

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

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

PORTUGAL (SEVENTH MEETING)

The legal framework in Portugal on the prevention and fighting corruption is comprehensive and in addition to the general provisions of the Penal Code (372 *et seq*) a set of specific legislation is in force.

This is the case of Law nr. 36/87 of 16 July, on the liability of political office holders, the Law nr. 20/2008 of 21 April, establishing the new criminal framework to combat corruption in international trade and in the private sector and Law nr. 50/2007, of 31 August, establishing a new criminal liability for conduct likely to affect the truth, loyalty and correctness of the competition and its outcome in sports activity.

This Law aims the protection of integrity in sports, establishing the regime of criminal liability for unsporting behaviour contrary to the values of truth, loyalty and correctness and likely to fraudulently alter the results of the competitions.

The Law has a wide range of recipients, from sports agents (including players and sports practitioners), sports coaches, sports businessman, sports legal persons, referees and applies to the "sports competition", i.e. the regulated sporting activity organized and carried out under the aegis of sports federations or professional leagues, associations and clubs affiliated to them groups or international bodies of which such entities are part.

Law nr. 50/2007 establishes the crimes of passive corruption, active corruption, trade in influence and organized crime in the sports activity, which are punishable, respectively, with 1 to 5 years of imprisonment (passive corruption), up to 3 years of imprisonment or a fine (active corruption and trade in influence), 1 to 5 years of imprisonment (organized crime). The attempt is punishable in the case of active corruption.

The sanctions provided for in Article 8 (passive corruption) and Article 10 (1) (organized crime) are increased by one third in its minimum and maximum limits if the agent is a sports director, sports referee, sports businessman or a sports legal person. If the crimes referred to in Article 9 (active corruption) and Article 10 (2) (trade in influence) are committed by a sports manager, sports referee, sports businessman or sports legal person, the offender shall be punished with the penalty that the case would fit, increased by one third in its minimum and maximum limits.

In addition, Law nr. 50/2007 provides for additional penalties for the perpetrators of the crimes, as follows:

- a) Suspension of participation in sports competition for a period of six months to three years;
- b) Deprivation of the right to subsidies, grants or incentives granted by the State, Autonomous Regions, local authorities and other public legal persons for a period of one to five years;
- c) Prohibition of the profession exercise, function or activity, public or private, for a period of one to five years, in case of sports manager, sports coach, sports referee, sports businessman or legal entity or equivalent legal person.

Portugal ratified already in 29 September 2015 the Council of Europe Convention on the Manipulation of Sports Competitions, which purpose is to prevent, detect, punish and discipline the manipulation of sports competitions, 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.