

INTERNATIONAL WEIGHTLIFTING FEDERATION

GUIDELINES

COMPETITION FIXING

2013



The specific context of betting

INTRODUCTION

Betting has grown rapidly in popularity and the issue of betting is a subject that could also be relevant to weightlifting. In most countries betting has become an occupation that is in demand from the public and sports betting is now a global industry which generates an estimated US\$ 80 billion per year. A large portion of this figure is illegal as the sports content is used without the permission of the relevant “rights holders” and without payment to the rights holders.

Sport is an ideal product for the betting industry as it has an uncertain outcome, gets wide media and live TV exposure and this is especially the case when it can be used by the betting industry free of any charges or fees.

ON LINE BETTING

Over the last years, there have been considerable developments in online technology and the TV infrastructure that have resulted in the creation of a very vibrant betting market whether it takes place over the internet, telephone or through the traditional betting outlets. The main reason for this rapid development is the increasing availability of live visual information via interactive TV. In addition with broadcasters in many countries also streaming video content to internet households through broadband technology it is now possible to watch and bet through the interactive services.

Betting has proved to be a very successful product that is perfect content for the internet. As a result of this all of the major bookmakers have established websites in those countries where it is legally allowed and they are making handsome profits. In addition a new form of betting provider in the form of the betting exchange has emerged which is proving very attractive and competitive to users as it allows them to bet in real time while the relevant competition is in progress.

Online sports betting has been growing rapidly and industry analysts estimate that the total online gaming industry is currently worth approximately US\$ 25 billion. The global development of broadband technology has also allowed to promote the distribution of interactive services such as gaming together with web casting and its parallel sports betting services. The internet brings betting to a new audience that was previously not involved in sports betting.

Cross border betting is remote betting that takes place when the bettor and betting operator are not located in the same country. This form of betting leads to increased concerns as it involves different legal systems and the control of such operations requires international cooperation between the enforcement authorities.

Many betting operators are based in countries with “soft” laws (countries where the national laws do not prohibit or enforce such betting operations); with little control and in many cases most transactions are simply illegal in the country where the actual transaction takes place (i.e. the bettor’s country of residence). Unfortunately online betting operators in most cases violate the laws. In most cases betting operators offer bets to residents of countries without having a license for that country by establishing themselves in “soft” countries.

For the sports authority concerned, internet betting means that suspicious betting is much more difficult to identify as it allows betting operators that are based in “soft” countries where there is unlikely to be any active monitoring of any suspicious betting behaviour. Audit trails will not deter any persons involved in unlawful activities and even if or when suspicious betting behaviour is identified the amounts are often considered too small to convince foreign enforcement authorities to take action. Enforcement authorities in such “soft” countries are unlikely to cooperate with strict controls and prosecution due to their national interests and lack of enforcement infrastructure.

LEGAL ISSUES

Some National Sports Federations are now faced with the situation where their Governments have taken a commercial decision on betting without there being a policy in place by the relevant National Federation. From a development aspect, it could be disastrous for the development of weightlifting when its integrity could be questioned through competition fixing. It could happen that some weightlifting competitions are offered for betting and it could become increasingly difficult for the National Federations to be sure that there is no competition fixing or that none of the weightlifters, coaches or judges are involved in any wrongdoing. This threat of competition fixing exists and will continue to grow. It is important that the IWF is now taking some measures.

Betting is subject to the relevant national laws and is considered by every society as a sensitive issue. Therefore the general approach that governments take is to forbid the activity but to allow exceptions to avoid the move into illegal and thus uncontrolled gambling activities. The concerns of each society basically relate to public order, the fight against crime and money laundering and the protection of the consumers. Each country has developed its own policies and systems to deal with betting and most of them do not take into account the issue of cross border activity apart from forbidding such activity.

The definition and enforcement of the gambling laws are the responsibility and relate to the integrity of the national jurisdiction and the policy of sports bodies should respect this fundamental principle. It is up to the integrity of the governments to define betting laws and polices and sports bodies and betting

operators alike should respect these. International sporting rules that aim to preserve the integrity of the sport may exist, but can obviously never go against national laws. Sport bodies have to emphasize the issue of jurisdiction and to stand up against unauthorized betting, as this will, in the long term, benefit sport.

It is now important for the IWF to take advantage of enhanced monitoring of the betting markets in order to prevent and discourage any persons considering illegal wrongdoings.

If National federations were able to have agreements with the leading betting agencies it would allow the National Federation to access a greater level of information than they have previously been able to obtain from the betting industry. Specifically the National Federation would be able to request information which will identify individuals behind any suspicious betting activity.

The betting industry and the National Federation must work closely together and exchange information as this will be the best way to ensure that the relevant sport is kept free of criminal activities.

DATA PROTECTION

Another issue for the IWF is that the data related to the sport and the weightlifters could be used by the betting industry without payment. It is to be mentioned (and to think about it for potential additional income for the IWF...) that some sports are starting to gain revenues through licensing the use of their data. For example a part of the horseracing structure is funded by the betting industry via fees for the use of data.

The music industry is a good example of the difficulties that rights holders are facing in the enforcement of their intellectual property rights when related to the internet. At this stage any claim by a sporting body regarding the abuse of their intellectual property rights is difficult to enforce in an uncontrolled global internet environment. However each National Federation, by working on legalizing its "product" with betting companies and National Authorities may be able to use and develop its "database" to obtain substantial revenues for the Federation.

The term "database" refers to any collection of works, data or other materials that are separable from one another without the value of their contents being affected and such collection should include a method or system of retrieval. Database right protection requires suitable "investment." For example there needs to be an investment made in the verification or obtainment of "existing data" in order to qualify for database right protection. An investment made in the creation of data (such as lists of weightlifters with statistics) may qualify for database right protection.

CONCLUSION

Each National Federation should open for discussion and review with its relevant Government all of the issues related to the subject of betting on weightlifting. By doing this it will be able to better control the activities and know that such activities are within the relevant national legal system and are done with the support and agreement of the National Authorities.

In order to be in a position to effectively respond to this serious problem, all of the concerned parties need to meet, cooperate and establish conferences, special events and forums to discuss, understand, develop and provide the necessary actions required to move forward and to channel those issues related to betting. Sporting bodies should be proactive and always endeavour to ensure the fairness and integrity of its sports within the existence of legal and illegal betting activities.

Principles and Rules

1. Introduction

Competition fixing in general, but betting in particular, have grown rapidly in popularity. The IWF has decided to tackle the issue and the current document is a first approach about what could be done. To position the situation, it is important to point out that, in most countries, betting has become an occupation that is in demand from the public. A large portion of betting activities is illegal insofar as the sports content is used without the permission of the relevant “rights holders” and without payment to the rights holders. Sport is an ideal product for the betting industry as it has an uncertain outcome, gets wide media and live TV exposure and this is especially the case when it can be used by the betting industry free of any charges or fees.

In recent years, the IOC has increasingly reached out to sports bodies, governments, police authorities, and legal betting operators to help fight irregular and illegal betting. In 2011, a Working Group has been created to define a common position and raise awareness of the issue. The Working Group has focused on three main areas:

- education;
- monitoring, intelligence and analysis;
- legislation and regulations.

For Jacques Rogge, the IOC, NOCs and IFs “need to be vigilant and ensure that measures are in place to limit the potential effect that irregular betting activities could have on the sport events. As recent cases show, irregular and illegal betting is a global phenomenon and no sport, elite or otherwise, is immune from this scourge. It is an extremely serious issue that threatens the very integrity of sport. This is why it is at the top of the agenda of the IOC.”

2. Measures that could be taken from an IWF perspective:

Recent cases across different sports have illustrated that competition fixing (irregular and illegal betting or any form of cheating affecting the results) erodes the integrity and credibility of sport and jeopardises its healthy development. The IWF has been aware of the threat for some time and it has been decided to proactively anticipate any potential issues.

- A. Raising awareness / educate: In order to make the weightlifting community aware of potential risks and threats, the IWF could take the decision to organise some information sessions within the framework of its main competitions.
- B. Definition of some principles and rules: Here below are some proposals.

GENERAL PRINCIPLES

- All forms of participation in, or support for betting related to the competitions sanctioned by the IWF, and all forms of promotion of betting related to the IWF competitions are prohibited.
- The IWF forbids all participants in international weightlifting competitions from betting on those events.
- Participants in Weightlifting must not, by any manner whatsoever, infringe the principle of fair-play, show unsporting conduct, or attempt to influence the course or result of a competition, or any part thereof, in a manner contrary to sporting ethics.

RULES OF CONDUCT

The following conduct shall constitute a violation of the principles established by the IWF (in each case whether effected directly or indirectly):

Art. 1. Betting

1. Betting related to a weightlifting competition, including betting with another person on the result, progress, outcome, conduct or any other aspect of such a competition.
2. Participation in or support for the promotion of any form of betting related to weightlifting competitions.
3. Inducing, instructing, facilitating or encouraging a participant to commit a violation set out in these principles.

Art. 2- Manipulation of results in the context of betting

1. Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of a weightlifting competition.
2. Ensuring or seeking to ensure the occurrence of a particular incident in a competition which occurrence is to the participant's knowledge the subject of a bet and for which he or another person expects to receive or has received a benefit.
3. Failing in return for a benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) to perform to the best of one's abilities in a competition.
4. Inducing, instructing, facilitating or encouraging a participant to commit a violation set out in this Article 2.

Art 3 Corrupt conduct in the context of Betting

1. Accepting, offering, agreeing to accept or offer, a bribe or other benefit (irrespective of whether such benefit is in fact given or received) to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an event or a competition.
2. Providing, offering, giving, requesting or receiving any gift or benefit (irrespective of whether such benefit is in fact given or received) in circumstances

that the participant might reasonably have expected could bring him or the sport into disrepute.

3. Inducing, instructing, facilitating or encouraging a participant to commit a violation as set out in this Article 3.

Art. 4 Inside information

1. Using Inside Information for betting purposes or otherwise in relation to betting.

2. Disclosing Inside Information to any person with or without benefit where the participant might reasonably be expected to know that its disclosure in such circumstances could be used in relation to betting.

3. Inducing, instructing, facilitating or encouraging a participant to commit a violation set out in this article 4.

Art. 5 Other violations

1. Any attempt by a participant, or any agreement by a participant with any other person, to engage in conduct that would culminate in the commission of any violation of this rules of conduct shall be treated as if a violation had been committed, whether or not such attempt or agreement in fact resulted in such violation.

2. Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in these rules of conduct committed by a participant.

3. Failing to disclose to the IWF contact person (monika.ungar@iwfnet.net), without undue delay, full details of any approaches or invitations received by the participant to engage in conduct or incidents that would amount to a violation as set out in these rules of conduct.

4. Failing to disclose to the IWF contact person (monika.ungar@iwfnet.net), without undue delay, full details of any incident, fact or matter that comes to the attention of the participant that may evidence a violation under these rules of conduct by a third party, including (without limitation) approaches or invitations that have been received by any other party to engage in conduct that would amount to a violation of these rules of conduct.

5. Failing to cooperate with any reasonable investigation carried out by the IWF in relation to a possible breach of these rules of conduct, including failing to provide any information and/or documentation requested by the IWF that may be relevant to the investigation.

Art. 6. Application

1. For a breach to be committed, it is sufficient that an offer, agreement or solicitation in respect of conduct prohibited in these rules of conduct was made; it is not necessary that any money, benefit or other consideration was actually paid or received.

2. To determine betting related to any Weightlifting competition by a participant, the direct or indirect interests of the participant are taken into consideration; this may include, but is not limited to, whether the participant has a personal or material interest linking him or her with the individual or body participating in, supporting or promoting betting on the Weightlifting competition concerned. The

same will apply to determine the participation in or support for the promotion of any form of betting related to any Weightlifting competition.

3. For the determination of any breach, the following are not relevant:

- a) Whether or not the participant is participating in the competition concerned;
- b) The outcome of the competition on which the bet was made or intended to be made;
- c) The nature or outcome of the bet;
- d) Whether or not the participant's effort or performance in the competition concerned were (or could be expected to be) affected by the acts or omission in question;
- e) Whether or not the result of the competition concerned was (or could be expected to be) affected by the acts or omission in question.

DISCIPLINARY PROCEDURE

Art. 1. Referral to the IWF President

The Secretary of the IWF Ethics Commission is informed, in particular through the IWF Contact person (monika.ungar@iwfnet.net <mailto:sportintegrity@olympic.org>) of any possible breach of these rules of conduct.

The Secretary of the IWF Ethics Commission makes an initial review of the situation, including if needed an investigation by using the investigatory powers mentioned in Article 4 of these Disciplinary Procedure. Such investigation may be conducted in conjunction with relevant competent national and international authorities (including criminal, administrative, professional and/or judicial authorities) and all participants must co-operate fully with such investigation.

After this initial review by the Secretary of the IWF Ethics Commission, the file is forwarded to the IWF President for the appropriate decision.

Art. 2 Creation of a Disciplinary Commission

The IWF President will create a Disciplinary Commission, composed of IWF Executives.

The Disciplinary Commission will determine the nature and circumstances of any breach of these rules of conduct, which may have been committed during Weightlifting competitions.

The Disciplinary Commission may take into consideration any concurrent, or potential, judicial investigation arising out of the same, or related, facts.

The Disciplinary Commission will be assisted by the Secretary of the IWF Ethics Commission.

Art. 3 Disciplinary Commission

3.1 The IWF Executive Board delegates to the Disciplinary Commission all its powers, except:

- (i) the power to pronounce, with regard to IWF members and honorary IWF members, a reprimand or suspension;
- (ii) the power to pronounce, with regard to National Federations, any suspension;
- (iii) in the context of any Weightlifting competitions, with regard to weightlifters, coaches, officials, other members of the delegations as well as referees and members of the jury: the power to pronounce permanent ineligibility or exclusion from future Weightlifting competitions.

3.2 However, the IWF President, when setting up a Disciplinary Commission pursuant to Article 2 above, may decide, at his discretion, that all measures and sanctions in a given case will be pronounced by the IWF Executive Board, in which case the Disciplinary Commission's powers will be those as set forth in articles 4 to 7 below.

Art. 4 Investigatory powers

Any participant who a Disciplinary Commission believes may have committed a breach of these rules of conduct shall co-operate fully with any inquiry undertaken by it.

Upon request by the Disciplinary Commission, a participant must provide any information which the Disciplinary Commission considers relevant to investigate the potential breach, including records relating to the alleged breach (such as betting account number and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and a written statement setting out the relevant facts and circumstances around the alleged breach.

Art. 5 Data protection

By signing the Entry Form to participate in a Weightlifting competition, the person shall be deemed to have agreed to the purposes of applicable data protection laws and other laws and for all other purposes, to have consented to the collection, processing, disclosure or any use of information relating to his/her activity to the extent permitted under these rules of conduct.

Art. 6 Right to be heard

In all procedures linked to breaches of these rules of conduct arising during any Weightlifting competitions, the right of any person to be heard shall be exercised solely before the Disciplinary Commission.

The right to be heard includes the right to be acquainted with the charges and the right to appear personally in front of the Disciplinary Commission or to submit a defence in writing, at the option of the person exercising his or her right to be heard.

Art. 7 Measures and sanctions

7.1 In all cases of breaches of these rules of conduct arising during any Weightlifting competitions for which the IWF Executive Board has delegated its powers to the Disciplinary Commission, such Commission shall decide on the measure and/or sanction to be pronounced. Such decision, which the Disciplinary Commission shall promptly communicate to the IWF President and Executive Board, shall constitute the decision by the IWF.

7.2 In all cases of breaches of these rules of conduct arising during any Weightlifting competitions for which the IWF Executive Board has retained its powers pursuant to article 3 above, the Disciplinary Commission shall provide the IWF Executive Board with a report on the procedure conducted under the authority of the Disciplinary Commission, including a proposal to the IWF Executive Board as to the measure and/or sanction to be decided upon by the IWF Executive Board. In such case, the proposal of the Disciplinary Commission shall not be binding upon the IWF Executive Board, whose decision shall constitute the decision by the IWF.

Art. 8 Notification to the Participants

The IWF President, or a person designated by him, shall, in confidence, promptly notify the participant and the National Federation concerned of the fact that a Disciplinary Commission is investigating a potential breach of these rules of conduct.

Notification to a weightlifter may be accomplished by delivering a notice to the National Federation.

Art. 9 Disciplinary Commission hearing

In the notification referred to in article 8 above, the IWF President, or a person designated by him, shall offer the participant the option of appearing at a hearing of the Disciplinary Commission or of submitting a defence in writing.

If the participant concerned by the breach of these rules of conduct is an athlete or member of a National Federation delegation, the option of appearing at a hearing of the Disciplinary Commission or of submitting a defence in writing shall be offered to the National Federation representative.

If the participant elects to appear before the Disciplinary Commission, he or she may be accompanied at the hearing by a maximum of three persons of his or her choice (lawyer, etc.).

If the participant elects not to appear before the Disciplinary Commission, he or she may submit a defence in writing, which should be delivered to the Disciplinary Commission within the deadline set forth by the Disciplinary Commission to that effect.

If the Participant has already left the city where the Weightlifting competition takes place, the Chairman of the Disciplinary Commission shall take reasonable measures that he or she considers appropriate in the circumstances in order that a decision can be made as quickly as possible in accordance with these rules of conduct.

Art. 10 Provisional suspension

The Chairman of the Disciplinary Commission may suspend the participant until the decision has been pronounced by the Disciplinary Commission or the IWF Executive Board, as the case may be.

Art. 11 Opinion of experts; adducing other evidence

The Disciplinary Commission may seek the opinion of experts or obtain other evidence on its own motion.

Art. 12 Notification of decision

The IWF President, or a person designated by him, shall promptly notify the participant concerned by a breach of these rules of conduct of the decision by the Disciplinary Commission or the IWF Executive Board, as the case may be, by sending a full copy of the decision.

Notification shall also be made to the National Federation concerned.

Annex :
Definitions

For the purpose these Rules,

- "Bet" means a wager of money or any other form of financial speculation;
- "Betting" means making, accepting, or laying a Bet and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator/toto games, live betting, betting exchange, spread betting and other games offered by betting operators;
- "Benefit" means the direct or indirect receipt or provision (as relevant) of money or money's worth (other than payments to be made under sponsorship or other contracts);
- "Inside Information" means any non-public information (not already published or a matter of public record) about a Weightlifting competition or participant held by or known to a participant by virtue of his or her position, participation or other form of involvement in the Weightlifting competition
- "Person" shall include natural persons and any form of bodies corporate.