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Sporting Integrity

Education in sport: a sure bet!

Editorial



Human beings are curious by nature – we are driven to understand how things work and what makes the world the way it is. So why is it that we appear to suspend our curiosity when it comes to the internet?

As recent controversy relating to social networks shows, whether we take advantage of the fantastic opportunities offered by new information technologies, or create for ourselves new and unintended problems, depends a great deal on how consumers understand and actually use the tools.

Education is fundamental to building trust and critical to developing safe and secure behaviour on the internet. EGBA goes to great lengths to build knowledge among various stakeholders regarding the online gaming industry – funding grass-roots awareness campaigns among sports players is just one example. But beyond the gaming sector, we need much more education about the internet and how it impacts our lives. This wider awareness should not be for the privileged few, and should include all generations and all categories of people. EGBA will continue to play its role in this ongoing process.

Sigrid Ligné

EGBA Secretary General



Walter Palmer,
Secretary General of
EU Athletes, the federation of European professional player associations, explains why educating

professional athletes about the reality of sport betting is crucial.

Our dialogue with professional sportsmen and women around Europe has shown that there is a genuine interest — but also a need — for better understanding among players on the issues related to the integrity of sports and betting.

In that context, our association, the federation of European professional player associations (EU Athletes) launched a ground breaking campaign in April 2010 with the support of the European Gaming and Betting Association (EGBA) and the European Sport Security Association (ESSA) to educate players on the do's and don'ts of sports betting.

The campaign is built around mutual aims and interests: protect the integrity of sports and ensure that sport remains enjoyable for players, spectators and other interested stakeholders. The reason is simple: we do not want players facing bans for falling foul of the rules. The betting operators do not want to lose money to match fixing. And none of us want scandals

undermining the integrity of sport. The campaign is now underway in Germany, Spain and France and is being run by our national associations, for the time being targeting a number of high profile sports such as cycling, handball and basketball.

The campaign uses as a template a Code of Conduct ¹ which provides concrete advice on how to avoid or address specific risk situations that can be faced by sports professionals. Some of the most basic advice is:

Know the rules of your sport

Start by asking your club, federation or athletes association what the rules on betting are in your sport and in your country.

Never bet on your sport at all

This includes betting on yourself, your opponent, and betting on sports that athletes have no involvement in. Of course, players betting on sport may not be doing something wrong, but we believe that it is safer to keep the message simple thereby avoiding players inadvertently falling foul of their sport's rules due to technicalities.

Be careful about handling sensitive information

Athletes have access to information not yet available in the public domain, and which could

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be useful to people wishing to secure an unfair advantage on sports betting markets. It is important that players never swap sensitive information for reward, gifts or favours.

**Fixing a competition:
an absolute No-No**

This goes against the rules of sport and is illegal. Fixing any part of a match could lead to severe criminal sanctions and a lifetime ban from sport. Also, the technology in place means that athletes are very likely to get caught if they bend the rules.

These examples offer only a short summary of the campaign, which will also be supported by online resources and materials. EU Athletes also feels that it is important to spend the time through face to face meetings to explain all of this because we know that players themselves are more receptive to educational messages delivered by well known players or their representatives.

Guiding principles

- 1. Know the rules of your sport**
- 2. Never bet on your sport at all**
- 3. Be careful about handling sensitive information**
- 4. Fixing a competition: an absolute No-No**

Of course, our Code of Conduct should be seen as a complementary tool to national laws and/or sport specific regulations. We are happy if our code is used as a template for all sports and government agencies outlining the areas that a sports betting education campaign should cover and also how it should be delivered.

Players, sports federations, clubs, leagues, regulatory authorities and the betting industry all have a shared interest in working together to ensure that sports remain clean. We firmly believe that our new partnership with the betting operators is a win-win situation. ■

¹ http://www.euathletes.info/uploads/media/Sports_Bettung_-_Code_of_Conduct_for_AthletesEN.pdf

Education is pivotal in the battle to keep sport clean



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Science from the University of Aarhus and studied Sport and Sociology at the University of Leicester. He has also appeared in Danish media as a sports expert.

High profile sporting events this summer, and recent bribery scandals in the sports industry, have once again pushed issues surrounding sporting integrity on to our front pages, and onto the political agenda. Last month Oxford Research released *An Examination of Threats to the Integrity of Sports*, a study which aims to show just how complex the issue of threats to the sports industry has become. Whilst doping, match-fixing and illegal betting syndicates are among the threats with the highest media profile, the report underlines that there are at least seven other problem areas, such as performance-enhancing technologies, which should merit equal attention.

As with many areas of political and media sensitivity, the complex nature of threats to sporting integrity is often underestimated and in some cases dealt with in a completely one-dimensional fashion. The report calls for the sports industry and all interested stakeholders to look at the complete picture and base future actions on a thorough understanding of the threats rather than on isolated events and popular perception.

Even though much of the available data on threats to sport is thin on the ground and, in some cases, outdated, Oxford Research has identified three best practice areas which could be key in tackling threats to the sporting industry:

- 1. Clear procedures and appropriate punishment**
- 2. Surveillance and testing**
- 3. Education**

Some excellent best practices exist in the first category - for example, the 'Tennis Integrity Unit' - and for surveillance and testing – such as the World Anti-Doping

code and the work of the European Sports Security Association.

However, as the study underlines, education remains an under-developed concept and one which could prove pivotal in the battle against threats to sports. The efforts undertaken by Team Saxo Bank to kick doping out of cycling provide one of the few good examples. Without the basic underpinning of education there is still room for misunderstanding among stakeholders and sporting participants as to the importance of preserving the integrity of sports.

Oxford Research hopes that the study provides an overview of what is meant by the much-used phrase 'sporting integrity', and that the report can be followed by positive steps for future progress – notably in better and more widespread education programmes. Hopefully, with more research and better data in the future, we can ensure that the positive influence of sport is the only one we read about. ■

For more information, please contact Oxford Research, www.oxfordresearch.dk



In each issue of EGBA News, Professor Dr. Dr. h.c. Claus-Dieter Ehlermann provides his opinion on legal questions at the heart of the online gaming debate.



Professor Dr. Ehlermann, Senior Counsel at WilmerHale and a former Director-General of the Legal Service of the European Commission

On 3 June 2010, the European Court of Justice (ECJ) ruled on two preliminary questions related to the Dutch gambling law, involving the UK-based companies Betfair and Ladbrokes.¹

These rulings follow the Liga Portuguesa ruling and are thus the latest in a steadily growing body of jurisprudence on gambling, comprising in particular the key judgments Gambelli and Placanica. There are still a large number of preliminary questions pending at the Court, which means that the jurisprudence will continue to develop over the coming years.

It should be recalled that preliminary questions, in contrast to infringement cases, do not allow the Court to rule on the compatibility of national law with EU law. The Court provides an interpretation of EU law on specific issues, but leaves it up to the national court to draw the appropriate conclusions in the case at hand.

In its recent rulings, the ECJ raised a number of interesting issues that the national court will need to address. For instance, it questioned whether the advertising practises of the Dutch monopolies were not,



The legal view

A call for action

in fact, too aggressive, otherwise *“it would have to be concluded that such a policy does not limit betting and gaming activities in a consistent and systematic manner and is not, therefore, suitable for achieving the objective of curbing consumer addiction to such activities”*.²

The Court also established that gambling licenses should be issued in a transparent manner, meaning that they will need to be publicly tendered.³ The only exception to that rule could be made for a public entity or a *“private operator whose activities are subject to strict control by the public authorities.”*⁴

Interestingly, the Court in the Liga Portuguesa ruling enumerated the elements that led it to conclude that the Portuguese monopoly was under strict control of the

government. These include inter alia the overall legal framework, the appointment by the government of all members of the management; a majority of representatives of public authorities in specific committees and the earmarking of earnings for specific public purposes.⁵ It will now be up to the national court to decide whether similar circumstances exist in the Netherlands to allow for the conclusion that the Dutch monopoly is under strict government control.

But the most important conclusion of these rulings might lie in the acknowledgment by the Court of a *‘Internet gambling industry’* in Europe and the lack of EU harmonisation.⁶ Some of the key findings of the Court are the result of *‘the difficulties liable to be encountered in such a context’*, both for Member States and the industry.⁷

In that sense, these rulings might well be interpreted as the Court adding its voice to the chorus of calls on the European Commission to come forward with legislative proposals. ■



¹ See Judgment in cases Sporting Exchange C-203/08 & Ladbrokes C-258/08

² See Judgment in case C-258/08, para 28

³ See Judgment in case C-203/08, para 62

⁴ Idem, para 59

⁵ See Judgment in case C-42/07, paras 12 et seq & paras 65 et seq

⁶ See Judgment in case C-203 para 33

⁷ Idem