

ASSER International Sports Law Series

For further volumes:
<http://www.springer.com/series/8858>

Paul M. Anderson · Ian S. Blackshaw
Robert C. R. Siekmann · Janwillem Soek
Editors

Sports Betting: Law and Policy

T · M · C · A S S E R P R E S S

 Springer

Paul M. Anderson
Marquette University Law School
National Sports Law Institute
West Michigan Street 1215
Milwaukee, WI 53201
USA
e-mail: paul.anderson@marquette.edu

Ian S. Blackshaw
T.M.C. Asser Institute
ASSER International Sports Law Centre
R.J. Schimmelpennincklaan 20–22
2517 JN, The Hague
The Netherlands
e-mail: ian.blackshaw@orange.fr

Robert C. R. Siekmann
T.M.C. Asser Institute
ASSER International Sports Law Centre
The Hague
The Netherlands
e-mail: r.siekmann@asser.nl

Janwillem Soek
T.M.C. Asser Institute
ASSER International Sports Law Centre
The Hague
The Netherlands
e-mail: J.soek@asser.nl

ISSN 1874-6926
ISBN 978-90-6704-798-2
DOI 10.1007/978-90-6704-799-9

e-ISBN 978-90-6704-799-9

Library of Congress Control Number: 2011936528

© T.M.C. ASSER PRESS, The Hague, The Netherlands, and the authors 2012

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. The use of general descriptive names, registered names, trademarks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

Cover design: eStudio Calamar S.L.

Printed on acid-free paper

Springer is part of Springer Science+Business Media (www.springer.com)

Series Information

Books in the *ASSER International Sports Law Series* chart and comment upon the legal and policy developments in European and international sports law. The books contain materials on interstate organisations and the international sports governing bodies, and will serve as comprehensive and relevant reference tools for all those involved in the area on a professional basis.

The Series is developed, edited and published by the ASSER International Sports Law Centre in The Hague. The Centre's mission is to provide a centre of excellence in particular by providing high-quality research, services and products to the sporting world at large (sports ministries, international—intergovernmental—organisations, sports associations and federations, the professional sports industry, etc.) on both a national and an international basis. The Centre is the co-founder and coordinator of the Hague International Sports Law Academy (HISLA), the purpose of which is the organisation of academic conferences and workshops of international excellence which are held in various parts of the world. Apart from the Series, the Centre edits and publishes *The International Sports Law Journal*.

Series Editors

Dr. Robert C. R. Siekmann, Director Asser International Sports Centre
e-mail: r.siekmann@asser.nl

Dr. Janwillem Soek
e-mail: J.soek@asser.nl

M. A. van der Harst LL.M.
e-mail: m.van.der.harst@asser.nl

Editorial Office

ASSER International Sports Law Centre
T.M.C. Asser Institute
P.O. Box 30461
2500 GL The Hague
The Netherlands
www.sportslaw.nl



Foreword

I am very pleased and honoured to have been invited to write the foreword to this timely book. I use the word ‘timely’ advisedly to characterise this book as, sadly, more and more cases of corruption—of one kind or another—in sport are regularly being exposed by the world’s media. Not surprisingly, perhaps, because there is so much to play for, not only in sporting terms but also in financial ones as sport nowadays is big business and a global industry in its own right!

Take, for example, a couple of recent instances of corruption in sport. The disclosures by *The Sunday Times* newspaper of corruption in the bidding process for the 2018 FIFA World Cup, resulting in bans being imposed on the two members of the FIFA Executive Committee alleged to have been involved in this scandal by offering their votes to the England bidding team in return for substantial monetary payments. And also the exposure by the *News of the World* newspaper on ‘match fixing’ or—more properly described—‘spot fixing’ in cricket involving certain members of the Pakistan National Cricket Team during the 4th Test between England and Pakistan at Lords in which, it is alleged, that they deliberately bowled ‘no balls’ at predetermined points in an over, as pre-arranged and agreed with a certain bookmaker, who would take bets on when ‘no balls’ would be bowled during the match.

Betting and sport have been—to some extent—uneasy bedfellows probably since the dawn of time: for example, lottery games were originally played in China some three thousand years ago! Not only is it enjoyable to watch a sporting event, but added excitement and interest come from also being able to bet on the outcome of it. In fact, horse racing depends upon betting for its very survival as a sport. As David Forest points out in his contribution to this book:

...betting has been a pervasive influence on sport. For example, betting companies have become a dominant source of sponsorship in English Premier League football and the famous shirts of Real Madrid are now adorned with the logo of a bookmaker.

This book looks at the Law and the Policy on Betting and Sport in many countries around the world—sport is a global phenomenon—and thus provides a very useful and valuable comparative survey on a subject that is so vital to

safeguarding and preserving the integrity of those sports in which betting is legally allowed.

In fact, the International Olympic Committee now requires all athletes participating in the Summer and Winter Games to sign a declaration that they will not be involved in betting. Also, the European Governing Body of Football (UEFA) has introduced a sophisticated system for monitoring betting markets on matches under its or its members' jurisdiction. And the United Kingdom Government has recently enunciated a formal policy requiring sports to defend themselves against 'fixers' (UK Department for Culture, Media and Sport, 2010).

Of course, with such preventive measures in place, sport and betting can—and do, in fact—coexist for their mutual benefit. Indeed, National Lotteries raise substantial sums of money for 'good causes,' which include the funding of sports events and sports persons.

I warmly congratulate Professors Paul Anderson, Ian Blackshaw and Robert Siekmann, the Editors of this book, as well as the contributors, in assembling such a mine of useful information on such an important subject; and also the TMC Asser Press for publishing this material.

I would, therefore, welcome and heartily commend this book to sports lawyers and all others with a particular professional, academic and policy interest in the subject, including those who are involved in the organisation and administration of National Lottery Schemes benefitting sport.

After all, the essence of sport is 'fair play' and illegal and unfair betting arrangements and the manipulation of the outcomes—in one way or another—of sporting events are completely anathema and contrary to this fundamental concept and principle. And long may this be so!

The Hague, January 2011

Tjeerd Veenstra
Director of the Dutch De Lotto
Second Vice-President, The European Lotteries

Acknowledgments

This publication was realised with the cooperation of



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA
Denkielers • Leading Minds • Dikaoobolo tsa Dihalefi

C/M/S/

Law . Tax

Contents

1	Introductory Remarks	1
	Ian S. Blackshaw	
 Part I General Aspects		
2	The Revolution	9
	Declan Hill	
3	Betting and the Integrity of Sport	14
	David Forrest	
4	European Union Law, Gambling, and Sport Betting. European Court of Justice Jurisprudence, Member States Case Law, and Policy	27
	Anastasios Kaburakis	
5	Sports Betting and European Law	98
	Marios Papaloukas	
6	Sports Betting in the Jurisprudence of the European Court of Justice: A Study into the Application of the <i>Stare Decisis</i> Principle, or: The Application of the “Reversal Method” of Content Analysis and The Essence of the ECJ Case Law on Sports Betting	107
	Robert C. R. Siekmann	
7	Match-Fixing: FK Pobeda et al. v. UEFA (CAS 2009/A/1920) . . .	162
	Jean-Samuel Leuba	

Part II Country Reports

8 Sports Betting in the Netherlands: A Legal Framework Study . . . 175
Dolf Segaar and Wouter Seinen

9 Argentina 196
José María Sabat Martínez

10 Sports Betting. Law and Policy in Austria 219
Ingo Braun and Amelie Starlinger

11 Sports Betting: Law and Policy. Belarus 236
Aliaksandr Danilevich and Natalia Yurieva

**12 Towards a B2B Model for Online Sports Betting Operators
in Belgium: Is the New Business Model Viable for
all Stakeholders?** 246
Momtchil Monov and Thibault Verbiest

13 Sports Betting: Brazil 253
Maurício Ferrão Pereira Borges

14 Legal Regulation of Sport and Betting in Bulgaria 264
Boris Kolev

15 Sports Betting in Canada 288
Garry J. Smith

**16 “Sports Betting: Law and Policy.” The Regulation
of Sports Betting in the Caribbean** 304
J. Tyrone Marcus

17 Sport Betting and its Regulation in China 325
Huang Shixi

18 Regulation of Sports Betting in the Czech Republic 333
Pavel Hamerník

19 Sports Betting Regulation in Denmark 341
Søren Sandfeld Jakobsen

**20 Estonia: Regulation of Sports Betting Under the
New Gambling Act** 363
Katarina Pijetlovic

21 Betting in France	383
Perrine Pelletier, Thibault Verbiest and Geoffroy Lebon	
22 Reorganization of the Sports Betting Market in Germany	410
Martin Nolte	
23 Sports Betting in Greece.	421
Marios Papaloukas	
24 The Sportbetting System in Hungary	435
András Nemes, József Nagyréti, András Pütkösty and Réka Józsa	
25 Sports Betting: Is it Really Illegal in India?.	443
Vidushpat Singhanian	
26 Sports Betting in Indonesia.	453
Hinca IP Pandjaitan	
27 Chapter on Sports Betting in Ireland	473
Gary Rice, Aidan Healy and Gillian Ridgway	
28 Betting In Sports Events. Gambling In Italy	495
Felice Antignani, Michele Colucci and Felix Majani	
29 Sports Betting and the Law in Japan	512
Takuya Yamazaki and Yuki Mabuchi	
30 Sports Betting in Kenya	527
Felix Majani	
31 Sports Betting: Law and Policy. The Chapter on Latvia	538
Sarmis Spilbergs and Reinis Pavars	
32 Sports Betting in Lithuania.	551
Jaunius Gumbis and Liudas Karnickas	
33 Sports Betting in Luxembourg	556
Jean-Luc Schaus	
34 Legal Aspects of Sports Betting in Macedonia	562
Igor Aleksandrovski	

35	Sports Betting in New Zealand: The New Zealand Racing Board	572
	Elizabeth Toomey and Simon Schofield	
36	Sports Betting: Law and Policy (Northern Ireland)	602
	Jack Anderson	
37	Sports Betting in Norway: Law and Policy	628
	Ronny V. van der Meij	
38	Sports Betting and the Law in Portugal	634
	Pedro Cardigos	
39	Sports Betting in Romania	644
	Dan Visoiu	
40	Lotteries, Bookmakers and Sweepstakes in Russia	648
	M. A. Prokopets and D. I. Rogachev	
41	Legal Aspects of Sports Betting in Serbia	676
	Milan Dakić	
42	Sports Betting in Singapore	688
	Lau Kok Keng	
43	Slovak Republic	695
	Jozef Čorba	
44	Operation, Problems and the Impact of Chance Games on the Development of Sport in Slovenia	707
	Tone Jagodic	
45	Gambling and Sport in South Africa	719
	Marita Carnelley and Steve Cornelius	
46	Legal Regulation of Sports Betting in Spain and its History	735
	Yago Vázquez, Jordi López and José Juan Pintó	
47	Sports Betting in Sweden	763
	Michael Plogell and Erik Ullberg	
48	Regulation of Sports Lotteries and Betting in Switzerland	774
	Jérôme de Montmollin and Dmitry A. Pentsov	

**49 Les Paris Sportifs en Droit Turc (en Particulier dans le
Domaine du Football Professionnel) 812**
Özgerhan Tolunay

50 Juridical Regulation of the Betting in Ukraine. 839
Daniel Getmantsev

51 Sports Betting: United Kingdom 843
Adrian Barr-Smith

**52 The Regulation of Gambling Under U.S. Federal
and State Law 854**
Paul M. Anderson

53 The U.S. System for Regulating Internet Gambling 870
Paul M. Anderson

54 U.S. Collegiate Athletics 885
Adam Epstein and Bridget Niland

55 U.S. Gaming and Sports Facility Financing 910
W. S. Miller

56 U.S. Professional Athletics 936
Anita Moorman

57 Concluding Remarks 958
Ian S. Blackshaw

Acronyms 961

National and International Legislation 967

Table of Cases. 1013

Subject Index 1021