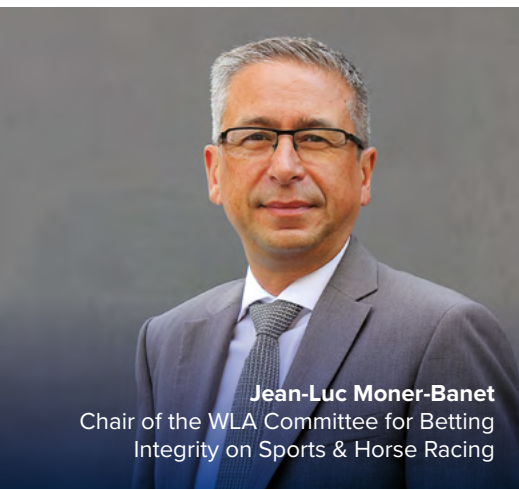


The Macolin Convention

A brief guide on the Council of Europe Convention on the Manipulation of Sports Competitions and why it is important for the lottery and sports betting sector.



Jean-Luc Moner-Banet
Chair of the WLA Committee for Betting Integrity on Sports & Horse Racing

A united front against the manipulation of sports competitions

has been acquired in the fight against the manipulation of sports competitions in recent years, and the involvement of various national and international stakeholders, it is essential that a coordinated approach with a sound legal framework be adopted to facilitate our efforts in this matter. The Macolin Convention, through its comprehensive provisions, provides a solid foundation for such an approach.

Despite the efforts of sports organizations to promote good governance, the world of sports is still plagued with corruption. The phenomenal growth of the sports business market, owing to the advent of the Internet and the extensive media coverage that sporting events receive, has created an environment in which anyone can have a financial interest in the course or outcome of a given competition. More than ever, the manipulation of sports competitions and illegal sports betting have become extremely attractive and profitable enterprises for organized criminals. The advantage of an international treaty like the Macolin Convention is that it advocates a risk- and evidence-based approach, and it allows for commonly agreed standards and principles to be set in the fight against the manipulation of sports competitions. To achieve this objective, the involvement of all relevant stakeholders – e.g., ministries, law enforcement agencies, judiciaries, regulators, sports organizations, and sports betting operators – is an absolute must.

State-authorized lotteries, especially those that offer sports betting, are directly affected by the manipulation of sports competitions. Year for year, WLA member lotteries in different parts of the world fund sports, from the grass-roots level all the way up to national Olympic teams. Moreover, a majority of the WLA members offer sports betting in one form or another. Our industry is thus one of the primary partners for sports.

Unfortunately, sports betting has been abused by criminal elements seeking to manipulate the outcome of sports

competitions for monetary gain. As such, it is our obligation to do all we can to contribute to the fight against the manipulation of sports competitions. The intrinsic values of our industry and its reputation are intertwined with the integrity of sports. It is a firm yet delicate bond that requires cooperation between our members and all other stakeholders involved in the fight against corruption in sports.

The lottery industry is clearly a key stakeholder in the fight to keep sports honest and fair. Forming a united front in the fight against the manipulation of sports competitions continues to be a major priority for the WLA. It is important for us to keep the momentum going in this fight and strengthen our resolve to preserve the integrity of sports, as integrity is essential to the way we do business in the lottery sector. Maintaining a constant battle against corruption in sports can be an arduous path to walk. But when sports officials, law enforcement agencies, judicial authorities, and the lottery and sports betting industry work together to improve governance and increase awareness, we can build an effective front against the criminal elements seeking to profit at the cost of our integrity. The Macolin Convention can clear the path for us, eliminating obstacles, and allowing us to make further gains in the war against the manipulation of sports competitions.

Integrity, fairness, and honesty are as essential for sports as they are for the lottery industry. The Macolin Convention provides a cohesive global framework for the fight against corruption in sport, and the world lottery community provides a robust global network for the sharing of information. With this document, the WLA would like to familiarize its members with the Macolin Convention and highlight its significance for the lottery and sports betting sector. The integrity of sports and the reputation of the lottery and sports betting sector is at stake. It is my hope that we can all work together to empower the Macolin Convention globally and build a united front against the manipulation of sports competitions.

The Convention on the Manipulation of Sports Competitions – also known as the Macolin Convention – is a legally binding, international treaty established by the Council of Europe in 2014. Encompassing and complementing all other relevant legislative texts, both regional and international, the Macolin Convention is the only international accord in the global fight against the manipulation of sports competitions and illegal sports betting.

The creation of the Macolin Convention was the combined effort of over 50 States and organizations worldwide. The World Lottery Association (WLA), the European Lotteries (EL), and the Global Lottery Monitoring System (GLMS) have all been staunch supporters of the Macolin Convention since it was drafted seven years ago. The main objectives of the Macolin Convention are to establish a legal framework for the prevention, detection, and sanctioning of the manipulation of sports competitions; and to promote the cooperation of all relevant stakeholders in this endeavor. The Macolin Convention provides an effective means for combatting the manipulation of sports competitions. Most notably, it calls for the establishment of national platforms, which among other things facilitate the transnational exchange of information essential in the fight against the manipulation of sports competitions and illegal betting. National platforms have already been established in a number of WLA member states and have proven effective in the coordinated effort to thwart corruption in sports.

The manipulation of sports competitions is a multifaceted phenomenon that is often misunderstood in its entire scope. With the knowledge and experience that

The Macolin Convention



The Macolin Convention aims to prevent, detect, punish, and discipline the manipulation of sports competitions. It also makes recommendations on fighting illegal sports betting in accordance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe (CoE) is an international organization that was founded in 1949 with the aim of upholding human rights, democracy, and the rule of law in Europe.

It currently has 47 member states, which include the 27 EU member states and other non-EU European countries and territories.

Since its founding, the CoE has adopted over 210 international conventions and treaties, most significant among them is the European Convention on Human Rights, adopted in 1950. The European Convention on Human Rights laid the foundation for the European Court of Human Rights, which has been defending individual rights and freedoms in Europe since 1959.

On September 14, 2014, the CoE concluded the International Convention on the Manipulation of Sports Competitions in the town of Macolin, Switzerland. This internationally cohesive treaty – hereafter referred to as the Macolin Convention – was established to unite all nations in the

global fight against corruption in sports and illegal sports betting.

The Macolin Convention aims to prevent, detect, punish, and discipline the manipulation of sports competitions. It also makes recommendations on fighting illegal sports betting in accordance with the applicable laws of each jurisdiction.

With these objectives in mind, the Macolin Convention strives to facilitate the exchange of data related to the manipulation of sports competitions and intelligence on the proliferation of illegal sports betting between all relevant stakeholders. It establishes commonly accepted standards and principles and establishes a robust framework for national and international cooperation in the global fight against the manipulation of sports competitions. Given the transnational nature of the manipulation of sports competitions, and the increasingly online dimension of illegal sports betting, only a globally coordinated effort can deliver the results that are needed to effectively protect sports and the sports betting sector.

The Macolin Convention promotes the cooperation between public authorities – e.g., government ministries, national and international law enforcement agencies and judiciaries, gaming regulators, and national and international sports federations – and the lottery and sports betting sectors. The action of these stakeholders culminates in the so-called National Platform. As detailed in article 13 of the Macolin Convention, the National Platform is the entity that ensures the national and transnational exchange of information between competent public authorities, sports organizations, and sports betting operators. It also ensures the correct implementation of the Macolin Convention at the national level.

The manipulation of sports competitions undermines not only the integrity of sports, but also the credibility and reputation of the lottery and betting sector.

It is crucial that the lottery and sports betting sector join the fight against the manipulation of sports competitions

and illegal sports betting. Ultimately, the manipulation of sports competitions undermines not only the integrity of sports, but also the credibility and reputation of the lottery and betting sector. Organized crime will always view the manipulation of sports competitions and illegal sports betting as lucrative schemes, as they promise high profits with relatively limited risks.

By advocating for the adoption of the Macolin Convention in their respective countries, and by working to establish a National Platform within their borders, WLA member lotteries can play a vital role in fight against illegal sports betting and corruption in sports.

Added value for the lotteries and the sport betting sector

As the Macolin Convention was drafted with state lotteries as a major stakeholder in mind, the manner in which it addresses sports betting is of great benefit to the lottery and sports betting sector. As a guiding framework, **the Macolin Convention provides each jurisdiction with the legislative means and practical tools necessary for addressing specific issues in the fight against the manipulation of sports competitions and illegal betting.** For example, a minimum standard set by the Macolin Convention obligates parties to the convention to ensure the appropriate transparency of the organizations that they financially support. Its various measures also address conflicts of interests, and individual chapters outline the cooperation with law

enforcement and judicial authorities, providing a solid framework for better addressing money laundering and IP blocking.

By encouraging the establishment of a public authority to regulate betting within each jurisdiction, **the Macolin Convention seeks to ensure that the state properly enforces measures to combat illicit betting and efficiently monitors the situation regularly within its borders.** Through the clearly outlined definitions of illegal, irregular, and suspicious betting, in the Macolin Convention, and the obligations of the various stakeholders that it delineates, parties to the convention have a concise yet comprehensive set of guidelines to integrate into their respective national legislations. And through the National Platforms, parties to the convention establish an entity to work with regulatory authorities to enforce the provisions of the Macolin Convention. By requiring specific actions based on its definitions, the

Macolin Convention places a clear yet positive obligation on its parties. Such actions include, but are not limited to:

- > Restricting access to illegal operators, both physical and online
- > Closing down illegal betting operations or blocking access to their websites
- > Blocking the financial flow between illegal sports betting operators and consumers
- > Prohibiting illegal betting operation from advertising
- > Requiring all betting organizations to operate lawfully

In this sense, the Macolin Convention plays a crucial role in providing the definitions, the legislative framework, and the measures for enforcement that will allow WLA member lotteries to continue to operate with fewer risks, with no unfair competition, and in a secure environment for their players.

Ratifying the convention

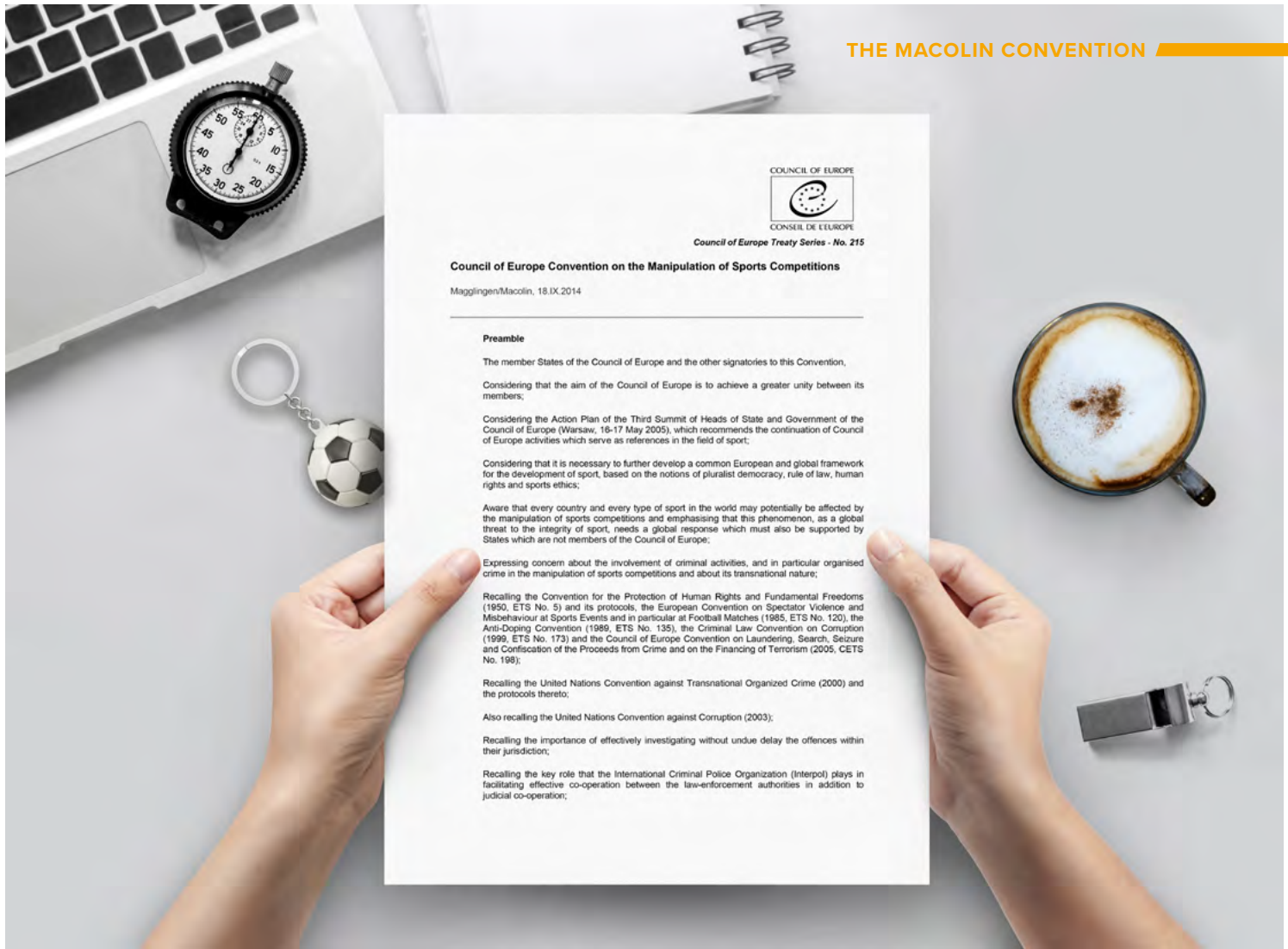
The Macolin Convention is open to all countries around the globe for ratification. CoE Member States and CoE Observer States, as well as those states that participated in the drafting of the Macolin Convention, can begin the ratification process by sending an intention to sign to the CoE through their ministries of foreign

affairs. If national procedure allows for it, these states may ratify the Macolin Convention straight away.

Third-party States – i.e., states that are neither CoE members nor CoE observers, and those that did not participate in the drafting of the Macolin Convention – can start the ratification process by having their respective ministry of foreign affairs

send a formal request to the CoE.

As soon as the Committee of the Convention makes its recommendation, the CoE Committee of Ministers (the Council's governing body) will decide to invite – or not invite – the country to ratify the Macolin Convention. Once a country has ratified the Macolin Convention, it becomes enforceable and compliant legislation must be implemented.



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Council of Europe Convention on the Manipulation of Sports Competitions

Maggingen/Macolin, 18.IX.2014

Preamble

The member States of the Council of Europe and the other signatories to this Convention,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering the Action Plan of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 18-17 May 2005), which recommends the continuation of Council of Europe activities which serve as references in the field of sport;

Considering that it is necessary to further develop a common European and global framework for the development of sport, based on the notions of pluralist democracy, rule of law, human rights and sports ethics;

Aware that every country and every type of sport in the world may potentially be affected by the manipulation of sports competitions and emphasising that this phenomenon, as a global threat to the integrity of sport, needs a global response which must also be supported by States which are not members of the Council of Europe;

Expressing concern about the involvement of criminal activities, and in particular organised crime in the manipulation of sports competitions and about its transnational nature;

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5) and its protocols, the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (1985, ETS No. 120), the Anti-Doping Convention (1989, ETS No. 135), the Criminal Law Convention on Corruption (1999, ETS No. 173) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005, CETS No. 198);

Recalling the United Nations Convention against Transnational Organized Crime (2000) and the protocols thereto;

Also recalling the United Nations Convention against Corruption (2003);

Recalling the importance of effectively investigating without undue delay the offences within their jurisdiction;

Recalling the key role that the International Criminal Police Organization (Interpol) plays in facilitating effective co-operation between the law-enforcement authorities in addition to judicial co-operation;



The National Platform: exchanging key information



In the fight against the manipulation of sports competitions and illegal sports betting, the smooth exchange of information between relevant stakeholders is essential. The National Platform – one of the central concepts of the Macolin Convention – provides stakeholders with a forum in which they can achieve this objective. It serves as an information hub where data, essential in the fight against the manipulation of sports competitions, is centralized, analyzed, and shared with stakeholders both nationally and internationally.

It also ensures that the objectives set forth in the Macolin Convention are properly implemented at the national level in accordance with existing legislation. These objectives, which are highly relevant to the lottery and sports betting sector, include but are not limited to: the detection of betting irregularities; criminal, administrative, and disciplinary investigations; reporting; sanctioning; and education and awareness training; within the wider context of sports manipulations.

There are multiple stakeholders in the fight against the manipulation of sports competitions and illegal sports betting. Among these are: public authorities (including all relevant ministries, law enforcement agencies, prosecutors, government legal advisors, legislators, betting and gambling regulators), and lottery and sports betting operators. Each of these stakeholders has different jurisdictions, different roles, and access to different intelligence and information. For various reasons, these stakeholders are often not accustomed to working together, especially in the area of information sharing. Most notably, law enforcement agencies are typically prohibited by law from sharing information with private and third parties not formally participating in an ongoing investigation. As such, cooperation, and exchange of sensitive data between these stakeholders is not always easy. National Platforms aim specifically to address this problem.

Other relevant stakeholders include representatives from the world of organized sports – from national and international sports federations to referee unions, on through to competition organizers. While the Macolin Convention sets guidelines for regulatory authorities and operators, these should work closely with other stakeholders in tackling the manipulation of sports competitions. Competition organizers, for example, are important in the investigation of suspicious betting activity and the Macolin Convention

encourages a positive obligation on states to facilitate a better relationship between competition organizers and betting operators.

Additionally, the National Platform:

- **promotes and coordinates awareness raising** through educational and training programs on the manipulation of sports competitions and the integrity of sports;
- **conducts research, identifies trends, and compiles data** relevant to the manipulation of sports competitions and illegal sports betting;
- **disseminates information** relevant to the manipulation of sports competitions and illegal sports betting; and
- **creates a single point of contact** for international and national stakeholders.

The establishment of a National Platform, and the implementation of the Macolin Convention's objectives is the best deterrent to criminal elements seeking to corrupt the integrity of sports and damage the reputation of the sports betting industry. In many cases, state lotteries are an integral part of the National Platforms, given their status.

Who leads the National Platform?

The Macolin Convention recommends that a public authority lead the National Platform given the positive obligation, neutral position, and decision-making powers that public authorities have. The nature of the public authority may vary from country to country, depending on their priorities. The lead may be supported by a different coordinating entity at the national level, who may receive a special mandate to coordinate the activities of the National Platform.

In order to establish a National Platform a jurisdiction must first identify the key stakeholders within its borders. A lead

entity and a coordinator for the National Platform should be elected. The name and contact details of the National Platform should be communicated to the Secretary General of the CoE – this makes the National Platform official at international level, once the country has ratified the Macolin Convention

The country should then assess its priorities and carry out a full risk analysis.

Such an evaluation would include:

- **The risks and vulnerabilities** (often financial)
- **The legislative strengths and gaps**
- **Investigative techniques**
- **The country's potential to work with other nations** (mutual legal assistance, treaties, cooperation with international or regional mechanisms, etc.)

If they have not already done so, the country's stakeholders should endeavor to have their government legislators ratify the Macolin Convention. The National Platform should not be considered in isolation of the Macolin Convention. In providing a legislative framework, the Macolin Convention strengthens the legitimacy of the National Platform and provides it with guidance as to its proper functioning. Without the legal basis that the Macolin Convention provides, the work of the National Platform can only go so far before legislative constraints arise.

In the exchange of key information, it is important to understand both the role that sports betting plays in the manipulation of sports competitions and the wealth of information that lottery organizations possess that would be useful in the fight against corruption in sports and illegal betting. It is therefore imperative the WLA lottery members play an active role in supporting the ratification of the Macolin Convention in their respective countries.

The Group of Copenhagen: The network of National Platforms

Communication between the various National Platforms is achieved through a network known as the Group of Copenhagen. The Group of Copenhagen was established in 2016 by the CoE at the initiative of a number of member countries that were originally seeking a way to promote the ratification of the Macolin Convention.

The Group of Copenhagen has since expanded worldwide bringing together 33 countries represented by their National Platform coordinators. Among the Group of Copenhagen's objectives are:

- to identify and promote best practices;
- to serve as a network for the existing National Platforms and provide them with practical support in helping them consolidate and improve their systems; and
- to support countries in creating their National Platforms.

In pursuit of these objectives, the Group of Copenhagen lays the foundation for transnational cooperation, for enabling the exchange of information, and for sharing experiences and expertise essential in the fight against the manipulation of sports competitions and illegal sports betting.

On June 24, 2021, the Follow Up Committee of the Macolin Convention – also known as the T-MC Committee – officially made the Group of Copenhagen an Advisory Group under its authority. The T-MC Committee is the CoE body that is mandated to monitor the implementation of the Macolin Convention. It is made up of the state parties to the convention and observers to the convention. As of September 2021, the state parties to the convention are Greece (Chair), Portugal (Vice-Chair), Switzerland, Moldova, Italy, Ukraine, and Norway. The observers to the convention are the Global Lottery Monitoring System (GLMS), the International Olympic Committee (IOC), Interpol, FIFA, and UEFA.

Under the aegis of the T-MC Committee, the Group of Copenhagen is now formally structured and has received a term of reference. As such, the Group of Copenhagen will be better able to achieve its objectives and help countries establish National Platforms within their borders.



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Sports integrity and the lottery sector

The manipulation of sports competitions and illegal sports betting pose a grave threat to the world lottery community. As such the WLA and EL have invested greatly in the fight to keep sports fair, honest, and transparent. With the establishment of the GLMS in 2015, the WLA and EL made significant inroads in their endeavor to thwart the manipulation of sports competitions and to preserve the integrity sports. Their efforts are beginning to pay off. The awareness of corruption in sports and betting fraud is steadily growing in the industry and preventative measures are beginning to take shape.



The Global Lottery Monitoring System (GLMS)

GLMS is an international association of state lotteries conceived to safeguard the integrity and core values of sports from corruption – specifically, from the manipulation of sports competitions and illegal sports betting. It provides its stakeholder with a global, systematic, surveillance framework for the monitoring of sports betting for suspicious patterns and acts as an information hub dedicated to the prevention of match-fixing.

GLMS also serves its stakeholders in their quest to protect the integrity of sports. This dedicated service includes: education programs and guidelines; strategic input and legal advice; engagement in sports integrity projects; facilitating the cross-border sharing of information on suspicious sports betting

patterns; and the rapid dissemination of data essential in the fight against match-fixing and illegal sports betting. It achieves these objectives through its collective global membership and its active collaboration with sports federations, law enforcement agencies, and gaming regulators. Headquartered in Lausanne, Switzerland, GLMS currently has monitoring hubs in Europe, Asia, and North America, providing monitoring services to its members around the globe 24/7.

GLMS currently has 33 Individual Members comprising lotteries that offer sports betting; two Collective Members, namely the WLA and EL; seven Associate Members comprising sports organizations and suppliers to the lottery and sports betting industry; and one Regulating Member, which is a lottery functioning as a gaming regulator within the jurisdiction of its

state. GLMS fully supports the mission and vision of the Macolin Convention. It advises its member lotteries on the proper implementation of the convention's provisions and lends its support to those members that are seeking to ratify the convention and establish a National Platform in their respective countries.

A well-defined strategic roadmap

Before the CoE concluded the Macolin Convention, there was no internationally coordinated effort to address corruption in sports and illegal betting. What the manipulation of sports competitions was had never been formally and clearly defined. In some jurisdictions match-fixing was not even viewed as a criminal offense. Among the intrinsic values of the Macolin Convention is that it provides a well-defined strategic roadmap in the fight against the manipulation of sports competitions and illegal betting.

Before the CoE concluded the Macolin Convention, there was no internationally coordinated effort to address corruption in sports and illegal betting.

Under the Macolin Convention, the manipulation of sports competitions is now defined as, “an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.” The aim here is to not only criminalize the act of sports-competition manipulation, but also the mere intent to manipulate any sports competition.

This definition represents a watershed moment in the fight against match-fixing, illegal betting, and other forms of corruption in sports, as it widely covers all forms of sports competition manipulation and is not restricted to the fixing

of a match on the playing field. Being that this definition was created by an overwhelming consensus of national and international stakeholders – from the world of sports, from law enforcement, from the sports betting industry, and from government ministries – it embodies the will of a global community dedicated to preserving the integrity of sports. The definition was also intentionally drafted broad enough, and flexible enough, to meet the legislative requirements of most countries. It has now been widely accepted around the globe, most notably by the International Olympic Committee and by Interpol.

Likewise, what was to be considered illegal betting had never been clearly defined. This was particularly a problem for the lottery industry in the EU where free cross-border commerce is welcomed, an issue that threatened the sovereignty of the state lotteries when offshore online lottery operators began offering their products in EU countries. Many of these online lotteries were selling their gaming products in countries where they had no license to operate.

The Macolin Convention defines illegal sports betting as, “any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located”. This definition has gone a long way to bolster the regulated gaming market and to strengthen the sovereignty of state lotteries within their respective borders. It reflects the values of the world lottery community and is now anchored in the WLA Code of Conduct and the EL Sport Charter.

The Macolin Convention also clearly defines sports betting itself, as well as two further categories namely, “Irregular sports betting” and “Suspicious sports betting”.

- > **Sports betting** is defined as, *“any wagering of a stake of monetary value (i.e., rising a financial loss) in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition”*.
- > **Irregular sports betting** is defined as, *“any sports betting activity inconsistent with usual or anticipated patterns of the market in question or related to betting on a sports competition whose course has unusual characteristics”*.

- > **Suspicious sports betting** is defined as, *“any sports betting activity which, according to reliable and consistent evidence, appears to be linked to a manipulation of the sports competition on which it is offered”*.

These definitions are the foundation of the Macolin Convention and are important in enforcing its provisions. They provide lotteries and sports betting operators, as well as all relevant stakeholders, with the strategic guidance needed in the fight against the manipulation of sports competitions and illegal betting.

A call to action

The integrity of the lottery and sports betting sector is intrinsically tied to the integrity of sports, both on and off the playing field. The manipulations of sports competitions damages not only the integrity of sports, but also the reputation of the lottery and sports betting sector. Cheating in sports, also cheats the punters who invest their money in our sports betting products and undermines their trust in our lottery and sports betting operations. It is therefore in the best interest of WLA member lotteries to demonstrate their firm commitment to honesty and fairness in sports by advocating ratification of the Macolin Convention in their respective countries.

Sports integrity is built upon a foundation of fair, honest, and transparent competition.

Sports integrity is built upon a foundation of fair, honest, and transparent competition. The lottery's mission of raising funds for good causes would be lost should the integrity of sports be compromised. More than half of all state lotteries worldwide offer some form of sports betting. As such, sports betting will continue to play a vital role in the lottery sector's quest to raise money for worthy causes.

Owing to the burgeoning market for sports betting in the USA and in reference to global lottery sales, the number of lotteries offering sports betting will continue to increase in the coming decade. According to the



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WLA Global Lottery Data Compendium 2020 (GLDC), slightly more than one quarter of total global lottery sales was raised through sports betting. This illustrates the vital role that sports betting plays in raising funds for good causes.

Likewise, the GLDC reported that WLA member lotteries returned around USD 85.7 billion to society in support of worthy causes in 2019. Of that, an estimated USD 5 billion – roughly 6% – went to fund sports. From backing grass-roots sports, to supporting aspiring young athletes, state lotteries contribute greatly to sports in their respective jurisdictions. From this perspective, the lottery sector has and will always maintain a vested interest in the integrity of sports.

As the fight against the manipulation of sports competitions and illegal

Governments around the globe have been accelerating their efforts to regulate sports betting in the hopes of safeguarding vital revenue for the funding of good causes.

sports betting has become imperative, governments around the globe have been accelerating their efforts to regulate sports betting in the hopes of safeguarding vital revenue for the funding of good causes.

The Macolin Convention can offer these governments a path to regulation that is both comprehensive and cohesive. It provides a regulatory model that

is internationally accepted and is structured to tackle a global problem through transnational cooperation. It is therefore in the best interest of WLA member lotteries around the globe to appeal to their government legislators to ratify the Macolin Convention, today.

Should you have any question about the Macolin Convention ratification process, or how your country can establish a National Platform, we would be happy to help you.

For more information, please visit the dedicated website of the Council of Europe at www.coe.int/en/web/sport/t-mc or contact Sophie Kwasny, Head of the Sport Conventions Division of the Council of Europe at sophie.kwasny@coe.int.

You can also contact the WLA at communication@world-lotteries.org.

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