

The Evolution of Criminal Law: The Crime of Match-Fixing in a Comparative Analysis

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Abstract

On 11 June 2026, a bill was submitted to the Romanian Chamber of Deputies with the aim of criminalising the manipulation of sports competitions for the first time. Although still at the legislative proposal stage, the proposed offence is of considerable interest to the development of criminal law, particularly given that Romania is among the few European countries that have not yet introduced such a provision into their Criminal Code, even though our country signed the Convention on the Manipulation of Sports Competitions, known as the ‘Macolin Convention’, as early as 2024. Against this background, we propose a comparative analysis of the offence of manipulating sports competitions in order to identify its constituent elements and critically assess the legislative proposal. To ensure an objective and effective analysis, we will consider both civil law and common law jurisdictions, so that proposals for legislative reform are based on a thoroughly documented analytical framework. The research methods used are a literature review, the comparative method and case law analysis.

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1. Introduction

The idea for this article emerged upon identifying a very recent Romanian bill seeking to introduce a new criminal offence under the heading ‘Manipulation of Sports Competitions’. According to the explanatory memorandum,²

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² Romanian Senate, “Expunere de motive: Proiect de lege pentru completarea Legii nr. 286/2009 privind Codul penal,” 2026, <https://www.senat.ro/Legis/PDF/2026/26b382EM.pdf?nocache=true>

combating the manipulation of sports competitions has been a constant priority for European institutions in recent years. As the main outcome of joint European efforts, in 2014 the Council of Europe adopted the Convention on the Manipulation of Sports Competitions, known as the ‘Macolin Convention’, the first and, to date, only international legal instrument specifically devoted to combating manipulation in sport, illegal betting and the laundering of proceeds from these illicit activities.

Romania also signed this instrument in 2024, but the ratification procedure has not been completed. Domestic legislation must therefore be adapted beforehand to ensure compliance with the Convention’s standards.

The Romanian Criminal Code does not contain a specific, standalone offence of manipulating sports competitions. As a result, such conduct is classified indirectly under other offences, such as corruption or fraud, which are insufficiently adapted to the particular nature of the phenomenon. This legislative gap runs counter to European trends and the obligations undertaken under the Macolin Convention, which requires states to establish specific offences or effective equivalents. The Convention promotes an integrated approach involving the co-ordination of criminal legislation with regulations governing sport and gambling, an aspect that is currently insufficiently reflected in domestic law. The absence of a standalone offence also undermines the effectiveness of international cooperation in criminal matters, particularly in cross-border match-fixing cases, where clear fulfilment of the dual criminality requirement is necessary.

In this context, the role of comparative law becomes increasingly evident and necessary: once a legislative gap has been identified, comparative analysis enables the appropriate transplantation of a new legal concept that already has an equivalent in other national legal systems and already produces legal effects in its systems of origin. Such a comparative analysis is particularly useful at this stage, while the legislative proposal is undergoing the adoption procedure, since critical observations can be taken into account in order to adopt a coherent and harmonised provision that is fully integrated into the national legal system.

According to the legislative initiative,³ the offence under the heading ‘Manipulation of Sports Competitions’ would consist of ‘the conduct of a director, administrator or collaborator of a sports entity, irrespective of its legal form, or of an athlete, referee or member of a sports arbitration committee who, directly or indirectly, for themselves or another person, requests or receives a pecuniary or non-pecuniary benefit, or accepts the promise of such a benefit, with the aim of deliberately and fraudulently predetermining or altering the result of an event, a match or an official sports competition’. It would be punishable by imprison-

(accessed June 19, 2026).

³ Chamber of Deputies of Romania, “Manipularea competițiilor sportive devine infracțiune – Proiect de lege important inițiat de deputatul Brian Cristian,” press release, June 15, 2026, https://www.cdep.ro/ords/relatii_publice/site2015.text_presa?pid=30702 (accessed June 19, 2026).

ment for a term of six months to four years, disqualification from exercising certain rights or a fine. The same penalty would also apply to a person who, directly or indirectly, promises, offers or gives a pecuniary or non-pecuniary benefit for the purpose of manipulating competitions. Attempts would also be punishable.

At the international level, the principal legal framework is the Macolin Convention.⁴ The Macolin Convention is a legal instrument and the only rule of international law concerning the manipulation of sports competitions. It calls on public authorities to cooperate with sports organisations, betting operators and competition organisers to prevent, detect and punish the manipulation of sports competitions. The Convention proposes a common legal framework for effective international cooperation in response to this global threat.

The Macolin Convention entered into force on 1 September 2019. It has been ratified by Belgium, France, Greece, Iceland, Italy, Lithuania, Norway, Portugal, the Republic of Moldova, San Marino, Serbia, Spain, Sweden, Switzerland and Ukraine. It has been signed by a further 43 European states, as well as Australia and Morocco.

Romania is one of the signatory states, having signed on 13 December 2024, but has not yet ratified the Convention.⁵

Under the Convention, ‘manipulation of sports competitions’ means an intentional arrangement, act or omission aimed at improperly altering the result or course of a sports competition in order to remove all or part of its unpredictability, with a view to obtaining an undue advantage for oneself or others.

According to the typology developed within the framework of the Council of Europe Convention on the Manipulation of Sports Competitions (the Macolin Convention), the manipulation of sports competitions can be classified into three main categories: (1) direct interference with the natural course of the competition; (2) alteration of athletes’ identities or personal information; and (3) influencing the competition by altering external factors, such as the playing surface, equipment or athletes’ physiological condition. These categories are supplemented by a classification based on the person responsible for the manipulation, which distinguishes between the exploitation of governance mechanisms, the exploitation of influence, intervention by external actors and opportunistic manipulation.⁶

⁴ Council of Europe, *Council of Europe Convention on the Manipulation of Sports Competitions*, CETS No. 215 (Magglingen/Macolin, September 18, 2014), <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cdd7e> (accessed June 19, 2026).

⁵ Council of Europe, “Chart of Signatures and Ratifications of Treaty 215: Council of Europe Convention on the Manipulation of Sports Competitions,” <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty-num=215> (accessed June 19, 2026).

⁶ Madalina Diaconu and Surbhi Kuwelker, *40 Commentaries of the Macolin Convention on the Manipulation of Sports Competitions*, ed. Antonio Rigozzi and André Kuhn (Basel: Helbing Lichtenhahn, 2024).

The literature defines the manipulation of sports competitions as any intentional action designed to improperly alter the course or outcome of a sports competition in order to obtain an undue advantage, usually of a financial nature.⁷

To identify the forms that the manipulation of sports competitions may take⁸ and the sports in which such practices are particularly common,⁹ we conducted a literature review and reached the following conclusions:

- The most serious cases of match-fixing occur in sports such as football, futsal, basketball and volleyball;

- The most common forms of manipulation of sports competitions are the following:

- *Match-fixing*. The best-known form of manipulation is match-fixing, which involves deliberately influencing the outcome of a sports competition before or during the event. It may involve athletes, coaches, referees, club officials or intermediaries linked to illegal betting networks. Empirical research on elite athletes in Germany found that approximately 8% of the athletes surveyed had been approached to participate in manipulation activities, while around 7.5% reported having actually engaged in such practices during their sporting careers.¹⁰

- *Partial manipulation of competitions (spot-fixing)*. A more sophisticated form of manipulation is ‘spot-fixing’, which seeks to influence specific events within a competition rather than its final outcome. Examples include deliberately causing a yellow card to be issued, intentionally taking a poor free kick or deliberately committing a certain number of fouls within a specified period of play. This form of manipulation is difficult to detect because it does not always affect the final outcome of the competition and can be embedded in the participants’ apparently normal behaviour. The expansion of live betting and markets for micro-events has significantly increased the risk of such practices.¹¹

- *Bribery of referees and sports officials*. The manipulation of sports competitions may also occur through the influence exerted on referees or other officials involved in organising and conducting competitions. In such situ-

⁷ Ladislav Mravec, “Match-Fixing as a Threat to Sport: Ethical and Legal Perspectives,” *Studia Sportiva* 15, no. 2 (2021): 37–48, <https://doi.org/10.5817/StS2021-2-4>.

⁸ Surbhi Kuwelker, Madalina Diaconu, and André Kuhn, “Competition Manipulation in International Sport Federations’ Regulations: A Legal Synopsis,” *The International Sports Law Journal* 22, no. 4 (2022): 288–313, <https://doi.org/10.1007/s40318-022-00210-9>.

⁹ Mykola Yefimov, Inna Yefimova, Viacheslav Harkusha, Nataliia Cherniak, and Nina Holenko, “Legal Regulation of Illegal Influence on the Results of Official Sports Competitions: Criminal Aspect and International Experience,” *Cuestiones Políticas* 39, no. 70 (2021): 742–56, <https://doi.org/10.46398/cuestpol.3970.44>.

¹⁰ Monika Frenger, Eike Emrich, and Werner Pitsch, “Corruption in Olympic Sports: Prevalence Estimations of Match Fixing Among German Squad Athletes,” *SAGE Open* 9, no. 3 (2019): 1–13, <https://doi.org/10.1177/2158244019865361>.

¹¹ David Winkelmann, Maya Vienken, Christian Deutscher, and Roland Langrock, “Betting Against Integrity: Identifying Match-Fixing Through In-Play Market Dynamics,” arXiv preprint arXiv:2605.30209 (May 28, 2026), <https://doi.org/10.48550/arXiv.2605.30209>.

ations, refereeing decisions are intentionally altered to favour a particular participant or produce a predetermined result.

- *Structural manipulation of competitions.* A distinct form of manipulation involves exploiting competition rules to obtain a strategic advantage. In such cases, participants do not necessarily breach legal or sporting rules, but engage in conduct contrary to the spirit of competition, such as deliberately losing matches to secure a more favourable route through subsequent stages.

Recent literature highlights structural vulnerabilities in certain competition formats that may create incentives for strategic behaviour incompatible with the principle of fair competition.¹²

2. Comparative Legal Analysis

The manipulation of sports competitions has prompted European states to develop distinct legal models for protecting the integrity of sport. The literature shows that, although there is a trend towards European harmonisation under the influence of the Macolin Convention, national legal systems continue to differ significantly in terms of the protected legal interest, the approach to criminalisation and the relationship between criminal penalties and disciplinary sanctions in sport.¹³

According to the study conducted for the European Commission on the criminalisation of the manipulation of sports competitions in the 27 Member States of the European Union, national laws can be grouped into three main models: (i) the criminalisation of sports fraud as a standalone offence; (ii) the application of general rules on corruption and fraud; and (iii) mixed systems combining specific criminal provisions with administrative and disciplinary measures.¹⁴

One of the most widely debated issues in legal scholarship concerns the identification of the social value protected through criminalisation.

The literature identifies three main approaches. The first regards the protected legal interest as the integrity of the sports competition, understood as the authenticity of its outcome and respect for the principle of fair play. The second locates the protected legal interest in the confidence of the public and participants in the genuine nature of the competition. The third approach, which predominates in recent legislation, considers that the manipulation of sports competitions simultaneously affects the integrity of sport and economic interests associated with

¹² Whitney Bragagnolo, "Onside Integrity? Match-Fixing, Corruption and Organized Crime Risks in Canadian Soccer Ahead of the 2026 FIFA World Cup," *The International Sports Law Journal* (2026), <https://doi.org/10.1007/s40318-025-00330-y>.

¹³ Kuwelker, Diaconu, and Kuhn, "Competition Manipulation in International Sport Federations' Regulations," 288–313.

¹⁴ European Commission, Directorate-General for Education, Youth, Sport and Culture, and KEA European Affairs, "Match-Fixing in Sport: A Mapping of Criminal Law Provisions in EU 27," *Trends in Organized Crime* 18, no. 3 (2015): 251–60, <https://doi.org/10.1007/s12117-015-9241-4>.

the sports betting market. This latter conception is particularly apparent in German law.¹⁵

From a comparative perspective, the differences between national systems can be explained precisely by the legislature's choice of the primary legal interest to be protected by criminal law.

Italy – the model of sports fraud as a standalone offence. In legal scholarship, Italy is regarded as one of the most representative examples of a standalone legal framework governing the manipulation of sports competitions, and as one of the first European states to recognise the need for specific criminal law protection of the integrity of sport. Italy is the classic example of the criminalisation of the manipulation of sports competitions as a standalone offence. Law No. 401/1989 on the protection of fairness in sports competitions introduces the offence of 'frode in competizioni sportive', which is distinct from general corruption offences.

The distinctive feature of the Italian model is its direct protection of the proper conduct of competitions and the authenticity of sporting outcomes. The literature frequently presents Italy as one of the first European states to have developed a specialised criminal law regime against the manipulation of sports competitions, responding to major scandals such as Totonero and Calciopoli.¹⁶ The best-known example is the Calciopoli scandal of 2006, which involved officials from major clubs, referees and those responsible for referee appointments. Investigations by the Naples public prosecutor's office revealed systematic contacts between club executives and refereeing officials intended to influence the course of the competition. The disciplinary consequences were severe: Juventus FC was relegated to Serie B and stripped of titles won in previous seasons, while several officials received lengthy suspensions.

The Italian system is also characterised by the coexistence of criminal liability and disciplinary liability in sport. The case law analysed by Diaconu, Kuwelkar and Kuhn demonstrates that the sporting sanctions imposed by federations operate independently of criminal proceedings before state courts.¹⁷

Germany – protecting the integrity of sport and the betting market. In 2017, Germany adopted one of the most modern European legal frameworks by introducing sections 265c and 265d of the German Criminal Code (StGB), which criminalise both sports betting fraud (Sportwettbetrug) and the manipulation of professional sports competitions (Manipulation von berufssportlichen Wettbewerben).

¹⁵ Kuwelker, Diaconu, and Kuhn, "Competition Manipulation in International Sport Federations' Regulations," 288–313.

¹⁶ Helmut M. Dietl and Christian Weingärtner, "Betting Scandals and Attenuated Property Rights: How Betting-Related Match-Fixing Can Be Prevented in Future," *The International Sports Law Journal* 14, nos. 1–2 (2014): 128–37, <https://doi.org/10.1007/s40318-014-0040-x>.

¹⁷ Madalina Diaconu, Surbhi Kuwelkar, and André Kuhn, "The Court of Arbitration for Sport Jurisprudence on Match-Fixing: A Legal Update," *The International Sports Law Journal* 21 (2021): 27–46, <https://doi.org/10.1007/s40318-021-00181-3>.

Scholarly analysis shows that the German legislature sought to protect two legal interests simultaneously: the integrity of sport and public confidence in sports betting markets.¹⁸ German legal scholarship has emphasised that the introduction of these offences was influenced by the growth of crime associated with sports betting and by the need to adapt national legislation to new forms of manipulation of sports competitions arising from the globalisation of gambling markets.¹⁹

Compared with the Italian model, the German framework is more strongly influenced by the economic dimension of the phenomenon. Criminalisation therefore extends beyond protecting sporting outcomes to preventing fraud associated with betting activities. This approach is also explained by the scale of betting-related manipulation scandals that have affected German football over the last two decades.

France – the model of sports integrity and prevention. France has developed a different model, centred on prevention and institutional cooperation. The French framework combines provisions of the Sports Code (Code du Sport), general rules on corruption and sophisticated mechanisms for monitoring sports betting.

The literature shows that France attaches particular importance to the concept of ‘sports integrity’, which is regarded as a legal interest justifying simultaneous intervention by administrative authorities, sports federations and judicial bodies.

This model is consistent with the philosophy of the Macolin Convention, which promotes the creation of national platforms for cooperation between public authorities, sports organisations and betting operators.

Under French law, the manipulation of sports competitions is addressed through a combination of criminal and administrative mechanisms. At the criminal law level, a central role is played by Article 445-1-1 of the French Criminal Code,²⁰ introduced by Law No. 2012-158 of 1 February 2012 and subsequently amended, which penalises the offering, promising, requesting or accepting of an advantage with a view to altering the normal and fair course of a sports competition on which bets are placed.

The provision is a special rule in relation to general corruption offences and applies to participants in sports competitions, referees and other persons capable of influencing the course of a competition. Although the French legislature has not established a standalone offence of ‘sports fraud’ comparable to the Italian offence, it has created a specific offence adapted to the manipulation of sports

¹⁸ Dietl and Weingärtner, “Betting Scandals and Attenuated Property Rights,” 128–37.

¹⁹ Julian Sigmund, *Strafrecht gegen Korruption im Sport? Erscheinungsformen des Match Fixing und Legitimation ihrer Kriminalisierung über die §§ 265c, 265d StGB* (Baden-Baden: Nomos, 2021), <https://doi.org/10.5771/9783748925163>.

²⁰ France, *Code pénal*, art. 445-1-1, version in force since January 1, 2020, Légifrance, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000039183231 (accessed June 20, 2026).

competitions.

A distinctive feature of the French system is whistleblower protection. Following the adoption of Law No. 2016-1691 ('Sapin II') and the reform introduced by Law No. 2022-401 ('Waserman'), mechanisms for reporting corruption and manipulation have been strengthened, including in the sports sector. According to the analysis by Cathelain-Collon and Verschuuren, whistleblower protection is an essential component of sports integrity policies, since most cases of manipulation are difficult to identify through betting monitoring alone.²¹

Spain – sports corruption as a form of private-sector corruption. Compared with other European states that have opted to criminalise the manipulation of sports competitions as a standalone offence, the Spanish legislature has adopted a distinct approach, bringing the phenomenon within the scope of private-sector corruption offences. This approach was established by Organic Law No. 5/2010 of 22 June 2010, which introduced provisions on corruption between private parties into the Spanish Criminal Code. These were subsequently reformulated and strengthened by Organic Law No. 1/2015 of 30 March 2015. The manipulation of sports competitions is currently governed by Article 286 bis (4) of the Criminal Code, which penalises the offering, promising, requesting or accepting of unjustified advantages intended to deliberately and fraudulently alter the result of a contest, competition or sporting event of economic or sporting significance.

The provision states: 'The provisions of this Article shall apply to directors, administrators, employees or collaborators of a sports entity, irrespective of its legal form, as well as to athletes, referees or judges, in respect of conduct intended to predetermine or deliberately and fraudulently alter the result of an event, a match or a professional sports competition.'

Accordingly, criminal law protection covers both the fairness of sports competitions as an independent social value and the fair functioning of the economic relationships generated by professional sport. The Spanish legislature proceeds from the premise that modern sport is a large-scale economic activity in which clubs, federations, sponsors, betting operators and broadcasters develop complex financial relationships. In this context, manipulating the outcome of a competition produces effects similar to acts of corruption in business, undermining competition, transparency and the confidence of market participants.

From a doctrinal perspective, the Spanish model is particularly interesting because it avoids creating a standalone offence of *match-fixing* and incorporates the phenomenon into the general framework of economic criminal law. According to Spanish legal scholarship, the protected legal interest is not confined

²¹ Clémence Cathelain-Collon, Pim Verschuuren, and Jacek Potulski, "Whistleblower Protection in Cases of Manipulation of Sports Competitions: French Legal Perspectives Following the MotivAction Project," *Sports Law, Policy & Diplomacy Journal* 3, no. 2 (2025): 1–13, <https://doi.org/10.30925/slpdj.3.2.1>.

to the integrity of sport, but encompasses the relationships of trust and fair competition within the economic activities of sports entities. The manipulation of sports competitions is thus classified as a sector-specific form of private-sector corruption (*corrupción entre particulares*), allowing legal concepts and mechanisms already established in the field of economic crime to be applied.

Spanish sports law scholars have emphasised that the inclusion of the manipulation of sports competitions within private-sector corruption offences reflects a trend towards the ‘economicisation’ of criminal law protection of professional sport. From this perspective, a sports competition is regarded both as a social and cultural phenomenon and as an economic product capable of giving rise to substantial harm when its outcome is fraudulently altered.²²

Portugal²³. The literature regards Portugal as one of the first European states to have adopted specific criminal legislation on the manipulation of sports competitions, distinct from general corruption offences. The development of Portuguese legislation reflects the legislature’s concern with protecting the authenticity of sports competitions and combating influence exerted on participants with the aim of altering sporting outcomes.

An important milestone was the adoption of Law No. 50/2007 of 31 August 2007 (*Lei n.º 50/2007, de 31 de agosto*) on criminal liability for conduct contrary to the truthfulness, loyalty and fairness of sports competitions. This law established a specific criminal law regime to combat the phenomenon known in the international literature as *match-fixing*. Unlike the approaches adopted in other European states, the Portuguese legislature chose to develop an autonomous system of sports offences, based on the idea that the integrity of sports competitions is a distinct social value justifying the direct intervention of criminal law.

The law criminalises both active and passive corruption in sport, penalising the offering, promising, requesting or accepting of a pecuniary or non-pecuniary advantage intended to influence the outcome or course of a sports competition. In addition, Portuguese legislation does not limit the category of potential offenders to athletes, but also includes referees, coaches, heads of sports organisations and any other persons capable of influencing the competition. This legislative choice reflects the finding that the manipulation of sports competitions often results from concerted action by several actors involved in sport.

A particular feature of the Portuguese model is the separate criminalisation of trading in influence in sport (*tráfico de influência*), as well as certain forms of fraud associated with sports competitions. The legislature thus sought to penalise both direct agreements to manipulate an outcome and the indirect mechanisms through which persons in positions of influence may intervene in the course

²² Antoni Gili Pascual, “La tipificación penal del fraude en competiciones deportivas. Problemas técnicos y aplicativos,” *Revista de Derecho Penal y Criminología*, 3rd ser., no. 8 (2012): 13–70.

²³ Marcelo Moriconi and João Paulo Almeida, “Portuguese Fight Against Match-Fixing: Which Policies and What Ethic?” *Journal of Global Sport Management* 4, no. 1 (2019): 79–96, <https://doi.org/10.1080/24704067.2018.1493357>.

of a competition. In this respect, the Portuguese system resembles modern approaches to combating sports corruption, which extend the range of criminalised conduct beyond straightforward fraudulent arrangements concerning the final result.

A subsequent stage in legislative development was driven by the need to harmonise domestic law with European standards on combating the manipulation of sports competitions and with the requirements of the Macolin Convention. In this context, Portugal strengthened mechanisms for cooperation between judicial authorities, sports organisations and gambling regulators, recognising the link between the manipulation of sports competitions and sports betting markets.

From a comparative perspective, the Portuguese model has clear affinities with the Italian approach, since it treats the manipulation of sports competitions as a standalone offence, distinct from general corruption offences. By contrast, it differs from the Spanish and French models, in which the phenomenon is incorporated into private-sector corruption law, and from the German model, which emphasises the simultaneous protection of the integrity of sport and the sports betting market. The literature considers that the Portuguese approach highlights the independent nature of the legal interest represented by the integrity of sports competitions and facilitates the adaptation of the constituent elements of the offence to the specific characteristics of sport.

3. Comparative Conclusions

The comparative analysis of the legal systems of Italy, Germany, France, Spain and Portugal reveals two major legislative approaches to combating the manipulation of sports competitions. The first is represented by states that establish standalone offences of manipulating sports competitions, regarding the integrity of a sports competition as a distinct legal interest of sufficient importance to justify a specialised criminal law response. Italy and Portugal clearly fall within this category. The second approach is represented by systems that incorporate the phenomenon into existing offences concerning corruption or economic fraud, such as Spain, France and, to some extent, Germany.

In terms of the protection of social values, the Italian and Portuguese models afford sports integrity the greatest degree of legal autonomy. Both Italian Law No. 401/1989 and Portuguese Law No. 50/2007 proceed from the premise that the authenticity of sporting outcomes is a distinct social interest, separate from both property interests and economic competition. In these systems, criminal law intervenes directly to protect fair play, equal opportunities and public confidence in sports competitions. The literature²⁴ considers that this approach facilitates the specification of the constituent elements of the offence and allows

²⁴ Kuwelker, Diaconu, and Kuhn, "Competition Manipulation in International Sport Federations' Regulations," 288–313.

the criminal provision to be adapted to the particular characteristics of sport.

By contrast, the Spanish model reflects a different conception of the legal nature of the manipulation of sports competitions. By incorporating it into the category of corruption between private parties under Article 286 bis(4) of the Criminal Code, the Spanish legislature emphasises the economic dimension of professional sport. From this perspective, altering the outcome of a competition primarily affects the fair functioning of the economic relationships generated by sporting activity, and only indirectly affects values specific to sport. This approach demonstrates the growing influence of economic criminal law on the regulation of contemporary sport.

The French model occupies an intermediate position between these two trends. Although France has not established a standalone offence of sports fraud comparable to the Italian offence, it has introduced specific rules adapted to the manipulation of sports competitions and developed complex institutional mechanisms for prevention and detection. The emphasis extends beyond punishment to cooperation between public authorities, sports federations and betting operators. In this respect, the French model represents one of the most advanced forms of implementation of the principles enshrined in the Macolin Convention.

Germany is distinguished by a mixed approach in which legal protection simultaneously covers the integrity of sports competitions and public confidence in sports betting markets. The introduction of sections 265c and 265d into the German Criminal Code demonstrates the German legislature's concern with combating new forms of crime associated with the globalisation of gambling markets and the development of online sports betting. The German model thus reflects the modern trend towards extending criminal law protection beyond the sports competition itself to its surrounding economic ecosystem.

4. Analysis of the Romanian Legislative Proposal in Relation to European Models

From a comparative perspective, the proposed provision lies at the intersection of the standalone criminalisation model established in Italy and Portugal and the private-sector corruption model found in Spain. Although the material object of the unlawful conduct is the influencing of the outcome of a sports competition, the provision is structured around verbs characteristic of corruption offences: 'requests', 'receives' and 'accepts the promise'. This brings the Romanian legislative approach close to the normative structure of Article 286 bis (4) of the Spanish Criminal Code. Thus, although its stated purpose is to protect the integrity of sports competitions, the mechanism of criminalisation remains anchored in the traditional logic of corruption.

This legislative choice nevertheless raises certain difficulties regarding the effectiveness of criminal law protection. Analysis of the Italian and Portu-

guese models shows that the manipulation of sports competitions frequently extends beyond conventional corrupt agreements. In Italian law, Article 1 of Law No. 401/1989 penalises both the offering or accepting of advantages and 'other fraudulent acts' (*altri atti fraudolenti*) capable of altering the normal course of a competition. Such wording allows the offence to cover conduct that does not involve an identifiable pecuniary or non-pecuniary advantage, such as manipulating referee appointments, influencing team selection, exerting informal pressure on participants or using privileged information.

The Italian experience is particularly relevant in light of the Calciopoli scandal, in which much of the conduct investigated consisted of systematic interference with referee appointments and the organisation of the competition, rather than the transfer of money. Had a provision similar to the one proposed in Romania applied in those circumstances, some of the conduct investigated might have fallen outside the scope of the criminal provision in the absence of proof that a specific advantage had been offered or accepted. From this perspective, the Romanian wording appears more restrictive than the approaches established in legal systems that treat the manipulation of sports competitions as a standalone form of fraud.

Another critical observation concerns the one-sided nature of the offence. The proposed text penalises only the passive form of the conduct, namely requesting or receiving a benefit, or accepting the promise of one. It contains no provisions relating to the person who offers, promises or grants the advantage. Yet an analysis of European legislation shows that all established models symmetrically regulate both active and passive corruption in sport. Portuguese Law No. 50/2007 thus separately criminalises *corrupção ativa* and *corrupção passiva*; Article 445-1-1 of the French Criminal Code penalises both the offering and the acceptance of an advantage; and Italian and Spanish legislation follow the same logic of criminalising both forms.

The absence of an active form of the offence may create significant practical difficulties. In many cases involving the manipulation of sports competitions, the initiative comes from intermediaries, betting operators, members of organised criminal groups or other persons who are not participants in the competition. Restricting criminalisation to the recipient in the corrupt transaction risks leaving the principal actors behind manipulation schemes unpunished and reducing the effectiveness of criminal enforcement.

In defining the category of potential offenders, the proposed text largely follows the Spanish legislative approach, including directors, administrators and collaborators of sports entities, athletes, referees and members of sports arbitration committees. However, the use of the term 'collaborator' raises issues under the principle of legality in criminal law and the requirement of foreseeability imposed by Article 7 of the European Convention on Human Rights. Unlike French legislation, which expressly defines the category of actors in sports competitions

through specific rules, or German legislation, which uses well-defined legal concepts, the Romanian text provides no clear criteria for determining which persons fall within this category. Consequently, there is a risk of divergent interpretations in judicial practice, as well as potential substantive constitutional defects.

As regards the advantage sought, the inclusion of both pecuniary and non-pecuniary benefits is a modern approach consistent with European trends. The literature shows that the manipulation of sports competitions is not motivated exclusively by financial gain. In many situations, participants seek professional, electoral or reputational advantages. In this respect, the proposed wording aligns with the standards in France, Portugal and Spain and allows adequate protection against various forms of sports corruption.

More problematic, however, is the wording concerning the offender's purpose, namely 'predetermining or altering the result' of an event, a match or a sports competition. Recent developments in match-fixing demonstrate that manipulation is no longer directed exclusively at a competition's final outcome. The growth of sports betting markets has encouraged the emergence of spot-fixing, which consists of manipulating specific events within a game, such as the first yellow card, the first corner kick or the commission of a certain number of fouls. Such conduct may generate substantial gains in betting markets without influencing the competition's final result.

The contemporary concept of the manipulation of sports competitions must include any fraudulent interference with the course of a competition, whether or not it affects the final score. The wording proposed in Romanian law therefore risks providing insufficient protection against modern forms of manipulation that target particular phases of a competition rather than its final outcome.

5. Conclusions

In conclusion, the legislative proposal analysed represents undeniable progress towards recognising the integrity of sports competitions as a legal interest capable of receiving independent criminal law protection. Nevertheless, the comparative analysis reveals limitations that may reduce its practical effectiveness. In its current form, the provision is closer to the sports corruption model established in Spanish law than to the broader conception of sports fraud as a standalone offence found in Italy and Portugal. To respond more adequately to the contemporary realities of match-fixing, it would be appropriate to extend criminalisation to any fraudulent acts capable of affecting the course of a sports competition, expressly regulate active corruption in sport, clarify the concept of a competition participant and include modern forms of manipulation associated with sports betting markets. Only through such an integrated approach could Romanian criminal law achieve the level of protection established by the most advanced European models in this field.

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