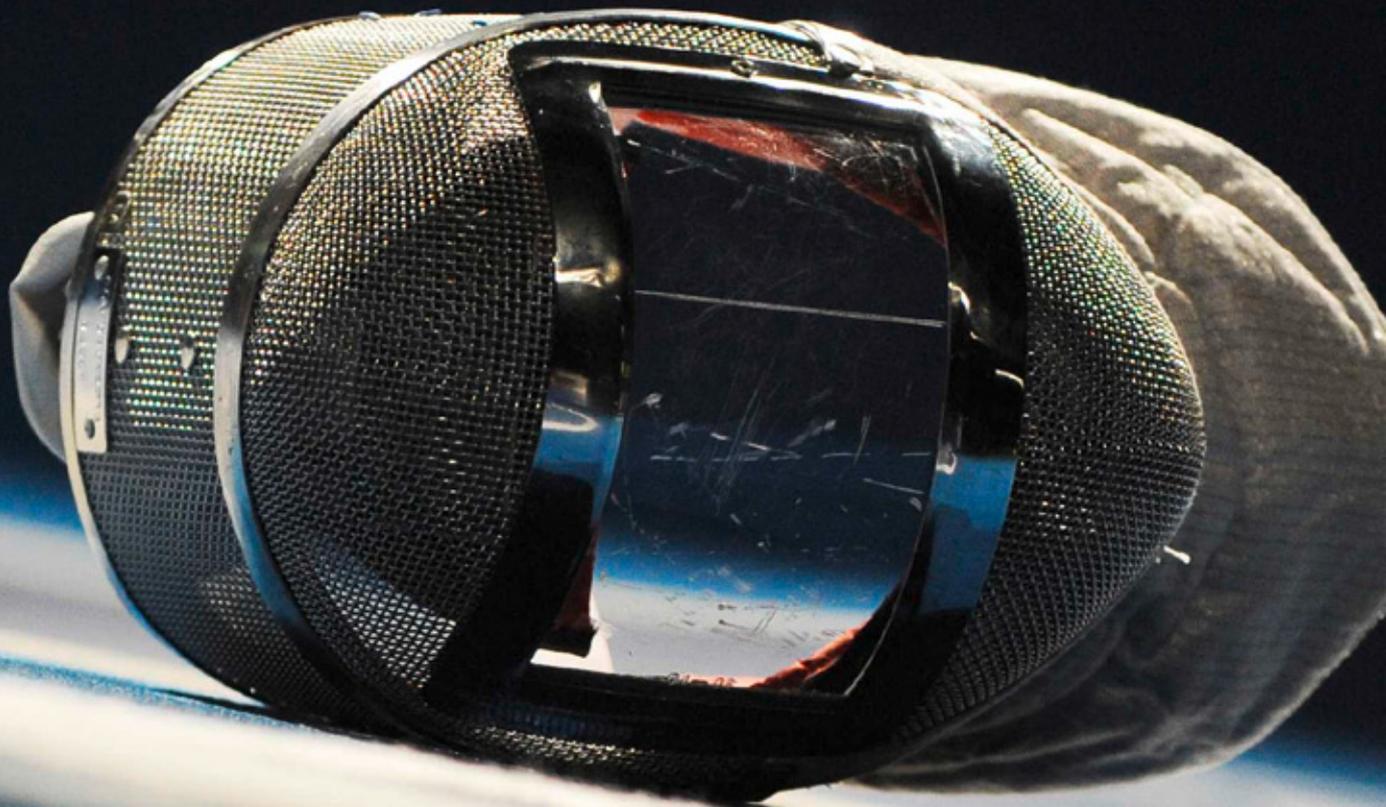


# Guide to EU SPORT POLICY



**EU** Office

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## PREFACE



Dear friends from the World of Sport,

Approximately two years after the entering into force of the “Lisbon-Treaty” the shape of a more comprehensive European Sport Policy has become more and more visible.

The Communication of the European Commission on the “European Dimension on Sport” (January 2011) and the Work Plan of the European Sport Ministers (May 2011) cover a wide range of topics that are of utmost relevance for all sport stakeholders in Europe. With this background in mind the EOC EU Office has created the “Guide to EU Sport Policy” enabling representatives of National Olympic Committees, sport federations and/or clubs to deepen their expertise in European policy issues related to sport. The brochure provides background information on all relevant policy fields ranging from media rights, competition policy to volunteering or social inclusion through sport. Furthermore, the different chapters contain valuable information on perspectives of the respective policy fields as well as practical advice. Let me express my special thanks to Folker Hellmund, his staff and trainees of the EOC EU Office in Brussels for their extensive work in the compilation of this brochure.

Please enjoy the input and spread the word to all who have an interest in sport and society.  
Thank you!

Patrick Hickey  
President of the European Olympic Committees



# EU SPORT POLICY: EVOLUTION

For a long time, the European Union did not have an official EU Sport Policy. However, many other EU policies had an impact on sport - notably on its economic aspects. Due to the lack of a specific legal basis, the EU's approach to sport has been shaped to a great extent by the case-law of the European Court of Justice (ECJ). In a series of landmark decisions, such as Walrave (1974), Dona (1976), Bosman (1995), Delière (2000) or Lehtonen (2000) the Court firmly established the rule that sport must comply with EU law whenever it constitutes an economic activity. Over the years, the EU has been dealing increasingly with sport. The White Paper on Sport (2007) provided the basis for a more comprehensive EU sport policy.

Since the entry into force of the Lisbon Treaty (2009), the EU has an explicit competence for sport. EU Sport Policy is gaining momentum and several new initiatives have been taken. In January 2011, the European Commission adopted the Communication "Developing the European Dimension in Sport" and in May 2011, EU Sport Ministers adopted an EU Work Plan on Sport. How EU Sport Policy evolved in the past will be described in this chapter.



## CORNERSTONES

### 2011: THE COUNCIL WORK PLAN ON SPORT

On May 20, the EU Sport Ministers adopted a [Work Plan for Sport](#). The Council Work Plan sets out the sport ministers' priorities in the field of sport for the next three years (2011-2014) and creates new working structures. The Council has defined the following priorities which "can be complemented by each Presidency"<sup>1</sup> in the light of new developments:

- **Integrity of sport**, in particular the fight against doping, match-fixing and the promotion of good governance
- **Social values of sport**, in particular health, social inclusion, education and volunteering
- **Economic aspects of sport**, in particular sustainable financing of grassroots sports and evidence-based policy making

The Council recognizes that "there is also a need for the EU to work closely with the sport movement and relevant competent organisations at national, European and international levels such as the Council of Europe, in particular through structured dialogue". The Council Work Plan provides for the creation of six "expert groups" (see p. 16).

These expert groups will replace the informal working groups which previously existed under the chair of the European Commission. Member States will be represented in these expert groups with national experts. Participation is voluntary. The work plan sets out a timetable for implementation as well as the actions which have to be addressed by these expert groups. The expected results will feed into the activities of the Council Working Party on Sport. The Commission is asked to provide before the end of 2013 "a report on the implementation of the Work Plan" with contributions from Member States. This document will serve as a basis for the preparation of the next Council Work Plan during the first half of 2014.

### 2011: THE EUROPEAN COMMISSION'S COMMUNICATION ON SPORT

The European Commission's Communication "[Developing the European Dimension in Sport](#)" was published in January 2011. The Communication on sport is a non-legislative document and therefore a legally non-binding initiative. The Communication complements the White Paper on Sport (2007) and sets out the Commission's view on how the provisions of Article 165 of the Lisbon Treaty should be put into practice. Building on a similar structure as the White Paper on Sport, it proposes concrete actions for the Commission and/or the Member States within three chapters: the societal role of sport, the economic dimension of sport and the organisation of sport. The Communication is accompanied by a Staff Working Document on the free movement of professional and amateur sportspeople in the EU. In reaction to the Commission's

## PERSPECTIVES

After a slow start, EU Sport Policy is expected to pick up momentum in the years to come.

- European Commission will start implementing the activities mentioned in the Communication on Sport.
- The recently established expert groups will take up their work and are expected to deliver their first results by the end of 2013.
- [Sport Ministers](#) are likely to engage in increased cooperation.
- A separate sport funding programme is likely to be created as of 2014.

Thus, it will become increasingly important for sport organisations to get their voice heard.

Communication, the Council has adopted a Work Plan on Sport (see above). The European Parliament is expected to react to the document by adopting a report in autumn 2011.

### 2009: THE LISBON TREATY

With the entry into force of the Lisbon Treaty on 1 December 2009, sport is anchored for the first time in the EU Treaties. In Article 6 and Article 165 of the [Treaty on the Functioning of the European Union](#) (TFEU), the importance of sport is legally acknowledged and the promotion of sport as an EU objective is emphasized. Article 165 calls on the EU to "*contribute to the promotion of sporting issues, while taking into account the specific nature of sport, its structures based on voluntary activity and its social and educational function*". With the Lisbon Treaty, cooperation in the field of sport at EU level becomes more formalised. For more information on the legal and institutional implications, please refer to the following sections.

### 2007: THE WHITE PAPER ON SPORT

The [White Paper on Sport](#) (2007) was the first document in which the European Union addressed sport-related issues in a broad and comprehensive manner. The main objectives of the White Paper were to give strategic orientation to the role of sport in Europe, to encourage debate on specific problems, to enhance the visibility of sport in EU policy-making and to raise public awareness of the needs and specificities of the sport sector. In the accompanied "Action Plan Pierre de Coubertin", the Commission made concrete proposals for further EU activities in a number of fields – ranging from health-enhancing physical activity to volunteering, players' agents and media rights.

<sup>1</sup> The Presidency of the Council of the European Union rotates among the member states every six months.



## MOST IMPORTANT EU CASES RELATED TO SPORT

### 1974: WALRAVE AND KOCH CASE

This case addressed nationality rules in sport set by the Union Cycliste Internationale (UCI). The rule was challenged by two Dutch pacemakers who wished to work for non-Dutch teams at the World Championships. The European Court of Justice (ECJ) underlined in its decision for the first time that the prohibition of discrimination on grounds of nationality applies as well to rules of sports federations and stressed that **sports falls within the scope of EU law as far as it constitutes an economic activity**. This verdict provided the basis for the Bosman ruling in 1995.

### 1995: BOSMAN CASE

With the decision in the Bosman case the ECJ rendered an **important judgement on the freedom of movement for sportspeople** and exerted simultaneously a profound effect on the transfer rules of football leagues within the EU. The verdict banned as well restrictions against non nationals within the national leagues and allowed professional football players in the European Union to move to another club without a transfer fee at the end of their term of contract with their present team.

### 2000: DELIÈGE CASE

The ECJ confirms in its ruling that the selection of athletes who participate in international sport events lies within the responsibility of national sport federations since such a limitation is inherent to the organisation of sport. Stating that selection rules for international tournaments are not contrary to EU law, this case **supports the specificity of sport structures and strengthens the autonomy of sport** with regard to the setting up of sporting rules.

### 2006: MECA-MEDINA CASE

In this process the ECJ addressed the compatibility of anti-doping rules of International Sport Federations with EU competition rules. In its verdict the ECJ approved the anti-doping jurisdiction but held that the assessment whether a **sporting rule is compatible with EU law** can only be made **on a case-by-case basis**. The Meca-Medina ruling has shown that even a regulation inherent in the organisation of sport competitions can be submitted by the ECJ to the **proportionality test**: The Court checks if the restrictions are inherent to the objectives pursued by the contested regulation and if they are "proportionate" and "limited to what is necessary to ensure the proper conduct of competitive sport".

### 2010: BERNARD / OLYMPIQUE LYONNAIS CASE

The Court of Justice confirms in the Olympique Lyonnais ruling most of the elements developed in the "*Bosman*" judgment. Rules according to which a player is required to sign his first professional contract with the club which trained him are a **restriction on freedom of movement for workers**. But football clubs may seek **compensation for the training of young players** if those players wish to sign their first professional contract with another club. The compensation fee should be based on the costs borne by the clubs in training both future professional players and those who will never play professionally.

# THE LEGAL FRAMEWORK

With the entry into force of the Lisbon Treaty, sport in Europe embarked on new territory. Article 165 provides a legal basis for the EU to promote sport at EU level—something sport organisations have fought for over years. But what does the new legal framework exactly look like and what are its implications? What can the EU do and what not? And what can sport organisations reasonably expect from the EU Institutions in the years to come? These and other questions will be answered in the following section.

## ARTICLE 165

### Context

Article 165 of the [Treaty on the Functioning of the European Union](#) (TFEU) provides sport with a legal basis in the EU treaties for the first time. Representatives of the sport movement have welcomed the inclusion of sport into the EU treaties almost unanimously. In fact, sport organisations had argued in favour of a “sport article” since the discussion on a European constitution began in 2002. The main objectives were to obtain better funding possibilities and more legal certainty. Despite the lack of an explicit legal basis, the European Commission had opened a new chapter in EU Sport Policy with the publication of the White Paper on Sport in 2007. Other developments impacting sport were:

- Different EU policies (e.g. Health, Education, Regional Policy, Culture)
- EU law (especially the provisions on the internal market and competition policy)
- The jurisdiction of the European Court of Justice

### Objectives of EU action

In Article 6 and Article 165 of the TFEU, the importance of sport at EU level is legally acknowledged and the promotion of sport as a EU objective is emphasized. Article 165 calls on the EU to “*contribute to the promotion of sporting issues, while taking into account the specific nature of sport, its structures based on voluntary activity and its social and educational function*”. According to the Article, the EU’s activities should be aimed at:

- Promoting fairness and openness in sporting competitions
- Promoting the cooperation between bodies responsible for sport
- Protecting the physical and moral integrity of sportsmen and sportswomen especially the youngest sportsmen and sportswomen

However, the wording of the article remains vague and leaves some room for interpretation.



## What the EU can do and what not

The Article 165 provides the EU with a “supporting, coordinating and supplementing competence” for sport. In accordance with the principle of subsidiarity, the main responsibility for sport remains with the Member States and the sport federations. Article 165 allows the EU to adopt the following instruments:

- Recommendations
- “Incentive measures” (e.g. funding programmes)

Recommendations are adopted by the Council on a proposal from a Commission. Incentive measures are adopted by the Council and the European Parliament in accordance with the ordinary legislative procedure. These measures are not legally binding for the Member States. On the basis of Article 165, the EU is not entitled to:

- Harmonize national laws and regulations
- Issue EU regulations or directives

Thus, Article 165 explicitly excludes the adoption of European Sport legislation.

## Implications

The implications of Article 165 are difficult to assess from a legal point of view. On the one hand, the specificity of sport is explicitly mentioned. On the other, the article contains no clear reference to the autonomy of sport organisations and does not provide a clear-cut definition of “specificity of sport”. In political, institutional and financial terms, the Article has the following implications:

- **Political** – Recognition of the role of sports; promotion of sport at EU level; creation of new EU policy field
- **Institutional** – Creation of a Sport Ministers’ Council; cooperation between Member States moves from informal to formal level
- **Financial** – Explicit basis for sport funding programme and the mainstreaming of sport into other EU policies and programmes

## Implementation

In January 2011, the European Commission published the Communication “[Developing the European Dimension in Sport](#)”. The Communication sets out the Commission’s view on how the provisions of Article 165 should be put into practice and contains a number of proposals. The Communication complements the White Paper on Sport. The EU Sport Ministers have adopted an EU Working Plan for Sport which lays down their priorities until 2015. The implementation of these initiatives will be closely followed by sport organisations in the coming years. The Olympic and Sport Movement, for its part, has adopted a “[Common Position on the Implementation of Article 165](#)” in January 2010. The paper, which was supported by several major sport organisations (IOC, EOC, ASOIF, AIOWF, SportAccord, FIBA, FIFA, IIHF and IRB), addressed concrete recommendations to the EU Institutions on how to interpret and implement Article 165.



## THE CONCEPT OF THE SPECIFICITY OF SPORT

EU law and the principle of non-discrimination based on nationality does not apply to national teams’ sport events. Numerous rulings since then (Deliege in 2000, Lehtonen in 2000, etc.) built up the jurisprudence of the ECJ and brought piece-by-piece what nowadays defines the specificity of sport in EU law.

Sport actors have a different interpretation of the specificity of sport. While sport governing bodies desire an extensive interpretation of the legal concept and more legal certainty, the European Commission keeps a case-by-case approach.

According to the [White Paper on Sport](#) (2007) the European Commission considers that specificity of sport can be approached through two prisms:

1. *The specificity of sporting activities and of sporting rules*, such as separate competitions for men and women, limitations on the number of participants in competitions, or the need to ensure uncertainty concerning outcomes and to preserve a competitive balance between clubs taking part in the same competitions.
2. *The specificity of the sport structure*, including notably the autonomy and diversity of sport organisations, a pyramid structure of competitions from grassroots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport.

Unfortunately, the European Commission does not deal with the specificity of sport in its recent Communication on Sport (2011). Therefore, the notion of specificity of sport at EU level still suffers from the lack of a complete and precise definition. In this regard, the Olympic and Sports Movement must be a key player in defining which sporting rules shall be recognised as specific.

The term « specificity of sport » refers to the special characteristics of sport. Since the entering into force of the Lisbon Treaty in December 2009, the article 165 of the TFEU invites the EU Institutions to take into account “the specific nature of sport”. This reference has been supported by the sport movement for years, hoping it would finally bring the legal certainty which was lacking since the legal concept emerged in the 90s.

The specificity of sport has multiple facets. It is deeply connected to the legal environment and therefore has a different definition depending on whether the context is national, European or international. As far as EU law is concerned, the specificity of sport means that, whereas sport rules may contain restrictions to EU law, they can still be admissible. While such restrictions would be prohibited for any other sector, these may be justified and accepted by the EU Institutions (European Commission, ECJ), considering the specificities of sport, its organisation, its principles such as “the purely sporting rules”, its strong social and educational anchoring, etc.

EU law in principle does not apply to sport when there is no economic activity. That is why the application of EU law seriously affected sport in the 90s, during which time sport was becoming a substantial economic sector. Football then became the primary targeted sport by nature, starting with the Bosman case in 1995. The first evidence of the specificity of sport came to light, whereby

## 10 IMPACT OF OTHER EU POLICIES AND EU LAW

Apart from the new legal basis, sport will be affected by developments in other EU policies in the future as well. These include education, health, culture, social affairs, employment or internal market. Sport will also remain subject to EU law and the jurisdiction of the European Court of Justice (ECJ) whenever it constitutes an economic activity. This principle has been firmly established by the ECJ in a number of important rulings. In this context, the legal provisions from the following areas are especially important:

- **Internal Market** (Art. 45-66 TFEU) – free movement of people, goods, services and capital
- **Competition Policy** (Art. 101-109 TFEU) – Restriction of competition, abuse of dominant market position, state aid

In these areas, the EU’s competences are stronger and this also affects sports. For instance, the provisions on internal market and competition policy must be taken into account in the following fields:

- Free Movement of sportspeople
- Transfer rules
- Quotas for foreign nationals and promotion of home-grown players
- Central marketing of media rights
- Intellectual property and sport organisers’ rights
- Gambling and sport betting
- State subsidies for sport federations and clubs (e.g. funding of sport infrastructure)

For further information on these issues, please refer to the respective section.

## IMPLICATIONS

In the case *Olivier Bernhard vs. Olympic Lyonnais* (March 2010), the European Court of Justice (ECJ) referred to “the specific characteristics of sport” for the first time. Other decisions (e.g. *Deliège* case and collective selling of media rights) did not explicitly rely on the specificity of sport but have been taken within the meaning of sport’s specificity. The specificity of sport could play a more prominent role in future judgements.

However, in its “*Meca-Medina*” judgement (2006), the Court argued that, in principle, every sporting rule (even those inherent in the organisation of sports competition) can be assessed on a case-by-case basis with regard to its compliance with EU competition law by the Court. In the opinion of the Olympic and Sports Movement this methodology adopted by the ECJ on sports appears to be unsuitable because it produces legal uncertainty and incomprehension.

The specificity of sport is still a vague concept with limited effects. The approach that has been chosen by the ECJ and consequently by the European Commission is defined by:

- › Systematic application of EU law
- › Possible exemption/derogation on a case-by-case basis
- › Application of the control of proportionality

Therefore, the principle of the specificity of sport does not intend to obtain an exemption from EU law, but a specific application of EU law to sport. In this regard, a comprehensive and coherent sports policy is necessary to ensure that the specificity of sport is taken into account.

## PERSPECTIVES

Article 165 of the Lisbon Treaty has not contributed to an increase in the legal certainty for sports. It remains to be seen if the reference to the specificity of sports contained in Article 165 will have an impact on the EU Institutions’ approach to sport.

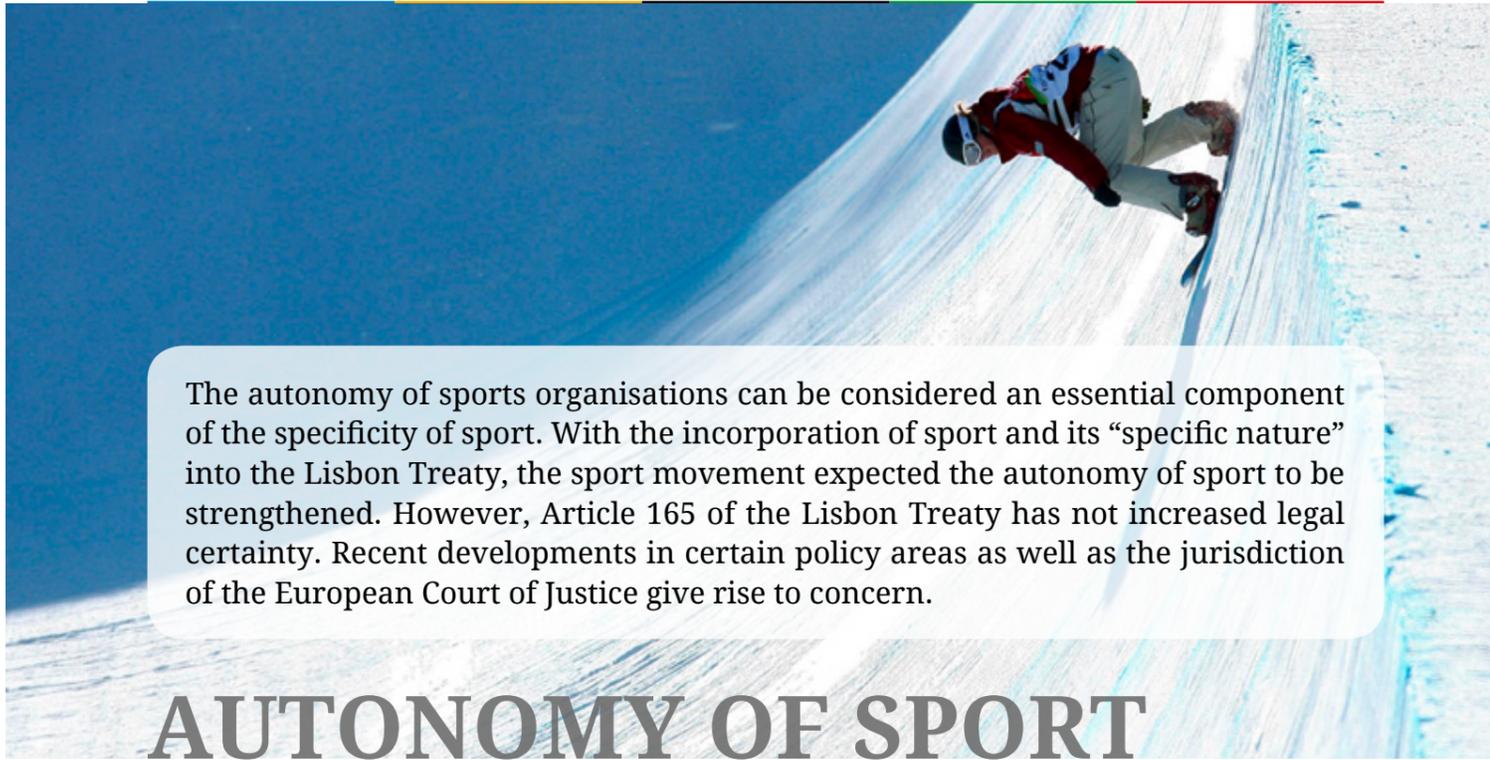
In this regard future EU sport policy should:

- › Better take into account the realities of the sport governance and its autonomy, especially within the worldwide and Pan-European contexts
- › Restore balance in the European sports world, by acknowledging that medium term economic disparities will affect the future of sports competition in Europe
- › Preserve and better safeguard the financial interests of the sport organisations in Europe, within the debate on financing of sport in Europe
- › Reinforce the role of sport in our society

### FURTHER INFORMATION

For more information please consult our background paper “[Specificity of Sport and Impact of the Lisbon Treaty: The Approach from the Sport Movement](#)” (available upon request: [info@euoffice.eurolympic.org](mailto:info@euoffice.eurolympic.org)).

The [White Paper on Sport](#) (2007) dedicates one chapter to the specificity of sport. Even more information can be found in the annexes to the White Paper. Both are available on the website of the European Commission’s Sport Unit: <http://ec.europa.eu/sport/>



The autonomy of sports organisations can be considered an essential component of the specificity of sport. With the incorporation of sport and its “specific nature” into the Lisbon Treaty, the sport movement expected the autonomy of sport to be strengthened. However, Article 165 of the Lisbon Treaty has not increased legal certainty. Recent developments in certain policy areas as well as the jurisdiction of the European Court of Justice give rise to concern.

## AUTONOMY OF SPORT

### THE MEANING OF AUTONOMY

“Autonomy” derives from the ancient Greek words “autos” (=self) and nomos (=law). In general, it refers to the right and capacity to define legal norms independently. For sport organisations, it entails the following rights:

- › Proper organisation and conduct of sport (i.e. competitions)
- › Independent management of internal affairs
- › Establish and apply “sporting rules” necessary for the conduct of sport
- › Draw up and define own legal norms (i.e. statutes)
- › Selection of representatives and decision-making procedures without interference from third parties
- › Sufficient financial resources, including the possibility to obtain adequate funds from public or other sources

Sport governance structures vary widely across Europe. However, the autonomy of sport organisations is a main feature of the “European Sport Model”. The autonomy of sport associations is part of the pyramidal structure of sport, which has to be considered on a worldwide level. The impact of EU decisions in the field of sport goes far beyond the borders of EU Member States: The non-compliance of a national or European sporting rule with EU law would also impact international sporting rules.

### RECENT DEVELOPMENT AT EUROPEAN LEVEL

In the [White Paper on Sport](#) (2007), the Commission acknowledged the “autonomy of sporting organisations and representative structures (such as leagues)”. Most recently, the Commission recognized “the autonomy of sport governing structures as a fundamental principle relating to the organisation of sport” in its Communication on the European Dimension of Sport (2011). Being only partially treated in both documents it remains to be seen how EU-Institutions will proceed with the principle of autonomy. However, some recent Commission activities can be considered problematic with regard to the autonomy of sport organisations, namely:

- › Promotion of “good governance” principles in sport, such as transparency, democratic decision-making, accountability etc.
- › Provide “guidance” to sport organisations concerning the application of the concept of the specific nature of sports

The Council [Work Plan for Sport](#), adopted by the Ministers of Sport in May 2011, contains a firm commitment to the autonomy of sport. However, it foresees the establishment of an Expert Group on Good Governance in sport which will be dealing with issues such as match-fixing and transfer rules.

# INSTITUTIONAL STRUCTURES

## PERSPECTIVES

With regard to the autonomy of sport it remains to be seen how far the following ideas taken up by the Commission's Communication will be further developed:

- › Extensions of the provisions on free movement, anti-discrimination and Union citizenship to amateur sport (on the basis of Art. 18 and 19 [TFEU](#))
- › Stronger involvement in the fight against doping (e.g. reinforcement of measures against the trade of doping substances on the basis of Art. 83 TFEU)
- › Guidance and assistance relating to the application of the concept of the specific nature of sport

The entry into force of the Lisbon Treaty has changed the institutional structures and the decision-making procedures in the field of sport at EU level. Cooperation between member states has moved from an informal to a formal level, with the main new element being the creation of a Sport Ministers' Council. The Council Work Plan for Sport, adopted by Sport Ministers in May 2011, has introduced further changes to the institutional framework by setting up six expert groups on sport-specific issues. Now, the new institutional framework has to be implemented. But who are the key actors of European Sport Policy? What's their role in the decision-making procedure? And who can do what?



# THE EUROPEAN UNION

## THE COUNCIL

### The Sport Ministers' Council

With regard to sport the creation of the Sport Ministers' Council was one of the major changes introduced by the Lisbon Treaty. In the political system of the EU, [the Council](#) – as the institution representing the national governments – convenes in different configurations, depending on the issue under discussion. The Sport Ministers' Council brings together the ministers of the 27 EU Member States in charge of sports. Since September 2010, Sport is officially part of the Council configuration "Education, Culture, Youth and Sport". Formal Council meetings are held twice a year.

16 In addition, sport ministers also come together on a more informal basis. The Sport Ministers' Council can adopt recommendations and "incentive measures", such as a sport funding programme. For the latter, the approval of the European Parliament is required, as foreseen by the ordinary legislative procedure. Decisions of the Council of Sport Ministers are not legally binding for the Member States.

### Council Working Party on Sport

The technical work is done in a special working group: the Council Working Party on Sport. The latter is composed of delegates from national ministries in charge of sports and specialised technical staff from the Member States' permanent representations in Brussels. Its main role is to prepare the agenda of the Sport Ministers' Council.

### Expert groups

The European Union Work Plan on Sport (see pp. 5/6), adopted by the Sport Ministers in May, provides for the creation of the following six expert groups:

- › Anti-doping
- › Good governance in Sport
- › Education and Training in Sport
- › Sport, Health and Participation
- › Sport Statistics
- › Sustainable financing of Sport

The expert groups will replace the informal sport related working groups that existed before. Participation is voluntary. Member States interested in participating in these working groups nominate experts. Moreover, each expert group can decide to invite observers such as "independent experts, representatives of the sport movement and other stakeholders". For sport, it will be essential to preserve access to these working groups (EOC EU Office had observer status in the former informal working groups of the Commission). Expert Groups elect a chair in their first meeting and the Commission provides expertise and secretarial support. The work of the expert group will feed into the activities of the Council Working Party on Sport.

#### Council of Sport Ministers Examples of activities

- › [EU Work Plan for Sport](#) – May 2011
- › [Resolution on Structured Dialogue](#) – November 2010
- › [Conclusions on the role of the EU in the international fight against doping](#) – November 2010
- › [Conclusions on the role of sport as a source of and a driver for active social inclusion](#) – November 2010

## THE EUROPEAN COMMISSION

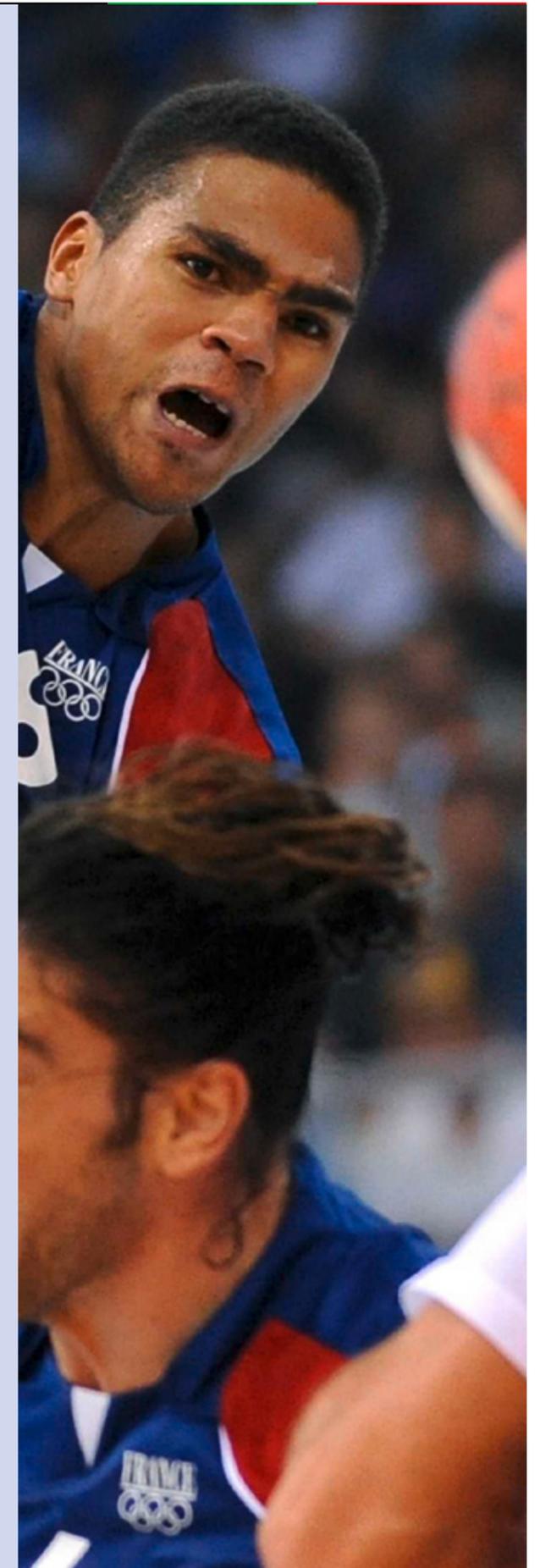
So far, the [European Commission](#) is the most active institution dealing with sport at the European level. In the political system of the EU, the European Commission has the right to initiative. The European Commission has the power to:

- › Propose recommendations and "incentive measures" ([Article 165](#))
- › Propose regulations or directives in other policy areas which may also affect sport (e.g. Internal Market, Competition, Employment and Social Affairs)
- › Publish Green Papers or White Papers on sport related issues. Green Papers usually launch a debate, whereas White Papers contain concrete proposals for future policies
- › Initiate infringement procedures if a Member State fails to comply with EU law and refer the case to the European Court of Justice

Moreover, the European Commission finances sport related projects and studies, provides secretarial support and expertise to the Council expert groups and engages in regular dialogue with sport stakeholders (see next chapter "Structured Dialogue"). The overall responsibility for sport falls within the Directorate General for Education, Culture, Multilingualism and Youth (DG EAC) led by Commissioner Androulla Vassiliou from Cyprus. At the working level, sport related matters are dealt with by the "Sport Unit". However, as sport is affected by other EU policy areas as well, other DGs such as Internal Market (DG MARKT), Competition (DG COMP) or Employment and Social Affairs (DG EMPL) are of utmost relevance for sport as well.

#### European Commission Examples of sport related activities

- › [Preparatory Actions in the field of sport 2009-2011](#)
- › [Tender for study on economic and legal aspects of transfer of players](#) – July 2011
- › [Communication "Developing the European Dimension in Sport"](#) – May 2011
- › [Green Paper on Online Gambling in the Internal Market](#) – January 2011
- › [Infringement procedure against several EU Member States for applying reduced VAT rate on race horses](#) – November 2008
- › [White Paper on Sport](#) – November 2007



## THE EUROPEAN PARLIAMENT

The Lisbon Treaty considerably strengthens the competences of the [European Parliament](#). The European Parliament obtains new powers in budgetary matters and, in most policy areas, is involved in legislative decisions through ordinary legislative procedure. Article 165 requires the approval of the European Parliament in the case of “incentive measures” (e.g. funding programmes). The European Parliament must approve the vast majority of EU legislation as well. The European Parliament also has the power to:

- › Adopt opinions, reports and resolutions on sport related matters
- › Commission sport related studies
- › Submit parliamentary questions to the Commission
- › Organise hearings on sport related matters

The technical work is done in Parliamentary Committees. The general responsibility for sport lies with the [Committee for Education and Culture](#) (CULT) chaired by the German MEP Doris Pack. Other Committees may also be relevant, such as the Committee for Internal Market and Consumer Protection (IMCO) or Employment and Social Affairs (EMPL). There is also an “Intergroup Rugby” in the European Parliament. Intergroups are informal groupings of Members of the European Parliament (MEPs) on an issue of common interest.

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### European Parliament Examples of sport related activities

- › Report of the European Parliament on the Commission’s Communication “[Developing the European Dimension in Sport](#)” – to be adopted in November 2011
- › Hearing on Sport organised by the EPP group – March 2011
- › Study on the “[Lisbon Treaty and EU Sports Policy](#)” – September 2010
- › [Declaration on Grassroots Sport](#) – September 2010
- › 27 Parliamentary Questions on various sport related matters submitted by MEPs in 2010

## THE EUROPEAN COURT OF JUSTICE

The jurisprudence of the [European Court of Justice](#) (ECJ) has strongly influenced the EU’s approach to sport. In the case “Walrave & Koch” (1974), the Court established the rule that sport is subject to EU law whenever it constitutes an economic activity. Also, the judgment introduced the concept whereby only rules of “pure sport interest” could be exempt from the application of the treaties. Other important cases widely known in the sports world are Bosman (1995), Deliège (2000) or Meca-Medina (2006). Some of the Court’s decisions have also given rise to legal uncertainty. The Meca-Medina ruling has shown that even sport specific rules can be submitted by the ECJ to the proportionality test: The Court checks if the restrictions are inherent to the objectives pursued by the contested regulation and if they are “proportionate” and “limited to what is necessary to ensure the proper conduct of competitive sport”.

The Court has failed to clarify the meaning of “sporting specificity” and to draw clear boundaries between EU law and sport related matters. Which rules of “pure sporting interest” can be exempt from EU law remains unclear and is assessed on a case-by-case basis by the Court. It also remains to be seen if the Court will take account of the specificity of sport referred to in Article 165 in future sport related cases. In any event, the European Court of Justice cannot become active on its own initiative, but only gives rulings on the cases brought before it. The most common types are:

- › Preliminary Rulings – A national court refers a case to the European Court of Justice for interpretation, if in doubt about the application of EU law.
- › Infringement procedure – If the Commission considers that a member state fails to comply with EU law, it can initiate an infringement procedure and refer the case to the European Court of Justice.



## THE COMMITTEE OF THE REGIONS

The [Committee of the Regions](#) (CoR) is the political assembly that provides the regional and local level with a voice in EU decision-making and legislation. The CoR has 344 members from 27 EU countries and its work is organised in 6 different commissions. The Treaties oblige the European Commission, the Parliament and the Council to consult the Committee of the Regions whenever new proposals are made in areas that affect the regional or local level. Sport matters are dealt with by the Commission for Education, Youth and Research (EDUC). However, the role of the Committee of the Regions in sport is rather limited. The CoR gives opinions on certain initiatives of the European Commission in the field of sport. For instance, the CoR is currently preparing an opinion on the European Commission’s Communication “[Developing a European Dimension in Sport](#)”. The CoR’s recommendations are not binding for the European Commission.

## THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

The [European Economic and Social Committee](#) (EESC) is a consultative body that gives representatives of Europe’s socio-economic interest groups and others stakeholders of civil society a formal platform to express their points of views on EU issues. The 344 members of the EESC are drawn from economic and social interest groups in Europe and are nominated by national governments. Consultation of the EESC by the European Commission or the Council is mandatory in certain cases; in others it is optional. Its opinions are forwarded to the Council, the Commission and the European Parliament. The role of the EESC in sport is limited. Recently the EESC set up a study group in order to draft an opinion on the European Commission’s Communication “[Developing the European Dimension in Sport](#)”. The EOC EU Office actively participates in this group. The adoption of the EESC opinion is expected during its plenary session in autumn 2011 in Brussels.

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# OTHER EUROPEAN AND INTERNATIONAL ORGANISATIONS

## THE COUNCIL OF EUROPE



The [Council of Europe](#), based in Strasbourg, was founded on 5 May 1949. It currently has 49 member countries and covers virtually the whole continent. The Council of Europe is an entirely separate body from the European Union, which has only 27 Member States. The Council of Europe should not be confused with the EU's Council of Ministers. The Council of Europe is the oldest European Institution and promotes cooperation between European countries in the areas of human rights, democratic development, legal standards and culture. The Council of Europe has its own jurisdiction, the European Court of Human Rights.

Unlike the EU, the Council of Europe cannot make binding decisions. However, the Council of Europe's work has resulted in important conventions, such as the European Convention on Human Rights. The Council of Europe also promotes European cooperation in the field of sports. The following important conventions have been adopted:

- › European Convention on Spectator Violence, 1985, ratified by 41 states
- › Anti-Doping Convention, 1989, ratified by 50 states

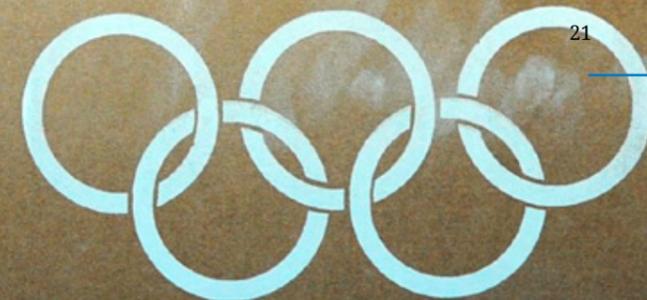
The application of the provisions of the conventions is monitored through special mechanisms. The Council of Europe also has a special body for sports: EPAS – [Enlarged Partial Agreement on Sport](#). EPAS was created in 2007 and provides a platform for intergovernmental sports cooperation between the public authorities of member states of the agreement. It also encourages dialogue between public authorities, sports federations and NGOs. EPAS currently counts 34 Member countries, as well as 17 sports organisations, including the EOC, ENGSO and UEFA, which are non-governmental partners of EPAS. The activities of EPAS include:

- › Standard development (i.e. recommendations)
- › Ministerial meetings of Council of Europe ministers responsible for sport organised on an annual basis
- › Sport related reports and studies
- › Conferences



## THE UNITED NATIONS OFFICE ON SPORT FOR DEVELOPMENT AND PEACE

The [United Nations Office on Sport for Development and Peace](#) forms part of the UN system. Its objective is to promote sport as a tool for development and peace in accordance with the Millennium Goals. The office assists the Special Adviser to the Secretary-General on Sport for Development and Peace, Willy Lemke, who was appointed in 2008. Its main body is the Sport for Development and Peace International Working Group which consists of a plenary, an executive board and 4 different thematic working groups (Sport and Health, Sport and Gender, Sport and Child and Youth Development, Sport and Persons with disabilities, Sport and Peace). The EOC EU Office also participates in some of these working groups. Activities focus on the exchange of information and good practice.





More than the EU Institutions, sport organisations are the key stakeholders of the EU Sport Policy. Regular dialogue on sport related matters is fruitful for both sides. However, it is also a challenging task for the EU Institutions given the diversity of the sport structures in Europe. The so-called “structured dialogue” between the sport movement and the EU Institutions can take various forms. New mechanisms have been set up after the entry into force of the Lisbon Treaty. The following section provides an overview on how these mechanisms look and what means sport organisations have at their disposal to make their voice heard.

# DIALOGUE WITH THE SPORT MOVEMENT

## STRUCTURED DIALOGUE AT THE COUNCIL OF THE EU

In November 2009, the Council of Sport Ministers adopted a resolution establishing a high-level [structured dialogue](#) with sport stakeholders. The objective of this dialogue is to exchange views and discuss relevant sporting issues. The dialogue takes the form of informal meetings between leading representatives from the EU Institutions (Council, European Commission, European Parliament) and the sports movement, usually in the margins of Council meetings. The first meeting was held in early December 2010 under the Belgian presidency. The Presidency of the Council sets the agenda of the meetings and decides on the list of invitees from the sport movement. In doing so, the Presidency must consider the following points:

- › The diversity of the world of sport, Olympic sports and non-Olympic sports professional sports and amateur sports, competitive sports and recreational sports as well as grass-roots sports and sport for people with disabilities
- › The interests of the different actors within the sport sector
- › The specific nature of the sport sector
- › The international dimension of EU cooperation in sport

The outcome of the first informal meetings held in the framework of this new structured dialogue has been quite limited.

## THE STRUCTURED DIALOGUE OF THE EUROPEAN COMMISSION

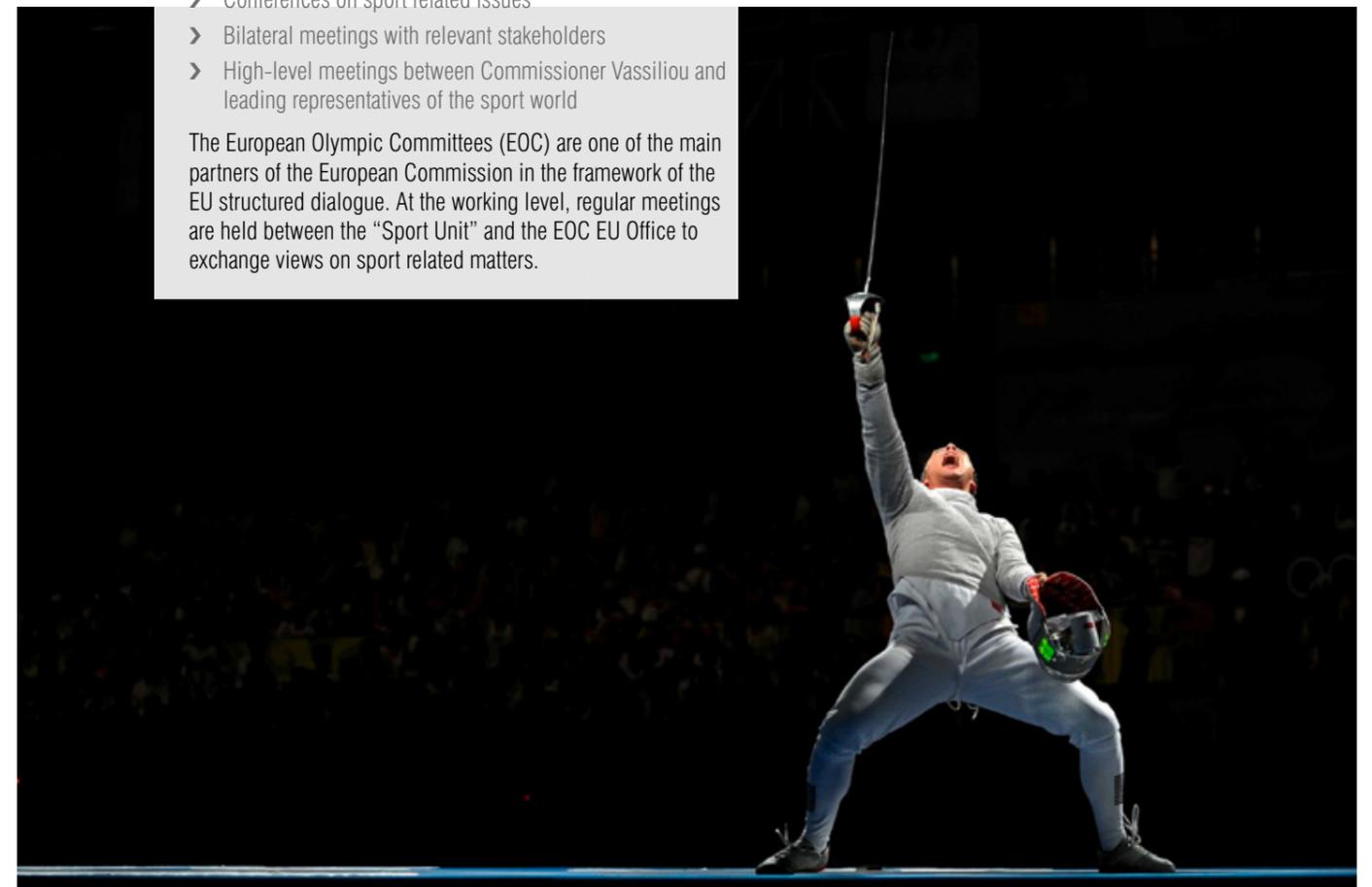
According to the treaties, the European Commission is required to consult interested parties on initiatives in most policy areas. The Commission engages in regular dialogue with the sport movement through the following means:

- › Annual EU Sport Forum. Organised and financed by the Commission, it offers a platform for discussion with sport stakeholders from all over Europe.
- › Public Consultations or Green Papers on specific issues
- › Conferences on sport related issues
- › Bilateral meetings with relevant stakeholders
- › High-level meetings between Commissioner Vassiliou and leading representatives of the sport world

The European Olympic Committees (EOC) are one of the main partners of the European Commission in the framework of the EU structured dialogue. At the working level, regular meetings are held between the “Sport Unit” and the EOC EU Office to exchange views on sport related matters.

## THE EUROPEAN PARLIAMENT

There is no institutionalised dialogue between the European Parliament and sport stakeholders. But the political groups of the European Parliament sometimes organise hearings on sport related matters. Furthermore, sport stakeholders regularly exchange views with Members of the European Parliament (MEPs). Especially in the context of reports related to sport, MEPs very often benefit from the expertise of the sport movement.



# POLICY FIELDS

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## ORGANISATION OF SPORT

### FREE MOVEMENT AND NATIONALITY

#### IMPACT ON SPORT

According to the case-law of the European Court of Justice (ECJ), professional and semi-professional sportspeople are workers by virtue. For this reason, they are subject to the EU provisions on the freedom of movement. The implications of this have been fully revealed in the famous Bosman case (1995). In its Communication on Sport (2011), the European Commission stated for the first time that the principals of free movement and anti-discrimination also apply to amateur sport. In practice, this means that the participation of non-nationals in sport competitions should be guaranteed even at amateur level. Sport organisations are advised to eliminate discriminatory provisions from their regulations and open up their competitions.



## PROFESSIONAL SPORT

Professional and semi-professional sportspeople are workers and thus subject to the provisions on free movement enshrined in the EU treaties. The most famous ruling of the ECJ regarding the free movement of sportspeople is the Bosman case (1995). It provided important clarifications with regard to the scope of the free movement provisions, nationality quotas and transfer rules. Direct discrimination, such as quotas based on nationality, are not compatible with EU law. Indirect discrimination can be considered compatible if they pursue a legitimate objective and if the restrictions are proportionate, for instance in the case of the recruitment and training of young players (see box).

Restrictions were declared admissible in the case of UEFA's "Home-grown players" rule, introduced for the first time in the 2006/2007 season. According to UEFA, "Home-grown players" are those who, regardless of their nationality, have been trained by their club or by another club in the same national association for at least three years between the age of 15 and 21. Up to half of the locally-trained players must be from the club itself, with the others being either from the club itself or from other clubs in the same association. By contrast, FIFA's "6+5" rule has been rejected with the argument that the rule is based on direct discrimination on grounds of nationality.

### Olympic Lyonnais ruling

The *Olympique Lyonnais* ruling was the first sport related ruling of the ECJ after the entry into force of the Lisbon Treaty. In this case, the Court confirmed most of the elements developed in the Bosman judgment. Especially that the recruitment and training of young players has to be considered a legitimate objective to justify a restriction of free movement. Furthermore, the Court stated that rules according to which a player is required to sign his first professional contract with the club which trained him are a restriction on freedom of movement for workers. Football clubs may seek compensation for the training of young players if those players wish to sign their first professional contract with a club in another Member State. The compensation fee has to take account of the costs borne by the clubs in training both future professional players and those who will never play professionally.

(Some international Federations such as FIFA have developed calculation schemes for the training compensation as mentioned by the ECJ.)

26 According to the European Commission ([White Paper 2007](#)) and the ECJ, the following restrictions are also in line with EU law:

- › The selection of national athletes for national team competitions
- › The limitation of the number of participants in a competition
- › Deadlines for transfers of players in team sport



## AMATEUR SPORT

In the [Communication on Sport](#) (2011) the Commission points out for the first time that "a combined reading of Articles 18 and 21 [TFEU](#) with Article 165 TFEU leads to the conclusion that the general EU principle of prohibition of any discrimination on grounds of nationality" should also be applied to amateur sport. In the staff document "Sport and Free Movement" accompanying the Communication, the Commission provides some guidance in this regard. As a general rule, participation in competitions or sporting events should not be restricted on grounds of nationality. The following practices are not in line with EU law and amount to direct or indirect discrimination:

- › "Quota systems" for the participation of foreigners in individual or team sports
- › Restriction of participation in competitions to nationals
- › Residency requirement as a condition for participation in competitions (e.g. a certain number of years)
- › Refusal to agree to the transfer of an amateur athlete to the federation of another Member State

In practice, this means that participation of non-nationals in competitions and sporting events at amateur level should be guaranteed. Sport organisations, federations and clubs are advised to eliminate discriminatory provisions from their regulations and statutes. However, some exceptions can be envisaged, such as:

- › Composition of national teams
- › Designation of national champion
- › Attribution and setting of national records

The Commission's reasoning is based on the findings of the "Study on the Equal Treatment of Non-Nationals in Individual Sports Competitions" published in January 2011. The study showed that discriminatory rules in amateur sports limiting the participation of non-nationals are widespread in many EU Member States.

## PERSPECTIVES

- › Before 2012 the European Commission will publish guidance on how to reconcile the Treaty provisions on nationality with the organisation of competitions in individual sports on a national basis.
- › Until 2012 the European Commission will also assess the consequences of rules on "home-grown players" in team sport.
- › European Commission report in 2013 on the application of the Free Movement Directive

### FURTHER INFORMATION

- › Guidance on free movement can be found in the "[Staff Working Document on Sport and Free Movement](#)" published by the European Commission with the Communication on Sport (January 2011)
- › Additional information on the topic can be found in the Communication from the European Commission on "[Reaffirming the free movement of workers: rights and major developments](#)" (July 2010)

# NON-DISCRIMINATION OF SPORTSPEOPLE FROM THIRD COUNTRIES

## IMPACT ON SPORT

The European Union has signed association agreements with several third countries. These agreements usually include equal treatment clauses on working conditions. Association agreements have an impact on sport when a sport club in a Member State intends to hire an athlete coming from a third country.

## RECENT DEVELOPMENT AT EU LEVEL

According to the European Court of Justice<sup>2</sup> a professional sportsman coming from a third country which has signed an agreement with the European Union including equal treatment clauses regarding working conditions and is legally employed in a Member State, cannot be subject to discrimination on grounds of his nationality. This means that the athlete has to be treated as a national.

Apart from the agreements with individual countries, the European Union signed in 2000 the Cotonou Agreement with the African, Caribbean and Pacific (ACP) States. The agreement stipulates (Article 13-3) that workers of the ACP countries who are legally employed in a Member State shall be free from any discrimination based on nationality, as regards working conditions and remuneration.

Therefore, a professional sportsman coming from a country which has signed such an agreement with the European Union cannot be excluded on the basis of his nationality from a team taking part in a match when he is legally employed in that Member State.

It must be said that neither the Cotonou Agreement nor the association agreements signed between the European Union and third countries provide the right to free movement within the European Union. If a sport professional is legally employed by a Spanish football club, he is not automatically entitled to take up work in another EU Member State.

## FURTHER INFORMATION

- Guidance on equal treatment clauses and non-discrimination of sportspeople from third countries can be found in the Staff Working Document on Sport and Free Movement published by the European Commission along with the Communication on Sport.
- All the agreements signed between the EU and third countries are published on the internet site of the Council.

# VISA POLICY

## IMPACT ON SPORT

Free movement of persons is a fundamental right based in the EU Treaties. The Schengen agreement promotes this freedom by enabling citizens to cross borders within the EU without being subject to border checks. However, requirements to hold a visa still remain for citizens of some countries travelling to the Schengen Area. The EU visa requirements often complicate the work of European sport organisations in obtaining visas for sportspersons taking part in sport events within the European Union and also decrease the attractiveness of the European Union to host major sport events.

## RECENT DEVELOPMENT AT EU LEVEL

Over the last few years, the European Union has lifted the visa requirements for some countries of the Western Balkans. In November 2010 visa requirements for citizens from Albania and Bosnia Herzegovina have been lifted by the EU. On the other hand, a monitoring mechanism has been set up enabling the reintroduction of visas for several Western Balkan countries in case of difficulties.

In this context, the European Commission has proposed in May 2011 to reintroduce visas for Western Balkan countries whose citizen abuse asylum procedures by travelling visa free to the EU. According to the Commission the “visa safeguard clause” should only be applied as a temporary measure in clearly defined emergency situations.

In November 2009 the EU Ministers for Home Affairs allowed citizens of Serbia, Montenegro and the Republic of Macedonia to travel into the Schengen Area with the new biometric passports.

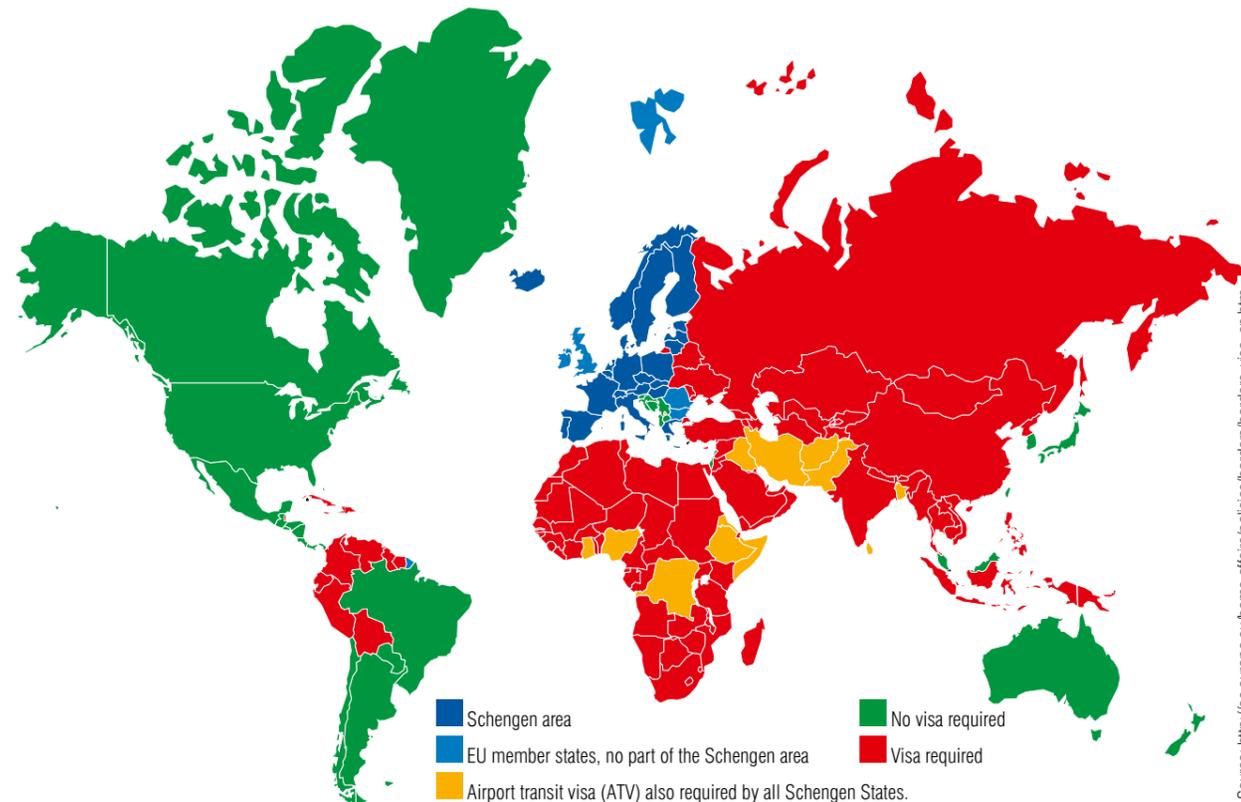
In July 2009, a regulation of the European Parliament and the Council established a [Community Code on Visas](#) (EU Visa Code). The EU Visa Code introduced special conditions to facilitate the issuing of visas to members of the Olympic family participating in the Olympic and Paralympic Games organised in an EU Member State. The special procedures and conditions established by the Visa Code of 2009 are only applicable for the Olympic Games and Paralympic Games and not for other sport events. Therefore the general visa procedures are still applicable to athletes participating in sport events in the EU.

Already for the 2004 Olympic and Paralympic Games in Athens the European Union had conceived special visa rules for members of the Olympic family in order to facilitate the issuing of visas and the crossing of borders.



<sup>2</sup> Kolpak (2003) and Simutenkov (2005).

## Schengen area - visa requirements



## PRACTICAL ADVICE

### Schengen Area:

**The 25 Schengen countries are:** Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.

In this context the EU has published a list of countries whose citizens need to hold a visa for travelling into the EU and countries whose citizens are exempt from visa requirements (see graphic).

### Suspension of the Schengen-acquis:

A Member State can reintroduce border controls at its internal borders in accordance with the Schengen legislation in order to prevent public policy from a serious threat or for reasons of national security. This suspension can affect citizens from third countries and EU citizens who attend to participate in sport events.

### Visa reciprocity:

EU citizens who want to travel into countries whose citizens are exempt to hold a visa for travelling into the EU do not need a visa to cross the border of those countries.

### Facilitation Agreements:

The European Union has signed facilitation agreements on Visa with some countries, such as Russia, Ukraine and Moldova. All these agreements contain exceptions for sport people:

- Exceptions for "participants in international sports events and persons accompanying them in a professional capacity"
- Documents to justify the purpose of the journey ("Written request from the host organisation: competent authorities, national sport Federations and National Olympic Committees of the Member States")
- Exemption of fees for processing visa application
- Multiple-entry visa, valid up to one year

## SPORT AGENTS

### IMPACT ON SPORT

Within the European Union different regulations are relevant to sports agents. Some Member States have regulated the activity by specific national regulations, while in other Member States the activity is subject to general law regarding employment. Furthermore, some international federations have introduced their own regulations regarding sport agents, such as FIFA or FIBA. During the past years the European Union has become more active in the field of sports agents, especially the European Parliament. In the European Union there are around 6,000 licensed sports agents, active in different sporting disciplines, such as football, rugby, basketball and athletics. Their main activity consists in the conclusion of different kinds of contracts on behalf of the sportsperson, such as transfer contracts or even image rights contracts, sponsoring contracts, advertising contracts, etc.

### RECENT DEVELOPMENT AT EU LEVEL

In the [Communication on Sport](#) (January 2011) the European Commission pointed out that the activities of sports agents often give rise to "ethical" problems, such as financial crime and exploitation of young players. The Expert Group "Good Governance in Sport", created by the EU Work Plan adopted in May 2011 during the EU Sport Ministers Council, will address the issues identified related to access and to supervision of the profession of sport agents. The Commission will also organise a conference on sports agents at the end of 2011.

The involvement of the European Parliament in this area is marked by a resolution adopted in June 2010 on players' agents in sport. The resolution called for an introduction of an EU wide "agents' licensing system" and agents' register. As early as 2007 the European Parliament mentioned the need for rules governing players' agents in its *resolution on the future of professional football in Europe*.

As a follow-up to the White Paper on Sport (2007) which mentioned bad practices in the activities of some agents resulting in instances of corruption, money laundering and exploitation of underage players, the Commission published in December 2009 an independent study on sports agents in the European Union. The objective of the study was to present the current situation of sports agents in the EU, to identify and analyse the questions in relation to their activities, as well as the solutions that have been provided by public and private actors in order to enable the Commission to determine if future interventions were required in this field. In its

conclusion the study rejects the idea of a general EU regulation in the field of sport agents and insists that the sports movement has to remain the main actor in establishing such regulations.

It might be recalled that most of the regulations related to sports agents are established by the sport movement itself. In this context a judgment of the European Court of Justice<sup>3</sup> stated that private rules, such as the FIFA regulations, which establish the requirement of a license to practice the activity of a sport agent, may be compatible, under certain conditions, with EU competition law.

### PERSPECTIVE

The European Commission will organise a conference on sports agents by the end of 2011 "to further explore possible ways for EU Institutions and representatives of the sport movement to improve the situation with regard to the activities of sport agents". The aim of this conference is to help the Commission to get more opinions and to provide information on how the problematic issues around sports agents' activities can be solved in cooperation with the sport movement, especially FIFA and UEFA, and the Council of Europe.

As announced in its Communication on sport, the European Commission will furthermore carry out a [study on the economic and legal aspects of transfers of players](#). An invitation to tender has been launched in July 2011.

<sup>3</sup> Case C-171/05P, *Plau v. Commission*, 23 February 2006

# FIGHT AGAINST CORRUPTION AND MATCH FIXING

## IMPACT ON SPORT

Corruption and match fixing pose a serious threat to the integrity of sport and damage the image of sport as a whole. The recent events relating to match fixing in European football have shown that the sport movement cannot handle this problem alone. As corruption and match fixing have a strong European or even international dimension, these problems must be dealt with at European and international level. The fight against match-fixing requires close cooperation between the sport movement, governments, betting operators, law enforcement authorities and international organisations and must address issues such as illegal and irregular betting, the respect for sport organisers' rights, persecution of criminal activities and prevention.

## RECENT DEVELOPMENT AT EU LEVEL

The [Working Plan for Sport](#), adopted by EU Sport Ministers in May 2011, established an expert group "Good Governance in Sport". Among others, the expert group obtains a mandate to develop a "European dimension of the integrity of sport" with an initial focus on the fight against match-fixing. The working group is expected to present recommendations on how to address the problem of match-fixing in the future by mid-2012. These recommendations will then serve as a basis for further discussion in the Council. Moreover, in the Communication on "[Developing a European Dimension in Sport](#)", presented in January 2011, it is suggested that the European Commission should cooperate with the Council of Europe in analysing the factors that could contribute to address more effectively the issue of match-fixing at national, European and international levels.

In the "[Communication on Fighting Corruption](#)" of 6 June 2011, the European Commission notes in article 4.7 that corruption in sport is a cross-border problem and indicates that it will launch a study on how corruption in sport is being covered by national legislation. In this context, it should be noted that a written declaration signed by 399 Members of the European Parliament in March 2011 already called on the Commission to launch a comprehensive study on corruption in European sport.

## DEVELOPMENT AT INTERNATIONAL LEVEL

Due to the fact that match fixing and corruption in sport constitute an international problem, the Olympic Movement adopted in June 2010 a recommendation on sport betting.

In March 2011 the IOC organised a "summit on irregular and illegal sport betting" during which representatives from governments, the sport movement, international organisations (including Interpol) and betting operators agreed to create a working group to fight against irregular and illegal betting in sport. On 15 June 2011 the recently established working group agreed to create three sub-groups on the following issues:

- › Education
- › Monitoring, intelligence and analysis
- › Legislation and regulations

Apart from the IOC, FIFA and UEFA are also active in the fight against illegal betting and match-fixing. In May 2011 FIFA has signed an agreement with Interpol in this field. During the Olympic Games in Beijing 2008, the IOC has also set up a system to monitor betting activities based on FIFA's Early Warning System (EWS).

## PERSPECTIVES

The fight against match fixing and corruption is one of the three priorities of the Polish EU Presidency in the field of sport (July to December 2011). The Presidency intends to suggest to Member States to integrate a definition of "sport fraud as a criminal activity" in national legislations. In November 2011, the Polish Presidency will adopt conclusions on "match-fixing" with further recommendations.

The expert group "Good Governance" will present first recommendations on how to address the issue of match-fixing at European level in the future by mid-2011. These proposals will serve as basis for further discussions in the Council.

## PRACTICAL ADVICE

Education and prevention play a crucial role to protect the players and fans from engaging in corruption and fraud. For this reason, sport organisations are encouraged to get active in this field.

## FURTHER INFORMATION

- › European Commission's "[Communication on Fighting Corruption](#)"
- › IOC-Recommendation on Sport Betting



# ECONOMIC DIMENSION OF SPORT

## EU FUNDING FOR SPORT

### IMPACT ON SPORT

The EU can provide funding for sport related projects and activities. Although no specific sport funding programme exists for the time being, sport related projects can be funded through programmes relating to other EU policies, such as youth, education, citizenship, health or regional policy. The European Commission also provides funding for sport related studies. Article 165 of the Treaty on the Functioning of the European Union (TFEU) allows for the creation of a specific sport funding programme and the “mainstreaming”, i.e. the better inclusion, of sport in other Community policies and programmes. The long term perspectives are encouraging: a specific funding stream for sport is likely to be created as part of a future “Education Europe” programme after 2013.

### 34 EU FUNDING FOR SPORT RELATED PROJECTS

Sport related projects can be funded through different EU funding programmes, provided they contribute to the overall goals and priorities of these programmes. The most important programmes in the current financial period are:

- **“Youth in Action” Programme.** The programme targets young people aged between 13 and 30. With a total budget of 885 million EUR, it funds youth exchanges, youth initiatives and the exchange of volunteers (European Voluntary Service), among others.
- **“Lifelong Learning” Programme.** The programme, which has a total budget of 7 billion EUR, supports education and training measures. Consists of several sub-programmes focusing on different fields of education and training. The programme offers a wide variety of funding opportunities for sport organisations wishing to submit a project in the field of education and training.
- **“Europe for Citizens” Programme.** The programme supports activities promoting active European citizenship and civic involvement. It can be used to fund discussion projects on sport related EU issues. Bigger organisations with a European network can also benefit from structural support in the form of a grant to cover their operating costs.
- **Structural Funds:** The structural funds promote the socio-economic development of European regions, especially the least developed. The European Regional Development Fund (ERDF) can be used under certain conditions to fund sport infrastructure, the European Social Fund (ESF) for employment or qualification measures in sport. INTERREG-Programmes can support cross-border sport projects. The European Agricultural Fund for Rural Development (EAFRD) and LEADER fund sport related projects in rural areas. Management is decentralised, i.e. projects are selected directly in the regions on the basis of specific regional development programmes.
- **Health Programme:** “The Health programme” has a total budget of 321.5 million EUR and supports health related activities. In the past, the programme has also supported sport related projects focusing on a healthy lifestyle and health-enhancing physical activities. In the last two years, funding opportunities for sport were limited.
- **DAPHNE:** supports projects designed to prevent or to combat violence against children, young people and women (for instance, in a sporting environment).

### Preparatory Actions in the field of sport

The programme “Preparatory Actions in the Field of Sport” has been created by the European Commission in 2009 to prepare future EU actions in the field of sport after the entry into force of the Lisbon Treaty. The main objective of the programme was to test and identify suitable networks and good practices in the field of sport. A number of sport specific projects in different areas, such as the project “Athletes2Business” of the EOC EU Office were funded in 2009, 2010 and 2011. The programme, which is implemented by the Sport Unit of the European Commission, ends in 2011, but projects will be carried out until 2013.

As a general rule, the above-mentioned EU funding programmes do not support pure sporting events such as championships, national or international competitions. But parallel to the “Preparatory Actions in the Field of Sport” (see box) in the years 2009-2011 the so-called budget “Special Events” funded sport events such as the European Youth Olympic Festival and the Mediterranean Games. Applications must respect the criteria laid down in the programme guides or the respective “Call for Proposals”. Funding conditions vary from one programme to the other.

For further information on programmes and funding conditions, please refer to our brochure “Funding for Sports in the European Union”.

### EU FUNDING FOR SPORT RELATED STUDIES

There is a general lack of empirical data on sports in the EU. For this reason, the EU provides funding for sport related studies as well. Conditions are set out in “Call for Tenders” published on the [EU-Website TED](#) (Tenders Electronic Daily).

The EOC EU Office has been involved in the study of sustainable financing of grassroots sports which will be published by the end of 2011.

#### Examples of sport related studies

- A possible future sport monitoring function in the EU (ongoing)
- The economic and legal aspects of transfers of players (ongoing)
- The contribution of sport to economic growth and employment in the EU (ongoing)
- The equal treatment of non-nationals in individual sport competitions (December 2010)
- Sport Agents in the European Union (February 2010)
- Volunteering (February 2010)

### PERSPECTIVES

The current funding programmes run until the end of 2013. The programme “Preparatory Actions in the Field of Sport” (2009-2011) has not been renewed due to legal constraints. However, a specific budget-line for sport related pilot projects is likely to be set up in 2012 by the European Parliament. The longer term perspectives are encouraging. In its proposal on the multi-annual financial framework of 29 June, the European Commission proposed the creation of a specific sub-programme sport as part of a wider “Education Europe” programme as of 2014. According to the Commission, the programme should focus on the following funding priorities:

- Tackling transnational threats that are specific to sport such as doping, violence, racism and intolerance, or issues relating to the integrity of competitions and sportspersons
- Developing European cooperation in sport through, for example, guidelines for dual careers of athletes or benchmarks for good governance of sporting organisations
- Supporting grassroots sports organisations which can play a role in addressing wider socioeconomic challenges such as social inclusion

The programme is designed to support grassroots sport organisations and not the top professional level. In November 2011, the Commission will publish a detailed proposal for the programme, including the structure and the budget. The Commission’s initiatives must be endorsed by the Council and the European Parliament to enter into force and modifications are possible along the way. The decision will be taken most likely mid 2013.

# MEDIA RIGHTS

## IMPACT ON SPORT

Sport related media rights play a major role for the financing of sport. A part of the revenues from the selling of media rights in professional sport are redistributed to grassroots sport. Nevertheless the selling of broadcasting rights remains a major source of income for professional sports. The EU plays an important role in the area of media rights by ensuring that selling procedures respect EU law, especially the provisions on competition. In this context the acceptance of the collective selling of sport related media rights can be seen as an example for the specificity of sport. In the following, the EU's role on sport will be considered with regard to the following points:

- › Collective selling of media rights
- › Multi-territory licensing of media rights
- › Major events

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## COLLECTIVE SELLING OF MEDIA RIGHTS IN SPORT

In January 2011 the European Commission pointed out in the [Communication on Sport](#) that the "collective selling of media rights is a good example of financial solidarity and redistribution mechanisms within sports". According to the Commission, the collective selling brings advantages that outweigh the negative effects of restricting the competition. This shows that the Commission has corrected its view. In the [White Paper on Sport](#) (2007) the Commission stated that collective is just one from several options to guarantee solidarity redistribution in sport.

Sport associations, clubs, leagues and sport federations have to ensure that redistribution mechanisms still respect the principal of solidarity. Furthermore the Commission insists that collective selling of media rights or individual selling by clubs always has to be in line with EU law.

Three decisions were taken by the Commission in the last few years involving the collective selling of media rights: Football Associa-

tion Premier League (2003), German Bundesliga (2005) and UEFA Champions League (2006). According to these decisions, collective selling of media rights is compatible with EU competition law (article 101(3) [TFUE](#)) only if the following conditions are fulfilled:

- › A transparent and non-discriminatory marketing procedure is organized
- › The media rights are divided in separate packages to limit the risk that a single buyer can acquire all the rights
- › The duration of exclusive contracts is limited
- › The clubs can exploit rights that aren't sold by the collective entity within a certain time period
- › A maximum amount of rights are available to sports fans

## MULTI-TERRITORY LICENSING OF MEDIA RIGHTS IN SPORT

Traditionally broadcasting rights of sports events are sold on a territorial basis, country by country, because a large part of viewers wants to watch sport events, especially football matches, in their own language.

In this context a ruling of the High Court of Justice (UK) in the case between the Football Association Premiere League Ltd (FAPL) and **QC Leisure** (C-403/08) is pending at the Court of Justice of the European Union since September 2008 (see box).

On February 2011 the Advocate General Kokott published her opinion according to which territorial exclusivity agreements relating to the transmission of football matches are contrary to European Union law. The judgment of the CJUE in the [QC Leisure case](#) is expected in autumn 2011.

### FAPL vs. QC Leisure

In 2008 the High Court of Justice of England and Wales made a request for a preliminary ruling to the European Court of Justice. The High Court wanted to know if the contractual stipulations between the FAPL, right holder of the Premier League and its national exclusive broadcaster, BSkyB are in accordance with EU law. Until this date, the FAPL has sold its TV broadcasting rights on a national basis with territorial restrictions, like the UEFA or other major sport event organizers.

The FAPL challenged the use of non-UK decoder cards imported by QC Leisure, which are sold at lower price than the ones bought in the UK. The FAPL challenged also the practice of Karen Murphy, pub owner, who has used a Greek decoder card to show live transmission of Premier League Football matches in her pub.

## SPORT EVENTS OF MAJOR IMPORTANCE FOR SOCIETY

The [Audiovisual Media Services Directive](#) <sup>4</sup> (March 2010), also known as "Television without Frontiers Directive" regulating cross-border television broadcasting, gives each Member State the opportunity to take measures in order to ensure that television broadcasters on its territory do not broadcast sporting events regarded as being of major importance for society, such as the FIFA World Cup or the Olympic Games, in an exclusive manner. According to the directive, Member States may draw up a list of major sporting events to be shown in free TV. The national lists, once reported to the Commission, are verified for their compatibility with Community law and published in the Official Journal.

At this stage eight Member States <sup>5</sup> have established such a list. Apart from top events like the Olympic Games or World Cup matches, most of the countries have included events with a national reputation.

According to a ruling of the General Court of the EU from February 2011 (cases *FIFA and UEFA v Commission* <sup>6</sup>) a Member State may, in certain circumstances, prohibit the exclusive broadcast of all FIFA World Cup and EURO football matches on pay-TV, in order to allow a large part of society to follow these matches on free-television. It should be noted that FIFA and UEFA have appealed against this judgment.

### FURTHER INFORMATION:

A consolidated list including the measures taken by Member States in the area of events of major importance has been published in the Official Journal of the European Union. <sup>7</sup>

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<sup>4</sup> Directive 2010/13/EC

<sup>5</sup> Austria, Belgium, Finland, France, Germany, Ireland, Italy and United Kingdom.

<sup>6</sup> T-385/07, T-55/08, T-68/08

<sup>7</sup> Official Journal (OJ) C 17 of 24 January 2008

# GAMBLING AND SPORT BETTING

## IMPACT ON SPORT

Revenues generated by state-owned or state-licensed lotteries and gambling operators constitute the most important source of income for sport in general and specifically amateur sport. In its Communication on Sport of January 2011, the European Commission points out that gambling activities, sport betting and lotteries included, run by private operators or by the State directly or indirectly contribute to the financing of sport in all EU Member States. Moreover, the sector of online gambling has become more important in recent years. As several studies show, online gambling is one of the fastest growing business in Europe with annual revenues exceeding € 6 billion in 2008, but more than 85% of the active gambling online sites in Europe operate without any licence. On top of that, illegal online betting activities can pose a threat to the integrity of sport competitions once match-fixing, fraud, corruption and money laundering come into play (*see chapter on “fight against corruption and match-fixing”*).

The EU is getting active in the field of gambling. Although it has not harmonized national legislation yet, the latter must be in compliance with the provisions of EU competition law and internal market provisions. State monopolies or state-licensed lotteries and gambling operators are only allowed under certain conditions. Over the last few years, several EU Member States have opened up their gambling and online markets due to pressure from the EU. In this context, it is crucial for sport to ensure that principles such as “solidarity mechanisms”, “financial return” from betting activities and sport organisers’ rights are preserved.



**The joint position of the IOC and EOC** advocates an increased cooperation amongst all stakeholders involved in this matter. It also underlines major issues:

- Ethical: Current findings on the risks connected to the development of online betting, conflicts of interests, etc.
- Legal: Necessity to regulate on-line betting markets, legal recognition of sport events organisers’ rights, etc.
- Financial: Financing of measures intending to safeguard the integrity of sport, financial return and
- Educational: Preventive measures initiated by the IOC and the EOC towards sport actors in the context of the Olympic Games and the European Youth Olympic Games

## RECENT DEVELOPMENT AT EU LEVEL

Due to the high economic impact of the gambling sector and the significant number of litigations throughout the EU, the European Commission launched a [Green Paper consultation on online gambling](#) in May 2011. The consultation included questions on the impact of sports betting and the integrity of sports competitions. The [IOC and EOC submitted a joint position](#) to present recommendations on how to preserve the integrity of sport competitions in the framework of sport betting (see box).

The recent developments in the field of gambling have been considerably shaped by numerous rulings of the European Court of Justice (ECJ).

The European Court of Justice does not directly prohibit state monopolies but according to its rulings, monopolies or the prohibition of betting via internet can be justified for reasons of public interest, such as combating addictive behaviour, ensuring consumer protection or preserving the public order. Furthermore, restrictions have to be necessary and proportionate. Since its ruling in the “Santa Casa” case (2009), the ECJ has confirmed that “in the absence of EU harmonisation in the field, it is for each Member State to determine in those areas, in accordance with its own scale of values, what is required in order to ensure that the interests in question are protected”.

At the same time, infringement procedures initiated by the European Commission prompted several Member States to change their gambling legislation in order to bring them into line with EU law. Following France, several other EU Member States have taken measures to open up their markets. The most important aspects of the French legislation on online Gambling, which entered into force on 1 June 2010, are:

- Creation of an independent authority dealing with online betting (“ARJEL”), which issues licences to private operators
- Physical betting still remains the monopoly of the State
- Consolidation of property rights for sport event’s organisers in relation of sport betting. Betting operators have to ask for authorization and pay a compensation to sport event’s organisers for proposing bets on those events.

## PERSPECTIVES

- The European Commission will publish the conclusions of the Green Paper consultation on online betting by autumn 2011. The information and data received will be thoroughly assessed by the Commission with the intention to determine follow-up action.
- The European Parliament will also publish a report (CREUTZMANN) on the issue by the end of 2011.

The **common position of the Olympic and Sports Movement** published in January 2010 states that the EU should ensure that the funding of sports federations will not be jeopardised by this new betting and gambling context. The financial stability of sports organisations, and *more especially of grassroots sports organisations*, would need to be considered a **priority** when assessing the integrity of sports competitions and gambling activities. Based on the ongoing EU study of internal market barriers to the financing of sport, the EU is encouraged to further develop exchange of best practices and coordinated actions on the financial impact of gambling and betting for grassroots sports organisations. In this context the European Commission plans to publish a study on “**EU Financing of Grassroots Sport**” by the end of 2011.

## FURTHER INFORMATION:

The IOC/EOC joint position on the Green Paper is available upon request: [info@euoffice.eurolympic.org](mailto:info@euoffice.eurolympic.org).

# PROTECTION OF PROPERTY RIGHTS

## IMPACT ON SPORT

Property rights such as copyright, trademarks, images and media rights represent a high economic value for sport organisers. In the last few years, technological change and especially the development of the internet have changed the environment of intellectual property rights. Sport right holders are more and more exposed to trademark and digital piracy (illegal live streaming on the internet). These phenomena cause important financial damage to sport right holders. Moreover, the European Union recognizes that intellectual property rights contribute considerably to the economic development of the sport sector and that more protection is needed. IPR's are especially important for organizers of major sport events or holders of sport rights with high economic value.

## RECENT DEVELOPMENT AT EU LEVEL

In the [Communication on Sport](#) (2011) the European Commission pointed out that intellectual property rights relating to the coverage of sport events are taken into account in the implementation of the Digital Agenda initiative <sup>8</sup>.

The recent developments in relation with IPR, like counterfeiting or piracy, have prompted the Commission to react. In May 2011, the Commission adopted the Communication "A Single Market for Intellectual Property Rights" in order to establish a new strategy to strengthen the protection of IPR and to revamp the legal framework. Furthermore, the Communication sets out several initiatives for developing a single market for Intellectual Property Rights in the EU.

During its meeting in May 2010, the Council of Ministers asked to take coordinated measures on network and information security in order to increase trust and confidence in cyberspace.

In April 2009 the Commission has launched a European Observatory on Counterfeiting and Piracy with the mission to collect data, raise awareness, facilitate dialogue, exchange views and share best practices in enforcing intellectual property rights between business and national authorities.

The European Parliament drew attention to the importance of intellectual property rights with regard to the financing of sport in its Resolution on the [White Paper on Sport](#) (2008). Furthermore, it asked for concrete action to protect the IPR of sports event organizers with regard to the results and sporting events as a whole.

## PERSPECTIVES

- › In its Communication on Sport the European Commission announced the launch of a study to analyse sport organisers' rights and image rights in sport from the perspective of the EU legal framework.
- › In the context of the new strategy for IPR, the European Commission intends to make several proposals for the creation of a single legal framework for managing copyright. Furthermore in spring 2012, the Commission will propose to revise the IPR Enforcement Directive.
- › In 2012 the European Commission will present a report of the Green Paper consultation on the online distribution of audiovisual works, launched in July 2011.



<sup>8</sup> The Digital Agenda is Europe's strategy for a flourishing digital economy by 2020. It outlines policies and actions to maximise the benefit of the Digital Revolution for all.

# LICENSING SYSTEMS FOR CLUBS

## IMPACT ON SPORT

Licensing systems play a major role in guaranteeing the integrity and balance of sporting competitions. They are designed to ensure that no club drops out of the competition for financial reasons, such as bankruptcy or insolvency. The criteria of licensing systems are most often financial in nature but they often also include aspects related to the security and safety of spectators and athletes, such as infrastructure or training centres. The most famous example of a licensing system is UEFA's *Financial Fair Play* system. However, other professional sport leagues or sport federations in Europe have established licensing regulations as well, for instance rugby, handball or basketball. The EU encourages the creation of licensing systems and promotes the exchange of good practice in this field.

## RECENT DEVELOPMENT AT EU LEVEL

In the Communication on Sport published in January 2011 the European Commission welcomed the adoption of licensing systems such as UEFA's Financial Fair Play regulations and brings to mind that such measures have to respect internal market and competition rules. The Financial Fair Play regulations were adopted by UEFA's Executive Committee in May 2010 (for details see box). The European Parliament welcomed the new UEFA rules in a statement published in June 2010, while affirming at the same time that it is necessary to ensure a competitive balance in all sports.

In order to promote the creation of licensing systems and to provide a platform for the exchange of good practices between representatives of football and other team sports the Commission has organized an EU Conference on Licensing Systems for Club Competitions in September 2009. During the conference representatives of different European sport disciplines presented their licensing systems.

The [White Paper on Sport](#) (2007) acknowledged the usefulness of robust licensing systems for professional clubs at European and national level as a tool for promoting good governance in sport. The Belet report on the future of professional football in Europe (2007) drew attention to the financial precariousness of many European football clubs.

## FURTHER INFORMATION

For further information on UEFA's Financial Fair Play see the *UEFA's Club Licensing and Fair Play Regulations* of 2010.

## UEFA's Financial Fair Play

UEFA's "Financial Fair Play" system is based on the following pillars:

- › Break-even requirement – Clubs may not spend more than they generate over a certain period of time
- › No overdue payable during the season – Towards other clubs, employees and/or social/tax authorities
- › Provision of future financial information – To ensure clubs can meet their future obligations

Originally the UEFA *Financial Fair Play* system was designed to enter into force in the 2012/2013 season. In March 2010 ECA (European Club Association) and UEFA agreed to have a phase of implementation over five years with a transition period from 2012 to 2015. It should be noted that UEFA's Financial Fair Play regulations only apply in the case of participation in club competitions organized by UEFA. They do not have binding effects on national leagues. The national football federations are free to establish the same rules.

## PRACTICAL ADVICE

- › Leagues and federation have to make sure that licensing systems are compatible with EU law (provisions on competition policy and internal market)
- › The infrastructure requirements can provide some difficulties because the majority of clubs are not the owners of the stadium where their matches take place. In this case they have to transmit the infrastructure requirements to local authorities or the municipality.

## STATE AID

### IMPACT ON SPORT

Public funding is often used to fund infrastructure or other sporting activities, especially of individual sport clubs at grassroots level. Without financial support from public authorities, such infrastructure projects would be difficult to finance. Under EU law, public funding for sport infrastructure can be considered state aid. However, the EU treaties contain a general prohibition of state aid. The European Commission plays a major role in the field of state aid control, the objective of which is to ensure that EU Member States do not disturb competition and trade in the Internal Market. Under certain conditions enacted by the Treaty, state aid can be considered compatible with EU law.

### RECENT DEVELOPMENT AT EU LEVEL

In the [Communication on Sport](#) (2011) the European Commission announced it will monitor the application of state aid law in the field of sport and consider guidance in the future, if the number of sport-related state aid cases increases. Furthermore, the Commission confirms the application of EU State aid rules to sport and points out that state aid to sport is not covered by the general exemption regulation of the Lisbon Treaty. However, it might fall under certain conditions under the scope of the derogations.

State aid is a very complex field. In the [White Paper on Sport](#) (2007) and the accompanying Staff Working Document, the European Commission has provided guidance as to which measures can be considered to be in line with EU law. The White Paper contains a list of examples of public support to sport and gives further details on the state aid control operated by the European Union in the field of sport.

A few decisions were taken by the European Commission with regard to state aid before the publication of the White Paper on Sport:

- Measures for professional sports clubs in Italy (2003 & 2004)
- Subsidies for French professional sports clubs (2001)

Under certain condition public financial support for infrastructures might not constitute state aid as laid down in Article 107 (1) [TFEU](#):

- When infrastructures are strictly local and have no impact on trade between EU Member States there might be no state aid relevance.
- Leisure parks which could target costumers from other EU Member States fall into the scope of the state aid rules.

According to the “de minimis” regulation, financial support provided by the state with a total amount of 200,000 EUR over a three-year period

does not constitute state aid within the implications of Article 107(1) TFEU and needs not to be reported to the European Commission.

With regard to financial support for amateur sport clubs, the European Commission has provided the following guidance:

- As soon as amateur clubs do not pursue economic activities, subsidies granted to them are generally not covered by the state aid rules. Moreover, amateur sport clubs are generally not considered undertakings within the meaning of the EU Treaty.
- Financial support to amateur clubs plays an important role in promoting education, integration and health.

With regard to financial support to professional sport clubs, the following principles apply:

- Due to their engagement in economic activities, professional sport clubs are covered by the EU state aid rules.
- Lower tax liabilities can have an impact on trade between EU countries and are for this reason not in accordance with EU law.
- Subsidies for youth training centres can be compatible with EU law, provided that the objective is to support education.

According to article 108(3) [TFUE](#), the European Commission shall be informed via a notification procedure over public financial support to undertakings. The notification procedure allows the Commission to submit comments and to assess whether such a plan is compatible with the internal market having regard to article 107 [TFUE](#).

### FURTHER INFORMATION

European Commission’s Staff Working Document (2007), part 3.2.2. “State Aid Control”

## TAX POLICY

### IMPACT ON SPORT

Sport clubs provide important services of general interest. They contribute to the economy, enhance public health and promote social inclusion. The public could never finance these activities and non-profit sport organisations only manage to do so as long as they will not be burdened by cumbersome tax rules. Almost all countries of the European Union apply tax exemptions for services linked to sport or physical education supplied by non-profit-making organisations, or reduced tax rates for activities such as the admission to sporting events and the use of sporting facilities. However, sometimes the practices of sport organisations are not considered to be in line with EU law. Moreover, different tax rules in the Member States create imbalances between sport organisations in the Member States. Therefore, it is very important to preserve the opportunity for specific tax breaks or exemptions at the European level. Without tax breaks, sport organisations could not fulfill their important social role.

### RECENT DEVELOPMENT AT EU LEVEL

In the [White Paper on Sport](#) (2007), the European Commission committed to defending “the existing possibilities of reduced VAT (Value Added Tax) rates for sport”. The [Communication on Sport](#) published in January 2011 contains no reference to VAT and sport. However, in December 2010 the European Commission published a [Green Paper on the future of VAT](#) and launched a public consultation on the issue which ended in May 2011. In this context, the European Commission intends to collect data and information that help to revise the existing European regulations with regard to VAT. The [EOC EU Office submitted a position paper](#) within the framework of this consultation.

The EU Institutions addressed sport related tax issues several times in the past:

- In January 2011, the European Commission rejected a request by the Swedish government to grant a VAT exemption to sport clubs that have a yearly turnover of less than 100,000 EUR.
- In 2009, Finland has been accused of discrimination by favouring Finnish sportsmen in terms of taxation.
- Germany, France, Luxembourg and Austria have been referred to the European Court of Justice, because these countries were still applying reduced VAT rates to race horses which are not foreseen under the EU Directive of 2006.

- In June 2008, the European Commission initiated an infringement procedure against Sweden, Denmark, Finland and Austria asking for information concerning the application of exemptions under the existing VAT directive.

### PERSPECTIVES

A Communication from the European Commission on the future of VAT is expected in December 2011. The Olympic and Sports Movement expects that existing tax breaks and reduced rates for non-profit sport organisations will be maintained under the revised VAT directive.

### PRACTICAL ADVICE

Sport organisations should remind their national ministries to support the position of sport in discussions at EU level (maintaining existing breaks and VAT rates).

### FURTHER INFORMATION

The [European Commission’s Staff Working Document](#) (2007), part 3.2.2. “Taxation of Sport Activities” offers some guidance which practices can be regarded as being in line with EU law.

# SOCIETAL ROLE OF SPORT

## PROTECTION OF MINORS

### IMPACT ON SPORT

The transfer of a young sportsperson from one country into another does not always proceed under acceptable circumstances. Legal arrangements are necessary to ensure that young sportsmen are not being exploited. This concerns especially children who are not selected for competitions and, being in a foreign country, are threatened to descend into illegality. Furthermore sexual abuse and harassment of minors in sport must be fought against as well.

### RECENT DEVELOPMENT AT EU LEVEL

In its [Communication on Sport](#) (January 2011) the European Commission mentions that young athletes, in particular those coming from third countries to train and compete in Europe, face multiple risks linked to their vulnerability. In this context the Commission remarks that quality of sport training centers should be sufficiently high in order to safeguard the athletes' moral and educational development and professional interests. Furthermore, the Commission pointed out that the [White Paper on Sport](#) (2007) remains "an appropriate basis" for EU activities in this field.

The following initiatives at EU level also address the issue of the protection of minors:

- In June 2010 the European Parliament called for a prohibition for remuneration to players' agents related to the transfers of minors. For example, the French sport law prohibits any paid intervention of a sports agent related to the conclusion of a sport contract for a minor.
- The "Directive on the Protection of Young People at Work" (1994) states that the ban on the employment of children is not applicable to sporting activities. However, Member States shall lay down legislative or regulatory provisions Member States related to the working conditions.

Furthermore, the European Court of Justice has recognized in the "[Olympique Lyonnais](#)" ruling (October 2010) the importance of training by affirming that when a young football player does not sign its first professional contract with the club that trained him, the new club has to pay a compensation fee. This compensation has

to take into account the costs borne by the clubs in training both future professional players and those who will never play professionally (for more details on the case see topic on "Free Movement").

Some international sports federations, such as FIFA have edited rules to protect minors. The "FIFA rules on status and transfer of players"<sup>9</sup> provide that international transfers of players are only permitted if the player is at least 18 years old. However, the rules mention three exceptions, such as if the parents of the young player move to the country of the new club for reasons which are not linked to football.

<sup>9</sup> Article 19 – version 2010

### FURTHER INFORMATION

Due to the strong link of the fight against human trafficking with the issues of free movement, cooperation with third countries, education and training and players' agents, please consult the respective chapters.

## EXTERNAL RELATIONS AND DEVELOPMENT POLICY



### IMPACT ON SPORT

Sport can be used as a tool in development cooperation and foreign relations. Sport umbrella organisations, sport governing bodies and sport federations all over Europe engage in sport related projects in developing countries. The European Commission announced in its White Paper on Sport (2007) to promote the use of sport as a tool in development policy. However, the activities of the EU in this field remain limited and funding for sport related projects is difficult to obtain.

### RECENT DEVELOPMENT AT EU LEVEL

According to Article 165 of the [Treaty on the Functioning of the European Union](#) (TFEU) the European Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe.

In its [Communication on Sport](#), the European Commission announced to "identify the scope for international cooperation in the field of sport with a focus on European third countries, in particular candidate countries and potential candidates, and the Council of Europe", which means that EU activities in this field should mainly be addressed to the Western Balkans and Turkey.

The EU [Work Plan for Sport](#), adopted by Sport Ministers in May 2010, invites the European Commission and the Member States to foster cooperation with third countries. However, the latter is not identified as a priority theme.

In the White Paper on Sport (2007) the Commission acknowledged the considerable potential of sport as a tool to promote education, health, intercultural dialogue, development and peace. An initial focus was put on promoting the use of sport as a tool in development policy, especially in the field of quality education, improving access for girls and women to physical education and sport and supporting health promotion.

The European Commission and FIFA have signed in 2006 a [Memorandum of Understanding](#) (MoU) to make football a force for development in ACP-countries (Africa, Caribbean and Pacific).

### PERSPECTIVES

Given that currently many sport organisations are active in the field of development cooperation, there is a need to strengthen the role of sport as a tool in EU development and external policy. Sport should also be better mainstreamed in relevant financial instruments, such as the Development Cooperation Instrument (DCI). In May 2011, the EOC EU Office has submitted a position paper with concrete proposals in this regard. The EOC EU Office has also been involved in organizing several TAIEX seminars in countries of the Western Balkans on the impact of EU legislation on sport. Sport could make a vital contribution to the EU's foreign policy in the following ways:

- As a means for health-promotion or awareness-raising campaigns (e.g. immunisation)
- As a tool for promoting education (e.g. alphabetisation measures)
- As a tool for ethnic reconciliation
- As a contribution to democratization
- As a means to promote the social integration of vulnerable groups
- As a tool for socioeconomic development

### FURTHER INFORMATION

- In the context of the Beijing 2008 Olympic Games, the IOC launched a world-wide solidarity campaign called "[Giving is Winning](#)" in partnership with the United Nations High Commissioner for Refugees (UNHCR), which has been extended to the 2012 Olympic Games in London. Through this campaign National Olympic Committees, International Federations, sponsors, recognised organisations, members and supporters of the Olympic Movement are encouraged to donate sports and casual clothes which will then be distributed by the UNHCR to various refugee camps around the globe.
- In October 2009, the United Nations decided to grant the IOC UN observer status at the UN General Assembly.
- In February 2009, the IOC and UN-HABITAT signed a Memorandum of Understanding to reinforce the social integration of young people and combat poverty through sport.

# FIGHT AGAINST DOPING

## IMPACT ON SPORT

Doping poses a threat to the integrity and image of sport because it undermines the principles of fair and open competition. Moreover, doping constitutes an important threat for the health of sportspeople and can lead under certain conditions to permanent health risks or even death. Doping is not only a problem in professional sport. Studies have shown that amateur athletes as well are increasingly making use of performance-enhancing drugs, whereas less information is available on prevention and the harmful effects of doping. In recent years, the European Union has embarked on a more active approach in the field of anti-doping. Measures have been taken to better coordinate the EU position within WADA and to ensure that anti-doping rules and the WADA code are in accordance with EU law and respect fundamental rights. The European Commission also advocates joining the Anti-Doping Convention of the Council of Europe as well as reinforcing measures against trade in doping substances by criminal networks.

## RECENT DEVELOPMENT AT EU LEVEL

The danger of doping was already referred to in the European Commission's [White Paper on Sport](#) (2007). In its communication on "[Developing a European Dimension in Sport](#)" the Commission recalls the dangers of doping, especially for the health of sportspeople and calls for preventive action, including commercial sport. The Commission emphasizes its support for the fight against doping and the important role of the World Anti-Doping Agency (WADA), the Council of Europe as well as the National Anti-Doping Agencies (NADAs). It recalls also that the fight against doping has to respect the fundamental rights and principals and that "any limitation on the exercise of these rights and freedoms must be provided for by law and respect of those rights and the principle of proportionality". In its [Communication on Sport](#), the European Commission suggests the following measures:

- Propose a draft mandate for negotiations on EU accession to the Anti-Doping Convention of the Council of Europe
- Examine the most appropriate way to reinforce measures against trade in doping substances by organised networks, including if possible through criminal law
- Support international anti-doping networks, including networks focusing on preventive measured targeting amateur sport, sport for all and fitness

The "Fight against doping" was identified as one of the priority themes in the European [Work Plan for Sport](#) adopted by EU Sport Ministers in May 2011. The work plan provides for the creation of an Expert Group "Anti-Doping", whose main task will be to prepare first recommendations for EU comments to the revision of the WADA Code until early 2012. The Expert Group "Anti Doping" builds on the work of the former informal EU Working Group on Anti-Doping, created in February 2008.

In the fight against doping, the EU plays an important role in ensuring the data protection of athletes. The EU Article 29 Data Protection Working Party was set up in 1995. One of its tasks is to make sure that the WADA Code respects the EU provisions relating to the protection of data. In its second opinion published in April 2009 the Working Party noted that there are still shortcomings in data protection. This is especially the case with regard to the transfer of data of EU athletes from the ADAMS data base in Canada to third countries which organise international sport events and don't ensure an adequate level of protection.

## PERSPECTIVES

The EU is likely to play a more active role in the field of anti-doping in the future, especially through the following planned initiatives:

- Include the trade of doping substances into article 83 of the TFEU. This article allows the European Union to adopt directives in different areas of particularly serious crime with a cross-border dimension listed in the treaty such as corruption or illicit drug trafficking. The European Commission and some Member States intend to introduce criminal law provisions against trade in doping substances by organised networks on that basis.
- Join the Anti-Doping Convention of the Council of Europe, the main international instrument in the fight against doping (see box). However, such a process would take several years.

In the view of the sport movement, the EU's activities in the field of anti-doping should be limited to a coordinating role. In this context, it must be ensured that the EU does not overstep its competences, that existing structures are not duplicated and that the autonomy of sport organisations is not undermined.

### Anti-Doping Convention of the Council of Europe

All the Member States of the European Union have ratified the [Anti-Doping Convention](#) of the Council of Europe. The Anti-Doping Convention is the first international legal instrument in the fight against doping. Since its entry into force in 1990, 50 States (including Non-Members of the Council of Europe such as Australia, Belarus, Canada and Tunisia) have ratified the convention. The convention has the objective to harmonise national and international measures in the fight against doping. Contracting parties agree to:

- Create a national co-coordinating body
- Reduce the trafficking of doping substances and the use of banned doping agents
- Reinforce doping controls and improve detection techniques
- Support education and awareness-raising programmes
- Guarantee the efficiency of sanctions taken against offenders
- Collaborate with sport organisations at all levels, including at international level
- Use accredited anti-doping laboratories



# SPORT AND HEALTH

## IMPACT ON SPORT

Sport and physical activity are essential for improving health and well being and can play a significant role in preventing diseases, obesity or other health related problems. Evidence shows that regular participation in physical activity programmes provides everyone with a wide range of physical, social and mental health benefits. Sport organisations and clubs all over Europe play a crucial role in encouraging people to get active. The current [EU Health Strategy](#) (2008-2013) aims to deliver concrete health improvements in Europe. The health policy of the European Union needs to support the European sport movement to get more Europeans of all ages moving more in their daily lives. In this context, the role of sport should be further strengthened.

## RECENT DEVELOPMENT AT EU LEVEL

The Council [Work Plan for Sport](#), adopted in May 2011, foresees the creation of an Expert Group “Sport, Health and Participation”. This group will provide recommendations on how to promote health enhancing physical activity and participation in grassroots sport. The Expert Group will replace the former Working Group “Sport and Health”.

In its [Communication on Sport](#) (2011), the European Commission recognises the important role sport plays in improving health. In the [White Paper on Sport](#) (2007), the European Commission recommended to strengthen cooperation between health, education and sport sectors in order to define and implement coherent strategies to reduce overweight, obesity and other health risks. Moreover, the “Strategy for Europe on Nutrition, Overweight and Obesity Related Health Issues” which runs from 2007-2013, underlines the importance of taking proactive steps to reverse the decline in physical activity.

In 2008, the EU Physical Activity Guidelines were adopted by European Sport Ministers at their informal meeting in Biarritz. The EU Physical Activity Guidelines are not binding but provide recommendations for Member States, regional and local authorities, sport organisations, civil society organisations and other relevant actors to define and implement policies which would make it easier for Europeans to be physically active as part of their daily lives. The Physical Activity Guidelines touch upon a wide range of sectors, such as sport, health, education, transport or urban development. The European Commission has been promoting the implementation of these guidelines in the Member States.

Furthermore, the European Platform for Action on Diet, Physical Activity and Health was launched in 2005. It brings together relevant players acting from different fields in order to engage in

discussions on how to halt or reverse current overweight and obesity trends. To date the Platform involves 33 member organisations ranging from food industry to sport and consumer protection NGOs. ENGSO, partner of the EOC EU Office, is a member of the platform. Members enter into binding commitments covering a wide range of activities.

The EU has also funded projects aimed at promoting health-enhancing physical activity in the framework of the [Preparatory Actions in the Field of Sport](#) 2009. The “Public Health Programme” has also funded several large-scale projects focusing on health-enhancing physical activities in the past. However, funding possibilities for sport related projects were very limited during the last several years.

## PERSPECTIVES

- In its Communication on Sport, the European Commission proposes a Council recommendation on health-enhancing physical activity (HEPA). The objective of this recommendation is to better implement the EU Physical Activity Guidelines in the Member States. A mechanism to monitor the implementation of the Physical Activity Guidelines is likely to be included. Adoption is foreseen in 2013.
- An evaluation report of the strategy on nutrition, overweight and obesity will be published at the end of 2013.

## PRACTICAL ADVICE

The Expert Group “Sport, Health and Participation” will be composed by representatives of the Member States. Close cooperation with national ministries will be crucial for sport organisations in order to impact discussions at EU level.

# YOUTH

## IMPACT ON SPORT

Young people throughout Europe participate in sporting activities in various fields and roles. 49 % of young people declare that they are members of a sport club (EU Youth Report). Accordingly the youth policy of the European Union should take into account the needs and interests of the sport movement. Indeed, the current EU Youth Strategy (2010-2018) affects sport already in many aspects.

## RECENT DEVELOPMENT AT EU LEVEL

Neither within the European Council [Work Plan for Sport](#) nor in the European Commission’s [Communication](#) (both from 2011) does Youth as a whole experience special treatment. But the interests of young people touch upon a lot of policy areas like volunteering, health, education and social inclusion which are already identified in the 2007 [White Paper on Sport](#). All these areas are also part of the current [EU Youth Strategy](#) (2010-2018) which includes sport in the form of physical education and cooperation with sport organisations.

In response to the White Paper on Sport the European Youth adopted in 2008 the so called “[Pink Paper Declaration](#)” which highlights the contribution of youth to the world of sport.

EU Funding:

- Within the framework of the “[Preparatory Actions in the Field of Sport 2009](#)” five projects promoting the training of young athletes have received grants from the EU (See chapter on education and training as well).
- The Youth in Action Programme has been running since 2007 and will continue until the end of 2013. By promoting mobility and non-formal education of young people it offers a broad range of opportunities to sport organisations to benefit from funding.

## EU Youth Strategy

8 fields of action:

- Education and training
- Employment and entrepreneurship
- Health and well being
- Participation
- Voluntary activities
- Social inclusion
- Creativity and culture
- Youth and the world

## PERSPECTIVES

The proposal of the European Commission for the next multiannual financial framework (2014-2020) envisages a common programme for education, training and youth: “Education Europe”. This programme shall merge Youth in Action with the Lifelong Learning Programme (Erasmus, Leonardo etc.).

## FURTHER INFORMATION

For detailed information on funding opportunities within the current Youth in Action Programme, please consult our brochure “Funding for Sports in the European Union” or the website of [ENGSO Youth](#).

# EDUCATION AND TRAINING

## IMPACT ON SPORT

Being an essential component of the formation of young people, sport is affected by EU actions in the field of education and training in various ways. On the one hand, the sport movement can benefit from European funding through various sub-programmes of the EU's Lifelong Learning Programme. On the other hand, the sport movement has a huge interest in the recognition of sport-related qualifications such as skills acquired through voluntary activities. Another important topic is the professional education of young sports people and athletes (dual career).

## RECENT DEVELOPMENT AT EU LEVEL

The Council [Work Plan for Sport](#) (May 2011) foresees the creation of an Expert Group "Education and Training in Sport". The Expert Group will replace the former Working Group "Education and Training in Sport". This group will work on two tasks:

- › Draft of European guidelines on dual careers
- › Inclusion of sport related qualifications in national qualification systems of the Member States (in coordination with the European Qualifications Framework)

The tasks of the Expert Group build on the challenges addressed by the European Commission in its [Communication on Sport](#) (2011):

- › Sport outside and inside schools
- › Cooperation between sport clubs and schools
- › Dual career (quality education for high level athletes)
- › Recognition of sport related qualifications

The European Commission is currently under way to reform the mutual recognition of professional qualifications. In the course of a public consultation, which has been running from June to September 2011, stakeholders were asked to contribute to the modernisation of the existing "Directive on the Recognition of Professional Qualifications"<sup>10</sup>. The actual directive doesn't take into account special qualification and training procedures in the sport sector. The modernisation of the directive may affect the recognition procedures of sport related professions which are regulated in some EU Member States, such as ski instructors.

In the framework of the [Preparatory Actions in the Field of Sport](#) 2009 the EU has funded some projects focusing on the aim to promote education and training in sport. One of the projects "Athletes2Business" has been implemented by the EOC EU Office

and provides recommendations how different stakeholders such as sport organisations or educational institutions can create an enabling environment for dual career.

Other important steps at EU level:

- › A study on the training of young sportsmen and sports-women (2008)
- › In 2007 the European Parliament declared in its "Resolution on the Role of Sport in Education" to promote physical activity in school.
- › In its White Paper on Sport (2007) the European Commission announced the introduction of the rewarding of a European label to schools promoting sport and also emphasised the need to provide "dual career" training for young sportsmen and sportswomen.
- › 2004 was declared "European Year of Education through Sport" which was the start of the EU's financial support of a wide range of sport projects related to education.

<sup>10</sup> 2005/36/EC

## PERSPECTIVES

The European Commission will publish its proposal on the modernisation of the "Directive on the Recognition of Professional Qualifications" at the end of 2011. Prior to this (7 November 2011), the Commission will give feedback on the reactions to the Green paper at a public Conference on the "Modernisation of the Professional Qualifications Directive".

The Expert Group "Education and Training in Sport" is expected to make its proposal for European guidelines on dual careers by the end of 2012.

## PRACTICAL ADVICE

Sport and physical activity can be supported by various components of the EU's Lifelong Learning programme. The sport sector can also apply for support through individual calls for proposals on the implementation of the European Qualifications Framework (EQF) and the European Credit System for Vocational Education and Training (ECVET). For more information please consult our brochure "Funding for Sports in the European Union".

The Expert Group "Education and Training in Sport" will be composed of representatives of the Member States. Close cooperation with national ministries will be crucial for sport organisations in order to impact discussions at EU level.



# VOLUNTEERING

## IMPACT ON SPORT

In the EU, between 92 and 94 million adults engage in voluntary activities in different fields. Most volunteers are active in sports: as many as 35 million Europeans devote their time voluntarily to support sporting activities in the EU each year. The overwhelming majority of these activities does not take place in the context of big sporting events but at grassroots level. The sport sector, especially the local level, relies heavily on volunteers: in some EU countries, up to 90 percent of all the activities organised by local sport clubs are run by volunteers. Article 165 of the Lisbon Treaty recognises sport's structures "based on voluntary activity" and the European Union is called upon to take due account of the importance of volunteering in sport and its vital social function. The work of voluntary sport federations or clubs is directly affected by European legislation in fields such as VAT, the Working Time Directive or public financing and state aid. By its actions, the EU should help to promote and nurture the culture of volunteering in sport.

## RECENT DEVELOPMENT AT EU LEVEL

The European Commission's [Communication on Sport](#) (2011) surprisingly does not contain any specific actions to promote volunteering in sport. In the [White Paper on Sport](#) (2007), the European Commission identified volunteering as one of the main elements of the societal role of sport, thereby underlining its significant economic and social value for society as a whole. Article 165 of the [Lisbon Treaty](#) specifically states that the EU shall take account of "sports' structures based on voluntary activity". However, volunteering as such does not have a specific base in the treaties.

The EU has launched the following initiatives to promote volunteering in the EU:

- The "European Year of Volunteering 2011". The objective of the year is to raise awareness for volunteering and to improve the conditions under which volunteering takes place. During this year, the EU has funded a number of flagship projects at the European and national level. A range of other activities, such as conferences or a volunteering tour, has also been carried out.
- In September 2011 the European Commission published a Communication on volunteering. The Communication analyses the situation in Member States, identifies obstacles to volunteering in the EU and addresses specific recommendations to Member States. The Communication

has been prepared by the Citizenship Unit in DG Communication and is therefore rather general in nature, but also contains a specific section on sport.

- The EU Working Group "Non-Profit Sport Organisations", set up in 2006, dealt among others with issues related to volunteering. The working group has been abolished following the adoption of the EU Work Plan for Sport by Sport Ministers in May 2011. Volunteering will be included in the activities of the working group "Sport, Health and Participation" and "Sustainable Financing of Sport".
- The EU has funded a number of projects relating to volunteering in sports within the framework of the Preparatory Actions in the Field of Sport 2010.
- A Study on Volunteering in the EU, commissioned by the Directorate General of the European Commission (DG EAC), was published at the beginning of 2010. The study analyses the situation in the Member States and addresses recommendations to European and national decision makers.

Moreover, volunteering is among the priorities of the Polish presidency in the field of sport. The European Youth Forum (YFJ) recently adopted a "European Charter on the Rights of the Volunteer" setting out the basic rights and responsibilities of volunteers.

## PERSPECTIVES

Volunteering will remain on the agenda and is affected by developments in other policy fields as well. The EU should take due account of the importance of volunteering when drafting EU legislation, such as the working time directive which is currently under review. Sufficient rest periods and limits to working time should also be maintained in the future. Other challenges which should be addressed in the future include:

- Lack of public recognition for the work of volunteers
- Increasing expectations with regard to the work of volunteers
- Lack of a legal and regulatory framework at European and national level specifically addressed to volunteering
- Red tape, i.e. excessive bureaucracy and legislation which burden volunteers and voluntary sport organisations, such as taxation rates, excessive insurance schemes or data-protection rules
- The sustainable financing of non-profit voluntary sport organisations, i.e. the need to secure sufficient funding and financial support. In the context of the current revision of the VAT directive, tax breaks and exemptions for voluntary sport organisations should be maintained
- Accessibility of EU funding programmes: Volunteering should be accepted as contribution in kind

## PRACTICAL ADVICE

- EU funding: Several EU funding programmes can be used to fund projects with a focus on volunteering. The Youth in Action Programme offers young people the possibilities to engage in the European Voluntary Service (EVS). The exchange of volunteers in the framework of sporting events is funded as well. The "Europe for Citizens" Programme supports projects promoting discussion on European issues, such as civic involvement or volunteering. For more information on funding opportunities please refer to our brochure "Funding for Sports in the EU".
- National Sport Umbrella Organisations should encourage their responsible Ministries to take part in the Expert groups "Sport, Health and Participation" and "Sustainable Financing of Sport" and nominate experts. Close cooperation with national ministries will be crucial for sport organisations in order to impact discussions at EU level.
- Sport organisations should contribute to EU initiatives (e.g. public consultations) and engage in the exchange of best practice and information at EU level.

## FURTHER INFORMATION

- [ENGSO Position paper on volunteering](#) (July 2011)
- [Report "Red card to red tape" Sport and Recreation Alliance](#) (March 2011)



# SOCIAL INCLUSION

## IMPACT ON SPORT

The EU acknowledges the important role of sport in the field of social inclusion. Nevertheless, access for sport organisations to EU funding instruments which support social inclusion is still limited.

Non-discrimination is a general principle of EU law. Needless to say that this principle must be fully taken into account when organising sport related activities. Several rules and EU actions derive from this principle.

The EU has a Disability Strategy which aims to promote the integration and equal treatment of people with disabilities. In line with the Strategy for Equality between Women and Men 2010-2015, the European Commission aims to mainstream gender issues into sport-related activities.

## RECENT DEVELOPMENT AT EU LEVEL

The Council [Work Plan for Sport](#) (May 2011) foresees the creation of an Expert Group “Sport, Health and Participation”. This group will provide recommendations on how to promote health enhancing physical activity and participation in grassroots sport. The Expert Group will replace the former Working Group “**Social Inclusion and Equal Opportunities in Sport**”.

In its [Communication on Sport](#) (January 2011), the European Commission announced its future priorities of action in the field of social inclusion and sport:

- › Develop standards for accessibility of sport through the European Disability Strategy
- › Promote women’s access to leadership positions in sport and include sport in the database and network of women in leadership positions
- › Promote social integration through sport

Already in the [White Paper on Sport](#) (2007) the European Commission declared its will to promote social inclusion through sport through several funding instruments and to take sport into account in its Action Plan on the European Disability Strategy.

The Council of the European Union adopted in November 2010 its “Conclusions on the role of sport as a source of and a driver for active social inclusion”. The conclusions are backing the position of the sport movement to promote grassroots sport and individual participation. The document also calls on the European Commission to include sport and social inclusion as a funding priority in a future sport programme.

## EU Funding

The [Preparatory Actions in the field of sport](#) 2009 funded projects on “promoting gender equality in sport” and “encouraging sport for disabled persons”. In 2010, the European Commission called for project proposals promoting social inclusion in and through sport. The ENGSO project “Creating a Level Playing Field” received an EU grant within the framework of the Preparatory Actions in the field of sport 2010. It was launched in January 2011 and will continue until April 2012 in cooperation with the EOC EU Office.

## PRACTICAL ADVICE

The Expert Group “Sport, Health and Participation” will be composed by representatives of the Member States. Close cooperation with national ministries will be crucial for sport organisations in order to impact discussions at EU level.

# SOCIAL DIALOGUE

## IMPACT ON SPORT

Working conditions and issues such as labour relations, contractual stability or health and safety at work play an important role in the sport sector – not only for athletes and sportspeople, but also for the regular staff employed in federations and clubs. These issues are addressed differently depending on the country concerned. At EU level, the European Commission has been actively promoting the so called “social dialogue” between employee and employer organisations as a “cornerstone of the European social model”, including sports.

## RECENT DEVELOPMENT AT EU LEVEL

A European social dialogue committee has been launched in the sector of professional football in 2008. The objective of this committee is to establish minimum contractual requirements for football players. In the [Communication on Sport](#) (January 2011) the European Commission expresses its support of the creation of a European Social Dialogue Committee for the whole for sport and active leisure sector and suggests to discuss the following issues:

- › Contractual stability
- › Health and safety at work
- › Education and training
- › Employment and working conditions of minors
- › Role of sport agents
- › Fight against doping (subject to a disagreement between the social partners)

At national level, social dialogue has been carried out first in France and the Netherlands, where it has resulted in the conclusion of collective agreements covering the whole sport sector. The European Commission’s Directorate General for Employment, Social Affairs and Inclusion has also funded several projects to promote social dialogue at EU level in the field of sport. The current project “IMPACT”, led by the French sport employers’ organisation in coordination with the European Association of Sport Employers (EASE), aims at the creation of an official European social dialogue in the sport and active leisure sector.

## PERSPECTIVES

The European Sectoral Social Dialogue Committee (ESSDC) for the sport and active leisure sector will be launched in a first test phase in 2012. In this context, the European Commission calls on the “social partners” to increase their representativeness at European level. The recognised social partners in the field of sport at EU level are:

- › EASE for the employers side
- › UNI Europa Sport for the employees side

After a successful test phase, the ESSDC will be set up in 2014.

## PRACTICAL ADVICE

In order to impact discussions in the European social dialogue committee, sport organisations must be affiliated either to EASE or UNI Europa Sport. EASE brings together employer organisations in sports from eight European countries, whereas UNI Europa Sport brings together the representatives of employees.

National Olympic Committees or Sport Umbrella Organisations can play a key role in encouraging social dialogue (e.g. the creation of employers organisations, at national level). Sport organisations should assess whether engaging in social dialogue at national or European level makes sense in view of their priorities and existing structures.

## FURTHER INFORMATION

- › European Commission’s [Communication on Sport](#) (2011)
- › [Website of EASE](#)

# ENVIRONMENT

## IMPACT ON SPORT

The European Union pursues an environment-friendly policy and promotes sustainable development. The importance of sport for the environment should not be underestimated. In terms of choice of location and design of sport facilities, choice of transport, use of materials and with regard to outdoor sporting activities, there are a lot of opportunities to use of sport in a sustainable manner.

## RECENT DEVELOPMENT AT EU LEVEL

The most recent EU policy documents in the field of sport do not cover the issue of environment. But the European Commission deals with the matter of sport and environment in its [White Paper on Sport](#) (2007). It calls for European sport organisations and sport event organisers to make their activities environmentally sustainable. In order to support this, the European Commission announced it will:

- 56 > Use its Structured Dialogue with leading international and European sport organisations to encourage them to participate in the Eco Management Audit Scheme (EMAS) and Community Eco-Label Award schemes
- > Take sport into account as part of the EU's financial instrument for environmental projects

In 2008 the European Parliament confirmed the view of the European Commission and advises all bodies responsible for sports to set themselves environmental objectives.

## PRACTICAL ADVICE

Life+ is the EU's financial instrument for environmental projects. Contributing to the implementation of EU environment policy, Life+ promotes sustainable development and thus provides limited funding opportunities to sport organisations. For more information please consult our brochure "Funding for Sports in the European Union".

## FURTHER INFORMATION

A document "The Environmental Dimension of Sport" which describes more detailed the relation between EU environment policy and sport can be found on the European Commission's website: <http://ec.europa.eu/sport/>



# EUROPEAN COMMISSIONERS DEALING WITH SPORT RELATED TOPICS

Portfolio	Commissioner	Topics related to Sport
President	José Manuel Barroso	ALL (see below)
Competition	Joaquin Almunia	<ul style="list-style-type: none"> <li>&gt; Competition law and media rights (collective selling, solidarity mechanisms)</li> <li>&gt; Antitrust policy</li> <li>&gt; State Aids</li> </ul>
Internal Market and Services	Michel Barnier	<ul style="list-style-type: none"> <li>&gt; Financing of sport</li> <li>&gt; Gambling</li> </ul>
Education, Culture, Multilingualism and Youth	Androulla Vassiliou	<ul style="list-style-type: none"> <li>&gt; EU sport policy (Structured Dialogue, sport governance, etc.)</li> <li>&gt; EAC funding programmes + preparatory measures in the field of sport 2010/11 + future sport programme</li> <li>&gt; Coordination of sport related matters (education and training and dual career, licensing clubs, anti-doping policy, etc.)</li> </ul>
Development	Andris Piebalgs	<ul style="list-style-type: none"> <li>&gt; External relations</li> </ul>
Research, Innovation and Science	Máire Geoghegan-Quinn	<ul style="list-style-type: none"> <li>&gt; Funding programme (7<sup>th</sup> FPRTD - Seventh Framework Programme of the European Community (EC) for research and technological development – Anti-Doping projects)</li> </ul>
Home Affairs	Cecilia Malmström	<ul style="list-style-type: none"> <li>&gt; Fight against racism and violence in the field of sport</li> </ul>
Environment	Janez Potočnik	<ul style="list-style-type: none"> <li>&gt; Funding programmes (Life+)</li> <li>&gt; EMAS</li> <li>&gt; Environmental questions concerning sport facilities</li> </ul>
Health and Consumer Policy	John Dalli	<ul style="list-style-type: none"> <li>&gt; Physical activity guidelines</li> <li>&gt; HEPA network</li> <li>&gt; Doping</li> <li>&gt; Funding programmes (Public Health)</li> </ul>
Digital Agenda	Neelie Kroes	<ul style="list-style-type: none"> <li>&gt; Sports rights (TV, internet, mobile phone...), piracy</li> </ul>
Justice, Fundamental Rights and Citizenship	Viviane Reding	<ul style="list-style-type: none"> <li>&gt; Whereabouts and fight against doping</li> </ul>
International Cooperation, Humanitarian Aid and Crisis Response	Kristalina Georgieva	<ul style="list-style-type: none"> <li>&gt; External relations (transfer system, protection of minors coming from third countries, organisation of international sport events in Europe, cooperation and development policy of sport organisations)</li> <li>&gt; Funding programmes</li> </ul>

## USEFUL LINKS

Portfolio	Commissioner	Topics related to Sport
Employment, Social Affairs and Inclusion	László Andor	<ul style="list-style-type: none"> <li>› Free Movement of sportsmen and sportswomen</li> <li>› Non discrimination principle (quotas of nationality in sport)</li> <li>› Funding programmes (PROGRESS)</li> <li>› Social dialogue in sport</li> <li>› Social inclusion through sport</li> <li>› Disability, gender equality</li> </ul>
Budget and Financial Programming	Janusz Lewandowski	<ul style="list-style-type: none"> <li>› Funding programmes</li> </ul>
Taxation and Customs Union, Audit and Anti-Fraud	Algirdas Šemeta	<ul style="list-style-type: none"> <li>› Tax issues (VAT, tax incentives measures for sport)</li> </ul>
Regional Policy	Johannes Hahn	<ul style="list-style-type: none"> <li>› Funding (structural funds)</li> </ul>
Enlargement and European Neighbourhood Policy	Štefan Füle	<ul style="list-style-type: none"> <li>› Sport regulations and nationality quotas (cooperation agreements)</li> <li>› TAIEX programme</li> </ul>
Transportation	Siim Kallas	<ul style="list-style-type: none"> <li>› Funding (financing of transportation infrastructures in the framework of sport events: e.g. Athens 2004)</li> </ul>
Agriculture and Rural Development	Dacian Cioloș	<ul style="list-style-type: none"> <li>› Funding Programmes</li> </ul>

### SPORT MOVEMENT:

EOC EU Office:  
<http://www.euoffice.eurolympic.org>

EOC:  
<http://www.eurolympic.org>

IOC:  
<http://www.olympic.org>

### EUROPEAN UNION:

European Commission:  
<http://www.ec.europa.eu>

Sport Unit:  
<http://www.ec.europa.eu/sport>

Council of the European Union:  
<http://www.consilium.europa.eu>

European Parliament:  
<http://www.europarl.europa.eu>

European Court of Justice:  
<http://www.curia.europa.eu>

Committee of the Regions:  
<http://www.cor.europa.eu>

European Economic and Social Committee:  
<http://www.eesc.europa.eu>



# EOC EU OFFICE IN BRUSSELS



The EOC EU Office is the representation of the European Olympic Committees (EOC) in Brussels to the European Institutions. It represents furthermore the interests of the International Olympic Committee (IOC) and other major sport organisations to the European Institutions.

Recognized by the European Commission as one of the most relevant sport actors in Europe, the EOC EU Office is playing an important role as interlink between the Olympic and Sports Movement and the European Institutions.

## CORE TASKS:

- › Monitor and analyse subjects of relevance to sport at European level
- › Publications on EU and Sport issues
- › Participation in EU projects and studies
- › Information for the partner organisations about the latest developments at EU level
- › Coordination of meetings, seminars and conferences for its partners

## MAIN TOPICS:

- › **Sport governance:** Autonomy of sport organisations, specificity of sport, cooperation between sport actors at European level
- › **Impact of EU law on sport:** Internal market issues, competition policy, free movement, taxation, environmental topics
- › **Financing of sport:** Economic impact of sport, gambling issues, EU funding programs and sport
- › **Societal role of sport:** Social aspects, physical activity, health issues, education and training, volunteering

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