

Security and Sport Platform

Abridged Version



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Table of contents

Introduction	7
1 Impact of society and politics on safety and security in sport	8
2 Austria as a country of sport	9
3 Security risks at major sporting events and in sport	11
Pyrotechnics.....	11
Physical violence	12
Psychological violence.....	13
Sexualised violence.....	15
Doping.....	16
Betting fraud / match fixing.....	17
Corruption.....	18
Pandemics, natural disasters and other exceptional events.....	20
4 Collaborations	21
International cooperation.....	21
National cooperation.....	23
Conclusion	24



Introduction

This abridged version of the “Security and Sport platform” of the Federal Ministry for the Interior (BMI) is intended to give an insight into the challenges and tasks facing security forces at major sporting events and for sport activities in general, as well as the strategies employed by them.

- **What events have had an impact on the sport security sector?**
- **How has Austria as a country of sport developed?**
- **What strategies have been established for hosting and catering for major sporting events?**

These issues, including the most common security risks at major sporting events, are described in this document, as well as ways to help prevent such risks. The Security and Sport platform is also intended to provide an overview of the BMI’s collaborations, which also form an important part of the general national security strategy for sport.

1 Impact of society and politics on safety and security in sport

Sport is a social phenomenon that runs right through a range of social areas, both influencing and being influenced by them. Prominent examples of this can be found particularly in cases where politics and sport converge as, despite it always being insisted that sport is not political, events happen around the world that contradict this.

An example of the way in which sport can be politicised was the mutual boycott of the 1980 and 1984 Olympic Games by the USA and the then USSR. The stage provided by sport is also often used to convey political messages, a particular example of which in recent years has been players repeatedly taking a knee during anthems to express their sympathy for the Black Lives Matter movement. Often such actionist acts proceed peacefully, but in many cases this creates a highly charged atmosphere that can lead to unrest and jeopardize the security of the sporting event.

Terrorist attacks at major sporting events are unfortunately no longer a rarity either. Among the best-known attacks are the hostage-taking of members of the Israeli team at the 1972 Munich Olympics, the detonation of explosive devices at the Boston Marathon in 2013, and the terrorist attacks in Paris in 2015. The consequence of such events is that security apparatus and concepts currently in place are rethought and fundamentally overhauled. For example, the Hillsborough stadium disaster led to standing room being banned from English stadiums.

2 Austria as a country of sport

Not only does Austria enjoy sporting success, but it is also considered an extremely experienced and successful organiser. Every event must be well planned and always prepared to meet the requirements of the current security situation and the growing demands on security and policing that go along with it. In the 21st century, this means an enormous challenge for both organisers and security services alike. Against the backdrop of the current and ever-evolving set of risks, the BMI has set itself the goal of supporting all of Austria's delegations at major events at home and abroad, as well as ensuring the security of fans, participants and the entire support staff at home to the best of its ability.

Here is an excerpt of major sporting events held every year in Austria:

- **Formula 1 – Austrian Grand Prix** with around 200,000 spectators¹
- **Alpine skiing – Hahnenkamm race, Kitzbühel** with around 85,000 spectators²
- **Alpine skiing – Night slalom, Schladming** with around 50,000 spectators³
- **Ski jumping – Four Hills Tournament** with around 25,000 spectators⁴
- **Running – Vienna City Marathon** with around 40,000 runners, accompanying persons and exhibitors⁵
- **Tennis – Erste Bank Open, Vienna Stadthalle** with around 66,000 spectators⁶
- **Beach volleyball – Major Series** with around 95,000 visitors⁷

It has become standard practice in the BMI to establish TASK FORCES with the involvement of the relevant stakeholders to ensure the safety of the Austrian delegation (athletes, trainers, sponsors, media, other accredited persons) and the Austrian visitors as best as possible, as well as to support efforts of the host countries to ensure

1 <https://www.meinbezirk.at/tag/gro%C3%9Fer-preis-von-%C3%B6sterreich>

2 <https://www.sn.at/sport/wintersport/85-000-zuschauer-bei-hahnenkammrennen-2019-64786669>

3 <https://www.ennstalwiki.at/wiki/index.php/Nightrace>

4 <https://www.vierschanzentournee.com/de/die-tournee/garmisch-partenkirchen>

5 <https://www.sn.at/sport/mixed/vienna-city-marathon-bringt-wien-mehr-als-94-000-besucher-67494562>

6 <https://www.tennisnet.com/news/dominic-thiem-holt-turniersieg-erste-bank-open-verzeichnen-neuen-zuschauerrekord#:~:text=Die%20Stadthalle%20platzte%20an%20f%C3%BCnf,Steigerung%20um%20weitere%20zehn%20Prozent>

7 <https://www.vienna.at/turnier-in-wien-angekommen-90-000-besucher-beim-vienna-major-in-wien/6306185>

adequate policing and security. The most recent TASK FORCE was successfully set up for the 2022 Olympic and Paralympic Winter Games in Beijing.

Establishing a TASK FORCE for the duration of the event includes having relevant information management, dispatching at least one officer of the EKO Cobra tactical unit to the host country so that swift action can be taken in the event of an emergency, and ensuring the ongoing exchange of information between TASK FORCE members. There is also close cooperation with international organisations, professional associations of participating nations and with national and international institutions responsible for public travel (e.g. various tour operators, airlines, etc.) within the scope of existing cooperation agreements. In addition to these tasks, which largely involve supporting the Austrian delegation on site, the BMI has a key task here in Austria, namely to develop a security concept for fringe events planned in Austria in connection with a major sporting event that will attract a large number of visitors (e.g. public screenings) so as to be able to ensure the highest possible level of security for visitors here as well.

The **Integrated Multi-Agency Approach** is particularly relevant in the context of providing security at sporting events, always following the **premise that none of the following parts of an event is more important than the other: Safety, security and service**. The members of the Saint Denis Convention, which entered into force in Austria on 1 October 2021 have thus also committed themselves to this principle.⁸

The Multi-Agency Approach also requires the involvement of the different stakeholders in each other's areas, as it is only possible to ensure safety, security and service when there is cooperation between the areas here. For example, while security officers at a major sporting event are primarily responsible for ensuring the safety of participants, they should also be able to provide information and be informed about what is happening regarding security and service.

8 <https://www.coe.int/en/web/sport/-/the-new-convention-on-safety-security-and-service-now-in-force->

3 Security risks at major sporting events and in sport

Pyrotechnics

The illegal use of pyrotechnics in sports stadiums, especially during football matches, poses an enormous challenge for security forces. Time and again, people setting off flares and using firecrackers – especially by ultras – both in the stadiums themselves and on the way to and from the events often cause incidents that end in arrests and injuries. **Given the considerable danger posed by such pyrotechnic objects, they are generally banned at any sporting event in Austria with only a handful of exceptions.** The Pyrotechnics Act 2010 (*Pyrotechnikgesetz, PyroTG*) contains provisions on the possession, use, transfer, marketing and provision of pyrotechnic objects and equipment, and provides the basis for action by the security forces. Responsibility for enforcing this law lies with the district administrative authorities (*Bezirksverwaltungsbehörden, BVB*) and, in the territory of a municipality for which the regional police directorate (*Landespolizeidirektion, LPD*) is also the security agency of first instance, with the regional police directorate.

Under section 39(2) of the Pyrotechnics Act 2010, pyrotechnic objects and equipment may not be possessed or used in any way that is connected with a sporting event. Only pyrotechnic objects and matters specifically enumerated in the law are exempt from this ban on possession and use in connection with sporting events. Furthermore, section 39(3) of the Pyrotechnics Act furnishes the relevant authority with powers to grant the organiser, upon request, exceptions from the ban for certain occasions (+ certain objects) for a specific period of time and place.⁹

In practice, however, such exemptions are only granted on a highly restrictive basis and no longer on a seasonal basis or for an extended period of time. The Austrian Football Association (ÖFB) and the Bundesliga would therefore like to see the scope of the exemption extended, especially as the use of pyrotechnic objects is part of the fan culture. The Federal Ministry of the Interior is not opposed to this provided that strict on-site checks and an accompanying evaluation of the sporting event are guaranteed.

⁹ A list of suitable and unsuitable pyrotechnic objects can be found in chapters 4.2.4.2 and 4.2.4.3 of the Sporting Events Manual BM.I-EE1920/0001-II/2/b/2016 as amended by BMI-EE1920/0001-II/2/b/2019.

The primary goal of any strategy should be to safeguard the health and safety of spectators, stadium and emergency service personnel, athletes and officials, and other participants of major sporting events by preventing and combating the use of pyrotechnics in all sports, and specifically in professional football.

Physical violence

It is unfortunately not an uncommon occurrence for there to be scenes of violence before and after sporting events, and so to prevent this as best as possible, the work of lawmakers and law enforcement needs to dovetail. The Austrian Criminal Code (*Strafgesetzbuch, StGB*) contains many offences that punish physical violence that are unfortunately a regular occurrence at and around sporting events, such as assault-related offences covered by sections 83 et seqq. of the Criminal Code, offences against personal freedom covered by sections 105 et seqq. of the Criminal Code, property-related offences covered by sections 125 et seqq. of the Criminal Code, offences against state authority covered by sections 269 et seqq. of the Criminal Code, public-order-related offences covered by sections 274 et seqq. of the Criminal Code, etc.

Every club has a security officer and in some cases other fan liaison officers who are responsible for preventing criminal acts from being committed and for dealing with problems associated with the fans or fan clubs. **The extent to which the club can exert influence over the behaviour of its supporters is extremely significant here.** It depends on the philosophy of the club's board as regards security and its interaction with fans, with both the direction and influence being different depending on the club board's relationship with the fans and balance of power here. The same applies to any action taken.

The extent to and the manner in which security forces can take action are laid down in the Public Security Services Act (*Sicherheitspolizeigesetz, SPG*) and are a central feature of how each and every deployment is planned and executed. The broad scope of action that can be taken is reflected in the many different ways that the authorities are deployed and needed.

Having a police presence at major sporting events is indispensable for ensuring the safety of spectators, as required by law (safeguard public safety [section 20 SPG] and public order [27 SPG]). In addition to managing traffic and preventing crime, the police is also responsible for taking action to settle disputes, to stop dangerous acts, and to ensure the state's ability to prosecute offences. Uniformed law enforcement officers are deployed to handle such matters, being supported by task forces (*Einsatzeinheiten*,

EE) and officers with special knowledge of the fan culture (*szenekundige Beamte*innen, SKB*).¹⁰

Preventive, investigative and educational work can all help prevent offences from being committed. **Knowledge of the fan culture is an important part of police work at major sporting events, helping in no small way to ensure fans remain peaceful and to provide relevant information when needed for tactical operations.** SKBs are generally deployed at all matches in the top two divisions, matches in the top ice hockey league and at all international FIFA and UEFA matches. If so required by the security situation, SKBs are also deployed at matches of Austrian national teams in other sports as well as at other competition, test and friendly matches with or without the participation of an Austrian team.

The guiding principle for law enforcement operations is the operational tactic known as the 3D philosophy (a German-language abbreviation for dialogue, de-escalation, enforcement). This sets out a step-by-step approach to be taken by law enforcement at sporting events, with the first step involving ensuring an intensive dialogue (first D, Dialog) between fans and the police (primarily the SKBs). The objective here is to observe what is happening on the street or at the stadium and obtain information about the situation. To help de-escalate potential conflict situations (second D, *Deeskalierung*) in the event of disputes, the next step involves law enforcement talking to the persons involved to remind and encourage orderly behaviour, and endeavouring to resolve disputes (defusing the situation through talks as per section 26 of the Public Security Services Act (SPG), non-intervention measures as per section 28 SPG, clear/increased presence of security forces, as well as establishing the identity of individuals on a case-by-case basis as per section 35 SPG). Only when the situation escalates, i.e. when (potentially) violent troublemakers gather or appear and commit dangerous attacks, is resort taken to the third step, enforcement or crackdown (third D, *Durchsetzung/Durchgreifen*) to take the action necessary to guarantee public safety and order.

Psychological violence

Racism, discrimination, hate speech and other forms of psychological violence are increasingly finding their way into the fan culture of various sports. Psychological violence conveys a sense of rejection, humiliation or the feeling of being worthless to the other person. It is characterised by disrespectful or hurtful statements, actions or attitudes of

10 See also Friedrich/Klob, *Polizeipräsenz im Stadion* [police presence at stadiums], *.SIAK-Journal* 4/2009, 36-44.

those perpetrating it¹¹ and it makes an individual liable to criminal prosecution under the Austrian Criminal Code (Strafgesetzbuch, StGB). The offences that criminalise psychological violence and may be relevant in connection with sporting events can be found in the third chapter of the StGB.

It happens time and again at football matches that dark-skinned players are insulted with monkey sounds¹² or that hatred and violence against the referees is openly propagated.¹³ Although there has been a considerable drop in the number of instances involving racist statements, open anti-Semitism or the rejection of homosexuals in recent years, modern phenomena such as social media platforms often lead to a resurgence of this problem.¹⁴

There are numerous initiatives today led by clubs, associations or even fan groups to stand united against hate, racism and discrimination. The Sport Against Racism initiative is an example of good practice here in Austria. The aim of the cooperation between the Federal Ministry of the Arts, Culture, Civil Service and Sport, Sport Austria and the Day of Sports initiative is to raise public awareness of this issue and to develop appropriate measures and projects. The cooperation of major institutions, associations and other partners, as well as well-known personalities – combined with relevant coverage by international media – should emphasise the positive role played by sport and bring people of all backgrounds and cultures closer together.

Psychological violence in its many forms is not just found in sport, however, but also occurs in many other areas of society, such as at school, work, or other recreational clubs. **However, due to the media attention given to sport in particular, incidents there remain in the collective memory for longer.** The same can also be said for the positive effects sport can have in general. **Sport is said to have immense power to unite people and is generally considered to be an ideal way to break down cultural prejudices and to be able to communicate with each other regardless of potential language barriers.** It also teaches the importance of competing fairly in compliance with, observance of and respect for a certain set of rules, with any contravention thereof being punished. This also makes sport a potential conduit for desirable social values, patterns of behaviour and orientation.

11 *Andrea Berzlanovich/Barbara Schleicher/Éva Rásky*, Häusliche Gewalt aus forensischer Sicht: Wenn das eigene Zuhause zum Tatort wird [Domestic violence from forensic perspective: when your home becomes a crime scene], *juridikum* 2014, 374

12 <http://www.dw.com/de/kommentar-der-fu%C3%9Fball-muss-mehr-gegen-rassismus-tun/a-42711433>

13 <http://sport.oe24.at/fussball/fussball-national/bundesliga/rapid-wien/Mord-Drohung-gegen-zwei-Schiedsrichter/311497015>

14 <https://www.derstandard.at/story/2000126110149/rassismus-im-fussball-verehrt-als-Sportlerinnen-und-Sportler-gedemuetigt-als-mensch>

Sexualised violence

Nearly one in every seven women in Austria has experienced some form of sexualised violence since the age of 16, meaning various ways in which power is exercised using sexuality (e.g. coercion and rape). Sexual assault goes beyond this to include violations of personal boundaries such as verbal attacks, images, gestures, actions (with and without physical contact), exhibitionism, voyeurism, and unsolicited “propositions.” Studies in Germany have shown that sexualised violence plays a role in competitive and professional sport. **In this study, one third of the sportspersons surveyed stated that they had already experienced some form of sexualised violence. Internationally, it is known that one in five people experiences this at least once.**¹⁵

The structures (competence and age gap with unfavourable power relations, gender stereotypes, performance orientation as a means of pressure, gender hierarchies and gender distribution), situations (overnight stays in groups, joint changing rooms and showers, touching, joint car rides) as well as general conditions (the topic of sexualised assaults being taboo, lack of awareness, lack of suitability criteria and supervision of employees and trainers, lack of declarations of honour/ethics) in sport all play a considerable role in opening the door to the possibility of sexualised assaults taking place.¹⁶

The Austrian Criminal Code¹⁷ has numerous provisions on pursuing sexual violence. In most cases, such acts violate more than one of the provisions set forth therein, meaning that the scope of punishment and potential training bans significantly vary. For example, a general ban on training can be imposed on an individual, or they might only be banned from working with children and adolescents. Persons having been the victim of an abuse of authority, minors or victims of domestic violence can receive free legal and psychological assistance. Since 2006, clubs and associations can be fined for criminal acts committed by their decision-makers and employees.¹⁸

In Austria, it is the 100% Sport association that is primarily addressing this issue. Despite there being a large number of unreported cases, those affected can turn to the association for support and be referred to other organisations.

15 [in German] “For respect and safety – against sexualised violence in sport – handbook” by the Federal Ministry for the Civil Service and Sport, 2018

16 [in German] “For respect and safety – against sexualised violence in sport – handbook” by the Federal Ministry for the Civil Service and Sport, 2018.

17 RIS – Criminal Code – Federal law consolidated, as amended on 15 March 2022 (bka.gv.at).

18 [in German] “For respect and safety – against sexualised violence in sport – handbook” by the Federal Ministry for the Civil Service and Sport, 2018.

Doping

By affecting an individual's athletic performance, doping not only goes against the principle of fairness in sporting competition and the true value originally associated with sport – the spirit of sport – but it also poses a threat to health and represents a challenge for law enforcement because of the serious and organised crime that often accompanies it. Preventive action must be taken to counter doping practices and any violations of doping bans must be fully prosecuted.

The basis for anti-doping work around the world is the World Anti-Doping Code (WADC) issued by the World Anti-Doping Agency (WADA), which contains a uniform set of substantive provisions and procedural rules for all sports and must be applied by all signatories. However, since the WADC lacks binding normative force given that WADA is a foundation under Swiss law, parts of the WADC were incorporated into the UNESCO Convention against Doping in Sport (which entered into force in Austria in 2007¹⁹), making it binding treaty law under international law (obligations under international law also arise from the Council of Europe's Anti-Doping Convention). This means that transposing WADC requirements into national law is considered mandatory.²⁰

A feature of doping law is that it also involves a combination of association and national law.²¹ The Federal Anti-Doping Act (Anti-Doping-Bundesgesetz, ADBG) forms the basis of Austria's anti-doping work. The ADBG regulates, among other things, the tasks of Nationale Anti-Doping Agentur Austria GmbH (NADA Austria), the independent Austrian Anti-Doping Legal Commission (Österreichische Anti-Doping Rechtskommission, ÖADR) and the Independent Arbitration Commission (Unabhängige Schiedskommission, USK), together with the rights and obligations of athletes, coaches and sporting organisations, the implementing provisions for doping controls, analyses, medical exemptions and anti-doping procedures, as well as information and prevention work. In addition, the ADBG includes criminal penalties for possession, trafficking and passing on banned substances (custodial sentences of up to five years), as well as outlining NADA Austria's cooperation with government investigative bodies.

The ADBG was amended in 2021, primarily to establish code compliance with WADC 2021.²² The amendments made were largely in respect of data protection and the

19 Federal Law Gazette III No. 108/2007.

20 Sautner, Dissertation: *Ausgewählte Fragen des österreichischen Anti-Doping-Rechts unter besonderer Berücksichtigung verfassungsrechtlicher Aspekte [Selected Issues of Austrian Anti-Doping Law with Special Consideration of Constitutional Aspects]*, 2015

21 Zeinhofer, *Rechtliche Grundlagen der Dopingbekämpfung in Österreich [Legal bases for combating doping in Austria]*, Causa Sport 4/2010, 326.

22 *Novelle ADGB 2021 (BMKOES).pdf*

possibility to treat recreational athletes differently than professional athletes, enabling lower sanctions to be imposed, for example.

In addition to the criminal provisions regulated in the ADBG 2007, doping is also prosecuted as serious fraud under the doping section inserted in the Austrian Criminal Code with effect from 1 January 2010 (Federal Law Gazette I 2009/142). Here criminal prosecution is the exclusive purview of the executive branch, while Nationale Anti-Doping Agentur Austria GmbH (NADA Austria) is responsible for the sports law component. This naturally means that there is a regular flow of information between the Criminal Intelligence Service Austria and NADA.²³

Betting fraud / match fixing

Match fixing involves influencing of the course or outcome of a sporting event for personal, sporting or financial gain. Acts of manipulation can take many forms, such as participating passively or intentionally allowing the opponent(s) to score goals or points.²⁴

Match-fixing in sport is not a new phenomenon, but the number of instances occurring aimed at making profit through sports betting has increased sharply in recent years. Internationally organised crime groups are also involved in this practice, accompanied with the rise and spread of betting markets online, both legal and illegal.

International police investigations show that criminal organisations have also identified this field of criminal activity in Austria and Europe, and are creating a “new” source of income for themselves through manipulation, betting fraud and money laundering. Large profits can be made here through manipulation and fraud, especially when betting on European games and competitions. Criminal organisations operating in Europe usually have close ties with groups from Asia.

Manipulation in sports betting also poses challenges for the authorities given the difficulties in classifying the criminal nature of these acts, especially since Austrian criminal law does not contain a specific offence for betting fraud that would comprehensively criminalise collusion and manipulation in sport.²⁵ Legally qualifying match-fixing for betting purposes as fraud within the meaning of sections 146, 147(3) and

23 <http://www.bk.bmi.intra.gv.at/klf/deliktsbereiche/doping/Seiten/Kriminologie.aspx>

24 <http://www.playfaircode.at/spielmanipulation/>

25 Cf. the current legal situation in Germany: manipulation of sporting competitions is only punishable in the context of sports betting and as such is to be subsumed under fraud (section 263 of the German Criminal Code), Glaser/Wess, Die kriminalstrafrechtliche Einordnung des Sportwettenbetrugs [*The classification of sports betting fraud in criminal law*], ZWF 4/2016.

148(2) of the Austrian Criminal Code (StGB), which has been confirmed by the supreme court²⁶, represents a new approach taken in criminal court practice in Austria.

In order to combat betting fraud and match fixing, an Investigation, Coordination and Reporting Office was set up at the Criminal Intelligence Service Austria²⁷ **with effect from 1 April 2012 to address the issue of “betting fraud and match fixing” in greater detail. The office liaises with Interpol as well as sports federations such as FIFA, UEFA and the Austrian Football Association (ÖFB).**²⁸ A cooperation agreement was signed with Sportradar in July 2014 with the aim of becoming better at uncovering and preventing manipulation in sports betting. Swiss-based Sportradar Integrity Services, with branches in 30 countries, has developed a special fraud detection system in 13 disciplines, capable of monitoring betting movements and detecting suspicious activity worldwide. Customers include betting providers, associations and media organisations. Bookmakers around the world supply data on betting history to Sportradar, which then forwards these data to the Criminal Intelligence Service Austria if it detects anomalies.

In addition, there is the ombudsman’s office of the Play Fair Code (PFC) – Association for the Preservation of Integrity in Sport, a joint initiative of the Ministry of Sport, the Austrian Football Association (ÖFB) and the Austrian Football Bundesliga. The aim of the Play Fair Code is to guarantee clean and manipulation-free tournaments in cooperation with Austria’s sports federations, athletes, coaches and club managers. However, as soon as the PFC receives information about potential criminal activity, the Criminal Intelligence Service Austria and, subsequently, the judiciary become exclusively responsible.

Corruption

Corruption refers to any kind of action that contravenes what one should do, up to and including abuse of authority, in exchange for an advantage, in both the public and private sector. In the sporting world, persons in charge of institutions and clubs are often uncertain about inviting public officials to sporting events and about undue gifts being thereby granted. In order to avoid acts that are questionable under criminal law, it is of great importance to clearly define the criteria to be observed here.

Standards of criminal law relating to corruption are now enshrined in section 22 of the Austrian Criminal Code, which were substantially overhauled by amendments and additions such as the Corruption Criminal Law Amendment Act 2012 (*Korruptionsstrafrechtsänderungsgesetz, KorrStrÄG*). **Since this time, governing bodies and employees of publicly owned companies have been covered by the criminal law on corruption to a much greater extent as public**

26 Austrian Supreme Court (OGH), 28 January 2016, 12 Os 77/15p.

27 <http://www.bk.bmi.intra.gv.at/klf/deliktsbereiche/Betrug/Seiten/Kriminologie.aspx>

28 http://www.bmi.gv.at/magazinfiles/2012/07_08/files/wettbetrug.pdf

officials, and corruption can now also apply to activities leading up to the actual work of the public official. The focus here is on future favourable treatment or “sweetening”. The 2021 amendment to criminal law on corruption underscores this point. Future public officials are now also covered by the criminal law on corruption, **the aim here being to ensure that not only holding public office, but also acting as a person who might hold such office in the future triggers liability under criminal law on corruption.**²⁹

However, there are also benefits that are **not classified as improper** under section 305(4) of the Austrian Criminal Code **and can therefore be granted without** breaking the law. These include gifts which may be legally accepted or which are granted in the context of events³⁰ which there is an official or objectively justifiable reason for attending. This also includes gifts for charitable purposes, the use of which the (future) public official or (future) referee has no controlling influence over or gifts that are deemed little courtesies of low value typical to the country or local area.³¹ Granting benefits and gifts in the course of major sporting events is therefore not improper or punishable if, on the one hand, there is an official interest in attending the event and, on the other hand, the benefit or gift is to be regarded as granted in the context of the event.

On the basis of the “Korruption und Amtsmissbrauch” (Corruption and Abuse of Authority) work and the handbook of the Federal Ministry of Justice on criminal law relating to criminal law on corruption 2012, Mag. Eva Marek, Vice-President of the Supreme Court, Dr Robert Jerabek, Legal Protection Officer at the Ministry of Justice and retired Senior Procurator General in the Procurator’s General Office at the Supreme Court in Ruhe, together with BMI Group Leader Dr Günther Marek and MANZ Verlag in 2014, the “Corruption has no place in sport!” guideline was developed as part of the national anti-corruption strategy aimed at addressing issues and uncertainties in the area of criminal law on corruption specifically in sport.

29 See explanatory notes on the KorrStrÄG 2021.

30 Events are either those at which the public official attends to fulfil representational duties or training events, congresses and similar gatherings. A distinction is also made between profit and non-profit events. This distinction is only relevant for the quantification of the benefit obtained in the process.

31 The low value is not specified by law. In practice, this is understood to mean a value of up to approximately EUR 100. However, the benefit is not improper only if it is customary in the locality or country, which in turn must be assessed on a case-by-case basis. For example, invitations to coffee and cake to an off-duty official to provide information or prepare for an upcoming sporting event are generally not improper. It is the same with the allocation of “tips”.

Pandemics, natural disasters and other exceptional events

The global COVID-19 outbreak means that, if they weren't already before, pandemics can be viewed as an enormous security risk for humanity and the global economy. Major international events, such as the Olympic Games, World Championships, European Championships, and international leagues had to be rescheduled or postponed. Sports facilities, gyms and clubs were closed, and competitive and amateur athletes alike had to make do with training at home. The greatest challenges during a pandemic as regards safety and security at sporting events or exercises are ensuring controlled and orderly access to competition venues and implementing concepts for security and hygiene standards. In addition to the risks and challenges of a pandemic that we are now familiar with, natural disasters (e.g. floods, earthquakes, hurricanes, or wildfires) and other events beyond human control can also negatively impact the safety of sporting events. In October 1989, for example, a game of the Baseball World Series had to be postponed for several days because an earthquake measuring 6.9 on the Richter scale hit San Francisco shortly before the match began. The Candlestick Park stadium withstood the earthquake, but parts of San Francisco were hit hard.³²

Taking the COVID-19 pandemic as an example, prevention concepts were developed to ensure a safe event. The basis for this always being the personal responsibility of the athletes, coaches, employees and spectators. Ensuring a sense of responsibility and properly implementing prevention concepts put together by the organiser in each case are key aspects of any event, particularly sporting events, always under the premise that top priority must be given to ensuring the health and safety of everyone involved. With this in mind, a specific set of health and safety measures has been established and can be applied across the board, not least because their effectiveness was proven by the fact that COVID-19 did not spread easily at sporting events. **It should be noted in particular that only a combination of the health and safety measures listed in these prevention concepts, taking into account the pandemic regulations in force at the time, will be effective in preventing the spread of the disease as far as possible.**

The BMI's existing cooperation agreements were used to develop joint and holistic concepts at the organisational and communication level

32 The 1989 Bay Area earthquake shook the World Series - Sports Illustrated Vault | SI.com

4 Collaborations

It is absolutely essential to **establish collaborations with a wide range of institutions, associations, leagues and other key players** to meet the aforementioned challenges facing security and sport as best as possible, therefore meaning that they make up another key part of the BMI's overall safety and security strategy. Maintaining the integrity of sport by fighting corruption and match-fixing, as well as punishing violence, discrimination and racist behaviour, are tasks that are addressed in collaborations with sport and security agency stakeholders.

The focus is on establishing structured forms of cooperation with partners in clearly defined processes at all levels. **This means that existing collaborations need to be evaluated on an ongoing basis and adapted to new circumstances. At the same time, it is necessary to negotiate and conclude collaborations with key stakeholders swiftly so as to be able to respond quickly to any and all security challenges.**

The BMI pursues an active strategy to strengthen its collaborative work and to ensure it keeps working with up-to-date knowledge. A general distinction can be made between national and international cooperation.

National agreements are ideally cemented and structured by means of a cooperation agreement and serve primarily to deal with security-related tasks and challenges at home in a targeted manner and coordinated with the cooperation partner. Such agreements are usually formed with organisations, umbrella and professional associations in sport, media associations or even public transport companies. The BMI also cooperates with organisers, operators and even transport companies on a selective basis within the framework of events or projects, without having a dedicated cooperation agreement here. Such collaborative work is usually temporary, but can still occur on a regular basis.

International cooperation

Cooperating at an international level for ensuring safety and security at major sporting events is particularly important for keeping an eye on current trends and developments. **International cooperation is not usually performed on the basis of cooperation agreements, but instead is a result of Austria's membership in international organisations or bodies.** Austria has the opportunity to contribute and expound its expertise and views in the bodies of the European Union, the Council of Europe or even the United Nations. Austria's membership in international organizations, its ratification of conventions, and its participation in various policing arrangements means that it is obliged to exchange

information on a regular basis so that it can host major international sporting events with the proper preparations and keep its finger on the pulse of the latest developments in matters pertaining to safety and security in sport.

For example, the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and other Sports Events³³ (Saint-Denis Convention, CETS 218) was adopted by the Committee of Ministers of the Council of Europe on 4 May 2016. It is the only international legally binding instrument that establishes institutional cooperation between all actors involved in the organisation of football matches and other sporting events. The Convention builds on the work done internationally since the adoption of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, in 1985.

A Standing Committee on Safety and Security at Sporting Events has also been established on the basis of the Saint-Denis Convention, comprising delegations from the signatory states, including representatives of the highest levels of government, preferably with responsibility for sport and security, and representatives of the national football information office. It monitors the application of the Convention through a schedule of visits to the signatory states, the purpose of these visits being to provide advice and assistance to states so that best practices and processes can be adopted and provisions of the Convention can be complied with. The Committee also makes recommendations to the signatory states as regards action needed to be taken to implement the Convention. **Austria signed the Saint-Denis Convention on 22 February 2017 and ratified it on 3 August 2021. It subsequently came into force on 1 October 2021.**

Two other important conventions stemming from the Council of Europe are the Anti-Doping Convention (ETS 135) to harmonise anti-doping regulations, which came into force in Austria on 1 September 1991, and the Convention on the Manipulation of Sports Competitions (Macolin Convention, CETS 215) to combat the manipulation of sports competitions with sports associations, betting providers and event organisers. Austria is yet to ratify this convention because it has not yet been possible to reach an agreement at the European Union level.

International cooperation also take places **at the EU level, where an informal panel of experts³⁴ - the Pan-European Think Tank of Football Safety and Security Experts – has been set up to gather information relating to safety and security at major sporting events.** The ideas and proposals discussed and developed during the think tank's twice yearly meetings are presented and formalised within the Major Sport Events

33 <https://rm.coe.int/prems-137217-deu-2583-flyer-epas-convention-safety-security-15x15/168078aa93>

34 Chair = David Bohannon, Vice = Adrian Dinca

Experts Group (MjSE). The MjSE serves here as a subgroup of the Law Enforcement Working Party (LEWP), which is responsible for preparing proposals for legislative changes at the European level. Austria was admitted to these bodies in 2005.

IPACS - International Partnership Against Corruption in Sport, established in 2017, is a multi-stakeholder platform with the mission to bring together international sports organisations, governments, inter-governmental organisations, and other relevant stakeholders to strengthen and support efforts to eliminate corruption and promote a culture of good governance in and around sport³⁵.

National cooperation

The BMI's various collaborations with Austrian sports organisations, professional associations, sports leagues, etc. generally pursue **a holistic, multi-agency and balanced approach to safety and security in sport and, in particular, at sports events in Austria and abroad, aimed at promoting social cohesion, tolerance, respect and non-discrimination, as well as the fight against doping, betting fraud and corruption in sport, promoting integrity in sport and preventing sexualised violence.** The safety of the Austrian delegation and fans at sporting events at home and abroad is also a top priority here.

The following institutionalised collaborations have so far been established:

- **SPORT AUSTRIA**
- **Austrian Olympic Committee (ÖOC)**
- **Austrian Football Association (ÖFB)**
- **Austrian Football Bundesliga (ÖFBL)**
- **Austrian Ski Association (ÖSV)**
- **Austrian Ice Hockey Association (ÖEHV)**
- **Austrian Ice Hockey League (ÖEHL)**
- **Sports Media Austria (SMA) – Austrian Sports Journalists Association**
- **Austrian Federal Economic Chamber (WKÖ)**
- **Austrian Federal Railways (ÖBB)**
- **Westbahn Management GmbH**

35 <https://www.ipacs.sport/>

Conclusion

Ensuring safety and security in sport requires taking an approach that is as diverse as the challenges faced in the field. Strategies and fields of action must be precisely coordinated to create a fair competitive environment, attractive sporting events and a suitable working environment for athletes, spectators and support staff alike. No group can be considered in isolation when developing a strategy. Being in constant dialogue with the most important stakeholders here as well as regularly evaluating the action taken are just as necessary as ensuring the training and further education of the individuals deployed. The Security and Sport platform makes it possible to coordinate how these individual areas interact, thereby making sport and sporting events in Austria a safe experience for everyone.

