

EU Athlete's Submission to the EC Green Paper on On-line Gambling in the Internal Market

Background

EU Athletes is a federation of independent athletes associations from all over Europe with member associations from 15 European countries representing over 25,000 professional athletes in a wide range of sports. For more information please see www.euathletes.org. EU Athletes has developed a level of expertise on sports betting issues, particularly player education, since 2010.

Overview

Whilst the Green Paper covers a number of areas, EU Athletes will focus on the high profile issue of sports betting integrity and match fixing with regards to betting.

Athletes and referees in sports matches are the only people who can fix a match. Participants are therefore at the forefront of the fight against match fixing. This is why it is essential that they are properly and effectively educated about the issues surrounding sports betting integrity.

EU Athletes has developed a Code of Conduct on Sports Betting for Players in cooperation with the European on-line betting industry (EGBA, ESSA and RGA¹). This is a pioneering document that sets out the foundations for an effective player education programme.

We would strongly encourage the Commission to endorse our Code of Conduct on Sports Betting for Players as the model of best practice for sports betting education for athletes.

EU Athletes, through its members in France, Germany, Spain and the United Kingdom have also delivered player education on sports betting to more than 4,900 athletes in 2010. This is made possible by funding from the betting industry, in particular the EGBA in France, Germany and Spain and the RGA, Betfair, Ladbrokes and bet365 in the United Kingdom.

Prevention of Fraud, Question 30.

There are a range of national regulations placed upon sportspeople across Europe. Some countries will have national laws covering corruption in sport whilst others will not have specific sports laws and will rely upon general money laundering and fraud legislation to cover match fixing.

¹ European Betting and Gaming Association, European Sports Security Association and the Remote Gambling Association.

In reality sporting regulations are likely to be more important for sportspeople. EU Athletes takes the view that it is extremely hard to prove in court beyond all reasonable doubt that an athlete missed a save or shot deliberately. Most but by no means all, sports will have rules covering sports betting integrity either specifically or indirectly. These rules will often indirectly form part of an athlete's employment contract.

EU Athletes draws attention to research in the United Kingdom carried out for one of our members, the Professional Players Federation, which found that up to 60% of athletes were not previously aware of the rules on sports betting in their sport. These findings are in line with the feedback from player visits in other countries prior to the start of our education work and highlight the vital importance of player education on this issue.

We would draw the Commission's attention to the fact that the Court of Arbitration for Sport seems to take the view that it is not sufficient for sports to have rules but that these rules must also be explained to athletes.

Our Code of Conduct recommends that it is safest for players not to bet on their sport and they must never bet on themselves or their opponents.

During the course of sports investigations into match fixing and surrounding issues we have found that athletes may be required to submit their telephone, computer and bank records to their sports federations. This presents privacy issues but on the whole, provided the regulations are agreed with the relevant player association (trade union) and implemented with appropriate safeguards in place (i.e. free consent), then they are probably proportionate. There will be concerns when such rules are imposed upon players without discussion or negotiation.

With regards to the magnitude of the problem in Europe it is important to consider the proven facts rather than allegations, media speculation or unproven court cases. We would also suggest that any problems seem to be concentrated on specific sports and countries though we would share the view that there is no room for complacency throughout Europe.

Importantly, EU Athletes would stress the need to view match fixing issues as part of a wider sporting agenda. For example, if players have not been paid for three months or if there is no minimum salary, then it is common sense that they are more likely to be prone to corrupting influences. It is therefore essential that any policy on match fixing is also supported by consideration of some basic employment issues.

Prevention of Fraud, Question 31

EU Athletes strongly believes that education for participants in sport is the number one priority for maintaining sports betting integrity.

We note that match fixing is likely to be similar to any other illegal business proposition. Specifically the more expensive and difficult it is to fix a match the

less incentive there will be to do so. It is therefore important that sufficient barriers are put in place to make life difficult for potential match fixers including effective education for players on the issues and effective detection mechanisms.

Sponsorship, Question 32

EU Athletes believes that there no more risk of a sports betting operator trying to influence the outcome of a sports match through sponsorship than any other company. It is probably important that betting companies sponsoring sport are regulated within Europe as a matter of good practice.

It is vitally important that corporate and social responsibility projects funded by the betting industry, like our education partnership, are recognised as separate from commercial sponsorship agreements and are not impacted by any restrictions on sponsorship.

Possible existence of a principle of return to event organisers.

EU Athletes is aware of the, at times, heated discussion between sport and the betting operators over a proposed sports organisers betting right. It has been the experience of EU Athletes and its members that better progress is made with betting operators when the issue of sports betting integrity and sports betting rights are treated separately.

We note with interest the situation in France referred to in the Green Paper. In particular it is our understanding that to date this new right has not funded any education programmes for players on sports betting integrity. We understand that in France the only player education programmes on sports betting have been developed and delivered by the members of EU Athletes and also the player association in football.

We would strongly encourage the Commission to seek official confirmation of from France as to whether the new right has funded any athlete education projects on sports betting integrity.

EU Athletes is firmly of the view that any new sports betting right cannot only exist for solely for event organisers. It is our understanding of European law that any new betting right must be based on the individual rights of citizens and workers and that it would be highly unusual, and subject to challenge, if any right was to bypass the athletes and be assigned direct to the event organisers. We note that a number of legally enforceable collective bargaining agreements exist in sport which would be the best way to assign individual rights to event organisers.

Education, early warning systems and cooperation, Question 48

In 2010, EU Athletes signed a funding agreement with the European Gaming and Betting Association (EGBA) and the European Sports Security Association (ESSA) for athlete education on sports betting issues. This

agreement has enabled the development of a Code of Conduct on Sports Betting for Players as well as face-to-face education on the issues thousands of athletes.

In the first year (2010) programme was rolled out in France, Spain and Germany across seven different sports associations and four sports benefiting around 200 teams and 2,500 athletes. Specifically the following sports were covered:

- **Spain:** Spanish Basketball Players Association, Spanish Handball Players Association, Spanish Indoor Football Players Association, Spanish Cyclists Association
- **France:** French Basketball Players Association, French Handball Players Association
- **Germany:** German Basketball Players Association

The project has been expanded and developed in 2011.

In 2011 our Code of Conduct was adopted by the Professional Players Federation in the UK and its funding partners in the betting industry. This has meant that more than 8,500 athletes will receive face-to-face education on sports betting integrity in 2011 across Europe. A copy of the latest Code of Conduct is attached. The five key messages within the Code are:

- Know the rules on betting in your sport
- Don't bet on yourself or the opponent
- Be careful about handling sensitive information
- Fixing an event, or part of an event: an absolute No-No
- Report any approaches

EU Athletes would endorse the work of ESSA with its development of an Early Warning System for sport and sports betting companies on potential match fixing. This cooperation between the betting industry and sport is to be supported and encouraged.

The European Sports Security Association (ESSA) has been in operation for at least six years and was established by the leading online sports book operators in Europe to monitor any irregular betting patterns or possible insider betting from within each sport. ESSA implemented an early warning system between its members that highlights any suspicious betting activity. The Early Warning System allows ESSA to work with the sports regulators and their disciplinary and legal department, ensuring that when an alert is given the regulator is informed immediately which may prevent the possibility of any manipulation on a given event. ESSA has signed a Memorandum of Understanding with a number sports regulators. These Memorandum of Understanding allows it to share information with sports federations and also permit sports to seek information from ESSA and its members about potential infractions.

ESSA members include: Betclix; Bet-at-Home; bwinparty; Digibet; Expekt; Goldbet; Interwetten; Ladbrokes; Paddy Power; Sportingbet; StanJames; Stanleybet, Unibet and William Hill.

Conclusions and Recommendations

Participants are the only ones who can fix a sporting competition. It is vitally important that athletes are educated about the issues surrounding sports betting integrity to protect the integrity of sport and also sports betting markets. This education needs to be carried out in a way that is athlete friendly, primarily based on face to face meetings with athletes and supported by printed and web-based materials.

There already are a number of examples of mutually beneficial cooperation between the betting industry and sport on the issue of integrity. These include our education campaigns and also the early warning systems and Memorandum of Understanding between sport and the betting industry. It is important that any EC action in this field does not undermine existing partnerships but rather builds upon existing good practice. The potential funding stream for sports betting education for participants in the sports sub-programme of the Education Europe Programme is welcomed and actively supported,

EU Athletes would strongly encourage the Commission to officially recognise and endorse the EU Athletes Code of Conduct on Sports Betting for Players. Our Code represents a model of good practice on sports betting education that was developed for players by players in cooperation with the betting industry.

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