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ARTICLES

WHISTLEBLOWER PROTECTION IN CASES OF MANIPULATION OF SPORTS COMPETITIONS: FRENCH LEGAL PERSPECTIVES FOLLOWING THE MOTIVATION PROJECT

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Abstract

Various tools exist to report the manipulation of sports competitions, yet stakeholders still rarely report. This article examines the French legal framework applicable, or partially applicable, to whistleblowers in cases of sports manipulation, focusing on the “Sapin II” Law (Law No. 2016-1691), its 2022 reform (“Waserman” Law No. 2022-401), and sport-specific provisions in the Sports Code, including anti-doping rules. This article proposes legal improvements tailored to the sports ecosystem: extending protection to all sports actors regardless of employment status; designating sports-integrity “facilitators;” creating a unique sports-specific external reporting pathway that clearly covers all integrity issues; strengthening remedies; and clarifying confidentiality and anti-reprisal guarantees. These reforms aim to increase trust and the practical use of reporting channels, thereby strengthening integrity in French sport.

Keywords: *Whistleblowing, Integrity, Manipulation of Sports Competitions, Match-fixing, Public Policies.*

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1. INTRODUCTION

1.1. CONTEXTUALIZATION

For several decades, cases of manipulation of sports competitions have multiplied¹ and become more complex². Manipulation of sports competitions is legally defined by Article 3 of the Council of Europe Convention against the manipulation of sports competition 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.”

Manipulation can devastate the image of a sporting discipline or the notoriety of a competition. Moreover, no sporting discipline seems completely protected. Scandals based on proven facts have erupted in football on several continents,³ Japanese sumo,⁴ French handball,⁵ or on

- 1 Stefano Caneppele, Giulia Cinaglia, And Fiona Langlois. The DACCS project (Database on alleged cases of corruption in sport) - Session “Fighting corruption in Sport: scaling up action,” 15th Conference of Ministers responsible for sport, Council of Europe, October 2018, https://www.researchgate.net/publication/328333700_The_DACCS_project_Database_on_alleged_cases_of_corruption_in_sport_-_Session_Fighting_corruption_in_Sport_scaling_up_action_presented_at_the_15th_Council_of_Europe_Conference_of_Ministers_responsible_. See also FIFPRO, Black Book Eastern Europe, The problems professional footballers encounter: research, 2012, <https://www.fifpro.org/en/articles/2020/03/fifpro-black-book-eastern-europe> ; and Nicolas Bourzat, “Corruption in sport: a reality but not inevitable”, *Jurisport*, no 181 (2017): 18.
- 2 Wladimir Andreff. “Complexity Triggered by Economic Globalization—The Issue of Online Betting-Related Match Fixing,” *Systems* 5, no. 1(2017):12, <https://doi.org/10.3390/systems5010012>. The author considers that match-fixing has become the most widespread form of corruption in sport in recent years. In 2011, around 10% of matches considered by the study were suspect, and in 2012, around 700 matches were affected, particularly in the lower professional divisions; See also Declan Hill, “Why sport is losing the war to match-fixers,” (2021): 2, https://www.researchgate.net/publication/348959594_Why_sport_is_losing_the_war_to_match-fixers#fullTextFileContent: “In the last five years over 1,000 sports events – from top-level soccer games to Olympic badminton matches to international cricket competitions – have been fixed.”
- 3 See e.g. Declan Hill, *How to fix a football match?* (Paris: F. Massot, 2008) ; Seungbaek Han. “Match-fixing under the state monopoly sports betting system: a case study of the 2011 K-League scandal,” *Crime Law Soc Change* 74, no. 1(2000): 97–113, <https://doi.org/10.1007/s10611-020-09888-0>; Wilson Raj Perumal, Alessandro Righi, Emanuele Piano, and Tony Brophy. *Kelong kings: confessions of the world’s most prolific match-fixer* (Rome: Nuova Tipografia Loffari, 2014); Laura Tarasti. “First international convention against sport manipulation,” *ISLR* 15, no. 2(2015):20: “Wilson Perumal, a 48-year-old Singaporean, claimed that he organized match-fixing in football matches in the Atlanta Olympic Games in 1996 and in the Beijing Olympic Games in 2012. Not even the World Cup in Brazil last year has escaped from the doubts of manipulation.”
- 4 Stacey Steele, Hayden Opie, Ed. *Match-fixing in sport: comparative studies from Australia, Japan, Korea and beyond* (London & New York: Routledge, 2018). In 2011, a police investigation revealed that fourteen sumo wrestlers corresponded with each other by phone message to determine the outcome of their fight, as well as the specific moves to use during the course of the fight, in order to rig sports bets.
- 5 About this case: Guillaume Beaussonie, “Guilty and victims of fixing a handball match - Commentary on the Crim judgment. November 21, 2018”, *Actualité Juridique Pénal*, no. 2, (February 2019): 89-91: “On May 12, 2012, in Cesson-Sévigné, a fixed match took place, within the framework of the National Handball League, between the local team and the Montpellier team. Several players from the latter team had actually agreed among themselves, as well as with associates, so that, on the one hand, the other team would find itself in the lead at half-time, and, on the other hand, to place several simultaneous and anonymous bets in the direction of such a score. The result was a total gain of 300,000 euros, distributed among the punters according to their initial stake. The FDJ, alerted by these abnormal bets at points of sale, informed the central racing and games service. A judicial investigation was then carried out during which the players were criminally sanctioned.”

alleged facts as in the Sopot tennis tournament affair.⁶ This raises doubts not only about the credibility and sincerity of sporting competitions, including sporting hazards, but also about the equality of opportunities among participants and their integrity. However, the risks of cheating in sports extend beyond just the sporting world. There can be economic, commercial, and financial repercussions. It follows that public order can be impacted if cheating is linked to organized crime, corruption, money laundering, or fraud, particularly in sports betting.

In response to these scandals, numerous tools have been implemented by the sports movement or public authorities to report attempts or cases of manipulation of sports competitions. We can cite the SIGNALE reporting system created in France by several sports actors⁷ to alert in the event of manipulation of sports competitions. This website allows anyone to make reports, even anonymously, on all sports. The reports are sent directly to the Paris Public Prosecutor's Office. It allows the recipient to enter into dialogue with an anonymous whistleblower in a secure manner by sending a code after reporting in order for them to reconnect to the website. However, it appears that stakeholders in our consultations have reported limited awareness of this tool, which helps explain the low uptake.

The question that arises is: How can we encourage competition stakeholders to alert in the case of manipulation of sports competitions? This question guided the creation of a three-year European project "MotivAction" (2022-2024), funded by the Erasmus + Sport program of the European Commission, coordinated by the National Gambling Authority in France, with the participation of three major sports organizations and seven partner countries.⁸

1.2. THE EU CONTEXT

Directive (EU) 2019/1937 sets minimum standards for protecting persons who report breaches of Union law. Although sport is not named as a sector in Article 2, Member States may extend protections to comparable national matters (e.g., sports integrity), which France has partially and indirectly implemented through Sapin II/Waserman. The Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention) complements this by urging "effective mechanisms," including "adequate protection for whistleblowers". Situating the French approach against these instruments clarifies areas where France already aligns and where sports-specific adjustments could enhance protection and practical usability.

6 Pascal Boniface, Sarah Lacarrière, Pim Verschuuren, *Paris sportifs et corruption: comment préserver l'intégrité du sport*, Paris, Colin; Institut de relations internationales et stratégiques, 2012. The authors report a case of manipulation. A British sports betting operator recorded unusual betting movements, including abnormally high stakes, on a match at the Sport Tennis Tournament in August 2007 for the underdog to win. The match pitted a player usually ranked in the top 5 against a player much further down the rankings. The match was forfeited by the first player. Without finding sufficient proof of rigging by the sports movement at the end of the investigation, the betting operator nevertheless decided to completely cancel the bets on this match

7 The common alert system was created (www.signalesport.fr). It is hosted by the CNOSF, financed by the ANLSP, the FDJ, the FFF, and the FNASS, via the French Sports Fund, and developed by the Swedish company WhistleB.

8 Three sports organizations are: EU Athletes, IFSO, and ICCE. The seven partner countries are Bulgaria, Cyprus, France, Greece, Poland, Portugal, and Moldova.

1.3. PROJECT OBJECTIVES AND RESEARCH QUESTION

The MotivAction project intends to improve the quality and effectiveness of whistleblowing policies and reporting channels in seven partner countries. To fulfill this objective, one key step of the programme is to understand the current framework at the national level and consult stakeholders to identify their priorities, needs and constraints with regards to whistleblowing promotion and management.

The specific objective of this article is to identify which legal improvements within the French arsenal could encourage competition stakeholders in the sports industry to report sport competition related issues.

1.4. DATA COLLECTION IN FRANCE

France is a country where data analysis is interesting for two main reasons. The first reason is that it was hosting the Olympic Games in 2024, in Paris. The second reason is that data collection in France during the consultation phases of the MotivAction project was particularly dense.

During the first consultation in France, which took place between November 2022 and March 15, 2023, three one-hour semi-structured focus groups were organized. These groups included 4 referees, 7 athletes, and 5 coaches. The interviews were conducted in person and online. Additionally, a meeting was held with the institutional members of the national platform to combat the manipulation of sports competitions. The second phase of consultation took place between January and March 2024. A meeting of the national platform brought together 10 participants, and three one-hour online focus groups were organized. A total of 6 coaches, 13 referees, and 9 athletes and athlete representatives from various disciplines participated.⁹ In total, more than forty participants in the competitions were interviewed to gather their perceptions on launching an alert, the incentives, and the obstacles they may encounter.

A questionnaire was also distributed to sports stakeholders to analyze their level of experience with match-fixing, their confidence and knowledge of reporting options, their expected level of support, and demographic data. A total of 1,391 responses were recorded.

2. ANALYSIS OF RESULTS

2.1. QUALITATIVE AND QUANTITATIVE RESULTS

The qualitative interviews revealed that the obstacles to alerting are numerous. Participants underline the importance of the anonymity of those involved in corruption, fear of reprisals, ignorance, and distrust of reporting tools. The vast majority express a lack of knowledge regarding legal guarantees and protections in terms of security, confidentiality, but also in the event of retaliation. To the question “*Do you know your protections, particularly legal protections?*” the participants in the French focus groups unanimously responded in the

⁹ The sports represented are: boxing, football, ice hockey, tennis, basketball, handball, rugby, figure skating, athletics, and swimming. 3 women and 13 men were interviewed, at the national or international levels.

negative.

This response must be linked to the question of support within the sports movement. The answers vary. Some participants believe they will receive support from their club, union or federation. Others express serious doubts. The results of the quantitative questionnaire point in the same direction. The majority of respondents believe they would be supported and helped by their federation (80%) or local team or club (86%) in the event of reporting match-fixing. On the contrary, some respondents indicated that they think they would not be helped by their federation (249 people) or clubs (173 people).

That is why the two main results linked to the French legal framework for whistleblowers in sport need to be highlighted.

Sports stakeholders are unaware of the protections offered to them in the event of an alert. This lack of knowledge does not encourage those involved in competitions. What do they “gain” by alerting if they don’t know if they are protected? On the contrary, it adds to other obstacles to reporting, which were identified, such as fear of reprisals, ignorance, and distrust of reporting tools.

The actors in sport ignore the legal framework for whistleblowers in sport. There are two very distinct legal frameworks. The first belongs to the sports movement, which is a framework of private and disciplinary law. The second is the state legal framework with legal provisions. Currently, there is a general legal framework for whistleblowers with the Sapin II and Wasserman Laws, but no sports actor has been able to determine if this framework directly applies to sport.

2.2. ANALYSIS OF THE LEGAL FRAMEWORK

The question here is not about questioning the specific framework of the Olympic and sporting movement, resulting from private international law, but about questioning the state legal protection that France can provide.

The Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law sets objectives for the Member States of the European Union in terms of the protection of whistleblowers. Member States are free to choose the means they implement to achieve these objectives. Sport is not one of the areas directly cited in Article 2 relating to the material scope of the directive. However, this text remains a considerable step forward for the States that can draw inspiration from it. However, the legal situation on whistleblowing within the EU depends on each national jurisdiction.

In France, whistleblowers have a legal framework including the Law No. 2016-1691 of December 9, 2016, relating to transparency, corruption, and modernization of economic life (The “Sapin II” Law) and the Law No. 2022-401 of March 21, 2022, aimed at improving the protection of whistleblowers (the Wasserman Law). There is also a specific legal framework

for anti-doping whistleblowers.¹⁰

However, in the fight against the manipulation of sports competitions under French law, there is a recent legal framework that does not directly include whistleblowers. There is legal uncertainty regarding the application of existing legal provisions for the protection of whistleblowers in sport. To note, the Law No. 2022-296 of March 2, 2022, which aims to democratize French sport legally, establishes the French national platform for fighting against the manipulation of sports competitions. Additionally, Law No. 2022-1555 of December 12, 2022, authorizes the ratification by France of the Convention of the Council of Europe on the manipulation of sports competitions. This convention provides in its Article 7.2.c the adoption and implementation of « *appropriate measures in order to ensure (...) effective mechanisms to facilitate the disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistle blowers.* »

2.3. FROM FINDINGS TO LEGAL NEEDS

The qualitative interviews and survey data reveal three principal deterrents to whistleblowing within the French sports sector: fear of retaliation, uncertainty regarding the scope of legal protection and confidentiality guarantees, and ambiguity concerning the appropriate channels for reporting. Each of these barriers corresponds to a specific deficiency in the current legal framework. The persistence of reprisals underscores the need for sport-specific, enforceable remedies and protective measures. The lack of clarity about protection indicates the necessity to extend the applicability of the *Sapin II* and *Waserman* laws to a broader range of sports stakeholders beyond traditional employment relationships. Finally, the confusion surrounding reporting pathways highlights the requirement for a dedicated external reporting mechanism for the sports domain, with clearly defined mandates for the French Anti-Doping Agency (AFLD), the National Gambling Authority (ANJ), and the Ministry of Sports, ideally accessible through a unified reporting portal.

These findings are consistent with broader scholarly analyses, which emphasize that the mere existence of a legal mechanism is insufficient if potential whistleblowers lack trust in its independence, confidentiality, and follow-up procedures.

3. LEGAL PERSPECTIVES

Two ideas will be developed to show that the current legal framework for whistleblowers in sport in France could be partially applicable, although it still needs improvement. Moreover, specific provisions for sports actors could better protect them when reporting suspicions or cases of manipulation of sports competitions.

10 Deliberation No. 2023-01 of February 9, 2023, establishes the procedure for collecting and processing reports issued by whistleblowers within the French Anti-Doping Agency.

3.1. WHY DOES THE GENERAL FRENCH LEGAL FRAMEWORK PARTIALLY APPLY TO THE WORLD OF SPORT?

3.1.1. THE LEGAL DEFINITION OF A WHISTLEBLOWER

Created by the Sapin II Law, and slightly modified and extended by law No. 2022-401 of March 21, 2022, the whistleblower is defined in French Law as a *“natural person who reports or discloses, without direct financial compensation and in good faith, information relating to a crime, an offence, a threat or harm to the general interest, a violation or an attempt to conceal a violation of an international commitment regularly ratified or approved by France, of a unilateral act of an international organization taken on the basis of such a commitment, of the law of the European Union, of law or regulation”*.

The absence of financial consideration is a criterion that replaces the obligation to act disinterestedly, and personal knowledge of the facts is suppressed in professional contexts. Thus, an actor in sports competition could report facts that have been reported to him. The limit to reporting was national defense secrecy, medical secrecy, or lawyer-client secrecy.

The definition of a whistleblower can be applied in the context of the manipulation of sports competitions. Indeed, it can be linked to a crime or an offense. If there are general law provisions that can be used in case of manipulation of sports competitions,¹¹ criminal offenses specific to the manipulation of sports competitions may apply, such as the offenses of active and passive sports corruption (Article 445-1-1 and 445-1-2 of the French Criminal Code). Additionally, with the ratification of the Council of Europe Convention on the Manipulation of Sports Competitions, a case of manipulation of a sports competition might be a violation of an international commitment regularly ratified or approved by France. Then, the new regulation of whistleblowing reformed by the Wasserman Law and its implementing decrees finds a field of application in the sports world. With the expanded definition of the alert, which can relate to a threat or harm to the general interest, match-fixing and the manipulation of sports competitions are now included, through the dimensions of the protection of the integrity of sports competitions, integrity and sincerity of gambling operations or consumer protection.

3.1.2. THE LEGAL SCOPE OF APPLICATION OF THE FRENCH LAW

An argument frequently advanced within the sports movement is that the French whistleblowing legislation does not explicitly include sports organizations within its scope. In principle, the amended Sapin II Law applies to private-law legal entities and companies operated by one or more natural persons with at least fifty employees. Consequently, the procedures for receiving and handling reports should theoretically apply to the sports sector. Sports federations, established as associations under the Law of 1 July 1901, constitute private-law entities and, and if they employ more than fifty staff members, are subject to the same reporting obligations as other organizations. The same applies to certain professional

11 Such as in the French criminal code, active or passive corruption of public officials (Article 433-1 and 432-11, active or passive corruption of a private person (Article 445-1 and 445-2); fraud (Article 313-1); online harassment (Article 222-33-2); blackmail (Article 312-10), influence peddling (Article 433-2), the administration of harmful substances (Article 222-15); association of criminals (Article 450-1); organized gang (Article 132-71).

clubs and sports companies (Article L.122 of the Code du sport) and private event organizers referred to in Article L.331-5 of the Code du sport.

However, a recurring practical issue, concerns the limited number of sports entities that meet the fifty-employee threshold for internal reporting obligations. The French sports landscape is highly heterogeneous: while some national federations, professional clubs, and event organizers exceed this threshold, many associations and local clubs do not. This situation creates significant gaps in protection, particularly in contexts where vulnerabilities and power asymmetries are most acute.

To address these shortcomings, two complementary measures appear necessary. First, a sports-specific external reporting mechanism should be established, accessible to any stakeholder regardless of the size or legal status of their organization. Second, simplified internal reporting procedures should be encouraged—or required—for entities with fewer than fifty employees through federations' regulations or a dedicated sectoral instrument, thereby ensuring harmonized minimum safeguards across the sporting ecosystem.

More fundamentally, the general French framework under the Sapin II and Wasserman Laws is not tailored to the realities of sport and can be difficult to apply in practice. Many licence holders are not employees of federations, a large proportion of athletes are amateurs, and even professional athletes often operate as self-employed workers. Consequently, a specific legal framework for sport should extend protection to all persons involved in sporting activities—athletes, coaches, referees, officials, staff, third parties, and relatives—regardless of the existence or nature of any contractual relationship with a sports organization.

This broader and more inclusive approach is consistent with findings from whistleblowing research, which emphasize that effective protection should extend beyond employees to include volunteers, contractors, and athletes operating without a formal employment status.

3.2. HOW TO CREATE A SPECIFIC FRAMEWORK FOR WHISTLEBLOWERS IN SPORTS?

To address this question, it is essential to highlight the reasons why the sporting industry requires a specific legal framework. The sporting sector is characterized by structural vulnerabilities such as short-term or performance-based contracts, dependence on discretionary selection decisions, asymmetric power relations, and reputational fragility that can abruptly end a career. These features create a precarious professional environment that increases the risk of reprisals and discourages whistleblowing. Moreover, the sports ecosystem operates within a relatively closed and confidential culture where revealing misconduct may jeopardize not only an individual's career but also the financial and political interests of clubs, competitions, and governing bodies. Such conditions justify the need for a tailored legal architecture that both encourages disclosure and ensures continuous protection for whistleblowers throughout the reporting process.

3.2.1. THE EXTENT OF WHISTLEBLOWER PROTECTION PROVISIONS

The Article 10-1-II of the Sapin modified Law lists the prohibited reprisals. These can include: 1° *Suspension, layoff, dismissal or equivalent measures*; 2° *Demotion or refusal of promotion*; 3° *Transfer of functions, change of place of work, reduction of salary, modification of working hours*; 4° *Suspension of training*; 5° *Negative performance evaluation or work certificate*; 6° *Disciplinary measures imposed or administered, reprimand or other sanction, including a financial sanction*; 7° *Coercion, intimidation, harassment or ostracism*; 8° *Discrimination, disadvantageous or unfair treatment*; 9° *Failure to convert a fixed-term employment contract or a temporary contract into a permanent contract, when the worker could legitimately hope to be offered permanent employment*; 10° *Non-renewal or early termination of a fixed-term employment contract or a temporary contract*; 11° *Damage, including damage to the reputation of the person, in particular on an online public communication service, or financial losses, including loss of activity and loss of income*; 12° *Blacklisting on the basis of a formal or informal agreement at the sectoral or branch of activity level, which may imply that the person will not find employment in the future in the sector or branch activity*; 13° *Early termination or cancellation of a contract for goods or services*; 14° *Cancellation of a license or permit*; 15° *Abusive referral towards psychiatric or medical treatment*.

The list of retaliations appears to be complete, encompassing most of the behaviors contemplated. However, the scope of retaliation does not include the athlete's families or entourage, although this could be indirect retaliation. It is worth mentioning that this protection exists within the legal framework of anti-doping regulations. Note in this regard that Article 6 of the Portuguese law of January 19, 2024, devoted to sport, provides legal protection from any disciplinary, civil measure, or discrimination, following this report, provided that it was made properly faith.

The modified Sapin II Law, if extended and adapted to all sports stakeholders, offers numerous additional protections. This includes the extension of civil (Art. 7 of the Sapin modified Law) and criminal irresponsibility (Article 10-1 Sapin modified Law) for whistleblowers. Criminal (1 year of imprisonment and 15,000 euros fine) Article 13-I of the Sapin modified Law) and civil penalties (fine of 60,000 euros and damages, Article 13-II of the Sapin modified Law) are imposed on individuals who retaliate against whistleblowers. Financial and psychological aid (Article 14-1 of the Sapin modified Law) is also provided. Confidentiality guarantees are reinforced (Article 9 of the Sapin modified Law; Article 122-9 of the French Criminal Law). However, these provisions are not specific to the world of sport.

On one hand, the whistleblower is rarely mentioned in the legal texts that govern sport, whether professional or amateur. There is only a provision included in Article L.232-10-4 of the Sports Code relating to doping, which sanctions intimidation or reprisals against a whistleblower with the World Anti-Doping Agency, an Anti-Doping Organization, or relevant public authorities. The list of possible sanctions in the event of violation of the aforementioned article is included in Article L.232-23-9 of the Sports Code. Those who violate this article risk suspension measures ranging from two years to permanent suspension and additional financial sanctions. When necessary, physical protection from national judicial authorities should be conferred to sport whistleblowers and legally enshrined.

On the other hand, the sanctions provided are not adapted to the world of sport. Remedies should ensure full reparation of sport-specific harm—such as loss of sponsorship, premature career termination, transfer or sanction-related consequences, and loss of income dependent on selection. Rather than anchoring compensation to the €60,000 civil fine mentioned in Article 13-II of the amended Sapin II Law, which establishes a civil penalty against those who initiate abusive or vexatious proceedings against whistleblowers, the focus should be on integral restitution of the proven damages sustained in the sporting context. This approach is consistent with the general principles of civil liability and ensures that whistleblowers are fully compensated for the actual harm suffered.

Moreover, additional sports whistleblower protection could be legally added. In addition to the public reporting system, French law should provide, as it did for anti-doping, the adoption of internal regulations prescribing rules on the commencement of protection mechanisms. This could include an agreement to be signed between the whistleblower and the report recipient, listing the rights and responsibilities of both parties. It should be mentioned that some rights and responsibilities can only become applicable once the agreement has been signed. The agreement should also detail how and on what grounds the relationship can be terminated. This type of contract already exists for the fight against doping. The recommendation on the protection of whistleblowers in the context of the fight against doping in sport¹²¹ provides various rights and responsibilities of whistleblowers including the right to provide information, the right to confidentiality, the right to secure reliable and reporting channels, the right to be informed on the status of proceedings and overall guidance, the right to be notified of information sharing with third parties, the right to withdraw reporting or any disclosure, the right to assistance, and the right to protection from retaliation. This provision should be extended to cover all integrity themes and all public bodies responsible for handling alerts, like the National Gambling Authority (ANJ) and the Ministry of Sports.

3.2.2. A PUBLIC REPORTING MECHANISM FOR SPORTS IN THE LAW

The modified Sapin II law provided for a three-step reporting mechanism: the alert had to be carried out internally within their company or administration; then, with the judicial or administrative authorities, or with a professional order in the absence of internal processing; or as a last resort, the disclosure was made public. From now on, whistleblowers have the choice, alternatively or cumulatively, between an internal or external report (Article 3) before making a public disclosure (Article 8-III of the Sapin modified Law).

Under Decree No.2022-1284, as part of the Waserman reform, France has identified external authorities that are competent to receive whistleblower reports. It is important to note the absence of AFLD (anti-doping) and ANJ (gambling regulator) from this list. This is significant in the context of sports integrity because manipulation frequently intersects with their areas of responsibility, such as doping intelligence and betting-related integrity. In contrast, the French Anti-Corruption Agency (AFA) already has a general external-reporting procedure for EU financial breaches and probity matters. This results in an asymmetry: stakeholders can

12 Deliberation No. 2023-01 of February 9, 2023, establishes within the French Anti-Doping Agency the procedure for collecting and processing reports issued by whistleblowers Article L.335-1 to L.335-3 of the French Sports Code

easily identify AFA as an external authority, but not AFLD or ANJ for manipulation-related intelligence.

Furthermore, the French antidoping agency sets up an internal procedure for collecting and processing reports issued by whistleblowers based on the Sapin law. This procedure is well- detailed¹³ (in deliberation No. 2023-01 of February 9, 2023; Article L.232-5 C. Sport, L.232-10; R.232-10; Sapin law; Law No. 2017-55 on AAI and API). However, this only applies to doping issues. The design features are portable to other integrity themes. They offer a ready blueprint for a cross-cutting sports-integrity portal, improving usability and trust for competition participants.

For reasons of clarification and better understanding by those involved in sport, a specific law on whistleblowers in sport could provide for the establishment of a common and global reporting tool for all sport integrity issues within French sports: alerts on doping could then be transferred directly to the national anti-doping agency (AFLD), alerts on harassment and violence to the Ministry of Sports, and manipulations related to betting to the National Gambling Authority (ANJ). Those involved in sports competitions must know who they can report to and to have confidence that their reports will be handled confidentially¹⁴.

3.2.3. THE LEGAL DESIGNATION OF SPORTS FACILITATORS

The protection of “facilitators” of alerts against reprisals has been planned since the Wasserman Law. Protection is granted to “any natural or legal person under private law, not for profit, who helps a whistleblower to make a report or a disclosure” (Article 6-1-1° of the Sapin modified Law). These individuals have the possibility of alerting internally within the company or administration, or externally to the justice system or competent authorities.

The status of whistleblowing facilitators should be clarified in the world of sport in order to encourage them to come forward, or to train them in dealing with whistleblowers. The main facilitators are the coaches who often receive confidence by athletes, integrity representatives at certain competitions, employee integrity delegates of each French sports federation, and even unions of sports actors.

4. CONCLUSION

This study highlights the need to strengthen the French legal framework for the protection of whistleblowers in the field of sport. Several recommendations for improvement can be made. Firstly, it is necessary to clarify the application of the existing framework - particularly the amended *Sapin II Law* - to the specific realities of the sports sector. Secondly, the current system should be complemented by sport-specific provisions, including the formal establishment of an external reporting mechanism dedicated to sports integrity cases, the legal recognition of sports integrity facilitators, and a broader definition of the categories

13 Deliberation No. 2023-01 of February 9, 2023, establishes within the French Anti-Doping Agency the procedure for collecting and processing reports issued by whistleblowers: secure reporting channels, confidentiality of identity and of reported facts, restricted access handling, follow-up with the reporter, safeguards against conflicts of interest in processing, and linkages to disciplinary/criminal avenues where appropriate.

14 T-PREG, *Guidelines for optimising EU policies on whistleblower protection in sports* (Brussels, 2020).

of persons entitled to whistleblower protection. Lastly, the development of a coherent and comprehensive legal structure for whistleblowing in sports in France could serve as a model for other jurisdictions, contributing to the emergence of an international standard of good practice in safeguarding integrity and transparency in sport.

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