

3.9 The Austrian approach: How to combat match-fixing and promote integrity in sport

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Prior to 2012 the complex set of questions relating to how to deal with the controversial issues of match-fixing and betting fraud had never been tackled in a comprehensive manner in Austria. This changed substantially when the Austrian Ministry of Sport, the Austrian Football Association (AFA) and the Austrian Football League collectively founded the Association for Protecting the Integrity in Sport. Using the brand name 'Play Fair Code'² in its day-to-day activities, the association has subsequently been joined by a series of other major sports stakeholders, including the Austrian Federal Sports Organisation, the Austrian Olympic Committee, the Austrian Ski Federation, the Bookmakers' Federation, the Austrian Lotteries and the Austrian Ice Hockey League (Erste Bank Eishockey Liga), together with a range of Austrian betting providers.

The Play Fair Code is primarily funded by the Austrian Ministry of Sport, as well as through annual membership fees and sponsor contributions. The operating team consists of two full-time employees, headquartered in Vienna; the president is former international footballer Günter Kaltenbrunner. There is also ongoing close cooperation with the Austrian Ministry of the Interior, in particular the ministry's Integrity in Sports Unit.

The operating strategy of the Play Fair Code, which was laid down as soon as the organisation was founded and remains clearly defined, lies in prevention and monitoring, and has included the creation of an ombudsman facility to receive communications related to match-fixing in Austrian sport.

Prevention

From the very beginning the Play Fair Code applied a top-down education strategy, with professional athletes (including future professional athletes) constituting the first target group, followed by the interface between professional, semi-professional and amateur athletes, referees and sport representatives. As an estimated 80% of match-fixing cases worldwide take place in football, the Play Fair Code initially focused its efforts on preventative activities in this sport.

Since 2012 all the players in Austria's top two professional leagues, the Austrian Football Association's national youth teams (both men's and women's football), players at its youth academies and the country's top match officials have been trained using a tool developed especially for professional footballers, professional youth team players, referees and linesmen.³ All nine of the AFA's regional divisions have also received their own information and training, focusing specifically on match-fixing.

Since the beginning of 2013, by combining direct lectures, seminars and workshops focusing on integrity in sport and match-fixing at around 150 training courses, the Play Fair Code has been able to reach approximately 5,000 people within its core target audiences of players, association officials, sports organisation employees and media representatives, amounting to close to 100% of the Austrian professional footballers and referees. A twelve to eighteen month rotating refreshment of the training courses and seminars is also in place to ensure sustainability.

In line with the Codes' top-down strategy 2015's priority is the expansion of training activities into amateur sport, specifically the 48 football clubs of the third-highest Austrian division (regional league). The Erste Bank Eishockey Liga achieved full membership of the Play Fair Code in September 2014, resulting in a new training module being rolled out from spring 2015 for players at the top of the league.⁴

Experience to date has confirmed that the one-to-one athlete education approach is a sustainable and verifiable model of raising awareness and understanding.⁵ It also provides a means to speak directly about the penalties for involvement in match-fixing, such as criminal law prosecution, consequences from the point of view of the AFA's regulations, labour law implications and, last but not least, the loss of social reputation.

Monitoring

A system of observation and analysis of matches and match results is now being employed in professional football at almost all levels, providing effective protection against match-fixing. The approximately 30,000 matches played in the top two divisions in each of UEFA's 54 member countries, all European club competitions, and matches between national teams are already subject to professional monitoring.

As a member of UEFA, the Austrian FA is part of the UEFA monitoring system operated by Sportradar. This protective tool provides sports stakeholders with an effective means of monitoring matches and match results. The Play Fair Code uses the monitoring tool with a didactic approach in order to raise awareness from the athlete's perspective that behaviour on the pitch has a strong impact in terms of transparency and credibility, as athletes understand that their individual behaviour may be analysed from the perspective of potential match-fixing efforts.

The legal situation in Austria and the ombudsman

From a criminal law perspective, match-fixing is currently dealt with as the criminal offence of fraud. This was the basis for criminal convictions in the major football match-fixing scandal that took place in Austria's first division in 2013.⁶

As in the rest of Europe, there are ongoing discussions in Austria whether the introduction of a specific sports integrity and anti-match-fixing section into the existing criminal law code might facilitate the fight against match fixing. For the moment, however, it would appear that no such addition is on the political and legislative agenda.

Besides the criminal law, there is a strong focus in Austria on the consequences of match-fixing in terms of the AFA's own regulations. As in other countries, there is a specific stipulation in the association's rules requiring players, referees and officials to report suspicions of match-fixing.⁷ The report has to be filed with the competent Austrian regional football association. This obligation to report is particularly emphasised within every training session of the Play Fair Code.

With the idea of creating incentives for informants, the Play Fair Code, in collaboration with the sports ministry,⁸ has set up an ombudsman's office through the law firm Niederhuber & Partner Rechtsanwälte GmbH (NHP) since 1 February 2014 as a confidential first point of contact for athletes and participants in sport in the event of issues related to match-fixing. The contacts have been extensively promoted in the Austrian world of sport, and they can be reached by e-mail or telephone around the clock. They are available to help and offer advice free of charge, receive information and tips about match-fixing that is either being planned or has already taken place, and to investigate the concern.

The ombudsman's office is required to treat any information it receives from informants in total confidence, and it can be contacted anonymously. Working in close collaboration and harmony with the informant/person seeking advice – and, most importantly of all, only ever with their explicit agreement – the ombudsman will then contact the Play Fair Code, in order to find a tailored

solution, together with the sports association involved. The ombudsman's activities are evaluated twice a year in order to strengthen the fields of operation and to improve the services offered.

National and international projects on sport integrity

As a national focal point on sports integrity, the work of the Play Fair Code extends beyond match-fixing, and even beyond Austria, to encompass wider activities related to strengthening integrity in sport in the country. As a result of an inter-ministerial working group initiated by the sports minister, Gerald Klug, that proposed texts for provisions relating to its superstructure ('General Commitment to Integrity in Sport') and substructure ('Inadmissible Influence'), the Play Fair Code was entrusted in March 2014 to develop unified conditions governing integrity in sport for all the Austrian professional sports associations. These texts are currently in the process of being integrated with the official statutes and regulations of the professional sports associations. In January 2015 the American Football Federation Austria became the first such association to incorporate these new conditions, and other professional sports associations are expected to follow on a step-by-step basis.

The Play Fair Code is also engaged in efforts to strengthen European cooperation in sport. The European Union's 'Workplan of the European Union for Sport 2014–2017', approved in May 2014, set out a series of concrete measures to be implemented by the Commission and the EU member states, including 'developing a European dimension to the integrity of sport, taking the combating of match-fixing into account in particular'.⁹ The Play Fair Code is a member of the 'match-fixing' Expert Group established to exchange best-practice methods in combating match-fixing.

In addition, on 9 July 2014 the Council of Europe approved the Council of Europe Convention on the Manipulation of Sports Competitions within the framework of the Enlarged Partial Agreement on Sport (EPAS). Article 13 of the convention provides for the setting up of a national platform. In

this context, the Play Fair Code is a designated part of the network of national regulatory authorities of the sports betting market.

Conclusion

Combating match-fixing demands far-reaching and ongoing efforts from sports associations, law enforcement agencies, betting operators, governmental institutions and other stakeholders. The Play Fair Code has dealt with these demands now for more than three years, gaining experience and developing know-how and good practices by acquiring and involving the relevant stakeholders and exchanging best-practice approaches on a national and international level. This centralised model is the Austrian approach for one of the biggest threats in sport today.

With the prospect of a national platform being established in the future in the context of the EPAS convention against match-fixing, it is satisfying that some milestones have already been achieved in Austria with the Play Fair Code.¹⁰

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² See the Play Fair Code website: www.playfaircode.at/startseite.

³ An overview of the training tool and a full version of a videotaped training session are available on the Play Fair Code website: www.playfaircode.at/downloads.

⁴ The Austrian Ice Hockey League has also received funding from the European Union for a project named 'EU Rookie Cup' as part of the Erasmus+ promotional programme. In this project, the Play Fair Code is an expert partner of the Austrian Ice Hockey League on the issue of integrity in sport and match-fixing.

⁵ As an accompanying measure, the Play Fair Code offers various e-learning tools, such as those from UEFA, FIFA and the Deutsche Fußball Bund/Deutsche Fußball Liga, on its website based on a link service.

⁶ For the case of Dominique Taboga, see Reuters (UK), 'Former Austria forward Kuljic jailed over match-fixing', 3 October 2014, <http://uk.reuters.com/article/2014/10/03/uk-soccer-austria-matchfixing-idUKKCN0HS1S120141003>.

⁷ Article 115a of the Austrian Football Association's rules explicitly states that a failure in reporting perceptions with regard to match-fixing from players, referees or officials may result in sanctions, such as a warning, financial fines or bans.

⁸ The details can be found on the Play Fair Code website: www.playfaircode.at/1/ombudsstelle.

⁹ Council of the European Union, 'Resolution of the Council and of the Representatives of the Governments of the Member States, Meeting within the Council, of 21 May 2014 on the European Union Work Plan for Sport (2014–2017)', 2014/C 183/03 (Brussels: Council of the European Union, 2014), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:42014Y0614%2803%29>.

¹⁰ The Play Fair Code was awarded with the European Play Fair Diploma 2014 by the European Fair Play Movement; see the European Fair Play Movement website: www.fairplayeur.com.