—and only when all checks have been carried out and the criminal analysis completed” (Comlot, 2020: 6; Gespa, 2021: 7).

## INTERNATIONAL COOPERATION

**Group of Copenhagen (GoC).** The Council of 'Europe's Network of National Platforms (referred to as the "Group of Copenhagen") was established in 2016 and brings together 33 countries represented by coordinators. The network has laid the basis for transnational cooperation, thus empowering the exchange of information, technical assistance, experience, and expertise essential to fighting the manipulation of sports competitions. The GoC transmitted 40 alerts to Gespa in 2019 and 19 in 2020, while Gespa shared 60 alerts to the GoC in 2019 and 34 in 2020. In past years, Gespa was among the most active members of the GoC. This also depends on the number of international sports organisations headquartered in Switzerland.

**Other national platforms.** According to the Macolin Convention, each national platform may exchange information about suspicious sports events. The GoC, which collects these alerts, may retransmit the information to other national platforms.

**Federal Office of Sports (OFSP).** The Federal Office of Sports (OFSP in French; BASPO in German) is the federal 'government's competence centre for sport in Switzerland. The coordination of the fight against match-fixing and prevention efforts fall within its competence. Its actions centre on promoting sports and physical activity for all ages and all levels of performance, training and further education, supporting elite sports, and fighting against abuses of sports. The OFSP fights against wrongdoing in sports by offering specific modules for the training of Jeunesse et Sport instructors and trainers, as well as working at the political level by partnering with organisations such as Swiss Olympic, the umbrella association of Swiss sports. Together with Swiss Olympic, they have developed the Code of Conduct and the Sports Ethics Charter. Swiss Olympic, the OFSP, and Sports Aid launched a campaign to raise awareness of the Ethics Charter ([www.spiritofsport.ch](http://www.spiritofsport.ch)). The OFSP's mission is to promote sports and physical activity, and its preventative role against match manipulation has been enacted through its partnership with Swiss Olympic. At the international level, the OFSP's chief legal officer was elected at the Macolin Convention Follow-up Committee Bureau<sup>13</sup>.

<sup>13</sup> See <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-85326.html>.

## INTERNATIONAL SPORTS BODIES

**International Olympic Committee (IOC).** The International Olympic Committee (IOC; *Comité international olympique*, CIO in French) is a non-governmental sports organisation and the governing body of the National Olympic Committees (NOCs) and of the worldwide “Olympic Movement”. Based in Lausanne, its mission is to promote Olympism throughout the world and to lead the Olympic Movement. Legally, it is an association under the Swiss Civil Code (Arts. 60–79). Related to the fight against competition manipulation, the IOC established the Integrity Betting Intelligence System (IBIS) for the Olympic Movement in January 2014. IBIS is not a monitoring system but a system for the exchange of information/intelligence. It collects and distributes information and intelligence related to sports betting for use by all stakeholders of the Olympic Movement, and it enables communication between all partners on the sports side and the different sports betting entities (IOC, 2015). The IOC did not transmit any alerts to Gespa in 2019 or 2020 (Comlot, 2020; Gespa, 2021).

**International sports federations (ISFs).** International sports federations are non-governmental organisations for a specific sports discipline that can also regroup similar disciplines. International sports federations aim to regulate and promote their sports and also organise their competitions. Switzerland is well known for hosting the highest number of ISFs in the world. According to the Gambling Act, sports governing bodies headquartered in Switzerland that organise, supervise, or themselves take part in sports events are obliged by law to inform Gespa about suspected cases of competition manipulation. The two international sports federations that have provided information about suspicious patterns are the Fédération Internationale de Football Association (FIFA) and the Union of European Football Associations (UEFA ; Comlot, 2020; Gespa, 2021).

FIFA (the International Federation of Association Football in English) is a non-profit organisation and the international governing body of association football, futsal, and beach football. FIFA was founded in 1904 in Paris and has been based in Zurich since 1932. With its 211 member national associations, FIFA aims to support and govern football worldwide. To be part of the FIFA community, each national association must also be associated with one of the six regional confederations: CAF for Africa, AFC for the Asian region, UEFA for Europe, CONCACAF for North and Central America and the Caribbean, COMBEMOL for South America, and OFC for Oceania). FIFA transmitted 118 alerts to Gespa in 2019 and 41 in 2020 (Comlot, 2020; Gespa, 2021).

UEFA (the Union des associations européennes de football in French) is one of the six regional confederations. UEFA is the administrative body for football, futsal, and beach football in Europe, regrouping 55 member national associations. UEFA is responsible for national and club competitions and managing regulations and media rights to its competitions. Among the most popular UEFA competitions, we find the UEFA European Championship, UEFA Nations League, UEFA Champions League, and UEFA Europa League. UEFA transmitted 1 alert to Gespa in 2019 and 4 in 2020 (Comlot, 2020; Gespa, 2021).

## SWISS GAMBLING OPERATORS AND MONITORING SERVICES

**Swiss betting operators.** As previously mentioned, there are only two betting operators active in Switzerland: Loro and Swisslos. The Société de la loterie de la Suisse romande—the Loterie Romande (Loro)—was created in 1937 by the French-speaking Swiss cantons. It is based on an intercantonal agreement and has the aim of organising a lottery in French-speaking Switzerland, the profits of which are redistributed for the benefit of the public interest at a time of social or charitable need. Swisslos Loterie Intercantonal is a cooperative society as well. The members of the cooperative, both owners and sponsors, are the cantons of German-speaking Switzerland and Ticino. Since 1968, Swisslos has been offering lotteries and sports betting in the Principality of Liechtenstein by virtue of a contract.

Loro transmitted 37 alerts to Gespa in 2019 and 8 in 2020, following GLMS alerts. Swisslos transmitted its alerts to Gespa, too, some of which were received from GLMS, of which it is a member as well, and others that were received by Sportradar (Comlot, 2020; Gespa, 2021).

**Monitoring systems services.** Monitoring systems services are public or private bodies. They may be appointed by public and private betting operators and also by international and sports federations to monitor the betting market and report suspicious betting patterns to relevant authorities.

In Switzerland the two most important are the monitoring services provided by the Global Lottery Monitoring System (GLMS) and Sportradar.

GLMS is the lotteries' integrity body. GLMS is a non-profit member association with its main membership comprising state lotteries that offer sports betting. GLMS accompanies its members in the protection of sports betting integrity, also working with sports, law enforcement, and public stakeholders as associate members or partners. GLMS has its own monitoring platform, with thresholds that have been set manually. In addition to their headquarters in Switzerland, three monitoring hubs comprising seven full-time monitoring and analysis coordinators sit in Asia, Europe, and North America. GLMS's monitoring aspect essentially aims to identify and analyse suspicious betting activities that could bring into question the integrity of a sports competition (<https://glms-sport.org>). This includes developing alerts that are red or yellow, or sending out green notifications on various sports and competitions, following in-depth analysis, investigating events, and exchanging information with the operational teams of its member lotteries. GLMS also works in very close partnership with law enforcement agencies, sports organisations, and public authorities directly with agreements or through projects. GLMS transmitted 45 alerts to Gespa in 2019 and 49 in 2020 (Comlot, 2020; Gespa, 2021).

Sportradar is a worldwide supplier of sports betting and sports entertainment products and services. Sportradar Integrity Services is a non-profit unit within Sportradar. It supports state authorities, law enforcement, sports governing bodies, anti-doping organisations, clubs, and private organisations in combatting, among others, betting-related match-fixing activity. In this role, Sportradar provides them with complete explicative reports when sports betting patterns are suspicious (<https://integrity.sportradar.com>). Sportradar transmitted 18 alerts to Gespa in 2019 and 4 in 2020 (Comlot, 2020; Gespa, 2021).



## NATIONAL BODIES



**Clubs and sports associations.** According to Art. 64, al. 1, of the Gambling Act, even a sports club, association, or organisation—based in Switzerland—that participates (without organising) in a sports event has a duty to report cases of suspected manipulation. During 2019 and 2020, Gespa did not receive any alerts from clubs or sports associations.

**Swiss Olympic.** Swiss Olympic is the umbrella organisation of Swiss sports and its National Olympic Committee. Its role is to support sporting success, and it disseminates Olympic values in society. Six years after the adoption of its Ethical Charter in 2015, Swiss Olympic has recently implemented a help desk called “INTEGRITY”. The help desk facilitates the reporting of ethical breaches. Anyone can file a report through the online alert system or by telephone. The anonymity of the person is ensured if they request it. Moreover, Swiss Olympic has a single point of contact for competition manipulation, which is integrated in the network with Gespa, the OFSPO, the IOC, and other actors. It also stands as a point of contact for the national sports federations. Since 1 January 2022, the help desk service has been taken over by Swiss Sport Integrity.

**Swiss Sport Integrity.** Swiss Sport Integrity (<https://www.sportintegrity.ch>) is the body established in Switzerland to handle ethics violations in Swiss sports since 1 January 2022. Its foundation was approved by the Swiss Sport Parliament on 26 November 2021. The new entity has been created on the basis and experience of Antidoping Switzerland but with an enlarged scope to deal with ethical violations and grievances in sports. The new institutional framework recalls the importance of providing a central point of contact for reporting, ensuring its confidentiality and security through a new digital platform. The new Swiss model follows the examples of other countries such as Australia (Sport Integrity Australia) and Finland (Finnish Center for Integrity in Sports) that have been the precursors of this integrated model. The reasoning behind is that an integrated approach is more likely to foster ethical reasoning and behaviour than the traditional siloed approach and that a single entity will help build and centralise competences regarding, for example, risk analysis, monitoring, prevention, and awareness-raising programmes.

**Swiss sports federations.** Swiss sports federations are national governing bodies and have the same objectives as those of an international federation, but they fall within the scope of one country, or even part of a country, as the name implies. They support local clubs and are often responsible for national teams. Sports federations may appoint one or more integrity officers who are in charge of dealing with issues concerning sporting integrity.

## CRIMINAL INVESTIGATION

**Cantonal police forces.** The cantonal police have the main responsibility of law enforcement in Switzerland while the federal government provides mainly specialised and support services in the field. A cantonal police agency exists for each of the 26 cantons of Switzerland, and they are not subordinate to federal authorities. Their commanding officers report to the head of the cantonal department of police, who belongs to the cantonal governing council. Cantonal police did not transmit any alerts to Gespa in 2019 and 2020.

**Federal Office of Police (Fedpol).** The Federal Office of Police of Switzerland is subject to the Federal Department of Justice and Police. It coordinates major illegal issues between cantonal police corps, national police forces, and foreign police forces. Among its responsibilities, police officers from Fedpol investigate crimes including kidnappings, terrorism, organised crime, and money laundering. Gespa interacts with Fedpol especially when an alleged case of match manipulation in Switzerland is reported to Gespa. Under these circumstances, Gespa provides full documentation on the cases concerned to Fedpol, which then forwards it to the competent cantonal authorities following their standard jurisdiction procedure. In a very specific cases, the jurisdiction may remain at federal level. Fedpol transmitted 1 alert to Gespa in 2019 while no alerts were reported in 2020.

**Office of the Attorney General of Switzerland (OAG).** The Office of the Attorney General of Switzerland is responsible for investigating offences under federal jurisdiction listed in Arts. 23 and 24 of the Code of Criminal Procedure and in special federal laws. It is also responsible for supporting the prosecution in these cases. On the one hand, it deals with classic crimes against state security, that is, criminal acts that are primarily directed against the Confederation or its interests. On the other hand, the jurisdiction of the Attorney General's Office extends to the prosecution of complex intercantonal or international cases of organised crime (terrorism and its financing), money laundering, and corruption. As an optional federal competence, the Attorney General's Office also deals with cases of economic crime of national or international scope. Finally, the execution of requests for judicial assistance from foreign authorities also falls within the jurisdiction of the Federal Prosecutor's Office. The Attorney General's Office conducts its criminal investigations in close cooperation with the Federal Criminal Police, in its capacity as the criminal police of the Confederation. Moreover, the Attorney General's Office works closely with the cantonal prosecution authorities. As the Attorney General's Office regularly conducts complex proceedings with international implications, intensive cooperation with foreign prosecution authorities is equally important.

**Offices of cantonal prosecutors.** According to the Swiss Criminal Procedure Code (Art. 22), cantonal criminal justice authorities shall prosecute and judge offences under federal law, subject to statutory exceptions. This means that for manipulation cases, jurisdiction lies at the cantonal level. According to Art. 24, the Attorney General's Office may have jurisdiction for serious cases only (organised crime, terrorist offences, and white-collar crime) if they have to a substantial extent been committed abroad and have been committed in two or more cantons with no single canton being the clear focus of the criminal activity.



# Identifying loopholes and making proposals

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## ***f. What are the areas of improvement in the prevention, detection, and sanctioning of match manipulation in Switzerland?***

To examine the Swiss sports situation against manipulation and propose a set of recommendations, the authors drew inspiration from the integrity management framework developed by Maesschalck and Bertok (2009).

### **1. Determining and defining integrity**

The first step to take when implementing an action plan against match manipulation concerns its definition. With the new status of the Sport Promotion Act that entered into force in January 2019, sports manipulation related to the Swiss betting market became a legally defined target for police, justice authorities, and other public authorities. The law decided to leave to sports federations the responsibility of detecting and sanctioning all other forms of sports manipulation that are not betting related.

In the sports realm, Swiss sports governing bodies have been increasingly pressured by the IOC, the Council of Europe with the Macolin Convention, and some international sports federations to take action against different forms of competition manipulation. One of the first steps has been to include manipulation in the sports regulatory landscape. Both the Ethical Charter (Principle 9)<sup>14</sup> and the Code of Conduct (Codex 4)<sup>15</sup> contain provisions covering corruption, albeit in non-precise terms while the new Ethics Statute of Swiss Sports includes “Unsportsmanlike Conduct” (*Unsportliches Verhalten*, Art. 2.3) as a violation of the statute.

## **RECOMMENDATIONS**

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**Criminal, betting law and its complimentary regulation.** Concerning the legislative framework, it should be noted that in 2019 Switzerland introduced new criminal provisions to sanction match manipulation. It also reformed, in the same year, its betting law with new authorities and new intercantonal agreements. In September 2019, the international context changed as well with the Macolin Convention coming into force. In this scenario, it is still premature to express any consideration about the effectiveness of the Swiss legislative framework currently in place. Nevertheless, we recommend conducting an assessment on a regular basis, approximately every five years. On the other hand, the general decision to leave to disciplinary regulation all sporting-related manipulation seems consistent with the Swiss approach of using criminal law only as a last resort, leaving the rest as a responsibility of the sports movement.

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<sup>14</sup> **Principle 9. Opposing all forms of corruption.** Encouraging and stipulating transparency in decisions and processes. Dealing with conflicts of interest, gifts, regulating financing and gambling, and consistent disclosure.

<sup>15</sup> **Codex 4. Integrity.** - We do not exploit our position/function for any private purposes or personal advantage. - We do not accept bribes and decline any undue benefits that are offered, promised or granted to us with the aim of a breach of duty or dishonorable conduct, for personal benefit or the benefit of third parties. - We do not bribe, nor do we incite others to bribe, and do not grant any undue advantages to officials, companies, or other persons. - We neither accept nor offer commission payments to facilitate business of any kind in connection with the exercising of our functions or our influence. - We do not offer any bribes to officials, companies or other persons, and we do not accept any bribes.

**Study on the impact of Swiss betting regulation on Swiss bettors' betting behaviours.**

The review conducted on the legislative and regulatory framework on sports betting suggests that, at the moment, the regulatory design of the Swiss market provides a limited set of incentives to bet on manipulated matches through Swiss operators. Indeed, combination sports betting is limited compared to other foreign platforms, with the number of matches often being more at risk (e.g., friendly matches) or the event type. Eventually, even the collection of winning bets will necessitate providing a personal ID when the winning exceeds CHF 2,000. However, this administrative burden is balanced by a new taxation regime, which—with the new law—exonerates winnings up to CHF 1,000,000<sup>16</sup>. Although Swiss internet service providers have implemented Gespa guidelines to prevent non-authorised betting websites on Swiss IP addresses, some accessible technical solutions (e.g., VPN) allow for continuing to bet abroad. For all these reasons, it seems plausible that a portion of Swiss bettors are playing on foreign websites and/or may join betting forum communities abroad<sup>17</sup>. We are not recommending criminalising or forbidding such activities, but further studies on these issues would be welcomed since they would allow us to know more about these betting habits and their potential links to sports manipulation or other criminal threats (money laundering for example)<sup>18</sup>.

**Disciplinary regulation.** Disciplinary regulation should cover explicit manipulation issues, whether they are related to betting or not. Complacency towards non-betting-related manipulation, such as end-of-season arrangements to avoid relegation or get promoted, can occur in sports. Such cases are seldom detected and sanctioned. The regulation, prevention, and detection frameworks should not differentiate forms or origins of manipulation. Any alteration of the natural course of a sports event should be taken seriously. In any case, the same set of clear rules should apply to all federations recognised by Swiss Olympic and to all sports actors (athletes, staff, and officials) contractually linked to the governing bodies. Regarding manipulation, the disciplinary regulation of the Olympic Movement could also be referred to, with a clear prohibition of any form of manipulation, of betting (on one's own competition), and the disclosing of inside information. Sports actors are also obliged to report any approach for manipulation or suspicion of the same ("do not manipulate, do not bet, do report, do not disclose inside information").

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<sup>16</sup> Please see Art. 3, let. e, of the Gambling Act. Before, online gambling earnings were tax exempt up to CHF 1,000.

<sup>17</sup> The increase of sport betting on online non-authorised foreign platforms was a concern also expressed by a study released in 2015 and commissioned by the Swiss Federal Office of Justice (Baldauf and Brüsehaber, 2015). In the next few years, it would be interesting to replicate the exercise to assess the actual financial impact of the Swiss betting law that entered into force in 2019.

<sup>18</sup> Another potential source of information about the impact of the new law can be the quinquennial Swiss Health Survey by the Federal Statistical Office. This survey addresses a representative sample of the Swiss population with a panel of questions focusing on (pathological) gambling behaviours. The last survey was conducted in 2017, and the next is planned for 2022. For info concerning the last round, please consult the report released in 2019 with the support of the Swiss Federal Gaming Board and the Swiss Lottery and Betting Board (formerly Comlot, now Gespa; Dey and Haug, 2019).

## 2. Guiding towards integrity

Globally, although some initiatives are in place, our consultation identified the need to increase awareness of the issues linked to manipulation and integrity at all levels of sport: athletes, staff, and officials. Making people aware of recognising unethical behaviours and the available protection tools is the first means of primary prevention.

Awareness and education campaigns among the young generation always represent a good investment for the development of an integrity programme. Currently, Swiss Olympic and the OFSPO include in their Jeunesse et Sport education curriculum some provisions on the definition of corruption and manipulation. Some Talent Card members (top athletes in Olympic sports) are also covered by sessions on integrity aspects, including manipulation. At the Swiss Federal Institute of Sport Magglingen, the master of science in sports with a specialisation in elite sports provides a law module on corruption in sports.

At the federation level, to our knowledge, the Association Suisse de Football is the only federation that is known to have education programmes for top clubs with mentions of rules regarding manipulation and betting. Facing a lack of human resources, financial capacity, and awareness of the issue, the other federations have not yet developed such campaigns.

### RECOMMENDATIONS

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**Broader integrity framework for education programmes.** Awareness and education programmes targeting a larger pool of athletes, staff, and officials should be designed following a broader integrity framework. This means that alongside doping, harassment and violence, and discrimination, match manipulation should also be a subject of communication and awareness-raising. A range of tools can be used: written material, e-learning platforms, face-to-face visits, social media outreach, interviews, or other channels. Given their experience and competence in the matter, Swiss Olympic and the OFSPO could further develop these education, communication, and awareness-raising plans, including modules and messages on manipulation. They could either run such plans by themselves (visiting clubs and giving live sessions, opening and coordinating online tools, publishing guides and reading material, etc.) or provide the tools and let the federations (and/or the clubs) use them.

**Ongoing monitoring of education programmes.** Swiss Olympic and the OFSPO (or a delegated authority such as the forthcoming Integrity Unit) need to monitor the activities and the individuals covered and co-measure the improvements within national federations, under the model of the Association of Summer Olympic International Federations (ASOIF) Governance Task Force at the international level (see, for example, ASOIF, 2020), by setting a number of criteria (for example the percentage of clubs, teams, or individuals covered; the feedback satisfaction rate; the ethical climate; etc.) and evaluating the federations accordingly. From the information collected through the interviews with experts, the ongoing reform seems to acknowledge the importance of monitoring education programmes and to act accordingly.

**Developing public communication on the issue.** Another good practice from international experience is the development of communication strategies towards stakeholders, through the publication of reports, interviews, and social media messages. Not only can such strategies convey information on regulation and the reporting channels and other tools available, but they can also show the effectiveness and reliability of the integrity framework. Success stories, completed cases, presentations from some key officials or about statistics on the integrity work can contribute to building and sustaining the trustworthiness and publicity of the integrity framework. The example of the Athletics Integrity Unit can be underlined here as a potential good practice.

### 3. Monitoring integrity

Under the term “monitoring integrity”, we include all the mechanisms that may allow stakeholders to gain an overview of the situations and risks that may undermine sporting integrity at the national level or in their organisations. Currently in Switzerland we can identify three mechanisms that are in place: whistle-blowing tools, betting monitoring schemes, and cooperation mechanisms.

**Whistle-blowing tool.** Through the newly implemented Swiss Sport integrity platform reporting channel (<https://www.bkms-system.ch>), a common whistle-blowing tool is now available for anyone who wants to raise an issue, to share suspicions, or has a question regarding sports integrity. A similar mechanism is accessible through the Gespa website, which, separate from Swiss Sport Integrity, hosts a reporting platform on its own website. Among the national federations, ASF is known to have an integrity officer available for anyone who needs to report occurrences of manipulation (football regulation contains a duty to report occurrences of or attempts at manipulation).

**Betting monitoring schemes.** Another manipulation monitoring tool comprises the betting monitoring schemes. Given the fact that many bets on Swiss competitions are taken on foreign operators that are not legalised in Switzerland, it is necessary for Swiss sports authorities to be alerted when suspicious operations are recorded on national competitions. Many Swiss national federations (Basketball, Handball, Badminton, and Football among others) have signed partnerships with dedicated companies (Sportradar and Betgenius) or lottery representative associations directly (GLMS).

**Cooperation with national federations, international federations, and the Group of Copenhagen.** A third monitoring channel is the cooperation with different sports entities. Swiss national federations, as well as international organisations based in Switzerland (e.g., the IOC, FIFA, and UEFA) have a duty to inform Gespa about alerts and information on suspected cases regarding all the events that they organise. The IOC and the IBIS monitoring system for the Olympic Movement can also provide alerts to Swiss Olympic or national federations. The same applies to continental and international federations. Gespa, the official Swiss national platform, is also a member of the Group of Copenhagen, an informal network of more than 30 national platforms that exchange manipulation notices (red, orange, or yellow) following the Macolin Convention guidelines.

#### RECOMMENDATIONS

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**Researching integrity issues.** Surveys and studies on the perception of the prevalence of various integrity issues should be conducted on a regular basis, targeting in particular adolescents and young athletes. A first exercise may be done incorporating a limited set of questions into existing regular surveys. This would allow a public authority to also monitor the impact of education and awareness campaigns. Issues such as athlete well-being, trust in reporting mechanisms, and ethical awareness could also be evaluated by this research. The OFSPO and Swiss Olympic (possibly through the new integrity structure) appear to be the most appropriate stakeholders to coordinate this exercise successfully, in cooperation with national federations.



**Developing risk management and risk assessment approaches.** Integrity risk is not evenly distributed across sports disciplines, seasons, events, and geographies. A risk management function is important (for all integrity issues). With the assistance and coordination of a centralising body, we recommend that each federation develop an integrity risk management framework to tailor the best integrity strategy to its own situation. Risk assessment exercises should also be carried out on a regular basis. The incoming centralised integrity structure, created at the initiative of Swiss Olympic and the OFSPO, could possibly provide support to national federations in this direction.

**Enhancing the whistle-blowing platform.** To foster its effectiveness and trustworthiness, the reporting channel should be accompanied by a whistle-blowing policy, including forms of whistle-blower assistance and protection, written procedures, and rights and responsibilities for both the sports organisations and the whistle-blower. The appropriateness and effectiveness of the new reporting channel could be regularly assessed using a number of criteria. Good practices in terms of whistle-blowing policy are the World Anti-Doping Agency (WADA) “Speak Up!” system and the channels proposed by the Athletics Integrity Unit<sup>19</sup>. Although, the implementation of a whistle-blowing platform in sports is in its infancy, it is advisable to consider the advantage of a unique whistle-blowing platform for Swiss sports, managed by a third-party body. The creation of the reporting mechanism on the Swiss Sport Integrity platform goes in that direction. To ensure equitable and confidential treatment, such a whistle-blowing platform should consider providing the same security standards for reporting as those found on the Gespa website.

**Assessing the contribution of a whistle-blowing platform to sporting integrity on a regular basis.** The provision of an independent and secure reporting platform for whistle-blowers assumes that it may facilitate reporting. Nevertheless, the accessibility to reporting is only one component of the sporting integrity system. Its global functioning should be assessed on a regular basis through independent audits to highlight its strengths and potential areas of improvement.

**Making information on betting monitoring schemes accessible to all sports federations.** Betting monitoring schemes are a valuable tool for detecting sports manipulation. Since October 2021, Sportradar, one of the most important players in the field of monitoring betting-related match-fixing activity, announced that its Universal Fraud Detection System would be available free of charge to all sports federations and leagues. Although this is an important change, sports federations (especially small ones) may not have the necessary human resources to process the information and make themselves aware of the risks. A solution to raise awareness would be to arrange annual meetings with the Swiss national platform to take annual stock of the situation.

**Making sports bodies aware of their reporting duties towards Gespa.** We have already mentioned that, according to the new Swiss law, sports governing bodies and other organisations headquartered in Switzerland that organise, supervise, or take part themselves in sports events are obliged to inform Gespa about suspected cases of competition manipulation when (a) the event takes place in Switzerland or (b) betting on the event is available in Switzerland (irrespective of the event’s location). The number of reports and limited number of sports bodies (2) that made reports to Gespa in 2019 and 2020 may depend, at least partially, on the lack of awareness of the reporting duty. Although a lag in the new law’s implementation is not surprising, especially considering the current pandemic times, this point should be monitored over the next few years.

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<sup>19</sup> For examples of quality criteria for sport organisations, also see Verschuuren (2021).

**Avoiding overreporting on the same suspicious cases.** As multiple actors use the same reporting channels, it may be possible that one event is reported by several different entities based on the same intel. Our recommendation is to clarify, in the Gespa report, how this issue has been addressed to avoid such duplication.

**Considering the possibility of establishing a legal basis for file exchanges between betting operators, Gespa, and sports organisations to ensure that sports stakeholders do not place forbidden bets (for example on their own competitions).** Betting on one's own competitions may be a violation of disciplinary codes, but it is not against the law in Switzerland. Following some sports manipulation events, the practice of cross-checking a list of betting accounts with lists of sports stakeholders' names (of manager and athletes) has been enforced in France, and it has led to some disciplinary sanctions by the sports federation concerned<sup>20</sup>. Currently, in Switzerland information exchange between betting operators, Gespa, and sports organisations is allowed by law only if there are suspicions of match manipulation. Despite the current situation in Switzerland, which seems to not require stricter measures such as cross-checking, the feasibility of authorising such a practice should be considered in case of a sports manipulation crisis.

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<sup>20</sup> See the results regarding the French national handball federation here: <https://www.hand-clean.com/news-list/resultats-des-croisements-de-fichiers-2018-19-dans-le-handball->.



## 4. Enforcing integrity: Processes and structures

A full integrity framework includes prevention and enforcing activities. Under the term “enforcing”, we mean the processes and structures required to investigate and sanction breaches of integrity regulation.

As already mentioned in this report, most Swiss sports federations do not feel particularly concerned by manipulation risks, which are considered to be low. Empirically, this statement cannot be accepted or refuted. There is a gap in research in the field that may be filled in the future. However, adopting a general integrity framework that covers several unethical behaviours will allow the implementation of processes and mechanisms that may increase the capacity of an organisation to respond to integrity threats when they become real. Due to the cultural characteristics (three national languages) and the size of the Swiss context (approx. eight million people), most sports federations do not have enough resources to allocate to the integrity framework. To this end, the role of multi-stakeholder platforms, centralised structures, and Gespa as a national platform become strategic to sustain sporting integrity.

From a law enforcement perspective, the last known criminal investigation on match manipulation in Switzerland dates back to the early 2010s, and no further criminal cases have been opened since then. During these years, Swiss cantonal police forces did not establish any formal network against sporting manipulation while the role of the Swiss federal police has been shaped more as a Swiss referent for international organisations and for international police organisations (i.e., Interpol and Europol). With the entry into force of the Macolin Convention and of the Gambling Act (LJA in French), Gespa assumed the main role of a national platform and central point of contact for international information exchange through the Group of Copenhagen. In this new framework, Fedpol acts mainly as an interface between Gespa and cantonal police. Gespa shares a short overview of the alerts it receives every year. When the event may be linked to Switzerland, Gespa transfers to Fedpol the full dossier that is transmitted to the competent cantonal police if there are investigative leads.

### RECOMMENDATIONS FOR ALL STAKEHOLDERS

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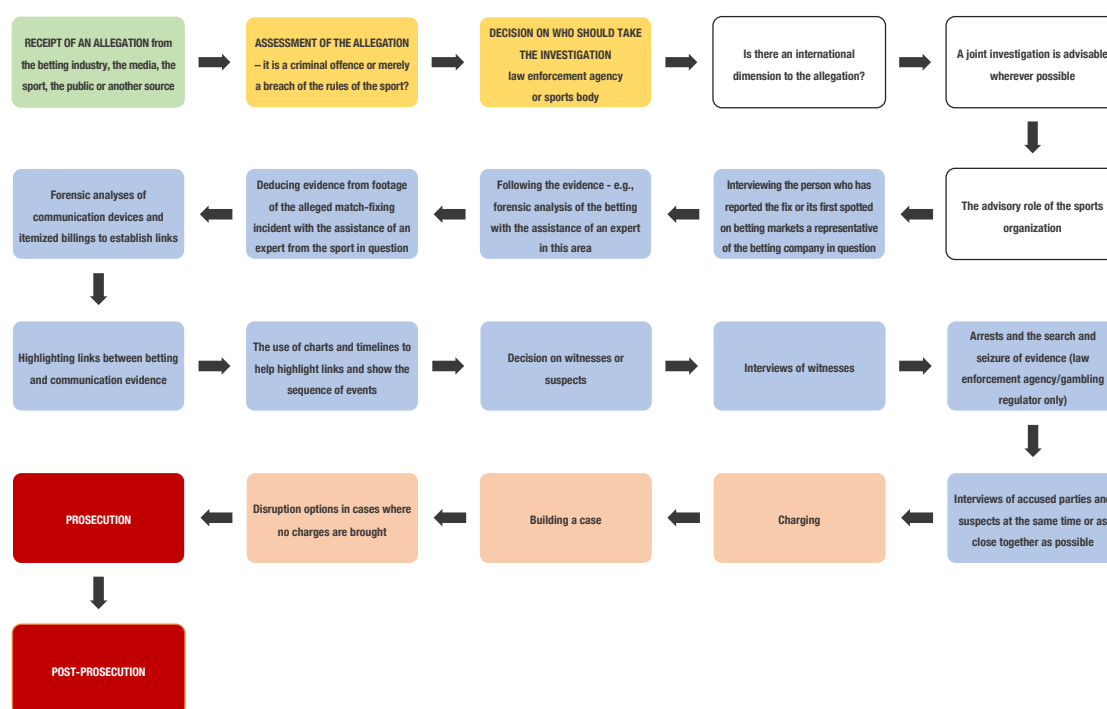
**Holding a yearly meeting may facilitate information exchange.** A yearly meeting of the contact points for the main stakeholders (e.g., the integrity units of the main sports organisations, the betting sector, and law enforcement) may be advisable. The OFSPO, Swiss Olympic, and Gespa seem to be the most appropriate stakeholders to take this lead. The meeting could, for example, present the annual report of any activity and the plan for the future in the field of sporting integrity.

**Formalising procedures and responsibilities.** Procedures and responsibilities for case management need to be defined and written down for all stakeholders. At minimum, information regarding points of contacts, main case management responsibilities, and procedures should be published. Transparency and active communication will contribute to the deterrence framework. For example, the French national platform has established procedures for all platform members (law enforcement, the betting regulator, and sports organisations). Some information on their tasks and responsibilities is available online on the website of the betting regulator that is leading the operational work of the national platform: <https://anj.fr/jouer-en-toute-securite/lutter-contre-les-manipulations-sportives>. Another example comes from the Netherlands, where the national Olympic Committee took a coordinating role and published clear information on the steps and responsibilities for concerned organisations. Information can be found here (in Dutch): <https://nocnsf.nl/matchfixing>.

## RECOMMENDATIONS FOR LAW ENFORCEMENT

**Training on investigating sporting integrity.** Concerned police and justice and staff members should be trained on issues related to sporting integrity in general but also with a focus on manipulation, sports activities, and betting industries. Common procedural steps to investigate and prosecute manipulation cases could also be presented (Fig. 3). This training should be extended by discussing the roles of criminal organisations within criminal sporting issues. Educational documents could be presented by the OFSPO (they are already providing educational and prevention presentations to athletes, coaches, and referees), by sporting federations (they are currently dealing with sporting investigations on manipulation), and by academics.

**Fig. 3: Common procedural steps to investigate and prosecute manipulation cases (adapted from UNODC, 2016)**



**Strengthening an informal network of cantonal police officers on sporting integrity.** Even if human and financial resources are limited in law enforcement for sporting issues, a first step would be to make more police officers aware of this issue by publishing —through their internal channels— information on manipulation issues and the integrity framework that is available to the Swiss police community. A two-day seminar could be organised at which a definition of match manipulation, fixing characteristics, and educational documents could be presented and discussed. This seminar could be replicated when necessary, and it could be organised jointly by Gespa and Fedpol. Exchange experiences, good practices, and knowledge regarding the prevention, detection, and prosecution of manipulation cases could also be formally or informally discussed together with police officers, sports bodies, and betting operators.

**Considering enlarging the role of the existing sport coordination platform to include sporting integrity as a formal network.** On the issue of sports violence, the PKPS (the police coordination platform on sports), which is operated by the cantonal police of Fribourg, has been in place to facilitate cooperation between the actors involved in combating violence in sports. Cantonal police forces and Fedpol may consider in the future enlarging the role of the existing PKPS to include other sporting integrity issues, such as sports manipulation. This solution would be consistent with the integrated approach to safeguarding sporting integrity.

**Considering the development of a centre of competence for investigations on sporting manipulation to assist cantonal law enforcement.** As with any field, conducting investigations on sports manipulation requires a specific set of knowledge that may determine the success of an investigation. Currently, the rarity of sporting integrity cases to be investigated in Switzerland does not seem to justify the establishment of specialised sports units at the cantonal level. On the other hand, developing a centre of competence for investigations on sporting manipulation is a possibility. This centre would assist cantonal law enforcement when cases have to be investigated. Such a centre, if established, could be at Fedpol, which is already involved in the process of information exchange to determine the actual jurisdiction when a case is related to Switzerland. This configuration seems compatible with the role of Gespa as the Swiss national platform acting as an information hub for all suspicious reports of match manipulation.

# Recommendations to specific national sports associations

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## Recommendations for ASSOCIATION SUISSE DE FOOTBALL (ASF)





## Recommendations for Association Suisse de Football (ASF)

Football is the most popular sport in Switzerland, and, as far as we know from betting monitoring worldwide, it is also the sport most affected by manipulation risks.

Association Suisse de Football is active in the fight against manipulation, using several prevention tools. ASF currently provides educational presentations to young players (minors), men's and women's teams, and national teams about manipulation. In their presentations, professional players and staff members are notably informed on what match manipulation represents, why they should refuse it, and what to do in case of a manipulation approach. ASF decided in 2020 to extend manipulation prevention to amateur sports through referees' education. In total, 3,000 referees, coming from all Swiss regional football associations, participated in an awareness-raising session. ASF is planning to extend educational programmes via e-learning sessions or email-based information to more semi-amateur stakeholders, including players and coaches. Only players under a certain age will remain unconnected to the educational sessions as they are not considered to be at risk. A minimum age for prevention measures should be defined by ASF.

One recommendation is to extend the player education to more clubs and divisions at both the amateur and professional levels, in connection with other integrity subjects (ethical reasoning, safeguarding, anti-doping, etc.). A first step would be to publish —through the ASF official website—information on manipulation issues and the integrity framework (tools, contact points, regulation, and e-learning material) of the Swiss football community.

ASF is working closely with UEFA, which acts as a “supra international platform”. UEFA communicates actively with ASF and other football federations to exchange experiences, good practices, and knowledge regarding the prevention, detection, and prosecution of manipulation cases. With its HatTrick programme, UEFA finances football associations up to 50,000 € to fight—along with other integrity issues—the manipulation of competitions. To receive this financial support, ASF sends an annual report detailing both what projects ASF has conducted within the year and what they plan to do the following year.

ASF could also develop ties with fellow European football federations to exchanges ideas on good practices and to create strong links that would be useful if common manipulation issues arise. This collaboration could be further developed in connection with other integrity subjects (safeguarding, anti-doping, etc.).

As a forerunner within Swiss sports on the fight against manipulation, ASF could actively promote and participate in national exchanges with other Swiss national federations, Swiss Olympic, and the OFSPO to provide feedback and experiences on the fight against manipulation. This activity has already been planned in collaboration with the national organisation Swiss Sport Integrity. Regular follow-up is recommended to ensure proper implementation of the measure.

In line with the previous recommendation, ASF could consider continuing to develop ties with the Swiss national platform to facilitate common understandings and the exchange of information and other useful procedures. Alongside Swiss Olympic and the OFSPO, ASF could also participate in the design and delivery of education and awareness-raising sessions. This activity has already been planned in collaboration with the national organisation Swiss Sport Integrity. Regular follow-up is recommended to ensure proper implementation of the measure.

ASF already has an integrity officer within its association, although this person also fulfils other responsibilities. ASF could propose further specialised training for this integrity officer and other relevant ASF staff on how to handle cases, understand betting issues, and deal with whistle-blowers and concerned actors (clubs, players, and other national organisations participating in a case).

The integrity officer could actively promote and participate in national exchanges with other Swiss national federations, Swiss Olympic, and the OFSPO in order to provide feedback and experiences on the fight against manipulation. As Switzerland is a small country, the integrity officer could also schedule further regular (formal or informal) meetings with other sporting organisations (including those from other sports) and fellow European football federations to exchange experiences, good practices, and knowledge regarding the prevention, detection, and prosecution of manipulation cases. Adjudgements are planned due to the collaboration between ASF and Swiss Olympic. Regular follow-up is recommended to ensure proper implementation of the measure.

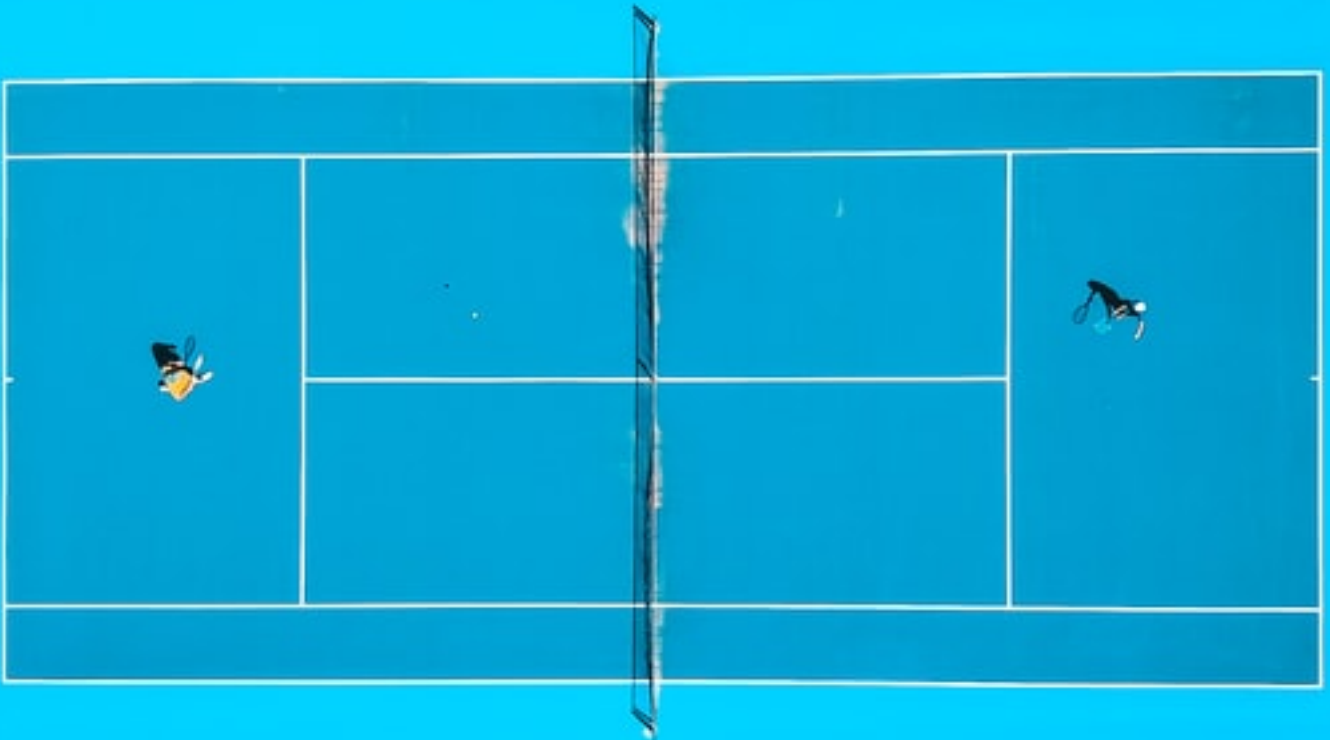
While ASF uses tools to monitor betting markets, it is aware that forms of sporting-related manipulation are complex to detect. Most cases seem to be conducted at the end of the football season (to avoid relegation for example). It could therefore be useful to conduct a manipulation risk assessment on the last matches to be played at the end of the season. This analysis could be done on several professional, semi-professional, and amateur levels. When the risk is considered high, additional scrutiny would cover the game. The integrity officer (or someone educated in manipulation behaviour, such as a trained coach) could be sent into football stands to observe the game and report any suspicious behaviour. All top clubs would be informed of this measure at the beginning of the sporting season. This risk-oriented approach is already used by regional football associations when they send coaches to analyse the behaviour of some violent teams and clubs. These coaches report any suspicious/violent acts to the regional football association. By developing a surveillance system at the end of the sporting season to observe risky matches, another strong and clear message would be sent to not only professional and semi-professional but also amateur players and club officials: no matter the level of competition, integrity always matters, and regular controls are in place to counteract any corrupt behaviour.

ASF should consider asking (at least) the largest football clubs to appoint a person in charge of player and staff well-being. People could add this responsibility to their actual roles within the club (as a medical staff member or psychologist, for example). These people should act as contact points in their respective clubs for any concerns, questions, or suspicions regarding well-being, integrity, or personal issues. They should receive proper information and, if possible, training on integrity issues. E-learning platforms are available at the international level on such issues (for example, on the UEFA website: <https://www.uefa-safeguarding.eu/elearning-awareness>), but national material could also be made available in cooperation with the central organisations (Swiss Olympic, the OFSPO, and the new integrity structure). One good practice comes from the Belgian football federation, which has implemented “integrity points of contact” in each regional association and club (at the amateur and professional levels).

Knowing that manipulation is not a well-known phenomenon in Switzerland, quantitative and qualitative research on its prevalence and the targets and risks of manipulation could be conducted in cooperation with other Swiss sports governing bodies (and ideally on all integrity and well-being issues). This research could be conducted in collaboration with an external entity (e.g., academic partners or external consultants), guaranteeing some neutrality regarding the methodology, the results, and their interpretation.



## Recommendations for SWISS TENNIS (ST)



## Recommendations for Swiss Tennis (ST)

As a mainly individual sport, tennis is relatively exposed to the risks of manipulation.

While racket abuse, verbal abuse, parents' behaviour, and ghost matches are Swiss Tennis's main priorities today, ST is aware of the existence of some manipulation risks. It already uses several tools to prevent wrongdoing such as doping and manipulation. First, developed by Swiss Olympic, ST has the Spirit of Sport programme on manipulation. To learn about match manipulation, players and clubs can follow education programmes led by well-informed coaches. Although these programmes are identified as a relevant tool to prevent manipulation, there is currently no obligation for clubs or players to take part in this learning opportunity. While making this learning compulsory, it could also be useful to extend the awareness-raising sessions to officials from ST, regional leagues, and top clubs to improve their understanding of manipulation issues. Plus, it would be great to extend the player education to more clubs and divisions, in connection with other integrity subjects (ethical reasoning, safeguarding, anti-doping, etc.). A first step would be to publish—through the ST official website—information on manipulation issues and the integrity framework (tools, contact points, etc.) available to the Swiss tennis community. Such material could also be disseminated through internal channel such as internal newsletters.

While ST is already in contact with Swiss Olympic and the OFSPO, it could continue to develop ties with the Swiss national platform to facilitate common understandings and the exchange of information and other useful procedures. Alongside Swiss Olympic and the OFSPO, ST could also participate in the design and delivery of education and awareness-raising sessions.

So far, all players banned from tennis in Switzerland can participate in Association of Tennis Professionals (ATP) competitions because Swiss Tennis and ATP do not automatically follow-up on their respective disciplinary sanctions. Collaborating with ATP to exchange information and good practices and applying the same sanctions—regardless of the organisation that did the initial sanctioning—could guarantee the credibility and legitimacy of disciplinary measures. By not applying the same sanctions, measures are not deterrent enough to dissuade a malicious player from manipulating matches.

Swiss Tennis already has a contact point regularly communicating with the OFSPO about integrity issues. We recommend that this person not be a board member, a coach, a player, or a referee (not in a role indirectly or directly related to match results). The person should be nominated—as an integrity officer—and previously prepared in the management of integrity issues. ST could propose specialised training to this integrity officer and other relevant ST staff on how to handle cases, understand betting issues, and deal with whistle-blowers and concerned actors (clubs, players, and other national organisations participating in a case).

The integrity officer could actively promote and participate in national exchanges with other Swiss national federations, Swiss Olympic, and the OFSPO to provide feedback and experiences on the fight against manipulation in their official website (in the ethics section, <https://www.swisstennis.ch/fr/ethik>). While developing ties with sporting organisations, the integrity officer could also schedule regular (formal or informal) meetings with the International Tennis Integrity Agency (ex-TIU) and fellow national tennis federations to exchange experiences, good practices, and knowledge regarding the prevention, detection, and prosecution of manipulation cases.

Also, Swiss Tennis should consider asking (at least) the largest tennis clubs to appoint a person in charge of player and staff well-being. People could add this responsibility to their actual roles within the clubs (as a medical staff member or psychologist, for example). These people should act as contact points for any concerns, questions, or suspicions regarding well-being, integrity or personal issues. They should receive proper information and, if possible, training on integrity issues.

Quantitative and qualitative research, in cooperation with other Swiss sports governing bodies, could be conducted to assess the prevalence, perception, and reality of manipulation and other integrity risks within Swiss tennis. This research could be conducted in collaboration with an external entity (e.g., academic partners or external consultants), guaranteeing some neutrality in the methodology, the results, and their interpretation.

In tournaments, individual players know in advance the names of their opponents. This allows some malicious players to contact their opponents to manipulate a match (for both betting- and/or sporting-related motives). When possible, postponing the release of a game schedule could limit the risks of fixing.

## Recommendations for SWISS BASKETBALL (SB)



## Recommendations for Swiss Basketball (SB)

Basketball is a popular sport in Switzerland, especially in the French cantons. Although the number of cases reported by betting monitoring schemes involving basketball are relatively low compared to football, the game's characteristics can expose it to manipulation. First of all, professional players do not earn large revenues playing basketball, so this sports discipline is vulnerable regarding manipulation. Also, according to a member of Swiss Basketball, the lack of knowledge regarding manipulation and its consequences is a source of concern. In order to increase the general level of knowledge on this issue, Swiss Basketball, together with Swiss Handball, Swiss Hockey, and some other sporting federations, created a common project, named IndoorSport, to exchange experiences and good practices. This collaboration could be further developed with the (International Basketball Federation) FIBA, FIBA Europe, and fellow European basketball federations in order to promote and foster knowledge building and sharing on the prevention, detection, and prosecution of manipulation cases.

It could also be useful to extend the awareness-raising sessions to officials from SB, regional leagues, and top clubs to improve their understanding of manipulation issues. Moreover, this education could be extended to players and club staff from more divisions, in connection with other integrity subjects (ethical reasoning, safeguarding, anti-doping, etc.). A first step would be to publish—through the SB website—information on manipulation issues and the integrity framework (tools, contact points, etc.) of the Swiss basketball community. Such material could also be disseminated through internal channels such as internal newsletters.

In line with this recommendation, SB could continue to develop ties with the Swiss national platform to facilitate common understandings and the exchange of information and other useful procedures. Alongside Swiss Olympic and the OFSPO, SB could also participate in the design and delivery of education and awareness-raising sessions.

Swiss Basketball does not have—for now—someone specialised in integrity issues. It could therefore be relevant to nominate an integrity officer within SB staff to become the central contact point for all issues related to integrity breaches, including manipulation. This integrity officer should not be a board member, a coach, a player, or a referee (i.e., not someone indirectly or directly related to match results). In cooperation with other national federations and centralised organisations, SB could propose specialised training to this integrity officer and other relevant SB staff on how to handle cases, understand betting issues, and deal with whistle-blowers and concerned actors (clubs, players, and other national organisations participating in a case).

The integrity officer could actively promote and participate in national exchanges with other Swiss national federations, Swiss Olympic, and the OFSPO in order to provide feedback and experiences on the fight against manipulation in their official website (at least in their news centre, <https://swiss.basketball/news-center>). While developing ties with sporting organisations, the integrity officer could also schedule regular (formal or informal) meetings with fellow national basketball federations to exchange experiences, good practices, and knowledge regarding the prevention, detection, and prosecution of manipulation cases.

Also, Swiss Basketball should consider asking (at least) the largest basketball clubs to appoint a person in charge of player and staff well-being. People could add this responsibility to their actual roles within the clubs (as a medical staff member or psychologist, for example). These people should act as contact points for any concerns, questions, or suspicions regarding well-being, integrity, or personal issues. They should receive proper information through available e-learning material at the national level and, if possible, training on integrity issues. This could be implemented in cooperation with other national sports bodies.

Quantitative and qualitative research, in cooperation with other Swiss sports governing bodies, should be conducted regularly to assess the manipulation and other integrity risks within Swiss basketball. This research could be conducted in collaboration with an external entity (e.g., academic partners or external consultants), guaranteeing some neutrality regarding the methodology, the results, and their interpretation.

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# Annexes

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- The Convention on the Manipulation of Sports Competitions (the Macolin Convention)
- Swiss Constitution
- Swiss Criminal Code
- Swiss Criminal Procedure Code
- Swiss Federal Act on Unfair Competition (in French: Loi sur la Concurrence Déloyale (LDC) 241, 19th December 1986)
- Federal Act on the Promotion of Sport and Exercise (Sport Promotion Act, SpoPA) of 17 June 2011
- Federal Act on Gambling (Gambling Act, GamblA) of 29 September 2017 (in French: Loi fédérale sur les jeux d'argent (LJAr) 935.51)
- Jouez Sport Règlement 7e édition – janvier 2021 (Applicable to Loterie Romande)
- Sporttip – Rule of Play and Terms of participation (valid from 25 June 2019) (Applicable to Swislos)
- The nine principles of the Charter for Ethics in sport

## ***The Convention on the Manipulation of Sports Competitions (the Macolin Convention)***

### **Article 13 – National platform**

1 Each party shall identify a national platform addressing manipulation of sports competitions. The national platform shall, in accordance with domestic law, inter alia:

- a serve as an information hub, collecting and disseminating information that is relevant to the fight against manipulation of sports competitions to the relevant organisations and authorities;
- b co-ordinate the fight against the manipulation of sports competitions;
- c receive, centralise and analyse information on irregular and suspicious bets placed on sports competitions taking place on the territory of the Party and, where appropriate, issue alerts;
- d transmit information on possible infringements of laws or sports regulations referred to in this Convention to public authorities or to sports organisations and/or sports betting operators;
- e co-operate with all organisations and relevant authorities at national and international levels, including national platforms of other States.

2 Each Party shall communicate to the Secretary General of the Council of Europe the name and addresses of the national platform.

## ***Swiss Constitution***

### **Art. 106 Gambling**

1 The Confederation shall legislate on gambling; in doing so it shall take account of cantonal interests.

2 A licence from the Confederation is required in order to establish and operate a casino. In granting such a licence, the Confederation shall take account of regional circumstances. It shall levy a revenue-related tax on casinos; this tax must not exceed 80 per cent of the gross revenues from gambling. It shall be used to fund the Old-age, Survivors' and Invalidity Insurance.

3 The cantons are responsible for granting licences for and supervising the following:

- 1. gambling activities that are available to an unlimited number of people, are offered at more than one location and which are based on the same random draw or a similar procedure; the foregoing does not apply to the jackpot systems in casinos;
- 2. betting on sports;
- 3. games of skill.

4 Paragraphs 2 and 3 also apply to telecommunications-based gambling.

5 The Confederation and the cantons shall take account of the dangers of gambling. They shall ensure that appropriate protection is provided through legislation and supervisory measures and in doing so shall take account of the different characteristics of the games and the form and location of the gambling opportunity offered.

6 The cantons shall ensure that the net revenues from gambling in accordance with paragraph 3 letters a and b are used in their entirety for charitable purposes, in particular in the fields of culture, social projects and sport.

7 The Confederation and the cantons shall coordinate their efforts to fulfil their tasks. To this end the law shall establish a joint body, one half of whose members shall be from the federal implementing bodies and the other half from the cantonal implementing bodies.

## Swiss Criminal Code

Fraud

### Art. 146

1 Any person who with a view to securing an unlawful gain for himself or another wilfully induces an erroneous belief in another person by false pretences or concealment of the truth, or wilfully reinforces an erroneous belief, and thus causes that person to act to the prejudice of his or another's financial interests, is liable to a custodial sentence not exceeding five years or to a monetary penalty.

2 If the offender acts for commercial gain, he is liable to a custodial sentence not exceeding ten years or to a monetary penalty of not less than 90 daily penalty units.

3 Fraud to the detriment of a relative or family member is prosecuted only on complaint.

Computer  
Fraud

### Art. 147

1 Any person who with a view to his own or another's unlawful gain, by the incorrect, incomplete or unauthorised use of data, or in a similar way, influences the electronic or similar processing or transmission of data and as a result causes the transfer of financial assets, thus occasioning loss to another, or immediately thereafter conceals such a transfer is liable to a custodial sentence not exceeding five years or to a monetary penalty.

2 If the offender acts for commercial gain, he is liable to a custodial sentence not exceeding ten years or to a monetary penalty of not less than 90 daily penalty units.

3 Computer fraud to the detriment of a relative or family member is prosecuted only on complaint.

3. Bribery of  
private  
individuals  
Bribery

### Art. 322<sup>octies</sup>

1. Any person who offers, promises or gives an employee, partner, agent or any other auxiliary of a third party in the private sector an undue advantage for that person or a third party in order that the person carries out or fails to carry out an act in connection with his official activities which is contrary to his duties or dependent on his discretion is liable to a custodial sentence not exceeding three years or to a monetary penalty.

2 In minor cases, the offence is only prosecuted on complaint.

Accepting  
bribes

### Art. 322<sup>novies</sup>

1 Any person who as an employee, partner, agent or any other auxiliary of a third party in the private sector demands, secures the promise of, or accepts an undue advantage for himself or for a third party in order that the person carries out or fails to carry out an act in connection with his official activities which is contrary to his duties or dependent on his discretion is liable to a custodial sentence not exceeding three years or to a monetary penalty.

2 In minor cases, the offence is only prosecuted on complaint.

## Swiss Criminal Procedure Code

### Art. 22 Cantonal jurisdiction

The cantonal criminal justice authorities shall prosecute and judge offences under federal law, subject to the statutory exceptions.

### Art. 23 Federal jurisdiction in general

<sup>1</sup> The following offences in the SCC5 are subject to federal jurisdiction:

- a. the offences in Titles One and Four and Articles 140, 156, 189 and 190 insofar as they are committed against persons protected by international law, members of the Federal Council, the Federal Chancellor or judges of the Federal Courts, members the Federal Assembly, the Federal Attorney General or the Deputy Attorneys General;
- b. the offences in Articles 137–141, 144, 160 and 172ter insofar as they relate to premises, archives or documents of diplomatic missions and consulates;
- c. the taking of hostages in terms of Article 185 in order to exert duress on federal or foreign authorities;
- d. felonies and misdemeanours under Article 224–226ter;
- e. the felonies and misdemeanours in Title Ten relating to coinage, paper money and banknotes, official stamps and other federal marks, weights and measures;
- f. the felonies and misdemeanours in Title Eleven insofar as they relate to official federal documents, with the exception of driving licences and receipts for postal money transfers; not included are vignettes for using first and second class national highways;
- g. the offences in Title Twelvebis and Twelveter as well as Article 264k;
- h. the offences in Article 260bis and in Titles Thirteen to Fifteen and in Title Seventeen, provided they are directed against the Confederation, the authorities of the Confederation, the will of the People in federal elections, popular votes, requests for a referendum or initiatives, against federal powers or against the administration of federal justice;
- i. the felonies and misdemeanours in Title Sixteen;
- j. the offences in Titles Eighteen and Nineteen insofar as they are committed by a member of an authority or an employee of the Confederation or against the Confederation;
- k. the contraventions in Articles 329–331;
- l. political felonies and misdemeanours that are the cause or consequence of unrest that gives rise to armed federal intervention.

<sup>2</sup> The regulations contained in special federal acts on the jurisdiction of the Federal Criminal Court are reserved.

### Art. 24 Federal jurisdiction in the case of organised crime, terrorist offences and white-collar crime

<sup>1</sup> Federal jurisdiction further applies to the offences in Articles 260ter, 260quinquies, 260sexies, 305bis, 305ter and 322ter–322septies SCC10 as well as the felonies associated with a criminal or terrorist organisation as defined in Article 260ter SCC, if the offences:<sup>1</sup>

- a. have to substantial extent been committed abroad;
- b. have been committed in two or more cantons with no single canton being the clear focus of the criminal activity.

<sup>2</sup> In the case of felonies under Titles Two and Eleven of the SCC, the Office of the Attorney General of Switzerland may open an investigation if:

- a. the requirements of paragraph 1 are fulfilled; and
- b. no cantonal criminal justice authority is dealing with the case or if the competent cantonal criminal justice authority requests the Office of the Attorney General of Switzerland to take over the case.

<sup>3</sup> The opening of an investigation in accordance with paragraph 2 establishes federal jurisdiction.



## ***Swiss Federal Act on Unfair Competition (In French Loi sur la Concurrence Déloyale (LDC) 241, 19<sup>th</sup> December 1986).***

### **Art. 4a Active and passive bribery**

<sup>1</sup> Anyone who

- a. offers, promises or grants an undue advantage to an employee, partner, agent or other auxiliary of a third party in the private sector, in favour of that person or in favour of a third party, for the performance or omission of an act in connection with his or her professional or business activity and which is contrary to his or her duties or depends on his or her discretionary power
- b. as an employee, partner, agent or other auxiliary person of a third party in the private sector, solicits, is promised or accepts an undue advantage in favour of himself or a third party for the performance or omission of an act in connection with his professional or business activity which is contrary to his duties or depends on his discretion.

<sup>2</sup> Undue advantages do not include those agreed by contract or those which are of minor importance and in accordance with social practice.

## ***Federal Act on the Promotion of Sport and Exercise (Sport Promotion Act, SpoPA) of 17 June 2011***

### **Art. 25a Criminal provision**

1 Any person who, for his own benefit or for the benefit of a third party, offers, promises or grants an undue advantage to a person who exercises a function at a sports competition at which sports betting is offered in order to falsify the outcome of that sports competition (indirect competition rigging) shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

2 Any person who exercises a function at a sports competition at which sports betting is offered and who requests, secures the promise of or accepts, for his own benefit or for the benefit of a third party, an undue advantage in order to falsify the outcome of that sports competition (direct competition rigging) shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

3 In serious cases, the penalty shall be a custodial sentence not exceeding five years or a monetary penalty; any custodial sentence shall be combined with a monetary penalty. A serious case arises in particular where the offender:

- a. acts as a member of a group that has been formed for the purpose of the continued conduct of indirect or direct competition rigging;
- b. achieves a large turnover or substantial profit by acting commercially.

### **Art. 25b Prosecution**

<sup>1</sup> The competent prosecution authorities may request the assistance of the intercantonal supervisory and executive authority under Article 105 of the Gambling Act of 29 September 2017 (GamblA) with investigations.

<sup>2</sup> If it has any suspicion that a sports competition at which sports betting is offered has been rigged, the inter-cantonal supervisory and executive authority under Article 105 GamblA shall notify the competent prosecution authorities and pass on all relevant documentation to them.

<sup>3</sup> The inter-cantonal supervisory and executive authority under Article 105 GamblA has the following party rights in proceedings relating to offences under Article 25a:

- a. to object to a no-proceedings order or an order abandoning proceedings;
- b. to reject a summary penalty order;
- c. to file an appeal or joint appeal against judgments on the matter of the sentence.

## ***Federal Act on Gambling (Gambling Act, GambIA) of 29 September 2017 (in French Loi fédérale sur les jeux d'argent (LJAR) 935.51)***

### **Art. 23 Number of operators**

- <sup>1</sup> The cantons shall determine the maximum number of lottery and sports betting operators.
- <sup>2</sup> In addition, they may designate in the legal form the companies to which the intercantonal authority may grant a licence to operate lotteries and sports betting, provided the conditions for authorisation are met.

### **Art. 29 Duration, conditions and obligations**

- <sup>1</sup> The operator's licence and the gaming licence may be issued for a limited period of time and are renewable.
- <sup>2</sup> They may be subject to conditions and obligations.

### **Art. 105 Establishment**

The cantons that intend to authorise large-scale gaming in their territory shall establish an intercantonal supervisory and enforcement authority (intercantonal authority) by means of an agreement.

### **Art. 106 Independence and Composition**

- <sup>1</sup> The intercantonal authority shall be completely independent in its activities.
- <sup>2</sup> The members of the intercantonal authority and the staff of its secretariat may engage in other activities, provided these do not affect the independence of the intercantonal authority.
- <sup>3</sup> The cantons shall ensure that the inter-cantonal authority has special expertise in the field of addiction prevention.

### **Art. 107 Tasks**

- <sup>1</sup> In addition to the duties assigned to it by this Act, the intercantonal authority shall have the following duties:
  - a. to monitor compliance with the legal provisions on large-scale gambling, in particular
    1. It shall supervise the management bodies of large-scale gaming operators and the operation of their games,
    2. compliance with money laundering obligations,
    3. The implementation of the security and social measures programme;
  - b. combating illegal gambling;
  - c. to cooperate with the Swiss and foreign supervisory authorities;
  - d. to draw up and publish an annual report on its activities, which shall also include statistics on large-scale and small-scale gambling subject to this Act and a report on the use by the cantons of the net profits from large-scale gambling for public benefit.
- <sup>2</sup> The cantons may entrust other tasks to the Intercantonal Authority.
- <sup>3</sup> In fulfilling its duties, the inter-cantonal authority shall take due account of the requirement to protect players from excessive gambling.

## ***Jouez Sport Règlement 7e édition – janvier 2021 (Applicable to Loterie Romande)***

### **Article 9 Minimum and maximum stakes**

The participants determine the unit stake of the unit bet (art. 5.1) that they wish to enter within the following limits.

The minimum unit stakes are as follows:

- per Single unit bet: CHF 3;
- per Combined unit bet: CHF 3.- ;
- per Combined unit bet of a multiple: CHF 2.-.

Subject to the maximums for game transactions (art. 10), the maximums for maximums are as follows:

- per Single unit bet: CHF 500;
- per single combined bet: CHF 500.00
- per unit bet Combined of a multiple: CHF 214.00, CHF 357.-, CHF 375.- or CHF 500.- depending on the multiple.

The maximum total stake for a multiple is CHF 7,500.

The limits resulting from the General Regulations of the Loterie Romande accessible through its Internet gaming platform are reserved.

### **Article 22 Fraud and Manipulation**

22.1 In order to ensure the integrity of gaming operations and the fair and use of sports betting that is fair and faithful to the provisions of these rules, the Loterie Romande, if it is aware of possible betting fraud or betting fraud or manipulation, of any kind whatsoever, of a sporting event on which it event on which it offers bets, reserves the right to suspend the possibility for participants to include in a unit bet any of the predictions of the bets offered on the relevant sporting event and/or to defer the payment of winnings or the refund of stakes or the reimbursement of the stakes of unit bets including any of the predictions of these bets and/or to bets and/or to wait for the organiser or the sports federation organising the said event as well as the competent administrative and criminal authorities to decide on the integrity of the sporting event.

22.2 If the organiser, the sports federation or an administrative or authority confirms that fraud or manipulation has taken place, the Loterie Romande is entitled to cancel the bets or predictions concerned (art. 23), as well as to cancel the bets and suspend the registration of bets of the participant who has been identified by the said sports federation or by a judge as possessing insider information or other relevant information and/or cancel the bets and suspend the registration of bets of persons who, in the well-founded opinion of the Loterie Romande, are related to, have acted in common with or are involved in any way whatsoever with the participant holding insider or relevant information.

22.3 If a case of application of Article 78a para. 3 lit. a nos. 1 and 2 of the of the Ordinance of 23 May 2012 on the Promotion of Sport (OESp) is brought to the attention of the Loterie Romande, the latter reserves the right to cancel the bets concerned and take any appropriate measures.

## Article 62

62.1 Gaming receipts that entitle the holder to a single win (single or combi (single or combi receipt) or total winnings (multiple receipt) not exceeding CHF 200 can be cashed in at any of the JOUEZSPORT sales point of the Loterie Romande. If they have the necessary cash, the sales points can pay the participant a higher win or total win a win or a total of wins above this limit, but not exceeding CHF 2,000 maximum. Article 66.2 is reserved.

62.2 The point of sale manager shall enter the game receipt into the terminal. terminal, which will indicate whether the conditions of the previous paragraph have been fulfilled.

62.3 If these conditions are met, the winnings or the total winnings are paid out. paid. The sales outlet manager shall return the receipt to the participant and also gives him a receipt printed by the terminal. terminal. If the winnings or total winnings exceed CHF 200, the manager may refuse payment if he/she no longer has sufficient cash is no longer available. In this case, no payment will be made and the and the person in charge will return the receipt to the participant with a confirmation of confirmation, printed by the terminal, which confirms that the receipt is a winner. The participant can claim the receipt (and not the confirmation of the win) at another confirmation) at another point of sale or at the Loterie Romande's head office. Article 14 is however reserved.

62.4 If the conditions of article 62.1 are not met, no payment shall be made. The person in charge shall return his receipt to the participant The person responsible shall return the receipt to the participant and shall also give him/her a prize notice confirming that the receipt is a winning. To obtain his winnings, the participant will use the receipt (and not the winning notice) to the Loterie Romande headquarters (article 62.1). Article 14 is however reserved. If a result issued by the Loterie Romande is rectified in accordance with article 14, the participant whose game receipt entitles him to a win or a total of wins, after rectification, greater than the win or the total of wins paid in accordance with total winnings paid in accordance with article 62.3 may, upon presentation of receipt (and not the receipt of payment printed by the terminal), to be paid the terminal), have the difference in winnings paid to the Loterie Romande headquarters Loterie Romande in accordance with article 63.

## Article 63

63.1 Winnings that are not paid by a JOUEZSPORT sales outlet of the Loterie Romande are paid by its head office.

63.2 Participants shall send their receipt by post to the Loterie Romande headquarters Loterie Romande, CP 6744, 1002 Lausanne, with a written indication of their surname, first name and exact address, and the details of a bank or post office account or postal account to be credited, of which they are holders. They are advised to by registered mail, and to keep a photocopy of their payment receipt keep a photocopy of their game receipt and/or note the identification code. identification code.

63.3 The Loterie Romande shall deliver the winnings by transfer to the account corresponding to the IBAN number communicated by the participants and of which they are holders.

63.4 It is recalled that, at the request of the Loterie Romande, the players are players are required to provide the information required by the federal law of 10 October 1997 concerning the fight against money laundering (MLA) and the Ordinance of the FDJP of 7 November 2018 of the FDJP of 7 November 2018 on the due diligence obligations of gaming operators and the Financing of Terrorism (FDJP-OD). These obligations concern the identity of the player and/or the beneficial owner and/or the economic background of a business relationship or a transaction. It is also recalled that the Loterie Romande has obligation, in certain circumstances, to communicate this information to the information to the competent federal authorities.

## ***Sporttip – Rule of Play and Terms of participation (valid from 25 June 2019) (Applicable to Swislos)***

### **Art. 14 Maximum stake**

The maximum stake for individual and combination bets is CHF 1,000.00. The maximum stake for a system bet is CHF 10,000.00.

Swisslos may define additional maximum stakes specific to sales channels, and maximum stakes specific to individual bets or predictions.

### **Art. 15 Collection and storage of participation data**

Desired participation data on physical or virtual data carriers or verbally communicated bet requests are transmitted to Swisslos once they have been entered into the online terminal at land-based sales outlets or when the bet requests have been entered into a device connected to the Internet; they are then recorded there for evaluation purposes, checked, and saved and stored on a physically or digitally secured medium. If the bet request can be accepted, the player is then issued with an entry confirmation ticket.

### **Art. 32 Betting fraud and manipulation of games**

Should Swisslos become or be made aware of any kind of manipulation of a sporting event on which it offers bets, it reserves the right to delay and/or withhold any prize payout or stake refund related to the corresponding betting offer until the integrity of the sporting event has been verified by the relevant sports association and/or the relevant organizer.

If the relevant sports association and/or the relevant organizer confirms that manipulation has occurred, Swisslos reserves the right

- to declare the bets placed as void and to refund the stakes paid,
- to refuse the payment of any prizes won through such bets and/or the stakes placed, provided that the bets were placed either by a person identified by the sports association in question and/or the relevant organizer or by a court of law as having insider knowledge or other relevant information, or by another person who Swisslos has justified reason to believe is in contact with this person, works together with them, or is connected in some other way to this person.

If betting fraud or manipulation of sporting events is suspected, Swisslos is entitled to forward the data saved (including information about the bets associated with this) to sports associations, authorities or other third parties tasked with clarifying such cases.

## ***The nine principles of the Charter for Ethics in sport***

- 1 Equal treatment for everyone. Nationality, age, gender, sexual orientation, social background, religious and political affiliation do not lead to discrimination.
- 2 Sport and social environment in harmony. The demands in training and competition are compatible with education, career and family life.
- 3 Strengthening personal and shared responsibility. Athletes are involved in decisions that affect them.
- 4 Respectful encouragement rather than excessive demands. Measures to achieve sporting goals do not damage either the physical or psychological integrity of the athletes.
- 5 Educating on fairness and environmental responsibility. Behaviour towards others and towards the environment is characterised by respect.
- 6 Rejecting violence, exploitation and sexual abuse. Physical and psychological violence as well as any form of exploitation are not tolerated. Raising awareness, maintaining vigilance and rigorous intervention.
- 7 Rejecting doping and drugs. Ongoing information and immediate intervention in the event of consumption, administering or distributing substances.
- 8 Abstaining from tobacco and alcohol consumption during sport. Demonstrating the risks and consequences of consumption at an early stage.
- 9 Opposing all forms of corruption. Encouraging and stipulating transparency in decisions and processes. Dealing with conflicts of interest, gifts, regulating financing and gambling, and consistent disclosure.