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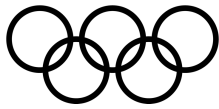
Guidelines for the Sanctioning of Competition Manipulation by Sports Organisations

Olympic Movement Unit on the Prevention of Manipulation of Competitions

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Ethics and Compliance



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1. INTRODUCTION

These Guidelines have been drafted by the Olympic Movement Unit on the Prevention of the Manipulation of Sport Competitions (OM Unit on the PMC) to assist sports organisations, and specifically their disciplinary organs, in decisions regarding the sanctioning of violations under the Olympic Movement Code on the Prevention of the Manipulation of Competitions.¹ The recommended sanctions outlined in these Guidelines are in no way intended to impose a mandatory standardisation of sanctions but rather to guide the judicial bodies of International and National Sports Federations, National Olympic Committees and other sports judicial bodies in establishing consistent, proportionate, effective, necessary, deterrent and fair sanctions while recognising the diversity of legal systems and approaches amongst sports organisations globally.

The manipulation of sports competitions² is a growing concern that threatens to destroy the integrity of sport. Proactive prevention and awareness raising programmes in relation to competition manipulation are essential and when breaches of sports integrity occur they should be properly investigated and sanctioned accordingly. The sanctions imposed by sports are far from being harmonious. Sports participants should be confident that any competition manipulation related offences are sanctioned according to the aforementioned principles and that all sanctions are based on an in-depth understanding of competition manipulation, consideration of all aggravating and mitigating factors while taking into account the specificity of each sport, the circumstances of each case and the implications of any given sanction upon the Participant.

Even though the principal aims of this document are to ensure the consistency and proportionality of sanctions related to competition manipulation and betting, systematic, intentional and flagrant exploitation of sporting and betting regulations and systems must be appropriately sanctioned by disciplinary bodies and hence may require harsher sanctions than presented below. Furthermore, mutual recognition of sanctions imposed by different organisations of the same sport as well as across different sports is encouraged, as well as those imposed by criminal courts.³ Participants banned from one competition, sport or jurisdiction should not be able to evade sanctions by simply changing to another competition, sport, role within the sport or jurisdiction.

2. COUNCIL OF EUROPE CONVENTION ON THE MANIPULATION OF SPORTS COMPETITIONS

The Council of Europe Convention on the Manipulation of Competitions⁴ is the only specific international convention on the issue of competition manipulation. Its purpose 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. For this purpose, the main objectives of the Convention are to prevent, detect and sanction national or transnational manipulation of national and international sports competitions and to promote national and international co-operation against manipulation of sports competitions between public authorities concerned, as

¹Available at:

<https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Protecting-Clean-Athletes/Competition-manipulation/Code-Prevention-Manipulation-Competitions.pdf>

² Competition Manipulation is 'An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others' (Art. 2.2. of the OM Code PMC).

³ Art. 6 of the OM Code PMC.

⁴ Available at: <https://rm.coe.int/16801cdd7e>



well as with organisations involved in sports and in sports betting.⁵ It opened for signature in 2014 and is open for signature by both the member States of the Council of Europe and non-member States.

Article 7, paragraph 3 of the Convention encourages international sports organisations to “apply specific, effective, proportionate and dissuasive disciplinary sanctions and measures to infringements of their internal rules against the manipulation of sports competitions” and “to ensure mutual recognition and enforcement of sanctions imposed by other sports organisations, notably in other countries”. The Convention notes at Article 7, paragraph 4 that the liability for the manipulation of sports competitions can be criminal, civil or administrative and such liability also includes disciplinary sanctions imposed by sports organisations.

3. THE OLYMPIC MOVEMENT CODE ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS

Approved in December 2015 by the IOC Executive Board, the Olympic Movement Code on the Prevention of the Manipulation of Competitions (OM Code on the PMC) aims to harmonise regulations to protect all sports and all competitions from the risk of manipulation and to ensure definitions are in line with the Council of Europe Convention on the Manipulation of Sports Competitions. Pursuant to Rule 1.4 of the Olympic Charter, all Sports Organisations bound by the Olympic Charter agree to respect the Code. Notably, all IFs within the Olympic Movement must adopt and implement the OM Code PMC (Rule 25⁶) and during the Olympic Games, compliance with the OM Code PMC is mandatory for the whole Olympic Movement (Rule 43⁷).

Article 5 - Sanctions of the OM Code on the PMC provides that:

- 5.1 *Where it is determined that a violation has been committed, the competent Sports Organisation shall impose an appropriate sanction upon the Participant from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.*
- 5.2 *When determining the appropriate sanctions applicable, the Sports Organisation shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.*
- 5.3 *Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under this Code.*

Article 6 calls for mutual recognition of sanctions amongst sports organisations:

- 6.1 *Subject to the right of appeal, any decision in compliance with this Code by a Sporting Organisations must be recognised and respected by all other Sporting Organisations.*
- 6.2 *All Sporting Organisations must recognise and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organisation as defined under this Code.*

It is recognised that sports organisations only have jurisdiction over their Participants as defined in their regulations⁸ although certain sanctions, such as exclusion orders, may be imposed on individuals who are not necessarily bound by the rules of the sport. Furthermore, beyond the

⁵ Art. 1 of the Council of Europe Convention on the Manipulation of Competitions.

⁶ Olympic Charter Part 3: The International Federations, Rule 25: Recognition of IFs. *In order to develop and promote the Olympic Movement, the IOC may recognise as IFs international non-governmental organisations governing one or several sports at the world level, which extends by reference to those organisations recognized by the IFs as governing such sports at the national level. The statutes, practice and activities of the IFs within the Olympic Movement must be in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping Code as well as the Olympic Movement Code on the Prevention of Manipulation of Competitions. Subject to the foregoing, each IF maintains its independence and autonomy in the governance of its sport.*

⁷ Olympic Charter Part 5: Olympic Games, Rule 43: World Anti-Doping Code and the Olympic Movement Code on the Prevention of Manipulation of Competitions. *Compliance with the World Anti-Doping Code and the Olympic Movement Code on the Prevention of Manipulation of Competitions is mandatory for the whole Olympic Movement*

⁸ Art. 1.4 of the OM Code on the PMC defines ‘Participants’ as athletes, athlete support personnel and officials.



sports regulations, specific criminal law provisions for the prosecution of competition manipulation may apply with a vast array of sanctions available which is beyond the scope of this analysis.⁹

4. PROCEDURE FOR THE DEVELOPMENT OF THESE GUIDELINES AND FACTORS AFFECTING SANCTIONING

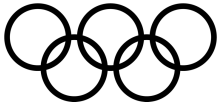
In order to develop these Guidelines, a comprehensive overview of competition manipulation cases in recent years across different sports was undertaken and a database of open source media articles (predominantly in English) reporting sanctioning of competition manipulation compiled that includes decisions of the Court of Arbitration for Sport (CAS). While acknowledging that the database of sanctions imposed by sports organisations is an evolving list, this paper attempts to identify the average sanctions imposed to date and to provide guidelines and recommendations that could be applied for Code violations.

There are many reasons why competition manipulation and betting offences are sanctioned differently across sports and jurisdictions. Whether a case of competition manipulation is investigated by a sports' governing body and eventually leads to a sanction may depend on a number of factors and circumstances including:

- Specificities and culture of the sport:
 - team sports vs individual sports and field-of-play features and characteristics that vary across sports;
 - what is considered manipulation vs tactics;
- Profile and number of previous cases in the sport (sanctions may increase due to the negative repercussions of frequent cases);
- Reputation of the sport and its risks;
- Perception of the gravity of the phenomenon, prioritisation, capacity and resources to investigate;
- Existence of competition manipulation regulations and implementation of the OM Code PMC;
- Existence of prevention, information and educational programmes that provide awareness of the regulations;
- Frameworks for the reporting of suspicions or cases of competition manipulation;
- Competitive level and public attention of the sport;
- Importance and status of the event in question;
- Impact of the offence on third persons (e.g. detriment related wellbeing or financial situation);
- Level of evidence necessary to sanction (standard of proof);¹⁰
- External and internal pressure to sanction:
 - Public/media/sponsors/stakeholders attention/pressure to investigate and sanction;
 - Pressure from inside the sport or in a given country/jurisdiction;
- Political decisions for the sanctions to have a deterrent effect;
- The betting regulatory environment;
- Mitigating and aggravating factors.

⁹ See: UNODC-IOC Study, *Criminal Law Provisions for the Prosecution of Competition Manipulation*, available at: <https://www.unodc.org/documents/corruption/Publications/2017/UNODC-IOC-Study.pdf>

¹⁰ 'The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred' (Art. 3.3 of the OM Code PMC). Since the approval of this Code in December 2015 by the IOC Executive Board, CAS jurisprudence has established the standard of proof in such cases as 'comfortable satisfaction': <https://jurisprudence.tas-cas.org/Shared%20Documents/4558.pdf>. The Code will be amended at the next revision.



Judicial bodies should be conscious of the different cultural, structural and administrative factors that may affect sanctioning while recognised their role in establishing proportionate and consistent sanctions. Not all sports have implemented the OM Code on the PMC meaning different sports have different competition manipulation and betting related regulations. Furthermore, the jurisdiction of a sports organisation is dependent on regulations governing the relationship between any national, regional and international sports governing body. Furthermore, multi-sports events may have jurisdiction during the event with separate regulations of the sport applying before and after the event. The complexity of factors affecting sanctioning reinforces the need for global guidelines.

5. MITIGATING FACTORS AFFECTING SANCTIONING

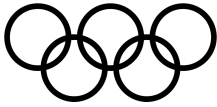
Prior to the determination of a final sanction, a number of mitigating factors may be taken into consideration that include, but are not limited to:

- the seriousness and number of provisions that the Participant is breaching is minimal;
- limited or no planning, intention and effort invested when committing the violation;
- participation in training or educational modules;
- timely admission of guilt by the Participant;
- limited degree of culpability;
- Participant displaying remorse;
- substantial assistance and cooperation provided by the Participant during the investigation and willingness to cooperate in future education programmes;
- no/few previous offences committed/disciplinary record;
- context and motivations including personal relationships, financial situation, medical conditions and other specific personal circumstances that could negatively impact the Participant;
- the violation not affecting nor having the potential to affect the course or result of a competition and the overall integrity of the competition;
- the Participant was forced, blackmailed or otherwise coerced;
- no/limited number and size (i.e. value) of bets;
- youth or inexperience of the Participant e.g. if the Participant is young, she/he may have limited awareness of the rules; type and amount of information that was reported.

6. AGGRAVATING FACTORS AFFECTING SANCTIONING

Prior to the determination of a final sanction, a number of aggravating factors may be taken into consideration that include, but are not limited to:

- the seriousness and number of provisions that the Participant is breaching;
- planning, intention and extent of effort invested when committing the violation;
- refusal to/not participating in training or educational modules;
- no admission of guilt by the Participant;
- high degree of culpability;
- Participant not displaying remorse;
- limited/no assistance and cooperation provided by the Participant during the investigation and limited/no willingness to cooperate in future education programmes;
- many previous offences committed/disciplinary record;
- context and motivations including personal relationships, financial situation, medical conditions and other specific personal circumstances;
- the violation affecting or having the potential to affect the course or result of a competition and the overall integrity of the competition;
- whether the Participant was forced, blackmailed or otherwise coerced;



- number and size (i.e. value) of bets;
- whether the Participant knowingly bet with an illegal bookmaker so as to avoid using a bookmaker who has a regulatory requirement to report the Participant's betting activity to the relevant sports organisation;
- youth or inexperience of the Participant e.g. if the Participant is older and has competed in the top level of his/her sport for a long time, it can be presumed that she/he should have been aware of the rules;
- type and amount of information that should have been reported or was intentionally concealed or destroyed during the investigation.

7. SANCTIONING OF OFFENCES CONTAINED WITHIN THE OLYMPIC MOVEMENT CODE ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS

The sanctions imposed by sports organisations in relation to competition manipulation principally consist of bans e.g. ineligibility to participate in an official capacity or compete as an athlete, fines and the returning of prize money, forfeiture of the sporting achievements and disqualification of results. Furthermore, offenders are often called upon to complete integrity related education programmes. Under Article 4 of the OM Code PMC, provisional measures may be imposed, including a provisional suspension.

Cases often include not one but a number of violations of the rules. These Guidelines recognise the balance that each sports organisation must take through the adoption of a more codified (civil law) or precedent (common law) approach to ensure proportionate sanctions in all cases. Whether violations and the sanctions for each violation are dealt with separately and hence sanctions can be accumulated or a global sanction is applied is up to each organisation to determine. Furthermore, it must be recognised that the consequences and implications of the sanction on the Participant may vary greatly e.g.

- a ban may end a career for an older Participant having enjoyed "a full career" or for a referee who typically has a longer career span than an athlete but may result in a younger Participant losing her/his "best years";
- a short ban imposed outside of the competition season may not obstruct the Participant from participating at all;
- a life ban combined with a fine may exempt the Participant from having to pay the fine as he/she will no longer be under the jurisdiction of the sports organisation etc.

7.1 Betting

Article 2.1 of the OM Code on the PMC provides that betting is considered an offence in relation either:

- To a Competition in which the Participant is directly participating; or*
- To the Participant's sport; or*
- To any event of a multisport Competition in which he/she is a participant.*

Article 1.4 of the OM Code on the PMC defines 'Participants' as any natural or legal person belonging to one of the following categories:

- "athlete" means any person or group of persons, participating in sports competitions;*
- "athlete support personnel" means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;*
- "official" means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and/or promote sports competitions, as well as referees, jury members and any other accredited persons. The term also covers the executives and staff of the sports organisation, or where appropriate, other competent sports organisation or club that recognises the competition.*



7.1.1 Specific mitigating and aggravating factors typically taken into consideration in determining an appropriate sanction

Whether the Participant is betting on a competition she/he is competing in and/or a multi-sport competition she/he is participating in: A Participant has access to information regarding their competition that may be used for betting purposes. Normally Participants betting against themselves or actions on the field of play that the Participant is directly participating in are considered as aggravating factors as the relationship between the bets placed and the action on the field of play are intimately linked and can drastically impact the integrity of the competition. The Participant may directly affect and hence manipulate the outcome or the course of the competition in the knowledge that there is betting on that action. In such a case it must be carefully investigated and assessed if the offence involves only betting or also manipulation of the competition and the use of inside information. However, betting and competition manipulation should be considered separate offences and the disciplinary body should always be clear for which offence a given sanction is made.

The actions that create the manipulation is dependent on the role of the Participant, e.g. for an athlete, the action will be competing, whereas for athlete support personnel, e.g. an agent, the involvement may mean the attendance or participation of her/his client (dependant on the definition of 'Participant' in the regulations). Special attention needs to be given to Participants in team sports in which the Participant may attend the competition but may not enter the field of play.

Number and size of bets: This factor often reflects the Participant's motivation to bet, whether betting is considered a source of income, an addiction or a leisure activity. In principle, it is seen that the bigger the sum bet, the more consciously and intentionally the offender is breaking the rules and perhaps using inside information to gain undue advantage.

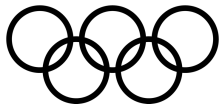
Addiction to betting or other specific personal circumstances: Betting addiction is a recognised medical condition and may be a serious personal problem. This should be assessed in the sanctioning process because in some cases it can permeate rational decision making. In other words, a Participant with a betting addiction may genuinely be unable to stop him or herself from betting.

7.1.2. Betting Offence Average Sanction

For betting on one's own sport by a Participant without the intention to manipulate the competition and with full cooperation during the investigation, the sanctions imposed on average are: Ban between 6 months - 2 years; Fine of up to €10,000.

7.1.3. Betting Offence Recommended Sanction

Art. 2.1 BETTING	Betting on occurrences and/or outcomes in a competition that the Participant is directly participating in (without manipulation) Article 2.1.a. of the OM Code on PMC	Betting on the Participants' sport or competition (tournament, league, multisport event) (without manipulation) Article 2.1.b. and c. of the OM Code on PMC
Sanctions	Ban between 0-3 years and fine	Ban between 0-2 years and fine
Specific aggravating/mitigating factors	<ul style="list-style-type: none"> • Whether the Participant is betting on a competition she/he is participating in; • Number and size of the bets; • Addiction to betting or other specific personal circumstances. 	



7.2 Manipulation of Sports Competitions and Corrupt Conduct

Article 2.2 of the OM Code on the PMC provides that manipulation is considered an offence and is defined as:

an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

Article 2.3 of the OM Code on the PMC provides that corrupt conduct is an offence including:

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

Competition manipulation can be purely sports related or betting related. Sports related manipulation means manipulation for the sake of competitive advantage e.g. by underperforming in the early stages of a tournament, a Participant or a team may be attempting to get an easier opponent in the later stages of the tournament. The disciplinary body should always be clear on what constitutes manipulation and what distinguishes it from the sports strategy and tactics.

Betting related manipulation implies that the aim of the manipulation is to make bets successful. Manipulation related to the final outcome of the competition is often referred to as 'match-fixing' whereas manipulation related to a specific aspect of a game unrelated to the final result e.g. which player will score first, is termed 'spot-fixing'. Both forms of betting related manipulation are harmful to the integrity of sport and are equally punishable.

7.2.1 Specific mitigating and aggravating factors typically taken into consideration in determining an appropriate sanction

Planning and intention: In any given case, the efforts to manipulate should be examined including whether the Participant has attempted it once or repetitively over an extended period. The planning of manipulation efforts, whether the Participant was operating alone or actively engaging others will have a mitigating or aggravating factor on proving the 'intention' of the Participant.

Number and size of bets: The number and size of bets placed by the Participant may reflect the intention of betting related manipulation. However, the Participant may also be bribed by third parties, without knowledge of the number and size of bets placed on the betting market by the third party.

Benefits: The type and amount of benefits involved may constitute a relevant factor in order to obtain an undue advantage through corrupt conduct.¹¹

Persuasion and coercion: As in the case of betting, the personal and situational circumstances will make a difference in the final sanction including whether other Participants or third parties (including criminal syndicates) are persuading or coercing the Participant or whether there has been persuasion or coercion of other Participants to become involved.

Consequences to the overall integrity of the competition: The stage of a race, tournament, league or other event affect the overall integrity of the competition i.e. events determining qualification, promotion or relegation are significantly more important than 'dead rubber' games (those with limited sporting consequences) yet the risk of manipulation is often greater in the

¹¹ "Benefit" means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts; (Art. 1.1 of the OM Code PMC).



'dead rubber' games and hence needs to be taken into consideration when determining the final sanction. Consequences need to be assessed in their entirety on a case by case basis.

7.2.2. Manipulation of Competition and Corrupt Conduct Average Sanction

In cases where few mitigating factors are found, sanctions typically involve long periods of ineligibility to participate. The average sanction is: Ban of more than 5 years; Fine of up to €40,000.

7.2.3. Manipulation of Competition and Corrupt Conduct Offence Recommended Sanction

MANIPULATION OF COMPETITIONS AND CORRUPT CONDUCT Art. 2.2 and 2.3 of the OM Code PMC	Betting related	Sport related
Sanctions	Ban of approx. 4 years and fine	Ban of approx. 2 years and fine
Specific aggravating/ mitigating factors	<ul style="list-style-type: none">• Planning and intention to manipulate;• Number and size of bets (if betting related);• Benefits;• Persuasion and coercion;• Consequences to the overall integrity of the competition.	

7.3 Inside Information

Article 2.4 of the OM Code on the PMC provides that using inside information for the following purposes is an offence:

1. *Using Inside Information for the purposes of betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.*
2. *Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.*
3. *Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.*

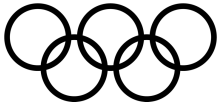
Article 1.3 of the OM Code on the PMC defines inside information as:

information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition.

Competition manipulation may be much harder to prove than the supplying of inside information. It is to be noted that the rules around supplying inside information have been used to sanction individuals believed to have been involved in competition manipulation.

7.3.1. Specific mitigating and aggravating factors typically taken into consideration in determining an appropriate sanction

Intention: Participants may use or give away inside information out of ignorance and it can happen in a seemingly innocent way, e.g. through closed or private social media groups that are not considered problematic by the Participant. On the other hand, spreading or selling of inside information can happen intentionally, e.g. when a Participant is giving or selling information about tactics or injuries to third parties willing to bet on the event or sport in question. The use



of inside information in such a way seriously undermines the integrity of a competition and is an important factor to take into account even if no manipulation occurs.

Persuasion and coercion: see above under 6.2.1.

Nature and amount of information disclosed: Some types of inside information are more crucial to the overall integrity of the sport/competition than others. Also, the time span and sheer amount of information varies from one case to another.

Benefits: The possible benefits given or received to disclose inside information are important.

7.3.2. Inside Information Average Sanctions

In most cases, the offence of sharing inside information happens in conjunction with other betting or manipulation offences. The average sanction for an inside information offence is: Ban between 6 months - 2 years; Fine of up to 10,000 €.

7.3.3. Inside Information Offence Recommended Sanction

INSIDE INFORMATION	Using Inside Information for the purposes of betting or manipulation or other corrupt purposes. Art. 2.4.1 of the OM Code PMC	Disclosing Inside Information in a situation where the Participant knew, or should have known, that such disclosure might lead to the information being used for the purposes of betting, manipulation, or other corrupt purposes Art. 2.4.2 of the OM Code PMC
Sanctions	Ban between 0-3 years and fine	Ban between 0-3 years and fine
Specific aggravating/mitigating factors	<ul style="list-style-type: none"> • Intention; • Persuasion and coercion; • Nature and amount of information disclosed; • Nature and amount of benefits. 	

7.4 Failure to Report and Failure to Cooperate

Article 2.5 and Article 2.6 of the OM Code on the PMC state that failure to report and failure to cooperate are offences under the Code.

Article 2.5:

1. *Failing to report to the Sports Organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.*
2. *Failing to report to the Sports Organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.*

Article 2.6:

1. *Failing to cooperate with any investigation carried out by the Sports Organisation in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the competent Sports Organisation as part of such investigation.*



2. *Obstructing or delaying any investigation that may be carried out by the Sports Organisation in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.*

7.4.1. Specific mitigating and aggravating factors typically taken into consideration in determining an appropriate sanction:

- Availability of a reporting/whistleblowing mechanism and promotion and awareness of such a mechanism ensuring adequate levels of confidentiality and anonymity;
- Culture of reporting and protection available;
- Significance, content and amount of information that should have been reported or was intentionally concealed or destroyed during the investigation;
- Substantial assistance provided by the Participant during the investigation;
- Intentional destruction of evidence is always a grave aggravating factor.

7.4.2. Failure to Report and Failure to Cooperate Average Sanctions

Failure to report and failure to co-operate are offences that frequently occur in combination with other violations, even though they are punishable as such. For failing to report an approach the average sanction is: Ban between 1 month - 2 years; Fine of up to 5,000 €.

7.4.3. Failure to Report and Failure to Cooperate Recommended Sanction

FAILURE TO REPORT AND FAILURE TO CO-OPERATE	Failure to report Art. 2.5 of the OM Code PMC	Failure to co-operate Art. 2.6 of the OM Code PMC	
		Failure to provide requested assistance	Obstructing or delaying investigation
Sanctions	Ban of 0-2 years and fine	Ban of 0-2 years and fine	Ban of 1-2 years and fine
Specific aggravating/ mitigating factors	<ul style="list-style-type: none"> • Availability of a reporting/whistleblowing mechanism and promotion and awareness of such a mechanism ensuring adequate levels of confidentiality and anonymity; • Culture of reporting and protection available; • Significance, content and amount of information that should have been reported or was intentionally concealed or destroyed during the investigation; • Substantial assistance provided by the Participant during the investigation. 		

8. CONCLUSION

The establishment of strong regulatory frameworks with knowledge of the rules and consequences for breaking them by all Participants is crucial to combating competition manipulation. Should a case arise, professional, efficient and thorough fact-finding inquiries by the sports organisation is necessary with transfer of a complete case file to the prosecutorial body or Disciplinary Commission assisting in ensuring that the sanction imposed is based on certain minimum procedural requirements (see Article 3 of the OM Code on the PMC for minimum standards regarding Disciplinary Procedures).

As more cases of manipulation and betting occur, the more pressure there is on sports organisations to apply severe punishments. The development of more comprehensive education



and awareness raising programmes on the issue means Participants are more and more responsible for their actions. In sports where comprehensive and regular obligatory education is in place, the offenders cannot very credibly state that they were acting out of ignorance.

While these Guidelines outline possible sanctions, the following sanctions may also be considered either alternatively or additionally:

- provisional suspension, loss of accreditation, financing, licence or eligibility status to continue their involvement in the sport or a given event;
- exclusion order;
- fines based on the consideration of the disciplinary body;
- fines based on the amounts bet, amounts won or potentially won from the bets etc. All fines received should be remitted to the sport for use by the sport for the development of integrity programmes or as otherwise deemed appropriate;
- returning of prize money;
- reprimand/warning for their involvement in the prohibited conduct;
- forfeiture of the sporting achievements gained (including medals) and disqualification of results;
- counselling and/or requirement to complete a course of education related to responsible gambling;
- support, through active participation in education, prevention, training and capacity building programmes organised by either the respective National Federation; International Federation, NOC, IOC or other organisation;
- contract terminated between the sport and the Participant (subject to the terms and conditions of any contract);
- any other such penalty as the Disciplinary Commission would consider appropriate in their discretion taking into account the gravity of the prohibited conduct.

The OM Unit on the PMC is at the disposal of all sports organisations regarding the implementation of the OM Code on the PMC as well as the use of these Guidelines, email: OMUnitPMC@olympic.org.