

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY  
GREECE**

***PROMOTING GOOD GOVERNANCE IN SPORT AND MITIGATING THE  
RISK OF CORRUPTION***

**GREECE(SEVENTH MEETING)**

**INFORMATION IN RELATION TO PROMOTING  
GOOD GOVERNANCE IN SPORT AND MITIGATING THE RISK OF  
CORRUPTION THAT SPORT FACES GLOBALLY**

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**CHAPTER I. PREVENTION, DETECTION AND COOPERATION, REGARDING BETTING-  
RELATED MATCH-FIXING**

In the context of prevention, detection and cooperation, regarding betting-related match-fixing, we submit an overview of:

- Relevant legislation.
- Designated responsible institutions & monitoring mechanisms used to help detect instances of suspicious betting.
- Preventive, education and awareness raising, programs (past and future).
- Cooperation with relevant stakeholders.

**A. RELEVANT LEGISLATION**

Law No. 2725/1999, published in the Official Journal on 17 June 1999, concerning the regulation of amateur and professional sports, attempted, for the first time, to fight against the phenomenon of match-fixing.

**Article 132**, entitled "**Active and passive corruption with the aim to manipulate**" covered the manipulation of the outcome of a sporting event in any collective or individual sport. It criminalized acts of active and passive corruption aimed at manipulating the outcome of a sporting event to the benefit or detriment of any club or association (§§ 1 and 2 respectively).

§ 3 aggravated the sentence imposed if the corruption produced profits, in the form of an effective manipulation of the outcome.

**Relevant Provision**

**Law 2725/1999 as amended by Act 3057/2002**

**Article 132**

**Corruption - bribery for alteration of the result of the Football Game**

1. Anyone who demands or accepts gifts or other benefits or promise thereof, in order to manipulate -in favour or against a sports association, an Athletic Societe Anonyme (ASA) or a Remunerated Athletes Section (RAS))- the results of a match, of any team or individual sport that is conducted or is to be performed shall be punished by imprisonment of at least three (3) months and a fine of at least one million (1.000.000) drachmas.
  2. The same penalty shall be imposed to anyone under paragraph 1 who offers, gives or promises to an athlete, referee, administrative agent or any other person connected in any way with the athlete, the referee, the union, the ASA or RAS, gifts, benefits or any other profits.
  3. If from the punishable action under the preceding paragraphs the result intended by the perpetrator is achieved, then he is punished with imprisonment of at least six (6) months and a fine of at least two million (2,000,000) drachmas.
  4. In addition to the above penalties, to the persons who commit offenses under paragraphs 1 to 3 of this article, disciplinary sanctions are imposed, in accordance with the provisions of Article 130, for violation of sportsmanship.
  5. If the persons prosecuted for offenses in paragraphs 1, 2 and 3 of this article are athletes, coaches, trainers, administrators, or members of a sports association, an ASA or a RAS, disciplinary sanctions of either the removal of points from the league table of the ongoing or upcoming championship or of the near championship, in which they will participate, or the relegation of these to the next lower category are imposed by the competent disciplinary body of the relevant sports federation or the relevant professional association to the association group, the ASA or the RAS that these persons belong to.
- In accordance with the precedent paragraphs, the disciplinary proceedings, prosecution and sentencing, are autonomous and independent from the criminal trial in which the culpable persons are referred to, because of the performance of the above offenses.

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When this law proved to be ineffective, the Greek legislator responded by adopting Law No. 4049/2012, published in the official journal on 23 February 2012, which replaces Article 132 of the previous law with article 13, which deals with “**The criminal repression of match fixing**”.

This new provision is more comprehensive and severe. **Henceforth, manipulation itself is sanctioned.**

- Manipulation, itself, of any sports competition, whether individual or collective is sanctioned with at least 1 year imprisonment and a fine ranging from 100.000 to 500.000 Euros.
- Acts of active and passive corruption aimed at manipulating the outcome of a sporting event, which were already criminalized, are now heavier sanctioned (imprisonment of at least 2 years and a fine ranging from 200.000 to 1 million Euros).
- The sentence imposed is aggravated in the event that the aim sought by the perpetrators is achieved (in the form of an effective manipulation of the outcome) or if the competition whose outcome was manipulated is on the list of bets managed by domestic or foreign operators, the perpetrator is sanctioned with a maximum of ten years of imprisonment (§ 4). Thus, Betting related match-fixing is considered a felony punished up to 10 years of infringement.
- In order to make the disclosure of facts easier, the law allows the exemption from criminal liability of a person who notifies the appropriate authorities in order to prevent the commission of the acts listed in §§ 1-4 or who contributes substantially to the repression of such acts.
- In the same vein, the prosecutor may refrain from prosecuting such person or, if that person has already been convicted for any of these acts, the court could mitigate his sentence. In exceptional circumstances, and taking into account all the facts, including the extent of participation of the person concerned in the commission of such acts and their contribution to their revelation or repression, the court may order a stay of execution of sentence for a period ranging from 3 to 10 years (§ 5).

- Specific changes were implemented which facilitate the process of investigation in manipulation related cases. The law vests the competent authorities with enhanced means of investigation applicable to organized criminal groups and provides for measures to protect witnesses (§ 6).

**Council of Europe - Convention on the Manipulation of Sports Competitions (CETS No.215)**

Greece signed up to the Convention on the Manipulation of Sports Competitions as soon as it was open for signature, on September 18<sup>th</sup> 2014, in the Council of Europe conference of Sport Ministers in Macolin, Switzerland.

The Convention, launched under the auspices of the Council of Europe, was jointly prepared by the Commission and the Member States at EU level. It aims to prevent, detect and fight match-fixing and the manipulation of sport competitions.

The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport, as well as enhance the exchange of information and national and international cooperation between the public authorities concerned, and with sports organisations and sports betting operators. It calls on governments to launch measures to prevent conflicts of interest among sports betting operators and sports organisations, as well as to encourage sports betting regulatory authorities to step up the fight against fraud and illegal betting.

For this purpose, the main objectives of this Convention are:

- a. to prevent, detect and sanction national or transnational manipulation of national and international sports competitions;
- b. to promote national and international co-operation against manipulation of sports competitions between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

## **B. DESIGNATED RESPONSIBLE INSTITUTIONS & MONITORING MECHANISMS USED TO HELP DETECT INSTANCES OF SUSPICIOUS BETTING**

### **Professional Sports Committee**

Law No. 3057/2002 (article 24) established the Professional Sports Committee, a nonjudicial, independent authority, which is competent to:

- a) Monitor Athletic Societies Anonymes (A.S.A.), Remunerated Athletes Sections (R.A.S.), along with every person associated -in any way- with them, in order to ascertain compliance with the provisions of the Sports Law No. 2725/1999 and the statutes made under them.
- b) Conduct compliance audits to ensure that A.S.A. and R.A.S. have fulfilled their financial obligations, in particular towards the respective association, players, founding athletic club and training facilities.
- c) Monitor the associations, in respect of their funding.
- d) Address recommendations and pointers to A.S.A., R.A.S. and to every person associated -in any way- with them and publicize them at its discretion.
- e) Grant the statutory permits and approvals, as well as the certificate defined in paragraph 3 under the present article (i.e. issue licenses "certificates" to teams allowing them to participate in professional leagues, issue permits for stake acquisition and transfer of shares etc).
- f) Report violations of these provisions to the administrative and judicial authorities.
- g) Impose fines, as set out in paragraph 6 under the present article.
- h) Issue guidelines in order to ensure the uniform implementation of these provisions.
- i) Issue advisory opinions in issues pertaining to its tasks and objectives.
- j) Draw up an annual report, each February, reviewing its operational outcome during the previous calendar year and pointing out advisable legislative reforms.

In carrying out its tasks the Committee, in addition to those explicitly defined in the present law, may seek and receive, at its discretion, any further documentation, information or clarification. In matters relating to shares transfers, participation in

share capital increase, provisions of loans and any whatsoever monetary transaction, the Committee shall have the power to investigate the origin of the money used in the transaction and the means of acquirement. Should the origin be insufficiently determined, the Committee shall not grant or withdraw the statutory permits, approvals and certificates or impose as penalty a prohibition on exercising all of the shareholders' rights and any managerial or administrative authorities of the Athletic Societe Anonyme bodies, irrespective of any further consequences according to law.

In cases of breach of the obligations that stem from the sport law, the Committee, irrespective of any further consequences, shall impose on violators a fine of between a thousand (1.000) to three hundred thousand (300.000) euro, depending on the gravity of the breach. The fine shall be imposed only after the hearing of the entity/entities concerned.

The decisions imposing the fine shall be served to the violator and shall constitute an executory title, based on which the certificating authority shall draw up the titles of collection, according to the provisions of article 55 presidential decree 16/1989 (Government Gazette 6A'), that shall be assigned to the tax authorities to certify and collect in accordance with the Code for the Collection of Public Revenues. The above fines may be adjusted by decision of the Minister of Culture and Tourism issued on the Committee's suggestion.

#### **Relevant Provision**

##### **Law 2725/1999**

##### **Article 77 (as amended by article 24 Law 3057/2002)**

##### **Professional Sport Committee**

1. The Professional Sports Committee ("the Committee") is established and shall be granted the competences as defined in article 77A of the present and any other delegated by decision of the Minister of Culture and Tourism.

2. The Minister of Culture and Tourism oversees the Committee in reference to administrative issues. The General Secretariat of Sports provides the necessary employees, which shall assist in the implementation of the Committee's tasks, and the office accommodations.

3. The Committee for the implementation of its objectives shall draw up an annual budget and submit it to the Minister of Culture and Tourism for approval. The operational expenses of the Committee shall be granted by the General Secretariat of Sports, in accordance to the provisions of articles 49 and 53 of the present.

4. The Committee shall be appointed by decision of the Minister of Culture and Tourism and shall be composed of an honorary supreme court judge, with the rank of Councilor of the State Council or equivalent or superior, as an exclusively occupied Chairman and six ordinary members as follows:

a) An active university professor or professor emeritus or associate professor in the field of commercial law.

b) An active university professor or professor emeritus or associate professor of the financial field.

c) A Supreme Civil and Criminal Court lawyer with experience in business matters.

d) A Supreme Civil and Criminal Court lawyer with experience in sports matters.

e) An Economics' University graduate and licensed economist by the Economic Chamber of Greece.

f) An esteemed person with experience in the area of sports.

The Chairman and the ordinary members shall be appointed with equal number of substitutes, who shall possess similar qualifications and credentials. The substitute members may attend the Committee's meetings but shall have no power to vote unless they substitute for ordinary members in case of absence or impediment. When substitute members are appointed to a specific task, by decision of the Chairman, they shall have the power to vote even in the presence of the ordinary members. Each substitute member shall hold office for the same term as the ordinary member.

5. The Chairman and the members of the Committee shall be appointed for a term. Their term of office shall be four years and their tenure may not be renewed more than once.

6. Shall not be appointed member of the Committee:

a) A member of Parliament, Minister, Vice-Minister, General Secretary of a Ministry or of an autonomous General Secretariat.

b) Any person, currently or at least five years prior to his appointment, holding position as member of management or director in the founding athletic club of an

Athletic Societe Anonyme or of a Remunerated Athletes Section, shareholder, member of management, director, governor or legal advisor in an Athletic Societe Anonyme or in a Remunerated Athletes Section, or anyone attached by a project contract, a contract of services or a representation contract with an Athletic Societe Anonyme or a Remunerated Athletes Section or a founding athletic club.

c) Any person falling within the impediments specified in par.1 under article 3 of the present Law.

7. Any member shall automatically (ipso jure) forfeit its position in the Committee if after the appointment:

a) Assumes a capacity that constitutes an impediment to his appointment in accordance to the above paragraph.

b) Exercises any compensated or uncompensated public or private profession or business activity which, in the judgment of the Committee, is incompatible with the capacity and the duties as member of the Committee.

The incompatibility shall be determined by the Committee after the hearing of the member concerned. The procedure shall be initiated by the Chairman either on his initiative or at the request of the member to whom the incompatibility refers to or at the request of the Minister for Sports. The decision shall state the reasoning and the member of the Committee affected by the decision shall not be entitled to take part in the deliberations or vote.

8. The Chairman, the members and their substitutes shall submit an annual financial statement to the Prosecutor of the Supreme Civil and Criminal Court, as defined by Law 2429/1996 (Government Gazette 155 A').

9. The compensation for the Chairman, the members and their substitutes shall be determined under joint decision of the Minister of Finances and the Minister of Culture and Tourism, in derogation from current provisions. Fees and compensations for all the persons employed –in any way- by the Committee shall be determined in the same way.

10. Matters of internal operations of the Committee, including the setting up of the Department of Auditors as a special service unit of the Committee, shall be set out in a regulation drawn up by the Committee and approved by the Minister of Culture and Tourism.



11. The Committee may appoint to external partners or technical advisors to conduct specific tasks. Ministry employees or employees of Public Law Legal Entities may be transferred to the Committee by a joint decision of the Minister of Culture and Tourism and the competent Minister on a case-by-case basis. The payroll of the above transferred personnel shall be covered by their services of origin without precluding any further compensations or fees etc; within the reservation of the provisions of Law 2470/1997. The amount of time spend in the post of transfer shall be considered as actual service time in their established post, for any effect.

12. The commencement of operation and the time frame in which the Committee shall issue the certificate, as referred in par.3 article 77A of the present, for the current championship, shall be determined by decision of the Minister of Culture and Tourism, issued in no later than three months upon the composition of the Committee. Until the commencement of operation of the Committee its other competences are to be exerted by the Audit Council of article 77A Law 2725/1999 as applied prior to the publication of the present law. Upon the commencement of operations of the Committee the above Audit Council automatically ceases to exist and is fully replaced by the Committee.

Under the provisions of article 7 of Law No 4326/2015 entitled "***Urgent measures against violence in sport and other provisions***". published in the Official Journal on 13 May 2015, the Professional Sport Committee is vested the power to remove teams from betting lists. Such measure has been already implemented and five professional football teams of the second division were removed from betting lists.

#### **Relevant Provision**

#### **Law No 4326/2015**

#### **Article 7**

#### **Facing suspicious for manipulation sports competitions – Betting**

1. The Hellenic Football Federation is obliged to promptly forward to the Minister responsible for Sport, the President of the Parliamentary Standing Committee on Cultural and Educational Affairs and the Professional Sport Committee the reports on matches suspicious of manipulation that it receives from the European or World

Football Federation or from the companies or other bodies that cooperate with them. Respectively the Minister responsible for Sport and the Professional Sport Committee forwards to the Hellenic Football Federation reports on matches suspicious of manipulation that it receives or information that it gathers.

2. The Professional Sport Committee, by a specifically justified decision, which shall take also into account, among others, the above mentioned reports, can remove teams, following their prior summons and hearing, from the list of teams, which can be included in the forms of "Fixed-odds betting" of the Organization of Football Prognostics Anonymous Society (OPAP A.E.) and all other companies that are legally active in betting, in Greece.

3. In case that such report comes to the knowledge of the Minister responsible for Sport prior to the conduct of the match, he can, by a decision of him, transfer the starting time of the match or postpone its conduct, to a day and time to be determined following consultation with the respective organizing authority and the competing teams.

#### **Hellenic Gaming Commission (HGC)**

The primary responsibilities of the HGC are to prepare and issue the statutory regulatory provisions, issue the statutory licenses and certifications and inspect compliance regarding all aspects of the gaming industry (gaming machines, games, gaming facilities, persons involved). The relevant inspections intended to ensure the legality of games; compliance with the rules on transparent, honest and fair gaming; sound economic management; due payment of winnings to players; due collection of State taxes and compliance with the terms of gambling licenses. Moreover, the HGC is responsible for laying down and implementing proper frameworks and measures for the protection of minors and other vulnerable groups and for the prevention of illegal gaming, fraud, money laundering and similar crimes.

The licensing procedure for online gambling service providers is described in Article 45 et seq. of Law 4002/2011 and it has to follow an international tender that is awarded to the highest bidder. No online gambling license has been granted to this

date. Until such a license is granted, online gambling operations will continue to fall under the transitional regime of paragraph 12, Article 50 of Law 4002/2011.

Under paragraph 12, article 50 of Law 4002/2011, the companies falling under the transitional regime are allowed to provide the gambling and betting services prescribed in the relevant operating and service provision licenses they hold.

The regulator for gaming activities within the Hellenic Republic, issued an announcement in 2012 informing fellow regulators that the law (Law No 4002/2011 (articles 25 -54) – Regulation of the Gaming Market) currently stipulates that, licenses to offer any online gaming services concerning games of chance and betting are to be issued after a public tender. To date, such licenses have not been issued yet. Meanwhile, there has been a transitional period for companies having their seat in EU member states, which already hold licenses, to offer their services until such time as the permanent licenses will be awarded.

Those companies, in order to be able to offer services, should have voluntarily joined a retrospective taxation scheme. Indeed, 24 companies applied to this scheme.

The Commission decided to issue public warnings within a period of one month starting as of November the 5th 2012, asking providers without a license to interrupt transmission<sup>1</sup> of their websites in the jurisdiction of the Hellenic Republic. In the opposite event, after the expiration of this period, HCG will have to include those websites in a black list, resulting to the interruption of their transmission and visibility as well as their bank transactions.

The announcement further noted that, beyond the inclusion in the black list, the provision of gaming services concerning games of chance and betting without a license, is a felony leading entities and/or individuals involved, to at least ten years of imprisonment, an additional fine ranging from 200.000 to 500.000 euros as well as to the imposition of severe administrative penalties.

### **Inspection for tracking unauthorized on-line gambling providers**

In the field of online gambling the HGC has been conducting inspections since Decision No 51/3/26.04.2013 of the HGC came into force. Inspections aim at tracking websites that provide gambling services without having a license. In 2014, the HGC conducted inspections in the framework of the above project to track any new unauthorized websites which were carried out in three rounds. Inspections are conducted on the HGC's own initiative, or/and following information or complaints by online betting providers or consumers. Every round is completed with the update of the list of unauthorized online gambling service providers (black list).

All stakeholders are informed of every updated version of the black list published by the HGC:

- Internet service providers (ISPs),
- the Hellenic Telecommunications and Post Commission (EETT), which is the Regulatory Authority for the ISPs,
- the Bank of Greece, which is the Regulatory Authority that supervises credit and payment institutions, as well as
- the competent prosecuting and law enforcement authorities, so that they can take all the necessary actions laid down in the law.

According to the law, publication on the website of the HGC is considered adequate notification and proof in order to initiate all applicable procedures so that penalties are imposed by the relevant competent body, agency or Authority.

### **Creating a Blacklist of Illegal Operators**

In July 2013 a blacklist of outlawed online gambling sites was circulated to Greek ISP providers. This blacklist, which has been updated a number of times, now consists of 489 domain names (as of March 4, 2016).

### **Blocking Illegal Sites (via Internet Service Providers)**

The regulatory authority of games requests ISPs to deny access to identified illegal sites to Greek citizens.

### **Blocking the Payment of Winnings Acquired from an Illegal Operator**

The regulatory authority can communicate its blacklist to the "Bank of Greece" to block the payment of illegal funds. Such measure was concretely implemented in July 2013. The Bank of Greece may also, as provided by the legislation, seek help in the fight against illegal payments by police authorities. Financial institutions and providers of payment means may be sanctioned if they carry out transactions linked to illegal betting operators (fines of up to € 500 million).

**Betting Operator OPAP S.A.** is a member of the European and International lotteries and monitors suspicious betting through the European Lottery Monitoring System (ELMS). The national lottery collects all betting data in order to dispatch them if they are summoned accordingly by any authority.

**Hellenic Football Federation (EPO)** as a member of UEFA is included in the betting fraud detection system (BFDS) which was created by UEFA in close cooperation with the international company Sportradar to monitor the top two professional football leagues and domestic cup competitions.

### **C. PREVENTIVE, EDUCATION & AWARENESS RAISING, PROGRAMS**

During the period 2013 – 2014 the following programs/seminars/lectures took place:

#### **- "Staying on side: How to stop match-fixing"**

The Super League Greece and Transparency International Greece developed and piloted training and promotional material to raise awareness about match-fixing using the slogan:

***"Honest Behavior in Football: Your team. Your career. Your responsibility."***

This included:

- A brochure, "Seven Ways to Protect the Sport You Love", which provides information about rules, do's and don'ts, and match-fixing risks.

- The coaches/trainers manual which includes background information, relevant legislation, real cases, ways to report approaches and how to put on a training workshop on match-fixing for young players.
- E-training for young players available online and on Facebook. It presents dilemma cases in an animated and entertaining way.

The project supported pilot training sessions using the new material with under-17 and under-20 players at 18 Super League clubs, plus university students studying sports.

There was an awareness day with young players wearing special T-shirts promoting the goals of the project and a public event.

The collaboration started discussions on the need for more education and prevention and a secure whistleblower protection system.

- **"Don't Fix It" project** (A FIFPro and UEFA initiative, co-founded by the European Commission)

The Panhellenic Professional Football Players Association (PSAP) organized a match-fixing prevention session as part of the *"Don't Fix It"* campaign. Speakers and participants at the first session agreed that there is a need for cooperation of all the stakeholders who love football, and a need to provide proper education and develop a prevention process, as part of Greek football culture. All speakers stressed the issue of prevention through education.

- **"PROtect Integrity"** EU-Athletes program

The Hellenic Professional Volleyball Players Association (PASAP) promoted an education programme for players on sports betting integrity and the prevention of match fixing. During the 18 months project, over 200 athletes of the Volley League and Womens' A1 division were informed on ways to prevent match fixing and about the dangers of gambling addiction.

- **"Match Fixing: The ugly side of the beautiful game"** training, education and prevention programme (INTERPOL, FIFA, UEFA)

The Hellenic Football Federation (EPO) has set up an action plan to prevent match fixing (using material provided by FIFA, UEFA, and Interpol) targeting young players U19, players over 19, referees and coaches.

The objective is to raise key actors' awareness and understanding of the phenomenon of match-fixing, the strategies used by its perpetrators and the methods to detect and counteract them.

The programme offers a number of tools to protect football from corruption, including workshops, and access to the e-learning modules that have been developed by Interpol and FIFA to educate the primary targets of match-fixers within the football community on how to recognize, resist and report any form of match manipulation.

**- Institute of International and Strategic Relations (IRIS) Seminar "Fight against match-fixing"** [With the support of the European Commission, the European Lotteries and Toto Association (EL)]

The main objective of the seminar was to raise awareness and share information among stakeholders, to receive information about national practices, and to create a platform for national dialogue and further cooperation. The degree of risks in match-fixing in Greece and the degree of awareness among stakeholders was investigated. Participants (public authorities, law enforcement institutions, betting operator and sport organizations) also presented their solutions, i.e. their good practices that show how match-fixing is dealt with.

**-Lecture: "Sports integrity against match-fixing"**

The Faculty of Physical Education and Sports Science of the National and Kapodistrian University of Athens organized a lecture directed at professors of physical education in the context of "prevention through education" concept.

### On-going and future programs

#### - "Developing European Initiatives to fight match-fixing"

The nominated experts, members of the Match-Fixing Experts Group, attended the European Commission's workshop on match fixing in the European Union in Brussels, on 17-18 February 2016.

The workshop analysed public-private cooperation initiatives to prevent match-fixing and discussed match fixing cases, including the scale and impact of organised crime involvement.

#### - "Keep Crime out of Sports"

Funded by the European Union and the Council of Europe and implemented by the Council of Europe. Greece is included in the countries of implementation.

**Purpose:** Raising awareness on match-fixing and sports betting risks and promoting the Council of Europe Convention on the Manipulation of Sports Competitions.

#### **Objectives:**

- Assist countries in implementing the convention nationally, including transposition of the Convention into national legislation;
- Gather information on the current status in the fight against match fixing and sports betting regulations and to build a network of national contacts;
- Offer practical assistance and to facilitate the exchange of good practices among countries through regional seminars, study visits and expert missions;
- Assist with the setting up of national platforms, regulatory structures and other supporting structures and to strengthen the institutional capacity of relevant authorities;
- Provide specific technical bi-lateral assistance in capacity building to manage sport betting risks and fight against the manipulation of sport competitions
- Give customized individual support to a jurisdiction according to its needs: individual discussions on draft legislation, applicable practices and exchange of knowledge.



## **D. COOPERATION**

### **EU Work Plan for sport 2014 - 2017**

Following the adoption of the new EU Work Plan for sport 2014 - 2017, the European Commission set up five expert groups (each group includes experts from the Member States and has its own work schedule with specific tasks to be delivered by 2017 and are designed to pave the way for possible future EU level activities) to look at particular areas related to sports policy.

Greece nominated experts as members of the Expert Group on Match-Fixing which is dealing with the prevention and fight against match-fixing; with key topic the exchange of best practices regarding the fight against match-fixing, in particular on a possible Commission Recommendation on best practices in the prevention and combating of betting-related match-fixing, followed by a report on state of play (to be delivered 1st half 2016).

### **Council of Europe Convention on the Manipulation of Sports Competitions**

Article 13 of the Council of Europe Convention on the Manipulation of Sports Competitions provides that each Party shall identify a National Platform (NP) addressing manipulation of sports competitions. The establishment of our NP is in the process of being drawn up. It will be granted the competences as defined in article 13 of the Convention, and since cross-sectoral cooperation is essential -in order for the NP to implement its objectives and fulfill its role- it shall be composed of representatives from all competent bodies.

### **Relevant Provision**

#### **Article 13 – National platform**

Each Party shall identify a national platform addressing manipulation of sports competitions. The national platform shall, in accordance with domestic law, inter alia:

- a. serve as an information hub, collecting and disseminating information that is relevant to the fight against manipulation of sports competitions to the relevant organisations and authorities;
- b. co-ordinate the fight against the manipulation of sports competitions;
- c. receive, centralise and analyse information on irregular and suspicious bets placed on sports competitions taking place on the territory of the Party and, where appropriate, issue alerts;
- d. transmit information on possible infringements of laws or sports regulations referred to in this Convention to public authorities or to sports organisations and/or sports betting operators;
- e. co-operate with all organisations and relevant authorities at national and international levels, including national platforms of other States.

Regarding criminal cases involving offences linked to integrity in sport it should be noted that in December 2014 the public prosecutor filed charges of setting up, participating and leading a criminal organization, fraud, attempted extortion and bribery, against 16 football officials (four EPO officials, two officials from one football club, two officials from the Referees Central Committee (KED), three referees (among whom active ones) and five more officials from different committees. Several aspects of the investigation are still pending.

## **CHAPTER II. GOOD GOVERNANCE – MITIGATING THE RISK OF CORRUPTION**

In relation to good governance in sport and most notably the detection, prevention and mitigation of corruption in sport, we submit an overview of:

- Relevant legislation (regarding registration impediments, restrictions on the acquisition of shares etc).
- Designated responsible institutions.

### **A. LEGISLATION**

#### **Relevant Provisions**

#### **Law 2725/1999**

#### **Article 3**

#### **Registration Impediments - Restraints**

1. Shall not be member of an athletic club or member of the administration of a club, union, federation, professional association or Athletic Societe Anonyme or special affiliate of the above, or undertake by any means or decision of the above any competence or project, especially in relevance with their representation, management or administration :

- a) Anyone under eighteen (18) years of age.
- b) Anyone summoned in court for a felony according to Law 663/1977, as applicable, or rendered liable to trial by indictment or convicted of a felony, as well as anyone convicted of a misdemeanor and sentenced to, at least, one (1) year in prison by a final court ruling issued in the last decade, or, regardless of the sentence, anyone convicted of the criminal offenses of the present Law or offenses regarding violence in sport facilities, use or traffic of substances or methods of doping, espionage, theft, embezzlement, bankruptcy, fraud, smuggling, tax evasion, bribery, graft, forgery, counterfeiting, misappropriation of funds, fraud, extortion, crime against sexual freedom and financial exploitation of sexual life, drug violation, weapon use violation and intermediaries violation.
- c) Anyone deprived of his political rights by final court ruling and for the length of the deprivation.

d) Anyone punished in accordance with the provisions of article 130 of the present and for the length of the punishment.

The impediments of subsection (b), further apply to the shareholders of Athletic Societies Anonymes (A.S.A.). Should any of the shareholders of a A.S.A. be ascertained to fall within the preceding impediments, the Professional Sports Committee shall be prohibited to grant the participation certificate of paragraph 3 article 77A. The Committee's decisions, relating to the participation of any A.S.A. or Remunerated Athletes Section (R.A.S.) in an athletic competition, shall be binding upon the athletic federations and the organizing authorities.

In violation of the Professional Sports Committee's decisions, the Minister of Culture and Tourism imposes on the violating athletic federation or organizing authority or A.S.A. or R.A.S. a fine of between one hundred thousand (100.000) euro and one million (1.000.000) euro. The petition for suspension of the execution of the relevant decision must, under penalty of inadmissibility, be filed after the deposit of twenty five percent (25%) of the fine imposed.

*(As replaced by article 1 par.1 L.2858/2000, amended in subsection (b) by article 29 par.5 L.3479/2006 and as replaced in subsection (b) by article 19 par.1 L.4049/2012 and added sections by article 19 par.2 L.4049/2012)*

2. Active and non active referees of a team sport, members of the respective referees' associations and active coaches of the respective sport field, shall not be allowed as members of an athletic club active in the same sport field. Active or non active referees shall not be allowed to apply or participate in the elections of an athletic club, union or federation of the respective sport, for positions regarding the board of directors or any other administrative, managerial or representative body, prior to the lapse of three (3) full years from their deletion from the records of the union they belonged. The deletion date shall be verified by a certificate, in accordance to L.1599/1986, issued by the president of the union and submitted along with the application for candidacy. Any participation, in violation of this provision, in the elections of an athletic club, union or federation and any possible election is void (ipso jure). In regard to the application of this provision, those considered as referees include supervisors, markers, judges, timekeepers, starters, observers and those, in any way, participating in a referee task of a team sport.

*(As replaced by article 20 par.12 L.2947/2001)*

3. Active and non active referees, judges, timekeepers, those participating in a referee task of an individual sport and members of the respective association, shall be allowed as members of an athletic club active in the same sport field, but shall not be allowed to become members of the board of directors or members of the electing committee of the club or representatives of this club to unions or federations. The impediment of the preceding section shall not apply for referees and judges in shooting sports, chess, competitive bridge and hang gliding.

*(As added by article 73 par.1 L.3057/2002)*

4. An athlete shall be able to register as member of an athletic club, according to the terms and conditions of its bylaws, in at least one (1) year after his last participation in an official competition. Official competition is the competition organized by the respective federation or held under its approval.

5. Exceptionally, athletes of shooting sports, golf, cue sports, bowling, mountain climbing, wrestling, equestrian, hang gliding, as well as athletes of motor sports and relative fields, shall be able to register as members of an athletic club of the same sport field and participate in the board of directors or other bodies, unions or the sport federation, on condition that they are over thirty-five (35) years of age. The aforementioned exception shall also apply to athletes of chess, competitive bridge and open sea sailing, on the condition that they are adults.

*(As amended by art. 73 par. 2 L. 3057/2002)*

6. Shall not be members of an athletic club the staff of the club, for the duration of their employment contract and for one (1) year after the termination of the contract, as well as anyone attached with the club by contract of services or project contract, either personally or as general partners, or managing directors of an Ltd or members of the board of directors of an A.S.A, for the duration of the contract of services or the execution of the project and for one (1) year after the termination, in any way, of the contract or the delivery of the project, respectively. Sport product merchants, as well as shareholders, partners, managers and members of the board of directors of an A.S.A. and of any other trading company, whose business field is trading or manufacturing any kind of sports product, shall not be allowed as members of the board of directors or of the electing committee of an athletic club or as

representatives of a club to unions or federations. This prohibition also extends to owners of -any kind of competition- prognostics agencies, their spouses, their children and their parents, regarding clubs active in the same sport field as the competitions included in the prognostics coupons issued by the agency.

7. Anyone falling within the aforementioned impediments automatically (*ipso jure*) forfeits its position. The declaratory act of forfeiture is issued by the board of directors of the club, within fifteen (15) days upon knowledge. Should the above time limit elapse before action has been taken, the declaratory act shall be issued by the General Secretary of Sports within the same time limit.

#### **Relevant Provisions**

#### **Law 2725/1999**

#### **ARTICLE 69**

#### **Shareholdership - Restrictions on the acquisition of shares - Prohibition of multi-ownership**

1. Shareholders of Athletic Societes Anonymes shall be only Greek nationals, public institutions, as defined by the applicable provisions, and local companies or other private law legal entities. Equally qualified to acquire shares are nationals of European Union Member States and legal entities or companies established according to a European Union Member State regulation that have their registered office, central governance, or principal installation in one of those Member States.

1a. Exception to the provisions of paragraph 1 is set out for third-country nationals (countries outside the European Union) that may qualify to acquire shares of Sports Societes Anonymes upon assessment and permission by the Professional Sports Committee.

The Committee shall grant the above permit provided that, in its judgment, the prospective investor complies with the prerequisites for a valid acquisition of shares of Athletic Societes Anonymes, gives credible assurances and establishes the legal origin of the funds associated with the acquisition of the shares.

In issuing the permit the provisions of paragraph 5 article 77A of the present Law apply. Furthermore, the Committee shall have the power to take any necessary, in its judgment, action especially: ✕

- a) Follow any suitable, in its judgment, procedure to verify the identity of the prospective investor and his trading and business activities.
- b) Collect, assess, monitor and examine any useful information or element that comes to its knowledge from any available, national or foreign, source.
- c) Request the assistance and any necessary cooperation and information from any institutionalized authority e.g. The National Bank of Greece, services of the Ministry of Foreign Affairs, The Committee Against Legalization of Revenues From Criminal Activities; and from any other relevant foreign authority or service in investigating any possible inconsistent (suspicious or unusual) activities or transactions of the prospective investor. Information may be acquired through international or national sport federations.
- d) Refuse to grant or revoke the above permit, especially when in doubt of the accuracy or the suitability of the submitted information relating to the verification of the identity of the prospective investor or in indication of his involvement in an illegal transaction or activity.

Any transfer of shares to a third-country national prior to the Committees' authorization (permit) shall be completely null and void.

*(As added by article 20 par.1 L.4049/2012)*

2. Acquisition of shares of Athletic Societes Anonymes by companies shall be allowed:
  - a) To personal companies or limited liability companies on the condition that the totality of its members are either Greek nationals or nationals of European Union Member States.
  - b) To companies limited by shares (Societes Anonymes), provided that the shares of these companies are of nominal value and that all of their shareholders fulfill the requirements of the previous paragraph. Should the shareholders of the Societe Anonyme are personal companies or limited liability companies, the above restriction of subsection (a) shall apply. Should the shareholders of the Societes Anonymes are other Societes Anonymes, then their shares must be also nominal, and all of their shareholders must be either Greek nationals or nationals of European Union Member States and so forth.

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When companies acquire shares of Athletic Societes Anonymes, in accordance to these provisions, the impediments and restrictions detailed in subsection (b) of paragraph 1 under article 3 shall apply to each member of their boards of directors, legal representatives, shareholders and their partners.

*(As added by article 18 par.2 L.4049/2012)*

c) Third-country nationals may participate in the companies referred in subsections (a) and (b) only upon permission of the Professional Sports Committee, in accordance with the prerequisites of the above paragraph (1a).

*(As added with article 20 par.2 L. 4049/2012)*

3. Companies and other private law legal entities must be inscribed to the specified shareholder's register of Athletic Societes Anonymes only upon authorization (permit) of the Professional Sports Committee and upon prior submission of the following:

a) a table that includes the full details (surname, first name, patronym, address) of its members, strictly individuals, according to the instructions of paragraph 2 of the present article,

b) a table composed of the full details (as above) of the members of the board of directors or managers or members of any other management body and

c) a certificate issued by its legal representative verifying the accuracy of the above-mentioned details.

The Committee shall grant the authorization (permit) on the condition that the aforementioned details are not in any way contradictory to the provisions of the present Law. Transfer of shares of Athletic Societes Anonymes to a legal entity of private law or company prior to the Committees' authorization (permit) shall be null and void.

4. The Athletic Societe Anonyme, shall notify the Committee of any acquisition of shares either from individuals or legal entities within ten days from the relevant registration in the specified shareholder's register.

5. The Athletic Societe Anonyme, shall notify in writing the relevant professional association of every acquisition of shares within ten days from the relevant registration in the specified shareholder's register.

6. Companies and any other legal entities participating in the share capital of an Athletic Societe Anonyme, shall disclose to them, within twenty days, any change



concerning the identity of the individuals appearing on the tables mentioned above in subsections (a) and (b) of paragraph 3, strictly individuals, and submit the relevant table and a certificate issued by its legal representative, as mentioned in the previous paragraph.

7. The Athletic Societe Anonyme, shall disclose to the relevant professional association and to the Professional Sports Committee, within thirty days, dating from the time the change occurred, any change concerning the identity of the individuals appearing on the tables mentioned above in subsections (a) and (b) of paragraph 3.

8. Active athletes, coaches, referees, fourth officials, arbitrators as referred in paragraph 9 under article 90 of the present Law, owners of sports prognostics or betting agencies, their spouses and their relatives up to a second degree shall be prohibited, under penalty of absolute nullity of the legal act, from acquiring shares of an Athletic Societe Anonyme active in the same sport of their athletic or professional operations.

9. Athletic Societes Anonymes, shareholders of Athletic Societes Anonymes, members or governors of private law legal entities or company's that participate in an Athletics Societe Anonyme's share capital, their spouses and their relatives up to a second degree shall be prohibited, under penalty of absolute nullity of the legal act, from acquiring shares, directly or indirectly by means of surrogates, or acquiring management rights or assuming management duties of another Athletic Societe Anonyme of the same or another sport.

A prohibited indirect acquisition, within the meaning of the above paragraph, also consists of success in acquiring shares by means of another legal entity or company, provided that this legal entity or company is an affiliate in the meaning of article 42e, paragraph 5 of Codified Law 2190/1920 or when an individual who participates in the affiliated company and is subjected to the aforementioned restrictions, owns capital exceeding twenty percent (20%) of the total share capital or voting rights, or participates in the administrative body or in any other managerial position of the company or exercises a dominant influential position in the management or operation of the company, regardless of the percentage of the company's capital owned.

10. Managers or members of administrative bodies or managing directors of Athletic Societes Anonymes, their spouses, their relatives up to a second degree and private

law legal entities or companies acquiring administrative rights or assuming managerial duties in Athletic Societes Anonymes shall be prohibited, under penalty of absolute nullity of the legal act, from acquiring shares, directly or indirectly, within the meaning of the above paragraph, or acquiring managerial rights, or assuming managerial duties of another Athletic Societe Anonyme of the same or another sport. The latter prohibition shall extend to individuals, who participate in the administration or exercise managerial duties or are members of the aforementioned legal entities or companies that acquire management rights or exercise managerial duties of an Athletic Societe Anonyme. Individuals tasked with the economic management of a Remunerated Athletes Section or members or governors of such legal entities shall be prohibited, under penalty of nullity of the legal act, from acquiring shares, assuming administrative or managerial duties in an Athletic Societe Anonyme of another founding athletic club, and participating as members or governors in legal entities or companies that are shareholders of such an Athletic Societe Anonyme.

11. The restrictions mentioned in paragraphs 9 and 10, except for the restrictions regarding the Athletic Societes Anonymes themselves, shall not apply in the case of acquisition of shares, of management rights, or in the case of the assumption of managerial duties in another Athletic Societe Anonyme founded by the same athletic club but with a focus on a different sport.

12. Should an Athletic Societe Anonyme breaches any of the aforementioned provisions of this article, its team shall be expelled from championship by decision of the respective jurisdictional body which takes action upon report of the Professional Sports Committee or upon appeal by anyone having legitimate interest.

13. Anyone intentionally breaching the prohibitions of paragraphs 3, 6, 8, 9, and 10 of this article, shall be sentenced to imprisonment and a fine up to five hundred thousand (500.000) euro.

Fake participation in the share capital of an Athletic Societe Anonyme by means of authorizations or private agreements or private contracts regarding the price paid for the acquisition of shares, share pawns, representation contracts, delegations of managerial rights and any other acts leading in the infringement of the provisions of paragraphs 8, 9 and 10 of the present article, are deemed null and void.

14. The restrictions and requirements set out by the provisions under the present article and under article 69A shall extend to natural or legal entities that acquired shares or management rights prior to the publication of the present law and shall conform to them by the 31.12.2002. After the lapse date non compliant natural or legal entities or entities falling within the above restrictions, that are shareholders of an Athletic Societe Anonyme, shall no longer be entitled to participate or be represented in any organ of the company, including the general shareholder's meeting; and their shares shall have no voting power, right of participation in company's revenues or any other right or power. Should the non compliant natural or legal entities or the entities falling within the above restrictions are managers, administrators or members of the management, they shall automatically (ipso jure) forfeit their positions and any signed contracts with the Athletic Societe Anonyme are deemed null and void.

*(As amended by article 17 L. 3057/2002)*

#### **Relevant Provisions**

#### **Law 2725/1999**

#### **ARTICLE 69A**

#### **Additional requirements in stake acquisition of Athletic Societes Anonymes**

1. When a natural or legal entity acquires a total of two percent (2%) stake or more of the share capital of an Athletic Societe Anonyme by transfer of shares, the prior authorization (in the form of a permit) of the Committee is obligatory. The Committee shall grant the authorization (permit) upon submission of the following documents, additionally to those detailed in article 69 of the present Law:
  - a) A tax and social security clearance certificate.
  - b) Certified copies of financial statements or, in case of a legal entity, the balance sheets of the past three years.
  - c) A copy of criminal record or, in case of a legal entity, the criminal records of its legal representatives, as to ascertain that none of the above persons falls within the impediments of subsections (b) and (c) of paragraph 1 under article 3 of the present and

d) A certificate issued by the Ethics Commission verifying that the individual or, in case of a legal entity, its legal representatives haven't been punished in accordance with the provisions of article 130 of the present or that they have served their sentence.

2. When a natural or legal entity acquires a total of thirty three percent (33%) stake or more of the share capital of an Athletic Societe Anonyme by transfer, shall submit, additionally to the documents referred in paragraph 1, a three years business plan, certified by an independent company of certified public accountants or advisors, that includes action plans relating to the Athletic Societe Anonyme, expected results and specific funds resources.

The above further apply when the acquisition of a total of thirty three percent (33%) stake or more of the share capital of an Athletic Societe Anonyme is achieved by more than one natural or legal entities provided that they are relatives up to a third degree or attached by an employment contract, or service contract or representation agreement, or that they are affiliated enterprises in the meaning of article 42e, paragraph 5 of Codified Law 2190/1920 or a group of persons who are voluntarily acting in concert regarding the management of an Athletic Societe Anonyme.

3. The provisions of paragraph 5 under article 77A of the present Law shall apply in issuing the permit defined in the above paragraphs.

*(As added by article 18 L.3057/2002 and amended by article 18 par.1 L.4049/2012)*

## **B. DESIGNATED RESPONSIBLE INSTITUTIONS**

Apart from the Professional Sport Committee, which was previously analyzed, a separate note should be made for the Audit Council of the General Secretariat of Sport.

### **Audit Council of the General Secretariat of Sport**

The Audit Council of the General Secretariat of Sport was established under the article 52 of Law No N.2725/99 (as amended by article 2 of Law No 2858/2000, article 77 of Law No 3057/2002, article 26 of Law No 3262/2004 and article 18 of Law No 3708/2008).

It comprises of twenty (22) members (sixteen (16) employees of General Secretariat of Sport and six (6) employees of the Ministry of Finance) which are appointed by a joint ministerial decision of the Finance Minister and the Minister for Culture. Their term of office is two years. All members must be of university or technological education, with specific knowledge notably in finance, law and sports.

The Council has the competence to:

- a. Conduct accounting and management audits to unions, federations and other state funded entities.
- b. Ascertain compliance of associations, unions and federations with all relevant laws, decrees, ministerial decisions and regulations -regarding managerial and accounting policies-.
- c. Issue advisory report for curtailment of subsidies, if a serious offence is ascertained.

If an offence is ascertained, the Council's report must include advisable actions concerning any prospective administrative, disciplinary or penal liability of the audited entities. If penal liabilities, with a sufficient degree of probability, are speculated, the Minister of Culture is obligated, within one month, to forward the report to the competent state attorney.