

Combating the manipulation of sports competitions

Portuguese Context

The Portuguese State and the Convention

Portugal sign the **Macolin Convention** on 17/03/2015 and was one of the first three states to sign it.

Before the Convention, there was already legislation in Portugal that regulated sports practices from a criminal point of view: Law No. 50/2007, of 31 August (Regime of Criminal Liability for Unsportsmanlike Behaviour), and Law No. 112/99, of 3 August (Disciplinary Regime of Sports Federations).

With the signing of the Convention, it became necessary to transpose the rules laid down in the Convention into Portuguese law, in order to be able to apply it.

Law nº14/2024, from 19 of January

In order to transpose the Convention into the Portuguese legal system, it was created the **legal regime for the integrity of Sport and the Fight against Unsportsmanlike Behaviour: The Law 14/2024 of 19 January, started to be applied on 3 February 2024, repealing the previous laws.**

The most significant changes - Law 14/2024 from 19 of January

- 1 - Introduced new types of crime – criminalized conduct related to unsportsmanlike behavior, namely the introduction of the **crimes of sports coercion** and **fraudulent sports betting**.
- 2 - Created and regulated the National Platform to Combat the Manipulation of Sports Competitions, of which the National Anti-Corruption Unit of the Judiciary Police is a part, as well as elements of the Portuguese Football Federation and which aims to fight against the manipulation of sports competitions.
- 3 - Created the National Council for the Integrity of Sport (CNaID).

1 – Sanctioning Regime

- **Sporting coercion crime** punishes a person who, by means of violence or threat of serious harm against a sports agent, compels him or her to perform an action or omission with the aim of influencing the effects or results by means of violence or threat of serious harm exercised on a sports agent, of a sporting game, event or competition;
- **Fraudulent sports betting**, which punishes, with imprisonment of up to 5 years or a fine of up to 600 days, anyone who acts to influence the incidences or results of a game, event or sports competition, with the purpose of obtaining an advantage in sports betting;

- **The criminalization of the attempt** to actively commit the crime of influence peddling;
- The extension of the personal scope of **the duty to report**, which now covers all sports agents, and the punishment of non-compliance as a disciplinary infraction;
- The provision of a **tabulated sanctioning framework** in relation to the periods of suspension from the practice of sports activity or from sports functions or managers to be applied for the commission of crimes or infractions provided for in the Law, which should be reflected in all disciplinary regulations of sports federations and professional leagues.

2 – National Platform

- **The purpose of the platform** is to coordinate the fight against the manipulation of sports competitions, including irregular sports betting cooperate with national and international organizations and authorities and provide technical support to sports federations.
- **In the national platform** will be experts from various authorities and organizations, including the Portuguese Federation of Football, which will work with the National Anti-Corruption Unit of the Judiciary Police (UNCC) and will be coordinated by its director.

3 – National Council

- In the **National Council for the Integrity of Sport** (CNaID), will be people that represents various authorities and organisations.
- It will be **chaired by the Chairman of the Board of Directors of the Portuguese Institute for Sport and Youth** (IPDJ, I.P.), which will be responsible for promoting analysis and public debate on issues related to the integrity of sport, and to evaluate and monitor the training and educational actions promoted by the sports legal entities.

**Sports offences = major
crimes.**

- Regarding the effective fight against corruption in the sports phenomenon **the law 14/2024 of 19 of January addit crimes related to manipulation in sports to the catalogue of crimes of the law nº5/2002 of 11 of January** which establishes measures to combat organized and economic and financial crime.
- As a result, the investigation of crimes related to corruption and manipulation in sport is **subject to a special regime of evidence collection, breach of professional secrecy and confiscation of assets to the State.**

Strengths/Weaknesses

- Since 2016 the fight against crime in sport has become more important.
- In order to facilitate the reporting of these cases, the Portuguese Football Federation has created a platform just to report cases, which can be carried out anonymously – integridade.fpf.pt.
- The legislative change that has taken place shows a huge effort in the fight against crime in sport.

Media Cases

At this moment, in Portugal, there is no knowledge of major cases.

In the year 2016 there was a case that involved two football clubs from the 2nd league – it was called *The Double Game operation*.

THANK YOU!