
Protection of Integrity by Prevention of Breaches

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This Record of Evidence and Analysis has not been updated for the purposes of preparing the Final Report. In the event of any conflict, the Final Report reflects the most contemporaneous record and therefore prevails over this chapter.

**Independent
Review
of Integrity
in Tennis**

06

Chapter 06

1. The Independent Review Panel (the “Panel”) sets out below its conclusions in relation to the need to protect integrity not only by detecting and punishing breaches after they occur, but also by preventing breaches from occurring in the first place. Means of prevention include deterrence, education, alteration of aspects of the organisation of the sport, disruption, intervention of participants in betting, limitation of the sale of live data, and state intervention.
2. The need for prevention always applies, no matter how practicable it is to detect and punish breaches, since it is plainly preferable that breaches not occur at all. Moreover, where detection and punishment entail considerable challenges, it is all the more important to take comprehensive steps toward prevention.

Q 6.1 Are there other matters of factual investigation or evaluation in relation to the protection of integrity by prevention of breaches as addressed below that are relevant to the Independent Review of Tennis and that should be addressed in the body of the Final Report, and if so which, and why?

Q 6.2 Are there any aspects of the Independent Review Panels’ provisional conclusions in relation to the protection of integrity by prevention of breaches that are incorrect, and if so which, and why?

A PREVENTION THROUGH DETERRENCE

3. There is a degree of overlap between protection of integrity through punishment and through prevention. It is well established that the use of clear prohibitions, coupled with robust detection and punishment, is among the most effective means of deterrence, which is an important element in prevention. Deterrence however depends upon there being a sufficient possibility of being caught and significantly punished.

(1) DETERRENT EFFECT OF APPARENT ENFORCEMENT OF CLEAR PROHIBITIONS

4. In order for individuals to act in accordance with the rules, they must possess a sufficiently clear understanding of what the rules require. Accordingly, both the prohibited behaviour and the consequences of non-compliance should be clearly and comprehensively set out.
5. Players' perception that a sports governing body is pursuing a zero-tolerance policy of enforcing such clear prohibitions on betting-related corruption and other breaches of integrity is an important element in deterrence. The prohibitions must be clear, so that players know exactly what they must not do, and what will happen to them if they do. It must also, however, be expected that the prohibitions will be enforced, otherwise any deterrent effect is diluted. The perception that a sports governing body has a strong appetite for eradicating corruption can be effective in limiting corruption.
6. The perception of strict enforcement is best created not only through a clear understanding of the prohibitions, the consequences of breaching those prohibitions and knowledge of the sports governing body's policy, but also through the presence of an integrity officer, or someone with responsibility for integrity, during competitions. Such a person is a visible reminder of the sports governing body's policy of active enforcement.

(2) DETERRENT EFFECT OF ACTUAL DETECTION AND SANCTION

7. Effective deterrence also requires that offenders are actually detected and that the declared consequences of an offence are actually implemented by the authorities. Thorough investigation and punishment of offenders generates a greater fear of being caught, which acts as a deterrent to would-be offenders¹.
8. To operate effectively as a deterrent, both the detection and sanction of offenders must be publicised so that potential offenders are aware of it. Publication also serves as an added deterrent because, in addition to the fear of being caught and punished, a potential offender might be dissuaded by the fear of being publicly shamed. This is particularly so given that technology can now facilitate the public exposure of convictions, which might also lead to loss of sponsorship opportunities.
9. To be effective as a deterrent, the consequences of offending must also significantly outweigh the advantages. Hence, sanctions for match-fixing and other breaches of integrity must be heavy enough², and the prospects of detection and punishment high enough, that the risk is considered not worth taking.

¹ United Nations Office on Drugs and Crime (UNODC) and International Centre for Sport Security (ICSS), 'Resource Guide on Good Practices in the Investigation of Match-Fixing' (August 2016), page 12, available at: http://www.unodc.org/documents/corruption/Publications/2016/V1602591-RESOURCE_GUIDE_ON_GOOD_PRACTICES_IN_THE_INVESTIGATION_OF_MATCH-FIXING.pdf [accessed 9 April 2018].

² Institut de Relations Internationales et Stratégiques (IRIS), University of Salford, Manchester, Praxes Avocats and the China Center for Lottery Studies, 'Sports betting and corruption – How to preserve the integrity of sport' (2012), page 82, available at: www.sportinfo.ee/est/g22s355 [accessed 9 April 2018].

10. Among the various possible sanctions available to a sports governing body, temporary or permanent exclusion from the sport creates the most significant deterrence, because the individual is unable to continue engaging in an activity to which they have devoted their life and from which they may earn a living. This is particularly true where a life ban on any involvement in the sport can be imposed. While lesser sanctions may involve some damage to a player's reputation, and may consequently lead to loss of sponsorship opportunities, if a player can come back to the sport it can lessen significantly the deterrent effect.
11. Exclusion from the sport also prevents the excluded player or participant from engaging in the same prohibited behaviour during the suspension period and may limit the offender's ability to corrupt others.
12. Sanctions must of course be proportionate to the offence. Deterrence as an aim in itself cannot lead to permanent or even lengthy exclusions for minor offences. That said, in the Panel's present³ view, the need to deter effectively carries some considerable weight in the balancing of, on the one hand the interests of the public, of the sport, and of rule compliant players, and on the other, the interests of the offender.

³ Pending the consultation process between Interim and Final Reports.

B PREVENTION THROUGH EDUCATION

13. A fundamental element of any strategy to address match-fixing and related breaches of integrity is education. Education and deterrence are connected, as the better a person understands the rules and consequences, and the underlying reasons for them, the less likely that person is to engage in prohibited conduct. Indeed, research has shown that “*ethics can be taught*”⁴.
14. Education extends far beyond mere knowledge of rules and regulations. Players – and any other participants in a sport – must be thoroughly informed about the ways in which they may be approached by corruptors, the appropriate responses, reporting mechanisms, and so on. The more prepared participants are, the better they can recognise the tactics of match fixers and resist them⁵.
15. The educative process must keep up with the changing problem, particularly as offenders become ever more creative. To that end, integrity training should form a key part of the agenda of sports governing bodies. Such training needs to be constantly updated as offenders may also alter their strategies as players become savvier about recognising existing match-fixing methods.
16. The Panel sets out below its present views on the role of education as a valuable tool to combat match-fixing and other breaches of integrity. Ultimately, however, a sports governing body must have in place expert and experienced educators to develop and deliver an effective programme tailored to its particular context.

(1) CONTENT OF EDUCATION

17. As a starting point, it is necessary to identify the content and scope of education in the context of integrity in tennis. As suggested above, all participants (including players, referees and umpires, tournament officials and coaches) should receive training as they can all influence outcomes in the sport.
18. As to the substantive scope of education, there are several key points:
 - 18.1 First, it is imperative that participants possess an understanding of why they may be approached by match fixers, in other words what the latter’s precise motives might be. To that end, participants must have a basic knowledge of how individual criminals and criminal organisations operate in their contact with sportsmen and women, and the significant risks of having any kind of interaction with them. This will enable participants to detect certain patterns in the behaviour of potential corruptors, and will therefore make it easier for participants to identify criminal conduct and distance themselves before offers are communicated.
 - 18.2 Second, education must aim at familiarising participants with more specific, rather than general, behavioural patterns shown by offenders. To do so, participants must know what the prohibited conduct is and must therefore have a clear understanding of the relevant disciplinary rules. They must also be able to recognise the particular forms that match-fixing offers might take in practice. They should also be quick to identify other types of suspicious behaviour, and be alert to approaches by particular individuals who have been ‘flagged’ by fellow participants.
 - 18.3 Third, participants must be educated on the appropriate responses to match-fixing propositions. They must receive training on the use of reporting mechanisms, including electronic reporting platforms, and must be aware of the available safeguards of anonymity, in order to ease concerns about reporting.
 - 18.4 Fourth, participants must understand why it matters that they should not breach the rules - not only so that they

⁴ Lydia Segal, ‘The Role of the Academe in Sports Integrity: The Objectives and Shape of a Sports Integrity Training Course’, in Match-Fixing in International Sports, M.R. Haberfeld and Dale Sheehan eds. (2013), p. 291 (citing D. Jones, ‘A Novel Approach to Business Ethics Training: Improving Moral Reasoning in Just a Few Weeks’, *Journal of Business Ethics* 88(2):367-379 (2009); S. Dellaportas, ‘Making a difference with a discrete course on accounting ethics’, *Journal of Business Ethics*, 65(4):391-404 (2006)).

⁵ UNODC and ICSS, ‘Resource Guide on Good Practices in the Investigation of Match-Fixing’ (August 2016), pages 68-69.

understand the adverse consequences for them if they are caught, but also so that they understand how deeply harmful integrity breaches are to the sport. Education must lead participants to be invested in the integrity of their sport, and to actively want to protect it. It must also aim to break down cultural constraints in places where match-fixing may be endemic and widely tolerated.

19. Integral to each of these elements is that the education should give practical and graphic examples that can be easily understood.

(2) DELIVERY OF EDUCATION

20. For education to achieve these goals, it must be delivered effectively. Currently, sports and anti-corruption bodies responsible for enforcing a sport's zero-tolerance policy on betting-related corruption often also assume the role of educators. This is not necessarily the wrong approach to take, but a good investigator does not always make a good educator, as educators need interpersonal skills – particularly in the context of delicate topics such as match-fixing. Individuals in charge of designing and delivering educational modules must not only be familiar with crime-combatting issues; to have greater credibility they must also be familiar with a given sport, and must appreciate and understand the participant's position within that sport. Thus, it is important to involve individuals with expertise, who will be particularly valuable in the lead-up to and during any major event⁶. Integrity officers and officers from law enforcement agencies can also provide valuable insight, thanks to their experience in the criminal investigative aspect of match-fixing.
21. Sports governing bodies, player associations and trusted sports betting organisations are all well equipped to design and offer educational programmes, or at least some elements of them. Working together on such programmes may maximise its educational impact⁷.
22. Delivering that education can take various forms and should generally depend on the target audience. This is because there are different actors in tennis with different levels of understanding of the system. Face-to-face training, for example, can be interactive and allow recipients to gain a more thorough understanding of match-fixing. Simulations and role play, as well as case-based discussions, are some of the proven training methods for sports integrity⁸. Other training methods, such as lectures, e-learning programmes⁹, and the promulgation of integrity guidelines are also methods which have been used.
23. In recent years, many significant sports-integrity training initiatives have been launched. Outside of the initiatives that have been implemented in tennis, which are discussed in Chapter 10 Part Four, some of the following programmes are of particular interest:
 - 23.1 Protect Integrity Project: The project began in 2010, when the European Elite Athletes Association, a federation of players' unions and associations, partnered with the European Gaming and Betting Association (EGBA) to fund anti-match-fixing training for players¹⁰. A common code of conduct followed in 2011¹¹. Since 2012, the European Commission has provided additional funding, and the Project's training programmes now take place in 13 European countries, for 12 different sports¹². The latest initiative, the two-year "2016 PROtect Integrity" Erasmus+ project, is expected to provide in-person training to some 15,000 elite and youth athletes across Europe, in a broad range of sports¹³.

⁶ UNODC and ICSS, 'Resource Guide on Good Practices in the Investigation of Match-Fixing' (August 2016), page 64.

⁷ UNODC and ICSS, 'Resource Guide on Good Practices in the Investigation of Match-Fixing' (August 2016), page 68.

⁸ Lydia Segal, "The Role of the Academe in Sports Integrity: the Objectives and Shape of a Sports Integrity Training Course", page 295 in "Corruption in Sport: Match Fixing – Definitional and Operational Issues".

⁹ See, for example, <http://www.tennisintegrityunit.com/player-resources>.

¹⁰ See <http://protect-integrity.com/about-the-campaign/> [accessed 9 April 2018].

¹¹ EU Athletes, EGBA, and the European Sports Security Association (ESSA), 'Code of Conduct on Sports Betting for Athletes', available at <http://www.eesc.europa.eu/resources/docs/144-private-act.pdf> [accessed 9 April 2018].

¹² For further information on the campaign, see: <http://protect-integrity.com/about-the-campaign/> [accessed 9 April 2018].

¹³ Ibid.

- 23.2 FIFA-INTERPOL initiative: in May 2011 FIFA and INTERPOL agreed on “a ten-year joint initiative to enhance global efforts to tackle match manipulation and corruption in [football]”¹⁴. This initiative has included numerous “Integrity in Sport” workshops held around the world, information sessions ahead of all FIFA tournaments, and the creation of a hotline for anonymous tips¹⁵. Perhaps most notably, in 2013 FIFA and INTERPOL introduced a set of interactive e-learning programmes on match manipulation, “designed to help key actors understand how and why they might be targeted, the consequences of becoming involved in match-fixing, and what to do if approached”¹⁶. The modules are tailored to the specific needs of four different categories of actor (“Young players”, “Players”, “Referees”, and “Managers and coaches”) and are available in five languages, making them accessible to a broad range of participants across the globe¹⁷.
- 23.3 UEFA: UEFA runs both onsite and online training programmes for players, referees, and officials all year round, on the basis that “where there is comprehensive knowledge and understanding of the relevant risks, incidents of match-fixing can better be prevented”¹⁸. UEFA also involves national integrity officers in the educational process, placing them in charge of arranging and overseeing educational seminars and courses¹⁹.
- 23.4 National Integrity in Sport Unit (“NISU”): The Australian government established the NISU in 2012 in order to oversee, monitor and coordinate efforts to fight doping, match-fixing and other sports-related corruption²⁰. As part of its mission, the NISU has developed an e-learning portal called “Keep Australian sport honest”, aimed at helping players and officials to “understand what match-fixing is, its consequences, how to recognise it and report it”²¹. Each of the e-learning modules ends with a quiz, which requires a perfect score for successful completion²².
24. With regard to online delivery, the World Bank Group’s Open Learning Campus offers an extensive e-learning platform for various development issues, providing recorded lectures (WBx Talks), online courses (WBa Academy), and forums for online discussions (WBC Connect)²³. This existing platform could be used to provide anti-corruption training, being either broad-based or sports-specific.
- (3) EDUCATION AS A CONDITION OF ALL FORMS OF PARTICIPATION**
25. It is possible to make satisfactory completion of an education programme a condition of entitlement to participate in the sport. The satisfactory completion of the programme should require more than mere attendance or mere viewing of a presentation. It should involve it being demonstrable that the individual involved has actually understood the key messages.
26. Mechanisms seeking to do this are often introduced, but too easily satisfied. Online completion of modules offers little guarantee that it was actually the player that completed the module. Satisfactory answers to questions that are obvious do not demonstrate comprehension.
27. So too, the integrity training must extend beyond the players to other participants including notably officials, and those closest to players such as coaches and trainers, and medical staff.

¹⁴ Press Release, ‘FIFA and INTERPOL unveil e-learning tools to protect football from match manipulation’ (FIFA, 26 September 2013), available at: <http://www.fifa.com/governance/news/y=2013/m=9/news=fifa-and-interpol-unveil-learning-tools-protect-football-from-match-mani-2181391.html> [accessed 9 April 2018].

¹⁵ Ibid.

¹⁶ For further information on the FIFA/INTERPOL e-learning programmes, see: <https://www.interpol.int/Crime-areas/Crimes-in-sport/E-learning> [accessed 9 April 2018].

¹⁷ Ibid.

¹⁸ For further information on UEFA’s education programmes, see: <http://www.uefa.org/protecting-the-game/integrity/education/index.html> [accessed 9 April 2018].

¹⁹ Ibid.

²⁰ For further information on the NISU, see: http://www.ausport.gov.au/supporting/integrity_in_sport/integrity_partners_and_community_programs/nisu [accessed 9 April 2018].

²¹ To access the NISU e-learning portal, visit: <https://elearning.sport.gov.au/> [accessed 9 April 2018].

²² Ibid.

²³ For further information on the World Bank Group’s Open Learning Campus, see: <https://olc.worldbank.org/> [accessed 9 April 2018].

(4) THE NEED FOR ORGANISATIONS TO PROVIDE ANTI-CORRUPTION TRAINING IS WELL ESTABLISHED INTERNATIONALLY AND NATIONALLY

28. The need for organisations – including sports governing bodies – to put in place appropriate anti-corruption training is a well-established component of international and national best practice. The approaches adopted in those contexts are of relevance to the approach to be adopted in sport.
29. First, the importance of education in compliance is recognised in major international anti-corruption standards, such as:
- 29.1 The “Anti-Corruption Ethics and Compliance Handbook for Business” published jointly in 2013 by the OECD, the United Nations Office on Drugs and Crime (“UNODC”) and the World Bank, on compliance as a practical guide for companies “*looking for concrete ways to prevent corruption in their business dealings*”²⁴. The handbook confirms that training is an integral part of corporate compliance²⁵. The handbook contains a case study of a successful in-person corporate training programme, describing the challenges of effectively communicating anti-corruption messages and how they can be addressed²⁶. Specific training techniques include specific examples to convey the risks of non-compliance; ensuring that the participants can answer questions in their own language, in addition to English; and using tests and hypothetical questions to encourage interaction²⁷.
- 29.2 UNODC’s own “An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide”, based on the United Nations Convention against Corruption²⁸. This publication, too, highlights the need for appropriate communication and training²⁹. The guide notes that personnel should “*receive communications and participate in a mandatory standardized training at least once a year, so that the key messages of the programme remain high on everyone’s agenda*”³⁰. As it may not be practical to provide the same level and type of training to all employees and agents, it is legitimate to allocate resources based on a risk assessment³¹. The guide provides a checklist of criteria for ensuring comprehensive compliance training, such as scope, recipients, and means of delivery and documentation³².
- 29.3 The guidelines produced by the International Organization for Standardization (“ISO”) – the independent, non-governmental international organisation comprising 162 national standards bodies – for both compliance programmes in general³³ and anti-bribery programmes in particular³⁴, each of which provide for training programmes³⁵. These guidelines make clear that such training should be tailored to the participants’ obligations and risks (depending on their roles), should be practical and easy to understand and should be ongoing³⁶. If the consequences of non-compliance are grave, interactive training may be preferable to more passive modes of delivery³⁷.

²⁴ OECD, UNODC, World Bank, ‘Anti-Corruption Ethics and Compliance Handbook for Business’ (2013), page 3, available at: <http://www.oecd.org/corruption/anti-corruption-ethics-and-compliance-handbook-for-business.htm> [accessed 9 April 2018].

²⁵ Anti-Corruption Ethics and Compliance Handbook, pages 14 and 54 to 57.

²⁶ Ibid., page 56.

²⁷ Ibid.

²⁸ UNODC, ‘An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide’ (2013).

²⁹ Ibid., pages 69 to 73.

³⁰ Ibid., page 69.

³¹ Ibid., page 14.

³² Ibid., page 120.

³³ ISO, Compliance management systems – Guidelines, ISO 19600:2014.

³⁴ ISO, Anti-bribery management systems – Requirements with guidance for use, ISO 37001:2016.

³⁵ ISO 19600:2014, § 7.2.2, page 15; ISO 37001:2016, § 7.3, page 13.

³⁶ ISO 19600:2014, page 15; ISO 37001:2016, page 13.

³⁷ ISO 19600:2014, page 15.

30. Secondly, the introduction of training programmes may be required by national criminal authorities in arrangements with organisations to settle or avoid prosecutions. For example under the US Foreign Corrupt Practices Act (“FCPA”) and the UK Bribery Act 2010 a prosecutor may agree not to pursue criminal charges provided that the subject organisation fulfils certain conditions, including the institution or maintenance of a robust compliance programme which extends to training. Indeed, the US Department of Justice (“DOJ”) guidance to the FCPA specifically cites the adequacy of training as a factor to be considered by investigators,³⁸ and the DOJ has emphasised the significance of “*repeated training, which should include direction regarding what to do or with whom to consult when issues arise*”³⁹. The UK Ministry of Justice similarly emphasises the importance of training in its guidance to the UK Bribery Act 2010⁴⁰.

³⁸ Criminal Division of the U.S. Department of Justice and the Enforcement Division of the U.S. Securities and Exchange Commission, ‘A Resource Guide to the U.S. Foreign Corrupt Practices Act’ (2012), page 59, available at <https://www.justice.gov/sites/default/files/criminal-fraud/legacy/2015/01/16/guide.pdf> [accessed 9 April 2018].

³⁹ Leslie R. Caldwell, Assistant Attorney Gen., Remarks at SIFMA Compliance and Legal Society New York Regional Seminar (2 November 2015), available at <https://www.justice.gov/opa/speech/assistant-attorney-general-leslie-r-caldwell-speaks-sifma-compliance-and-legal-society> [accessed 9 April 2018]. See also Gibson Dunn, 2015 Year-End Update on Corporate Non-Prosecution Agreements (NPAs) and Deferred Prosecution Agreements (DPAs) (5 January 2016), page 7, available at http://www.gibsondunn.com/publications/Pages/2015-Year-End-Update-Corporate-Non-Prosecution-Agreements-and-Deferred-Prosecution-Agreements.aspx#_ftn31 [accessed 9 April 2018].

⁴⁰ UK Ministry of Justice, The Bribery Act 2010 – Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing (section 9 of the Bribery Act 2010), page 30, available at: <https://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf> [accessed 9 April 2018].

C PREVENTION THROUGH ALTERATION OF THE ENVIRONMENT

31. While deterrence and education can produce significant preventative effects, it is only by altering the circumstances that give rise to match-fixing and other breaches of integrity in the first place, and removing the opportunities for breach, that one can address the problem at its core. The incentives for participants to engage in match-fixing or other breaches of integrity must be eradicated, or at least significantly reduced, as addressed in this section. Naturally, this requires a deep understanding of what drives individuals to manipulate matches. The removal of opportunities for breach is dealt with in Sections D to F below.
32. As described in Chapter 4 Section A(4), a participant's decision to engage in corrupt practices is likely in most cases to be principally driven by financial motives. In particular, the low prize money relative to the cost of competing renders it unsustainable for almost all players to make a living from the sport. This increases the temptation to make what may be perceived as easy, and victimless, money in order to continue competing. That often involves self-financed betting by the player on a known result, rather than bribery by a third party to fix the match.
33. The financial position is, however, not the only relevant environmental consideration. The financial issues faced by many players is compounded by the difficulties in progressing in the sport. Younger players who are in the beginning of their career and struggling to climb the player rankings may become disillusioned as a result. The longer it takes to progress, the greater the impact of the imbalance between earnings and costs. Similarly, older players who are approaching the end of their careers may become jaded and vulnerable to the temptation to make money through betting or passing on inside information.
34. Aside from the direct financial motive for fixing a match, it is also an unintended consequence of the player incentive structure that, for a variety of reasons unrelated to betting, players on occasion perceive that they are better served by losing a match than by winning it. Some players act on that perception and "tank" the match, which is a short step away from betting on a known outcome, or informing someone else of a known outcome in advance. Other players perceive, as a result of the player incentive structure, that they must play, even when they are too injured to compete. This too creates a known outcome, which may be bet on or communicated to others.
35. Moreover, players tend to live and train within a closed circle in which particular cultural patterns may arise which may cloud their ethical judgments⁴¹. Bettors are aware of those situations and often approach players by offering financial support in exchange for inside information or manipulated performances.
36. Even where players might not themselves be prepared to breach integrity, and think that it is wrong to do so, many might not be prepared to report others who they were aware did so, because they would not want to be, or to be regarded to be, an informant. The lower the level of the relevant breach, or the perceived level of it, the greater the inhibition to report. Thus while most players might report match-fixing, or betting by a player on him or herself, many might perceive a player betting on tennis in general as insufficiently serious to be reported.

⁴¹ Institut de Relations Internationales et Stratégiques (IRIS), University of Salford, Manchester, Praxes Avocats and the China Center for Lottery Studies, 'Sports betting and corruption – How to preserve the integrity of sport' (2012), page 19, available at: www.sporinfo.ee/est/g22s355 [accessed 9 April 2018].

37. Such scenarios are deeply entrenched in sports, including tennis, across the globe. Financial problems that players may face, and which may lie at the core of the problem, are inextricably linked to a country's overall economic performance, as reflected in wages, contributions and health benefits for players. The correlation between control of corruption and GDP per capita is high⁴². Altering the environment by wiping out or significantly reducing the incentives for players to engage in match-fixing, while evidently beneficial, is not an easy task.
38. For example, it would be a pious hope that a sport could address such a problem by increasing the prize money paid so that all players earned a living, if that money is simply not available. If limited commercial interest in the sport reduces the income which that sport can generate, then the only course is to increase interest. The reality, however, is that there is very little commercial interest (at least in terms of ticket sales, broadcasting, sponsorship and advertising) in the levels of the sport where the prize money is low. Commercial interest in the live data for these lower levels, while creating income, carries with it other difficulties in terms of the prevention of breaches of integrity, as discussed below, because it in fact provides the mechanism for breaches.
39. While it is not possible to conjure money from nowhere, it is of course possible to redistribute it. Regardless of budgetary constraints, there are measures to be taken that do not require an increase in the total money available. States and sports governing bodies can seek to allocate existing resources better. In tennis, the current system, which rewards a few top-ranked players with very substantial prize money and benefits, in addition to sponsorships and media exposure, is often perceived as unfair by lower-ranked players, who call for a more sustainable system that will take account of their financial needs. However, that too may be a pious hope, when the economic realities include that: (a) the principal reason that the few top-ranked command substantial earnings is that there is a commensurate demand for their services; (b) different international governing bodies are responsible for different events and players; and (c) if one were to redistribute the very high earnings of the few, it would have little impact on the imbalance between the earnings and costs of the many players among whom it would have to be spread, and so little impact on the incentive to match fix or otherwise breach integrity.
40. In these circumstances, prevention of match-fixing by alteration of the environment in which players compete would appear to, at least, require a reduction in the number of those players among whom the available money is distributed.
41. However, as set out above, the financial position is simply one of the problematic elements in that environment. Steps must also be taken to address progression in the sport and the occasional perception by players that they are better served by losing a match rather than winning it.
42. Further, players and other participants must be brought to understand that the sport is their sport, and that a failure by a few to abide by the integrity rules, and a failure by rather more to report their doing so, will remove public confidence in the genuineness of the contests that they pay to watch, and ultimately lead the public to give up on the sport. Players and other participants must be brought to understand that they all have a vital role to play in preventing this happening.

⁴² OECD, 'Issues on Corruption and Economic Growth' (2 September 2013), page 10, available at: <http://www.oecd.org/g20/topics/anti-corruption/Issue-Paper-Corruption-and-Economic-Growth.pdf> [accessed 9 April 2018].

D PREVENTION BY DISRUPTION

43. Prevention by deterrence, by education and by alteration of the environment operate at a macro level. There are however other, more direct, actions that must be pursued at the same time. The first such action is detecting and punishing an individual. This operates not only as a deterrent, but also prevents the individual from successfully breaching integrity on the relevant occasion, and (if the individual is suspended from the sport) in the future. In other instances, however, there may be an insufficient basis to bring disciplinary proceedings against and punish an individual, despite intelligence that a breach may be about to take place. In these circumstances, an additional important measure open to the authorities is to take steps to prevent, or to neutralise the effects of, acts of corruption by disrupting those acts in a timely manner.
44. Because sports governing bodies have direct access to, and an element of control over, ongoing matches and the participants in those matches, they can contact the would-be offenders before or during a match and inform them that they are aware that an imminent match-fixing incident is planned. The participant may then avoid behaving as originally intended, for fear of being caught. The relevant organisation is also able to replace the match officials, restrict suspects from accessing sporting areas, or, as a more drastic measure, decide to suspend the event.
45. Suspending a competition may indeed prevent a fix from occurring and help protect the integrity and reputation of the relevant organisation. Allowing the event to take place may, however, result in the collection of better evidence of match-fixing⁴³. Similarly, whilst notifying a player or a match official of suspicions is desirable, as it may prevent the fix from occurring, it may also make it more difficult for the authorities to gather the relevant evidence since the investigated player will realise that he or she is on the investigators' radar. The organisation must, therefore, perform a careful weighing and balancing test before deciding on a course of action. Ultimately, the appropriate decision in any case will be fact-specific.
46. Betting operators can also play an important role in disrupting match-fixing. Upon detecting suspicious betting patterns, they may decide to suspend or restrict betting on a particular result, as explained in more detail below. Further, they may inform the relevant sports governing body so that the latter may take action to prevent the participant from committing misconduct. Additionally, while cooperation between the betting operators and sports governing bodies is important, it may at times be desirable to pre-emptively place a limitation on the live data supplied to betting operators, especially in small events, so as to remove the mechanism by which corrupt players and corruptors are able to bet. As addressed below, that could take the form of withdrawal of the data in respect of a particular match, or it could take the form of withdrawal of data from problem events or levels of competition.
47. Disruption through the intervention of state law enforcement agencies and regulatory authorities, for example through criminal investigation and prosecution, can also be effective. This is explained in more detail below.

⁴³ UNODC and ICSS, 'Resource Guide on Good Practices in the Investigation of Match-Fixing' (August 2016), pages 28 to 29.

E PREVENTION BY PARTICIPANTS IN BETTING

48. Since the ultimate goal of almost all corruptors operating in the world of sport is to derive financial gain from betting on known outcomes, whether with betting operators or on exchanges, participants in betting are also able to play a role in prevention.
49. Betting operators, in particular, can play an important role in the disruption of match-fixing by: (a) declining to take certain bets in the first place; (b) suspending betting early if an issue begins to emerge; (c) reporting suspicious betting patterns to sports governing bodies and regulators and others tasked with combatting corruption in sport; and (d) refusing to pay out on certain bets. Counterparty bettors can equally decline to take bets.
50. Live data companies can also play an important preventative role, both at the stage before betting operators would be able to act by withholding data in relation to certain matches, and also thereafter in the identification and reporting of suspicious betting patterns. Preventative measures capable of implementation by live data companies would likely need to be provided for by the sports governing bodies. The sports governing bodies also could place a limitation on the live data that is supplied to betting operators and set criteria that betting operators would have to meet before being eligible to purchase the data. These measures could have an impact on the creation of in-play betting markets for certain events, particularly those that may have been identified as high-risk.
51. The Panel addresses in further detail below how preventative steps by participants in betting can assist in combatting corruption and other breaches of integrity⁴⁴.

(1) PREVENTION BY BETTING OPERATORS, AND BETTORS

52. Betting operators are able to preclude the creation of certain markets:
 - 52.1 Betting operators can prevent customers from placing bets in circumstances that the operator considers to be high-risk. For example, an operator may not wish to take a bet from a particular bettor, or on a particular contingency, or may prevent the creation of markets on lower-level matches altogether, or on specific types of matches such as doubles matches, or perhaps on certain players.
 - 52.2 Some betting operators operate blacklists of events, teams or players upon whom they have decided not to offer markets⁴⁵.
53. Betting operators are able to take steps to control markets that have been created:
 - 53.1 A decision may be taken internally by betting operators to cap bets for certain bettors or markets in proportion to the relative risk⁴⁶ and thereby to cap the liquidity of particular markets⁴⁷.
 - 53.2 Betting operators can also choose to suspend betting on a particular event at an early stage. Suspension of betting may occur if the operator observes unusual or suspicious betting patterns related to the match, either on its own markets or the wider market for the match, which call into question the authenticity of the match.
 - 53.3 Betting operators can also void bets entirely, meaning that a customer's bet is cancelled and their stake returned to them.

⁴⁴ See Chapter 3 Section F(5) for further discussion on preventative measures taken by betting operators in response to suspicious betting patterns.

⁴⁵ Statement of Jonathan Russell (Betway).

⁴⁶ Statement of John Coates (Bet365).

⁴⁷ Statement of Eric Konings (Kindred/Unibet).

54. Betting operators are able to take actions against customers, including:
- 54.1 Placing limits and restrictions on the amount a customer can bet on specific markets or events⁴⁸. These decisions may be based on internal risk analysis and focus on customers betting from particular geographical locations⁴⁹.
 - 54.2 Where suspicious activity is confirmed, suspending customer accounts pending an investigation in to the matter⁵⁰, and voiding bets.
55. Betting operators are able to report suspicious betting patterns, and to provide further information and assistance, to sports governing bodies and to law enforcement:
- 55.1 Since betting operators are making the relevant market they will likely notice any unusual betting on it, and be able to assess the likelihood of there being an innocent explanation for it. Some betting operators employ staff to monitor other markets being offered and identify any unusual betting activity. As a result, betting operators are in a position to, of their own volition, alert a sports governing body, law enforcement agency, betting industry regulator or other interested party (such as the umbrella betting operator organisation the European Sports Security Association) to such activity.
 - 55.2 For some betting operators, reporting lines are formalised by their entry in to memoranda of understanding with sports governing bodies or betting industry regulators.
56. Under such memoranda of understanding, it is possible to define the additional assistance that falls to be provided, if a suspicious betting patter is identified and reported. That further assistance can include the betting details, in the sense of how the betting progressed, and the bettor details, in the sense of which accounts bet on what when, and who the account holder is.

(2) PREVENTION BY LIVE DATA COMPANIES

57. Live data companies operate as an intermediary between the organisers of sporting events that generate live scoring data, such as sports governing bodies, and betting operators wishing to purchase that data in order to create in-play betting markets. In essence, the live data company buys the data from the sports governing body, repackages it in a commercially attractive way, and supplies it on to betting operators at a profit. Consequently:
- 57.1 First, live data companies have good oversight over a large number of matches and betting operators, and markets and are able to identify issues that arise. They may even have staff specifically tasked with doing this, and with providing an integrity monitoring service.
 - 57.2 Second, they have control over what goes out to betting operators, and so they can, if appropriate, impose limits on that.
 - 57.3 Third, they can be made subject to contractual restrictions by the sports governing body selling the data to them. Limits may be imposed on the nature of the data made available to them, to which betting operators they can sell the data, and the conditions upon which it can be sold. Further, they can be required to pass contractual obligations imposed on them by event organisers on to gambling end users via their subsequent contractual relationship.
58. Care must of course be taken to balance the imposition of restrictive contractual measures with the realities of the live

⁴⁸ Statement of John Coates (Bet365).

⁴⁹ Statement of Jonathan Russell (Betway).

⁵⁰ Statement of John Coates (Bet365).

data market. End user betting operators value the reliability and accuracy of official live data sources and will therefore likely be prepared to pay a premium for such a service, despite having to accept certain contractual restrictions on the use of that data. Depending on the risk appetite of the particular end user betting operator, it may however turn to unofficial data sources if the restrictions on the use of the data imposed are perceived as being too onerous.

59. Contractual restrictions are only effective to the extent that compliance with them is monitored properly. A sports governing body does not have direct control over the way in which the restrictions it has imposed are implemented, as it must rely on the live data company to implement them through its contracts with betting operators. Compliance and monitoring will also usually fall to be carried out by the live data company.
60. As these measures are contractual in nature, they could in theory be defined in any way so long as agreement is capable of being reached.
61. Possible restrictions or measures in this context could include:
 - 61.1 Prohibiting a live data company or a betting operator that purchases the rights to official live data in respect of a sport's events from engaging in unofficial live data collection in relation to other of the sport's events. A sport may decide that data is only to be sold in respect of some events; the *quid pro quo* for access to the official data to those events could be that the buyer does not take steps to obtain unofficial data in respect of the events that the sport has chosen to exclude.
 - 61.2 Prohibiting the sale of live data to betting operators or other end users, such as betting syndicates, known to purchase live data in respect of the sport from unofficial sources.
 - 61.3 Restricting the sale of live data only to betting operators that have entered into a memorandum of understanding with the relevant sports governing body.
 - 61.4 Requiring that live data companies provide the relevant sports governing body with their integrity monitoring service (if they offer one).

F PREVENTION BY LIMITATION OF THE SALE OF LIVE DATA

62. The discussion above focusses on the conditions that can be imposed on the onward supply of live data to betting operators by live data companies, in order to assist in preventing breaches of integrity. There is however an earlier stage at which preventative steps can be taken, and that is by the sports governing body not selling the live data to certain types of matches in the first place. If there is no market in respect of a particular match on which to bet, then the players themselves cannot bet, and others cannot set out to corrupt them in order to bet themselves, and officials cannot corrupt results for betting purposes. In other words, the aim would be to remove the mechanism by which most match-fixing is achieved.
63. The betting industry has developed in such a way that official live data is widely used by most betting operators to create in-play betting markets in the relevant matches. The question therefore arises whether limiting the sale of that live data by the organisers of a sports event would prevent those betting markets being created in the first place, and thereby prevent breaches of integrity that depend on the existence of such markets. The answer is likely to depend on the level of the sport.

(1) WOULD A MARKET ARISE ANYWAY?

64. In some contexts, betting markets would arise even absent the sale of official live data:
- 64.1 An ante-post or pre-match market does not require live data. Bets can be placed on the match result or on specific events within the match without live data, but the outcome is only known after the match when the relevant statistics are subsequently made available.
- 64.2 It appears however that such betting is much less attractive than betting in-play against the background of the match as it unfolds. Bettors prefer to bet on final outcomes based on how the match is progressing. Betting on specific events within a match is even more likely to be in-play, but betting operators are unlikely to take bets in-play unless they have live data.
- 64.3 Where a match is televised or otherwise video streamed live, there is live data available, and in-play markets can be created. The betting operators or data companies simply obtain the data from the live video stream, and then use it to create the market. Similarly, betting operators can “scrape” the data from other internet sources.
- 64.4 Absent television, live video streaming or other internet data, betting operators or sports data companies may use unofficial scouts to send back live data to them, again facilitating the creation of in-play markets.
- 64.5 While data collected unofficially cannot boast the combination of speed, reliability and accuracy as the official live data (in the case of tennis, that which is derived from the officials’ inputting of the score), it can be obtained and it is sufficient to create an in-play market if the betting operator or data company perceives that there would be the requisite level of interest in that market.
65. In these contexts, limiting the sale of official live data would not prevent the betting market arising. The betting operators or data companies would simply obtain the data elsewhere in order to create the market. In effect, the same betting would take place, but the organiser of the sports event would derive no benefit, the data being used would be of a poorer quality, and the sports governing body would have no relationships with the betting operators or data companies that would assist it in the policing of its sport.
66. In other contexts, however, where there is no video streaming and the cost of sending unofficial scouts would outweigh the likely return on the market created, limiting the sale of official live data would effectively prevent the market arising. Or, to the extent that any attempt was made to create a market by sending unofficial scouts to such matches, it would become obvious as soon as the market was offered on a betting operator’s website, and steps could be taken at the venue to disrupt it. Where there is a small crowd, an unofficial scout could be rapidly identified and removed, or steps could be taken to prevent his or her transmission of data.

(2) DIFFERENT TYPES OF LIMITATION

67. Because the organisers of sports events control and supply the live data generated by their events, they are in a position either to choose not to supply it at all, or to supply data for only certain types of matches, or to make supply subject to contractual limitations on the use to which certain types of data can be put. Thus:
- 67.1 The organisers could choose not to sell the data to an entire level of competition. For example, in tennis the decision could be made not to supply data from matches at particular levels of competition where the incidence of breaches of integrity is observed to be greater.
- 67.2 The organisers could exclude from the data supplied, or restrict the use of, the data in respect of certain types of higher risk matches or matches which require a higher degree of protection. Sports event organisers could also decide that data derived from matches involving players or teams below a certain level of ranking should not be sold.
- 67.3 The organisers could exclude from the data supplied, or restrict the use of, the data in respect of matches that take place in locations or countries regarded as higher-risk. Historical instances of unusual betting pattern reports may also indicate that a particular event each year, or events in particular countries, raise a higher risk. Organisers could also choose not to sell data derived from events in certain countries which do not reach a certain legal standard (for example, those whose laws either do not criminalise or make it difficult to prosecute match-fixing) or level of enforcement (where authorities are considered corrupt or do not display an appetite for prosecuting match-fixing).
- 67.4 The organisers could exclude from the data supplied, or restrict the use of, the data in respect of matches involving specific individuals or teams regarded as high-risk.

G PREVENTION BY STATE INTERVENTION

68. As noted in Chapter 3, a number of states have introduced a regulatory framework designed to facilitate the prevention of breaches of integrity in relation to sports.
69. By way of example, the State of Victoria, Australia:
- 69.1 Victoria has introduced the Gambling Regulation Act 2003, which prohibits sports betting providers from offering betting on a sports event unless an agreement is in effect between the sports controlling body and the sports betting provider⁵¹. Under that agreement, the sports betting provider must share information for the purposes of supporting integrity in sports and sports betting⁵². However, these provisions only apply to sports events held wholly within the State of Victoria⁵³ (such as the Australian Open).
- 69.2 The agreements are commonly referred to as Product Fee and Integrity Agreements⁵⁴ and enable a sport to prevent certain betting markets from being offered, such as those perceived to present a higher integrity risk.
70. A second example is France:
- 70.1 Betting operators can only accept bets online in France if they have obtained a sports betting licence from the French online gambling regulator, the Autorité de régulation des jeux en ligne (“ARJEL”).
- 70.2 ARJEL maintains a prescriptive list of sports events on which betting is permitted. Sports events are only selected for inclusion following consultation with the relevant sport’s governing body or the French Ministry of Sports. These parties also consult to determine the type of bets that are permitted on those events.
- 70.3 In the context of tennis, betting on the French Open is permitted but the offering of certain markets is prohibited, such as any relating to the junior tournament, the qualification stages of the tournament, and the first round of the doubles tournament⁵⁵. The FFT determined in conjunction with ARJEL that these particular stages of the tournament posed greater risks than the others and consequently should not be subject to sports betting⁵⁶.

⁵¹ Gambling Regulation Act 2003 s4.5.22.

⁵² Gambling Regulation Act 2003 s4.5.23.

⁵³ Gambling Regulation Act 2003 s4.5.22.

⁵⁴ Statement of Ann West (Tennis Australia). Statement of Matt Sheens (formerly of the Victorian Commission for Gambling and Liquor Regulation).

⁵⁵ Supplementary Memo to the Interview of Jean-Francois Vilotte (July 2016).

⁵⁶ Supplementary Memo to the Interview of Jean-Francois Vilotte (July 2016).