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**04**

**FFT:**

**Submission to the  
Independent  
Review Panel**

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**Independent  
Review  
of Integrity  
in Tennis**

**APPENDIX**

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<p style="text-align: center;"><b>Inquiry by the Independent Review Panel (IRP)</b> <b>Official position of the FFT</b></p>
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## **Introduction**

In addition to doping, the integrity of sport in general and of tennis in particular now faces another serious threat : the manipulation of sporting events for the purposes of gambling operations. Cheating in order to lose and obtain financial benefits is the most pernicious form taken by sports-based corruption.

Manipulating players to lose points, games or sets, or umpires to delay the announcement of the score : these are practices that are developing to the detriment of the sport's integrity.

The considerable development of sport betting, in particular online, over the past fifteen years, has added immensely to the value of these fraudulent practices.

The international growth of tennis, its media exposure and its nature as an individual sport leave it particularly vulnerable to the risk of cheating and manipulation. It is obviously easier for manipulators to approach and attempt to convince individual players, in order to corrupt them, rather than targeting team sports.

The opportunities for betting on tennis have multiplied as a result of the rise of the internet, the de-territorialization of data flows and the instant provision of information : it is now virtually possible to gamble on a different competition each day, all over the world.

Tennis today constitutes the 2<sup>nd</sup> largest sport betting opportunity, behind football, both worldwide and in France, with a market share of nearly 22%.

Given the scoring structure of tennis and the opportunities for live betting that it offers, fraud is perhaps harder still to detect than in other sports.

Conscious of these risks, and guided by a determination to protect the integrity of tennis and of the sporting competitions that it organizes, the Fédération Française de Tennis has made the defeat of corruption and illegal sport betting one of its priorities, ever since the online sport betting market was opened in France in 2010.

## I. Legal context

### a. External legal context

#### i. The law of 12th May 2010

In response to European Union demands, as well as for reasons of economic pragmatism, the French state in 2010 opened the market for online gambling and gaming. Rather than continuing with a situation of uncontrollable illegality, it opted to legalize and regulate a credible and taxable offer, with a view to stigmatizing and ‘draining’ the illegal offer.

The FFT played a pioneering role in recognizing the rights of organizers of sporting events in dealings with betting operators, with ground-breaking case law : in a dispute between the FFT on the one hand and Expekt and Unibet on the other, the ruling on appeal (Paris Appeals Court, 14th October 2009) in favour of the FFT, gave exploitation rights a basis in case law, concluding that *“ any form of economic activity designed to generate a profit and only existing by virtue of the existence of the sporting event to which it relates must be regarded as a form of exploitation (...) ”*.

It was under these circumstances that law n° 2010-476 of 12th May 2010, relating to the opening-up of online gambling and gaming to competition and to regulation, then enshrined - under the terms of article L.333-1 of the sports code - the ownership rights of organizers of sporting events in the form of the right to allow betting on their sporting events or competitions to be organized.

Defending the rights of the organizers of sporting events had two objectives :

- protecting the integrity of sport and of competitions ;
- enabling the organizers of sporting events to retain control over the exploitation of said events.

Thus, the law of 12th May 2010 opening up online gambling and gaming to competition and to regulation gave rise to the creation of the ‘Autorité de Régulation des Jeux En Ligne’ (the regulating authority for on-line gaming, or “ARJEL”), an ‘autorité administrative indépendante’ (independent administrative authority, or “AAI”).

The ARJEL’s remit is as follows :

- approving betting operators and ensuring fulfilment by said betting operators of their obligations,
- protecting vulnerable sectors of society and combatting addiction,
- ensuring the security and honesty of gambling operations,
- taking action against illegal sites,

- combating fraud and money-laundering.

The law of 12th May 2010 strictly regulates the online provision of sports betting :

- the betting offer must be formulated by an ARJEL-approved bookmaker ;
- sports betting is only authorized if it relates to :
  - a sporting competition authorized to serve as a betting opportunity and
  - a type of result authorized to serve as a betting opportunity.

The law of 12th May 2010 also requires federations to lay down rules prohibiting individuals involved in sporting competitions *“from placing bets, directly or through intermediaries, relating to the competition in which they are taking part, and from disclosing to any third parties inside information that is obtained through carrying out their professional activities or duties and is unknown to the public”*.

## **ii. The law of 12th February 2012**

The law of 1st February 2012 was brought in to complement the existing legal provisions, and in particular required sporting federations to implement measures to :

- “ (i) prohibit individuals involved in sporting competitions from providing sport forecasting services relating to all or any parts of a competition in which they are involved ;*
  - (ii) prohibit individuals involved in sporting competitions from owning interests in sport betting operators accepting bets in the relevant area*
- ”.

The law of 1st February 2012 also created a new criminal offence of sport-related corruption under the terms of article 445-1-1 of the sports code :

445-1 of the sports code :

*“ A penalty of 5 years’ imprisonment and a fine of € 500 000, which may be increased to twice the earnings received from the offence, shall be imposed upon any individual who presents, without being entitled to do so, at any time, directly or indirectly, to another individual who, without being in a position of public authority, entrusted with a public service mission, or holding elected public office, carries out in a professional or social context, management or work for an individual or organization of any kind, offers, promises, donations, gifts or benefits of any kind, for the individual him- or herself or for anyone else, in return for carrying out or for refraining from carrying out, or because he or she has carried out or refrained from carrying out, an action within the context of his or her activities or duties, or facilitated as a result of his or her activities or duties, in contravention of his or her legal, contractual or professional obligations.*

*The same penalties shall be imposed upon any individual who presents an individual as specified in the first paragraph who, without being entitled to do so, at any time, directly or indirectly, attempts to obtain offers, promises, donations, gifts or benefits of any kind, for the*

*individual him- or herself or for anyone else, in return for carrying out or for refraining from carrying out, or because he or she has carried out or refrained from carrying out, an action of the kind specified in said paragraph, in contravention of his or her legal, contractual or professional obligations ”.*

Article 445-1-1 (created by [Law n° 2012-158 of the 1st February 2012 - art. 9](#))

*“ The penalties imposed under the terms of [article 445-1](#) are applicable to any individual who promises or offers, without being entitled to do so, at any time, directly or indirectly gifts, donations, or benefits of any kind, for him- or herself or for anyone else, to an individual involved in a sporting event giving rise to sports betting, so that the latter party alters, by acting or refraining from acting, the normal and fair conduct of said event.*

*The penalty for this offence shall be 5 years’ imprisonment and a fine of € 500 000 ”.*

## **b. Internal legal context**

By application of the legal provisions arising from the laws of 12th May 2010 and 1st February 2012 and of the recommendations made by the ARJEL, and in view of the priority made of preventing any risk of damage to the sport’s integrity, the FFT **(i)** transposed into its by-laws and regulations the legal obligations laid down in the above laws **(ii)** drew up, in collaboration with the ARJEL, a list of authorized betting opportunities **(iii)** signed concession contracts, with ARJEL’s approved sport betting operators, enabling the organization of on-line betting, and **(iv)** signed contracts with sport betting operators worldwide for the sale of rights to official data and streaming of matches in the Roland-Garros tournament.

The FFT is however still banned under its own provisions from having a sport betting operator as a sponsor or partner in one of its tournaments **(v)**.

### **i. FFT by-laws and regulations**

By application of the laws of 12th May 2010 and then of the 1st February 2012, a new set of provisions was integrated into the FFT’s by-laws and regulations prohibiting its licensees :

- (i) from placing bets, directly or through intermediaries, relating to the competition in which they are taking part, and from disclosing to any third parties inside information that is obtained through carrying out their professional activities or duties and is unknown to the public .
- (ii) from providing sport forecasting services relating to all or any parts of a competition in which they are involved ,
- (iii) from owning interests in sport betting operators accepting bets in the relevant area.

### **ii. Authorized betting opportunities**

In order to set the new limits for the provision of on-line betting relating to tennis, the FFT has had to reconcile objectives that were frequently contradictory :

- first and foremost, to prevent any risk of damage to the integrity of the sport,
- to strive to avoid penalizing approved betting operators excessively as they compete with illegal operators,
- to ensure that the French model is economically viable and so sufficiently well-regarded to eventually become the model that is followed by the other countries of the European Union or even of the world, in such a way that the organizers' property rights are then recognized at an international level.

Decree n° 2010-483 of the 12th May 2010 puts in place a mechanism for validating authorized betting opportunities :

- a list of betting opportunities is drawn up by the ARJEL ;
- any party (whether an approved operator, a private-law organizer or a Federation) may apply to the President of the ARJEL to have a competition or a type of result added to the list of betting opportunities;
- the ARJEL may initiate a request for inclusion or for modification of the list of authorized betting opportunities ;
- the ARJEL's collegial body will issue its ruling after consulting the relevant delegated Federation, or failing this the Minister responsible for sport ;
- the delegated Federation is consulted in its capacity as an expert in the area of sport concerned, rather than in its capacity as organizer.

The ARJEL applies the following criteria in particular when considering adding new competitions or types of results to the list of authorized betting opportunities :

- 1 - the quality of the competition organizer ;
- 2 - the regulations applicable to these competitions, including provisions relating to the publication of the results of the competition;
- 3 - the age of competitors allowed to enter these events ;
- 4 - the profile of, and stakes at play in, the competition guaranteeing an adequate number of betting customers.

And so by application of the rules relating to the addition of authorized betting opportunities, the FFT has been approached on numerous occasions by the ARJEL to provide its opinion.

Thus each of the competitions or types of results currently included on the list of authorized betting opportunities for tennis was included after consultation of the FFT or of the Ministry of Sport.

The opinions expressed by the FFT concerning additions to the list of authorized betting opportunities were arrived at on the basis of proposals from a working group made up of representatives from the FFT's Competition, Media and Legal Departments, and following approval from the *Bureau Fédéral* of the FFT and the *Comité de Direction* of the FFT (FFT's Management Committees).

Eager to protect the integrity of the sport and to follow the recommendations of the ARJEL's collegial body, the FFT has always been careful only to give its approval to competitions :

- presenting every organizational guarantee (quality of the organizer, regulations, umpiring conditions, compliance with anti-doping rules, etc.) ;
- of adequate size, on the basis of three criteria - the sports stake, the financial stakes, and the level of profile (and so media exposure).

Drawing up this list of authorized betting opportunities on the basis of the above criteria has therefore led the FFT to exclude competitions that still have low media profiles or limited stakes in financial or sporting terms, which make it impossible to provide adequate guarantees to eliminate any risks of corruption.

This is the case for the Challengers or Futures tournaments, even though regular requests have been made by French sport betting operators for inclusion of these events on the list of authorized betting opportunities.

The same applies for certain types of results, such as negative game events (faults, etc.), which are excluded from the list of authorized betting opportunities as an additional guarantee of the protection of sporting ethics.

The question of increasing the extent of authorized betting opportunities is a complex one. It is sometimes hard to decide where the line should be drawn in order to strike a balance between, on the one hand, the benefits of opening the market to certain competitions and so through the imposition of regulations more effectively countering the illegal offer and enhancing the monitoring of certain competitions and, on the other, the detrimental consequences of said opening on competitions without the necessary organizational guarantees or the substance in sporting, media and financial terms required to reduce the risks of corruption.

The betting opportunities currently authorized for tennis are as follows :

#### **Categories of competition authorized by the ARJEL :**

##### **ATP WORLD TOUR (Finals, Masters 1000, 500 series, 250 series)**

- ▶ Men's Singles : Main Draw
- ▶ Men's Doubles : Quarter-finals of the Masters 1000, Semi-finals of the ATP World Tour Finals and Masters 1000 tournaments and Finals of the ATP World Tour Finals, Masters 1000, 500 series and 250 series tournaments

##### **DAVIS CUP (other than matches that do not determine the tie winner : dead rubbers)**

##### **FED CUP (other than matches that do not determine the tie winner)**

##### **GRAND SLAM**

- ▶ Final Round of the qualifying draw Women's Singles and Men's Singles
- ▶ Main Draw : Women's Singles and Men's Singles
- ▶ Quarter-finals, Semi-finals and Finals : Women's Doubles, Men's Doubles, Mixed Doubles

##### **WTA TOUR (Finals, Elite Trophy, Premier Mandatory, Premier 5, Premier 700, International)**

- ▶ Women's Singles : Main Draw

- ▶ Women's Doubles : Quarter-finals of Premier Mandatory ; Semi-finals of the WTA Finals and Premier Mandatory tournaments; Final of the WTA Tour Finals, Elite Trophy, Premier Mandatory, Premier 5, Premier 700, International tournaments.

### **OLYMPIC GAMES**

- ▶ Main Draw : Women's Singles and Men's Singles
- ▶ Semi-finals, third-place play-off and Finals : Women's Doubles, Men's Doubles and Mixed Doubles

### **Types of results and corresponding game events authorized by the ARJEL :**

#### **With regard to WINNERS \***

- ▶ of the tournament / of the team event
- ▶ of the match
- ▶ of the set
- ▶ of the deciding game
- ▶ of the game
- ▶ of the point
- ▶ of the quarter (or any other section) of the draw

#### **With regard to SCORE(S) \***

- ▶ of the match
- ▶ of the set
- ▶ of the deciding game

#### **With regard to SET(S) \* :**

- ▶ Number of sets in the match
- ▶ Margin - in number of sets - between the players at the end of the match

\* However bets taken on a match that is abandoned or ends through disqualification of a player will be cancelled by the betting operator.

#### **With regard to GAMES \* :**

- ▶ Total number of games in each set
- ▶ Number of games in the match
- ▶ Number of deciding games in the match

#### **With regard to POINT(S) \* :**

- ▶ Number of winning points
- ▶ Total number of points per set per player
- ▶ Total number of points per set for both players
- ▶ Total number of points in the match per player
- ▶ Total number of points in the match for both players
- ▶ Number of aces
- ▶ First player to score 10, 15 or 20 points in a set
- ▶ Margin - in number of points - between the players at the end of the match

\* However bets taken on a match that is abandoned or ends through disqualification of a player will be cancelled by the betting operator.

- ▶ Qualification to the Final Positions of a Grand Slam tournament (excluding cases of repechage or ‘lucky losers’)
- ▶ Qualification to the Semi-finals of the ATP World Tour Finals or of the WTA Championships
- ▶ Reaching the Final of a tournament

ATP and WTA tour annual technical rankings :

- ▶ The world n° 1 male player in the ATP technical ranking
- ▶ The world n° 1 female player in the WTA technical ranking

Tournaments winning streak :

- ▶ The winner of X Grand Slam tournaments
- ▶ The winner of more than X 1000 Masters
- ▶ The winning country in the Davis Cup or Fed Cup

Performance of a player in one of the above competition categories.

Furthermore under the terms of decision n° 2010-038 dated 18th June 2010, the ARJEL’s collegial body stipulated that the only bets that could be cancelled were those that related to types of results that had not been fully completed and for which no result had been announced by the organizer. As soon as the result had been announced by the organizer of the sporting competition, the bet had to be implemented in accordance with the provisions of article 3 of decree n° 2010-483 dated 12th May 2010.

### **iii. Contracts with ARJEL-approved operators**

The law of 12th May 2010 had one crucial purpose : protecting the sport’s integrity in the face of the risks of cheating and corruption.

The property rights enshrined in the law of 12th May 2010 take material form when a concession contract to organize on-line betting is signed with each ARJEL-approved operator that requests this.

Each draft contract intended to be signed with sport betting operators is submitted for approval by the ARJEL before execution.

To date, the FFT has signed contracts with 12 sport betting operators approved in France.

Among other advantages, the signing of contracts with sport betting operator enables monitoring and alert mechanisms to be put in place in order to avoid or, if applicable, detect frauds. To this end, the contracts signed between the FFT and the sport betting operator stipulate in particular that :

- The operator must notify the FFT of any alerts or any suspect bets, indicating the sums involved ;
- The operator must pass on any information regarding suspected fraud or manipulation of bets registered before or during the period of the competition, as soon as possible after it acquires said information ;

- In the event of proven frauds or manipulations on the bets registered, the operator undertakes immediately to suspend betting on the types of results concerned, by any appropriate means as soon as it learns of this development. The operator undertakes moreover to notify the FFT of the value of the bets underway and in more general terms to provide it with any evidence that may assist in proving the manipulation ;
- The operator must at the end of the competition, announce the amount and the number of all bets and winnings in excess of five thousand euros (€ 5,000 ) exclusive of tax ;
- The operator agrees to refrain from displaying the score point by point for non-activated accounts.

Furthermore, in contracts signed with the operators, the FFT will only grant those elements required for construction of the betting offer, namely :

- the non-exclusive right to organize on-line betting on the competition.
- the right to reproduce the schedule and the name of the competition (excluding any images of the tournament or the players taking part in the competition)
- the right to display the dedicated ‘authorized betting operator’ logo on the operator’s website.

The FFT will scrupulously avoid granting the right to use the Roland-Garros logo or the BNP Paribas Masters logo. Indeed the FFT wishes to avoid any form of possible association between betting operators’ commercial activities and the tournaments that it organizes. This basic principle is now leading the FFT to rule out selection of a sport betting operator as one of its sponsors (cf. point v. above).

#### **iv. Contracts with operators worldwide (official data and streaming of Roland-Garros matches)**

The commercialization of official data and of the streaming of matches in the Roland-Garros tournament was initiated by FFT in late 2015.

This decision by the FFT was based firstly on the fact that the commercialization of official data and of tournament match streaming could represent a source of earnings for the FFT, and secondly on the consideration that the commercialization of official data and of match streaming would enable the FFT to reinforce its property rights and to counter the illegal capture of official data from the Roland-Garros tournament by other companies (by the use of courtsiders transmitting match data from inside the tournament before said data have been validated by the chair umpire).

The FFT has taken care to impose a two-level guarantee within the context of the commercialization of official data and of match streaming, both upon its licensees (i.e. the holders of commercialization rights) and upon the final sub-licensees (sport betting operators).

Thus the contracts providing for the commercialization of official data and of Roland-Garros tournament match streaming include a set of obligations designed to prevent any risk of

damage to integrity, drawn up on the basis of the obligations imposed on French sport betting operators.

For example :

- The organization appointed to commercialize data and match streaming undertakes to refrain from providing operators with any data liable to give rise to risks to the integrity of the competitions organization by the FFT.
- All of the operators that have acquired official data agree to sign the charter of the TIU (Tennis Integrity Unit) putting in place mechanisms for the exchange of information that are designed to protect the integrity of tennis and of the competitions.
- Only those sport betting operators that are considered legal in the countries in which they are presenting their betting offer, as the term is used in the 2014 Convention on the manipulation of sporting competitions, may be granted exploitation rights to the tournament's official data and to match streaming.
- The operators may only use the official data from matches for the purposes of their sports betting activities and within the geographical area stipulated in the contract.
- Images of matches and official data are only made accessible to betting customers holding activated accounts in credit with the operator concerned.
- The operators are only to offer as betting opportunities those competitions and types of results that have been authorized by the ARJEL.
- The operators undertake to refrain from producing any advertisements, promotion or communications liable to create confusion in the minds of the public as to any association / partnership between the Roland-Garros tournament and itself or its own sponsors and / or partners.
- No intellectual property rights (over trademarks, logos, etc.) are being granted by the FFT to the sport betting operators.

The FFT has also decided to put in place a system for the detection and prevention of fraud, including in particular :

- notification of the FFT by sport betting operators of any atypical or suspect bets ;
- mechanisms for the communication of relevant information between each operator and the FFT, together with guarantees of confidentiality regarding the information exchanged ;
- compliance with the applicable laws and standards relating to the protection of personal data ;

- the immediate suspension of betting in the event of fraud or of proven manipulation in the bets registered by the sport betting operators.

## **v. Sponsorship by sport betting operators**

Although in practice the fact that a sport betting bookmaker sponsors an event does not necessarily compromise the integrity of a competition, the FFT, in the spirit of the discussions held in the course of the meetings of the Grand Slam Board, now rules out the selection of a sport betting bookmaker as a sponsor or partner for any of its tournaments.

This is because it considers that raising the profile of a sport betting operator and enabling said betting operator to associate its image with that of the tournament may call into question the necessary demarcation that must be maintained between the organizer of a sporting event and the activities of a betting operator.

It should be noted that this is not the position taken in other sports such as football.

**Thus the legal context, in both external and internal terms, is extremely rigorous, and France is without a doubt one of the most advanced countries in this area.**

## **II. Action taken by the FFT to protect sporting integrity**

### **a. System for monitoring the Roland-Garros and BNP Paribas Masters tournaments**

Within the context of the tournaments that it organizes, and with the objective of protecting the integrity of its competitions, the FFT has put in place an enhanced system for combatting corruption and illegal sports betting, the key measures of which are as follows :

- i.** For the tennis players, umpires and referees registered with the Fédération, FFT members and personnel, and accredited individuals (trainers and individuals accompanying players), the implementation of measures designed :
  - (i) to prohibit, and impose penalties for, any betting on the competition,
  - (ii) to prohibit, and impose penalties for, any attempts to influence elements of, and participants in, the competition in a manner contrary to sporting ethics,
  - (iii) to prohibit the transmission of any data or the revelation of any confidential and / or inside information regarding the conduct of the competition.
- The same prohibitions also apply to the general public and to guests under hospitality services. They are reiterated in the ticketing General Terms and Conditions of Sale of the tournaments, in the internal by-laws of the Roland-Garros Stadium, and within the Roland-Garros Stadium itself by means of posters, tannoy announcements and text on the giant screens.
- Monitoring of courtsiders during the competition ;
- Collaboration with the Tennis Integrity Unit ;
- Collaboration with the relevant police agencies, and in particular the “Service Central des Courses et Jeux”, police department dealing with racing and betting (day-to-day monitoring at the competition venue) ;
- Blocking access to on-line betting sites, both year-round (FFT’s employees) and during competitions (on the wifi network) ;
- Video recording of all matches in the competition ;
- Rejection of ticket orders and requests for accreditation from individuals included on the TIU, ATP and WTA ‘No credentials list’ ;
- Assignments of match umpires on the days of the matches concerned, except in the case of Semi-finals and Finals, for which chair umpires shall be designated two (2) and three (3) days respectively before the matches concerned ;
- Awareness-raising measures for personnel responsible for competition organization and security ;

- Setting up a monitoring unit handling issues relating to sports betting and corruption.
- Putting in place a system analyzing the odds offered for matches in the competition.
- Day-to-day monitoring of non-approved websites accessible from France, and sending of formal demands to comply.
- Day-to-day monitoring of the websites approved by the ARJEL and the betting offer available on them.

## **b. ARJEL's crosschecking data**

1. Article L131-16-1 of the sports code created by the law of 1st February 2012 opened up the possibility for federations to verify compliance by the individuals involved in a competition with the prohibitions put in place to prevent betting on the competition.

This article L.131-16-1, as amended by law n° 2015-1541 of the 27th November 2015 designed to protect high-level sportsmen and -women and professionals, and to secure their legal and social situation, stipulates that :

*“ Should a delegated sports federation need, in order to implement possible disciplinary proceedings against an individual involved in a sporting competition who has placed a bet on said competition, to access personal information regarding gambling activities recorded by a bookmaker or an online betting operator that has been approved as specified in [article 21 of law n° 2010-476 of the 12th May 2010 referred to above](#), it must submit a request to the ARJEL.*

*The ARJEL provides officials from the delegated federation, specifically authorized to carry out these duties in compliance with the provisions of [law n° 78-17 dated 6th January 1978 relating to information technology, files and civil liberties](#).*

*The FFT undertook the collection of copies of the identity document of the target population in order to complete the file to be sent to the ARJEL for crosschecking (name, first name, date and place of birth).*

In 2015, the FFT initiated its first request to the ARJEL for cross-checking of files.

Taking account of the provisions of the law in force when the files are cross-checked, the scope for cross-checking has been limited to FFT-licenced players (cf point b.2).

A French player was flagged up in the course of this crosschecking operation. The TIU has suspended said player from international competitions, a measure extended to cover national competitions by the FFT through a complex procedure (the TIU regulations in this area should be revised).

This procedure provided the FFT with an opportunity to reiterate that integrity in sport is a major objective for all the international and national sporting organizations and that in view of this, the fight against doping and corruption is a vital one. The concept of integrity, it asserts, does not merely cover corruption but also encompasses any practice that may be considered deviant and that contaminates sporting activities, including tennis-related betting by tennis players.

2. In parallel with this initial cross-checking of files, the FFT has worked to broaden the scope of monitoring of the various individuals involved in the competition.

Its actions have enabled the monitoring of individuals involved in the competition even if they are not FFT licensees.

The legal provisions adopted within the context of law n° 2015-1541 of the 27th November 2015 designed to protect high-level sportsmen/women and professional sportsmen/women, and to secure their legal and social situation, are as follows :

I. - *Inserted after article L. 333-1-3 of the sports code came article L. 333-1-4, which read as follows :*

*“Art. L. 333-1-4. - The organizer of a sporting competition or event as stipulated in article L. 331-5 that prohibits the parties involved from placing bets, directly or through intermediaries, relating to said sporting competition or event may, for the purposes of imposing penalties for non-compliance with this prohibition, submit a request to the ARJEL for access to personal information regarding gambling activities recorded by a bookmaker or an online betting operator that has been approved as specified in article 21 of law n° 2010-476 of the 12th May 2010 relating to the opening up of online gambling and gaming to competition and to regulation. ”*

*“ The digital comparison operations carried out by the ARJEL and the forwarding by said authority of the results of these operations to the officials or representatives of the organizer stipulated in the first paragraph of this article, who have been specifically authorized to carry out these duties, are authorized by a decree from the ‘Conseil d’Etat’ (State Council), issued on the basis of a ruling, and accompanying explanation, published by the ‘Commission nationale de l’informatique et des libertés’ (National Commission for Information Technology and Civil Liberties).*

II. – *In the first paragraph of article L. 131-16-1 of said code, the word : ‘ disciplinaire ’ (disciplinary) is replaced with the words : ‘ de sanction ’ (of penalty)*

Thus, the FFT is now able to cross-check the files of all the parties involved in its competitions, whether or not they are licensees, in order to ensure compliance by these parties with the prohibitions applicable in the area of sports betting.

### **c. Training and prevention**

As early as 2011, the FFT participated alongside the Comité National Olympique du Sport Français (CNOSF), the French National Olympic Committee, in drawing up and circulating

two brochures, one raising awareness of the risks connected to sports betting and the other raising the issue of match-fixing.

The FFT has also developed a code of ethics setting out the collective values of the sport that work in the public interest, such as respect, honesty, solidarity and fellowship.

Humanist-inspired, this code explains the values underpinning the FFT's activities. Without taking the place of the relevant laws and regulations, it constitutes an additional factor binding these provisions and those deriving from the federal structure. Among other values, the code advocates self-control and honesty, which would tend towards the rejection of any attempts at corruption, whether financial or moral, in particular with regard to sports betting.

The FFT also carried out preventive activities and awareness-raising directed at the players taking part in women's tournaments in 2011, and at elected officials in the Fédération Française de Tennis in 2012, as well as launching a vast multi-module training initiative for players, trainers and medical personnel in 2013.

It has created awareness-raising and preventive tools relating to the area of sports betting and made them available on its website [www.fft.fr](http://www.fft.fr).

In addition to its various other initiatives, the FFT has nominated an Délégué Intégrité (Integrity Delegate) and an Référent Intégrité (Integrity Adviser) in order to facilitate the exchange of information and ensure that confidentiality is maintained.

Conscious of the need to raise the youngest players' awareness of the risks connected to corruption and sports betting, and to inform these players of the new prevention-related objectives relating in particular to approaches made via social networks, in late 2015 the FFT implemented a new training initiative, with which it has proceeded in 2016/2017.

This training initiative has 2 focuses : corruption and sports betting.

The FFT has defined priority populations requiring enhanced awareness-raising :

- Players in the France Top 100 (including the country's Davis Cup and Fed Cup teams), and in particular those who are in FFT structures (INSEP, CNE, Poitiers)
- Trainers
- Referees / umpires
- Sports agents

As a preliminary to putting in place effective training resources and ensuring that its dealings with the priority populations were as informative as possible, the FFT carried out an analysis of the different training resources and methods used by the various tennis organizations (WTA, ITF, ATP, LTA) as well as by other sports federations or organizations such as the CNOSF, Ligue Professionnelle de Football and the Fédération Française de Rugby.

Having completed this study of resources and methods, the FFT chose to base its initiatives not only on the resources recently developed by the TIU, and in particular on the online

information material and the awareness-raising videos produced with assistance from the world's top players, but also on new resources developed in-house (videos, e-learning, testimony), presented within the context of the training modules.

### **III. Desirable developments to reinforce action against the manipulation of sporting competitions and to protect the integrity of tennis**

#### **a. At national level**

##### **i. Providing French tournaments with more information regarding risks and prohibitions in force**

The FFT considers that more information must be provided concerning action to be taken against corruption and illegal sports betting at lower tournaments, which are not designated as sports betting opportunities in France but are elsewhere.

In view of the openness of these tournaments to sports betting outside France, there is a considerable risk of damage to the integrity of these competitions, particularly in the case of Challengers tournaments and Futures tournaments by comparison with the Grand Slams and other major ATP/WTA tournaments, as demonstrated in the TIU's October 2016 report.

The fact that these tournaments do not present adequate guarantees in sporting, financial or media terms (cf. point I.b.ii) to be open to sports betting in France, in no way reduces the risks in terms of integrity.

On the contrary, as these tournaments are not protected by enhanced monitoring systems, they constitute prime targets for attempts at manipulation or at the unauthorized transmission of official match data for the purposes of sports betting.

The risks identified for these tournaments are all the greater, given that the organization personnel are less well-informed regarding the prevention of risks connected to sports betting and corruption and that the players plying their trade in these tournaments may, through their youth or lack of experience on the circuit, or indeed due to financial factors, be more inclined to succumb to attempts at manipulation.

The FFT therefore considers that it would be preferable to implement, alongside the systems provided by the ITF for tournament organizers, reinforced preventive measures in these tournaments focussing on (i) the provision of training for the staff of each organization with regard to the risks connected to sports betting (ii) putting in place a monitoring system in addition to that proposed by the ITF, comprising in particular :

- Displaying posters and / or 'internal by-laws' notices for the sporting venue reiterating the prohibitions in the area of sports betting (absolute prohibition of the transmission of match data and ban on betting within the competition venue) ;
- Putting place accreditation charters to be signed by all accredited parties, reiterating the main prohibitions in the area of sports betting ;

- Drawing up a list of bodies to be contacted (TIU and organizers, and even the Police department dealing with betting) in the event of failures to comply with these prohibitions or of suspected or proven corruption.

## **ii. Closer monitoring of individuals accompanying players**

### **➤ Creation of an official list of coaches for all tournaments being held in France**

The system in place at the Roland-Garros tournament and the BNP Paribas Masters enables the risks of damage to integrity to be greatly restricted.

Individuals accompanying players must be accredited and must formally accept the full set of provisions of the charters governing the forms of accreditation they have received for the tournaments.

These charters reiterate the prohibitions applicable in the areas of sports betting, of the transmission of official data, and of the disclosure of inside information to which the accredited individuals may have access in the course of the tournaments.

Admission to these accreditation charters is subject to prior verification of the applicant's identity to ensure that he or she is not on the Tennis Integrity Unit's list of individuals who should not receive accreditation.

This process is not however applied in the case of all the tournaments held on French territory.

In fact, when most 'minor' tournaments issue accreditation to individuals accompanying players, they first check the list of individuals who should not receive accreditation, but do not require the successful applicants for accreditation to sign a charter reiterating the prohibitions in the area of sports betting.

In addition to the verification of the list of individuals who should not receive accreditation and the signing of a charter reiterating the prohibitions in the area of sports betting, the FFT considers that it may be appropriate to draw up a list of individuals authorized to coach, in order to further restrict the risks of damage to integrity.

In an environment in which inside information accessible to individuals accompanying players - and in particular coaches - must be protected, drawing up the census of coaches would enable the TIU and the FFT to better identify individuals accompanying players and so to better train / educate them, monitor them, and if applicable carry out investigations.

### **➤ Monitoring of players' guests (in possession of wristbands but not accreditation) at tournaments**

In order to enhance the monitoring of individuals accompanying players, the FFT has imposed - in addition to the sports betting monitoring systems used at the Roland-Garros and BNP Paribas Masters tournaments - an obligation upon each player wishing to obtain guest

wristbands to inform the tournament organizer of the surnames, forenames and dates of birth of their guests.

This is because, given that the wristbands supplied to players' guests enable access to areas in which inside information (physical condition, motivation, etc.) may be exchanged, the FFT saw the need to verify the identity of these guests in order to restrict the risks of transmission of inside information and indeed of any attempted approaches intended to corrupt a player.

### **iii. Facilitating the exchange of information with players and those accompanying them**

The FFT has noted that it is often difficult for players or those accompanying them to reveal attempted approaches intended to manipulate encounters with them.

There are three reasons for this.

Firstly, it would appear that players, or those accompanying them, who are the subject of these attempted approaches do not know how to characterize them, sometimes to the point of believing that the messages that they receive on social networks such as Facebook or WhatsApp are mistakes or jokes.

Secondly, it would seem that players do not have sufficient faith in the institutions responsible for receiving and processing this information or are sometimes hesitant or even intimidated by the legal and procedural aspects and would like to be in a position to supply information with no fear of proceedings being launched against them or against third parties.

Finally, there appears to be a form of 'code of silence' among players, some of whom consider that providing national or international bodies with this type of information would be contrary to the spirit of solidarity that has to exist among players, regardless of the nature of the information in their possession.

On this basis, the FFT believes that it is now vital to allow the players and those accompanying them to 'have their say'.

To bring this about, the Federation considers that it is above all important to better inform the players and those accompanying them of the dedicated points of contact in the area of integrity.

It is essential that in each of the various organizations, resources and specialists in the area of integrity and sporting competitions are identified, and that the players and those accompanying them are made aware that these individuals are able to provide responses in technical and legal terms to the questions raised by them, as well as freely communicating with them, sometimes even on an informal basis, and above all in complete confidence.

It was under these circumstances that the FFT designated its Délégué Intégrité (Integrity Delegate) and Référent Intégrité (Integrity Advisor).

The Délégué Intégrité (Integrity Delegate) and the Référent Intégrité (Integrity Advisor) are in particular tasked with disseminating information and awareness, in particular to players. They also provide advice and guidance.

The FFT wishes to further raise the profile of these dedicated points of contact and strengthen their role within the Federation.

As well as enabling players and those accompanying them to identify the dedicated points of contact in the area of integrity, it is essential to provide anyone wishing to provide information regarding attempted approaches or proven incidents of manipulation with a guarantee that, given the sensitive nature of said information, it shall be kept strictly confidential. The FFT wishes to enable the individuals concerned to reveal these issues in total confidence.

In addition to the human guarantee of confidentiality inherent in the roles of Délégué Intégrité (Integrity Delegate) and Référent Intégrité (Integrity Advisor), the FFT is examining the possibility of putting in place technologically-secured reporting circuits.

The FFT is considering setting up systems similar to those put in place in certain other sports, in the form of alert mechanisms enabling the confidentiality of information provided to be maintained, but above all ensuring the anonymity and protection of the sources.

Finally, the FFT considers that the training it is putting in place within the context of its new 2016/17 training initiative (cf. point II.c.) has a crucial role in making the players and the individuals accompanying them aware of the vital part they have to play in protecting the integrity of sporting competitions and in the crucial fight to preserve sporting ethics, both to safeguard the sport in absolute terms and to protect the career of each player as an individual.

## **b. At international level**

### **i. Encouraging the exchange of information and the applicability of penalties at a national level**

In the interests of protecting the integrity of sporting competitions, the organizations running tennis must appear united in all areas, including in legal and procedural terms, and the decisions they reach at both national and international levels must, subject to the legal context applicable in each country (which must be taken into account), be aligned and consistent.

An example of this would be the way in which, while the ITF's by-laws stipulate that “ *any individual declared ineligible to take part in contests organized, validated or recognized by the governing bodies of professional tennis, through the TACP programme, shall also automatically be ineligible, for the same period, to take part - in any capacity - in contests organized, validated or recognized by the National Federation* ”, no international penalty may be automatically transposed onto French territory, due to the way in which the Sport is organized in France and the delegation granted to the Fédération Française de Tennis by the French State.

In order to extend an international penalty to national level, the Disciplinary Committee of the Fédération Française de Tennis must have the matter referred to it, in accordance with the Federation's By-laws and Regulations, in order to verify the substance of the reported circumstances in this case, that the right of the accused to due process has been respected, and the proportionality of the penalty applied.

The FFT wishes to amend its own By-laws and Regulations as soon as possible in order to further facilitate the transposition of international decisions at a national level.

It is however essential that, in the interests of transparency and efficacy, the rules governing confidentiality that are applicable to investigations carried out by the Tennis Integrity Unit are made more flexible, so that the Federations concerned can automatically be sent all the supporting documents, thus facilitating the application of penalties at a national level (with examples of this including cases in Italy and France).

It is now a matter of necessity and urgency for the international and national tennis bodies to work together on reducing legal and procedural constraints, in order to facilitate the exchange of information and the application of international penalties by national federations. The optimal solution enabling this objective to be achieved would involve the adoption of international conventions in the area (cf. point III.3.), as has been the case at an international level for doping, which is governed by a UNESCO convention.

## **ii. Creation of an integrity officer and of regional TIU offices**

The FFT advocates identifying, within the various organizations, specialists in issues of integrity in sporting competitions who could provide players, the individuals accompanying them or the disciplinary structures of the sporting federations, with clarification in technical or even legal terms regarding these issues.

On this basis, the creation of an integrity officer could support the work done by the Délégué Intégrité (Integrity Delegate) and the Référent Intégrité (Integrity Advisor) (cf. point III.ii.3).

The FFT would also be in favour of making any structural changes - including in particular the creation of regional TIU offices - that would facilitate the transmission of information and enhance the effectiveness of integrity-related initiatives taken at an international level by strengthening the links between training / education, monitoring and investigation at a national level.

## **iii. Evolution of the TIU**

The FFT would moreover be in favour of combining anti-doping and anti-corruption efforts in a single body tasked with maintaining integrity.

The TIU should encompass all the initiatives contributing to creating a healthy, fair and equitable environment, and work towards absolute probity. In this sense, doping also represents a serious threat to integrity.

It is striking how the anti-doping programme (TADP) shares many common points with the anti-corruption programme (TACP), and is directed towards the same group of individuals - the players and the individuals accompanying them.

This constitutes a unique opportunity for the governing bodies of tennis to demonstrate leadership and commitment vis-à-vis the other sports.

This move would also enable the effectiveness of the programmes to be increased by :

- unifying the control structures,
- harmonizing regulations,
- sharing information regarding education,
- sharing details of good practice and pooling resources in terms of investigation, prevention and education.

Such a development could not take place without examining the question of control of this future organization, and more specifically issues of transparency and independence.

Care will certainly need to be taken :

- not to create a super-centralized and bloated structure,
- to maintain a high level of independence for the new body, while ensuring that it has sufficient expertise in the area of tennis to ensure that it will not take any decisions that may be considered incoherent or anachronistic,
- to respect the national federations, which must retain a role in order to feel involved in this movement,
- to strike a balance, with communication that is both transparent and respectful of individuals.

#### **iv. International harmonization of competitions and types of results open to sports betting**

The FFT is investigating the possibility, and advantages, of harmonizing the types of results and competitions open to betting in the various countries hosting professional tournaments.

In the view of the FFT, restricting the betting offer (for example to matches, while prohibiting betting on each point) may result in a reduction in the risks of manipulation of matches. Such a restriction would also have the side-effect of significantly reducing the presence of courtsiders at tournaments.

For such a measure to be effective, as in the matter of application of international penalties (see point III.1.), a harmonization of the applicable legislation via the adoption of international conventions would be required, following the example set in the area of doping.

## **Conclusion**

As an individual sport with a worldwide presence and prominence, tennis is by its nature very much exposed to the risks arising from the excesses of sports betting.

The FFT sees corruption relating to the development of on-line betting as the most serious danger for our sport. For many years, the fight against this threat has been one of its priorities, with the adoption of a zero-tolerance position.

As a consequence, the FFT is now convinced of the need to clearly identify the factors threatening the integrity of sporting competitions, and to rapidly implement all appropriate measures in order to reinforce both the structures in place and the means of detection, prevention and punishment, so that effective and unrelenting action can be taken against the manipulation of sports events and the harmful consequences of the uncontrolled development of the sports betting market.