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Competition manipulation – national platform annual review 2023



News

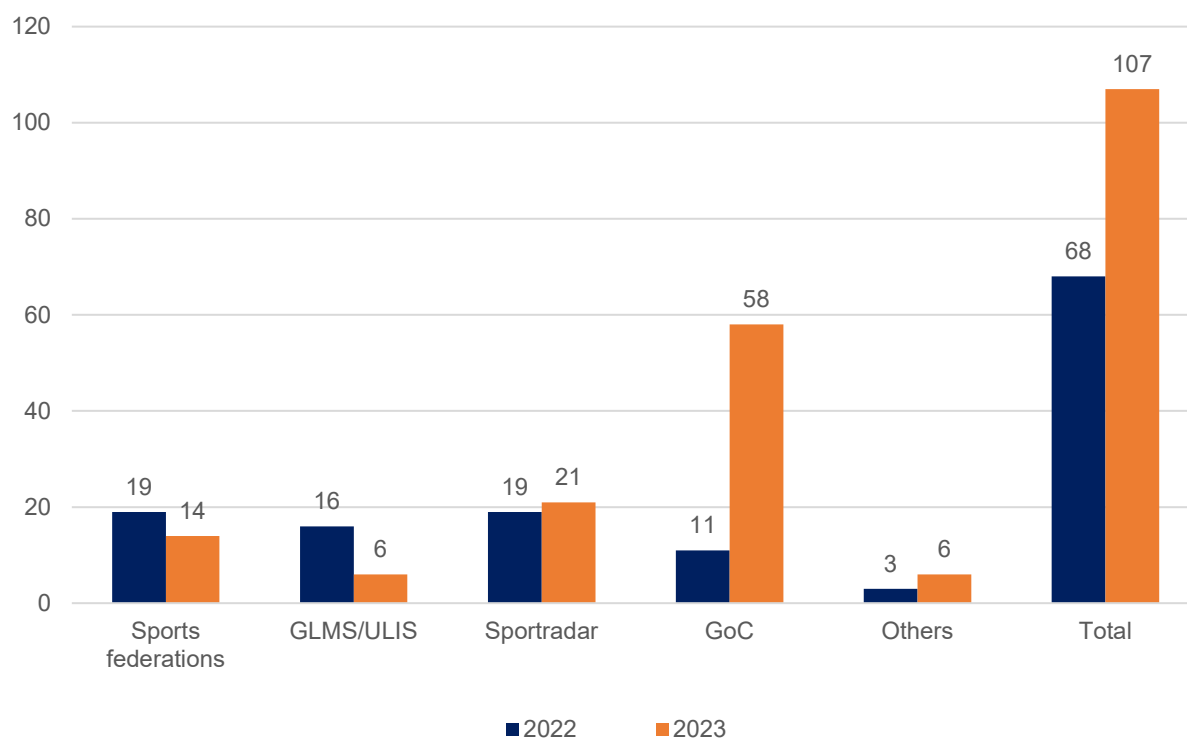
In 2023, Gespa, in its role as “Swiss national platform” and reporting centre for suspected cases, was once again the focal point for the exchange of information between sports stakeholders, sports betting operators, the institutions of the Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention), other international partners and law enforcement authorities in Switzerland - and can once again present official data on the subject of match-fixing in light of its legal mandate.

These figures are intended to create transparency but must be placed in the context of the regulatory environment. In Switzerland, sports betting may not be offered on events where there is an increased risk of match-fixing. This means that betting on sports, leagues, i.e. all sports competitions where it is known or can be assumed based on Gespa's assessment that there is a significant risk of manipulation, will not be authorised by Gespa in the first place. In turn, the various players are generally obliged to report suspected cases to Gespa if bets may be placed on the corresponding competition in Switzerland (you can find out more about the reporting obligation below under the heading "Focus topic: The legal obligation to report"). Therefore, if stakeholders based in Switzerland report to Gespa, this usually concerns sports and leagues that are considered to have fundamental integrity.

Also in 2023, alerts were received for sports competitions in a wide range of countries on practically every continent. Looking at the current figures, it is noticeable that the number of reports from the Group of Copenhagen, the network of national platforms, increased significantly in the reporting year. In 2022, the Swiss representation in the Group pointed out that the flow of information is becoming increasingly one-sided and that Switzerland - as a relatively small country - makes significantly more reports than the other countries. As a result, the country representatives were sensitised once again and informed in detail about the transfer of information. This now seems to be having an effect. However, Gespa still contributes the most to the flow of information with 21 reports compared to 58 from the other members combined. In terms of the reports received by Gespa, however, the reports from the Group of Copenhagen once again made up the largest proportion. This is an encouraging sign of the steadily growing importance of the Macolin architecture.

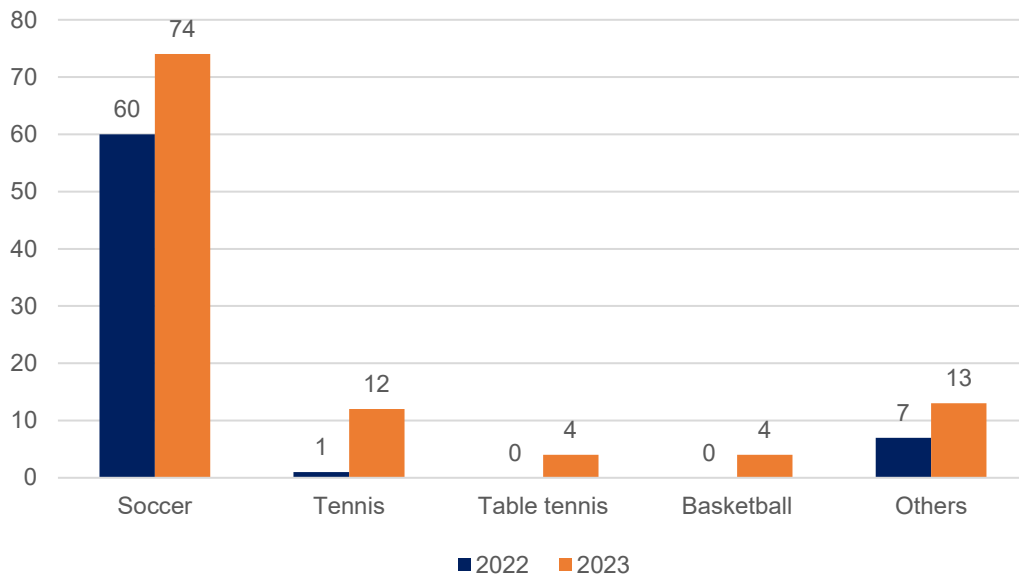
Further reports were received from the organisational units of ULIS and Sportradar, which specialise in detecting cases of manipulation (and which essentially also fulfil the reporting obligations of the two lottery companies and sports betting operators Swisslos and Loterie Romande). Among the sports organisations, it was once again FIFA and UEFA that made reports (each in the single-digit range). The figures were significantly higher just a few years ago. However, there is no reason to assume that the two associations are not fulfilling their reporting obligations. On the contrary, the range of the betting offer currently authorised by Gespa for the two lottery companies in the area of football appears to be sufficiently limited – and to have integrity.

The largest international sports organisation based in Switzerland alongside FIFA and UEFA, the IOC, operates its own system for the exchange of information in the area of competition manipulation (IBIS). According to its own statements, the IOC cooperates with numerous international federations and supervisory authorities. It has, however, once again not made any reports to Gespa. To what extent and in what form the IBIS system works must therefore be left open at this point.

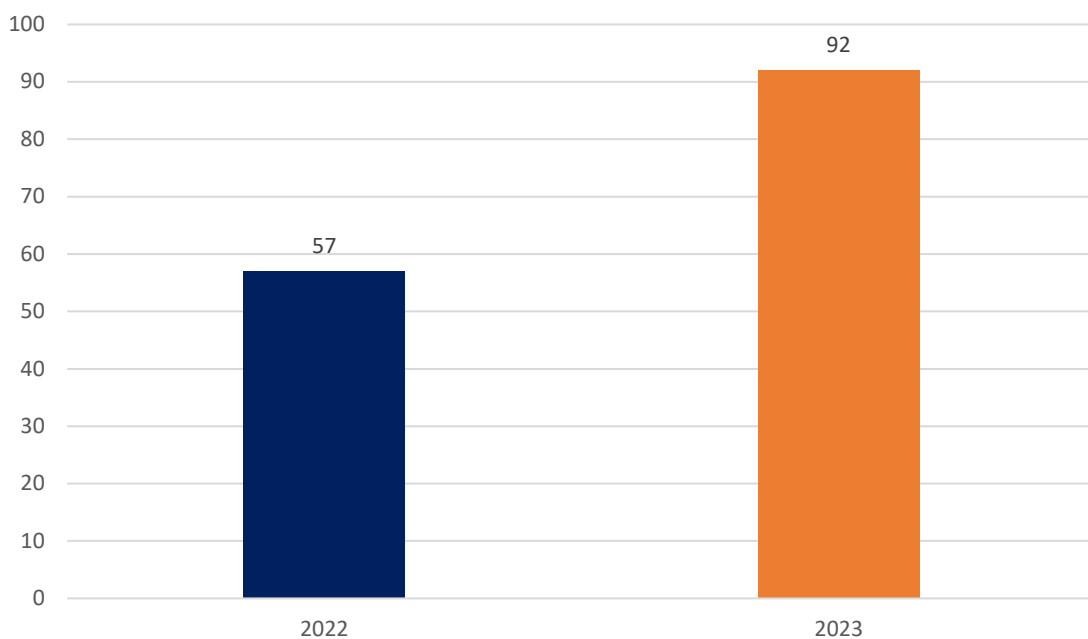


Once again, the majority of reports are related to football, which also generates by far the largest betting volumes. The quantity is on a par with the previous year. The figures for the other sports are once again very low and do not allow any conclusions to be drawn about possible trends.

In this context, it should be remembered that changing figures always require careful analysis by Gespa's specialists. In many cases, it is also the exchange with foreign colleagues that contributes to the correct interpretation of current developments. An accumulation of alerts can certainly be an indication of manipulation in a particular area. At the same time, an increase in alerts can also be due to intensified detection efforts - which is a positive sign. Finally, the factor of chance should not be neglected in view of the low number of alerts.



The number of competitions reported to Gespa as suspicious has risen from a medium to a high double-digit figure.



The number of competitions reported as suspicious in this chart is lower than the total number of alerts, as several alerts are received for individual competitions.

The situation in Switzerland

Alerts with a clear link to Switzerland are still rare. In the reporting year, Gespa reported one case to law enforcement in order to clarify whether any criminal offences were committed in Switzerland. There were no convictions for match-fixing in Switzerland in 2023, as far as can be ascertained.

The criminal prosecution and sanctioning of manipulation cases is challenging. In Switzerland, the "Hoyzer scandal", which originated in Germany almost 20 years ago and also shook Swiss football, is still remembered. Specific criminal offences in order to sanction manipulation did not yet exist at the time. Cases of this dimension have not been uncovered in Switzerland since then.

Nevertheless, there is no doubt that Swiss sport is not absolutely free from all forms of manipulation. Unlike 15 years ago, however, there are now specific legal foundations for combating match-fixing in sport and a centralised reporting office in the form of the national platform. The criminal offences, reporting obligations, competences and the associated international networking introduced by the Macolin Convention and its implementation in federal law cannot prevent cases of manipulation. Nor do they guarantee that specific cases will always lead to a criminal conviction. However, they do make a significant contribution to ensuring that negative developments are identified earlier and that specific cases can be investigated more closely. The risk of large-scale manipulation going unnoticed in certain sports or leagues in Switzerland is significantly reduced by the current regulations. The protection of the integrity of sport is flanked by prevention and awareness-raising measures, in which the Federal Office of Sport, Swiss Olympic and the numerous affiliated sports associations play a crucial role.

However, networking and the exchange of expertise between the bodies involved not only protect the integrity of sport. They also have an impact on the security of the sports betting offer. Gespa only allows betting on competitions without a particular risk of manipulation. Betting types that are susceptible to manipulation (such as betting on the outcome of individual games in tennis) would be refused by Gespa as well. To this end, Gespa maintains a list (which can also be viewed by the public on its website) of the permitted betting offers that is binding for the two betting operators. The purpose of analysing incoming alerts is therefore not only to be able to clarify specific cases of suspicion. It also enables Gespa to identify negative developments in connection with the existing sports betting offer and to make adjustments where necessary - and to remove sports or leagues from the list where there are concrete indications of integrity problems.

Focus topic: The legal obligation to report

In addition to current developments, the annual review is intended to provide a broader insight into the topic of combating match-fixing in Switzerland. This year, we will explain who is obliged to report to Gespa - and under what conditions.

In Switzerland, the Macolin Convention is primarily implemented in the Federal Gambling Act (BGS) and the Sports Promotion Act (SpoFöG). The obligation to report to Gespa is provided for in the BGS, specifically in Art. 64.

On the one hand, sports betting operators, primarily Swiss-los and Loterie Romande, are obliged to report. However, there is also a reporting obligation for local sports betting operators. On the other hand, all organisations based in Switzerland that participate in, organise, conduct or monitor sports events are obliged to report.

There is only an obligation to report suspected manipulation of sports competitions that take place in Switzerland or on which sports betting is offered in Switzerland.

Swiss sports stakeholders, be they associations, leagues or individual clubs, are therefore obliged to report practically every suspected case. If a competition has not taken place in Switzerland and it is unclear whether bets are being offered on the event in Switzerland, the list of the authorised betting offer published on the Gespa website can be used as a guide.

It should be emphasised that the reporting obligation is not congruent with the criminal liability of betting manipulation. Criminal liability (the corresponding criminal provisions can be found in the SpoFöG) is linked to the fact that bets are offered on the manipulated sports competition, whereby it is not necessary for the betting offer to be in Switzerland. An offer abroad is sufficient. In other cases, the reporting obligation goes further: while in principle every manipulation of a sports event in Switzerland must be reported (and may have regulatory or disciplinary consequences), this does not necessarily mean that the manipulation is also relevant under criminal law. For example, the manipulation of a match in a low league in the area of amateur sports often has disciplinary consequences - based on the regulations of the association concerned. However, it is unlikely to be punishable because no bets are offered on the competition anywhere. The aim of this rule was to prevent criminal liability from being overstretched. If all manipulation in Swiss sport were a criminal offence, the prosecuting authorities would also have to prosecute a case where a football team deliberately loses the last group match at a low level amateur fun tournament in exchange for a crate of beer. This was - rightly - not wanted.

Finally, it should be noted that Gespa has far-reaching powers in terms of data protection law. Insofar as it serves to combat and prosecute the manipulation of sports competitions, it may also pass on particularly sensitive personal data to other parties involved (including sports associations). The clear and far-reaching powers enable the authorities and organisations concerned to exchange information quickly and consistently - without the threat of "stumbling blocks" under data protection law.