

A stylized torch logo is centered in the background. The torch has a flame-like top with several curved, flame-like shapes. The handle is a simple vertical bar. The entire logo is rendered in a light blue color, matching the overall blue theme of the slide.

The European integration and sport

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European Integration & Sport and the EU

➤ European Integration

1952: Treaty of Paris
establishing the European
Coal and Steel Community

1957 The Treaties of Rome

The European Coal and
Steel Community, the
European Economic
Community and the
European Atomic Energy
Community

➤ Sport and the EU

1974 Walrave and Koch case. The Court of Justice of the European Communities in Luxembourg rules out discrimination on the basis of nationality; the Court of Justice is ready to deal with sport matters if they represent professional sports. **For the first time, the Court recognizes that it may deal with sport-related matters,** provided that they fall within the scope of article 2 of the Treaty

European Integration & Sport and the EU

- **1991** Maastricht Treaty: establishment of the European Union (EU), in addition to the EC. Economic and Monetary Union, Common Foreign and Security Policy, policies in the field of Justice and Home Affairs
- **1995** European Council settles on "euro" as name for the single currency
- **1991** The Commission organizes the first European Sport Forum with sport stakeholders in Brussels
- **1995** The European Court of Justice rules in the **Bosman case concerning free movement for professional sportspeople**; the transfer system in European professional cross-border football is redefined and the rights of football players as workers are strengthened

Structured dialogue with sports organisations

- the European Commission and the European sports movement first time in 1991
- to ensure that the specific characteristics of sport are taken into account in EU policy-making, and to enhance knowledge on the side of the sport sector of the application of EU law to sport.
- regular and structured dialogue for implementing the White Paper on Sport
- White Paper on Sport: the Commission proposed specific actions to strengthen further the structured dialogue with European sports stakeholders.

European Integration & Sport and the EU

- **1997** Amsterdam Treaty
- **1997** Amsterdam Declaration, annexed to the Treaty but without binding legal value: the EU recognises the non-economic aspects of sport
- **1997** The Commission sets up a Sport Unit
- **1998** The European model of sport

The European Model of Sport

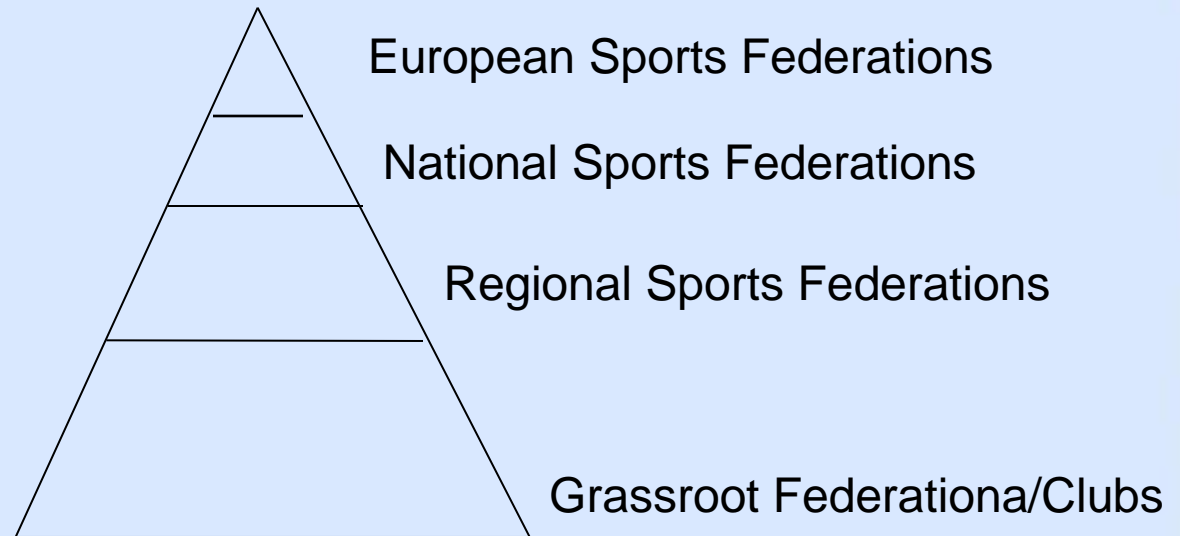
The three major risks facing European sport are:

1. The growing level of commercialization
2. The lack of protective and promotion measures for young athletes competing in top level sport, manipulation, doping and violence
3. Policies that are not compatible with sport.

The European Model of Sport

- The European Model of Sport
- Sport and Television
 - Development of Sport and Television in Europe
 - Broadcasting Rights
 - Right to Information
 - The Future Role of Public TV in Europe
- Sport and Social Policy
 - Sport and Education
 - Sport as a Means of Social Integration, Combating Racism and Promoting Tolerance
 - Sport and Environment
 - Sport and Public Health
 - Sport and Doping
 - Sport and Employment

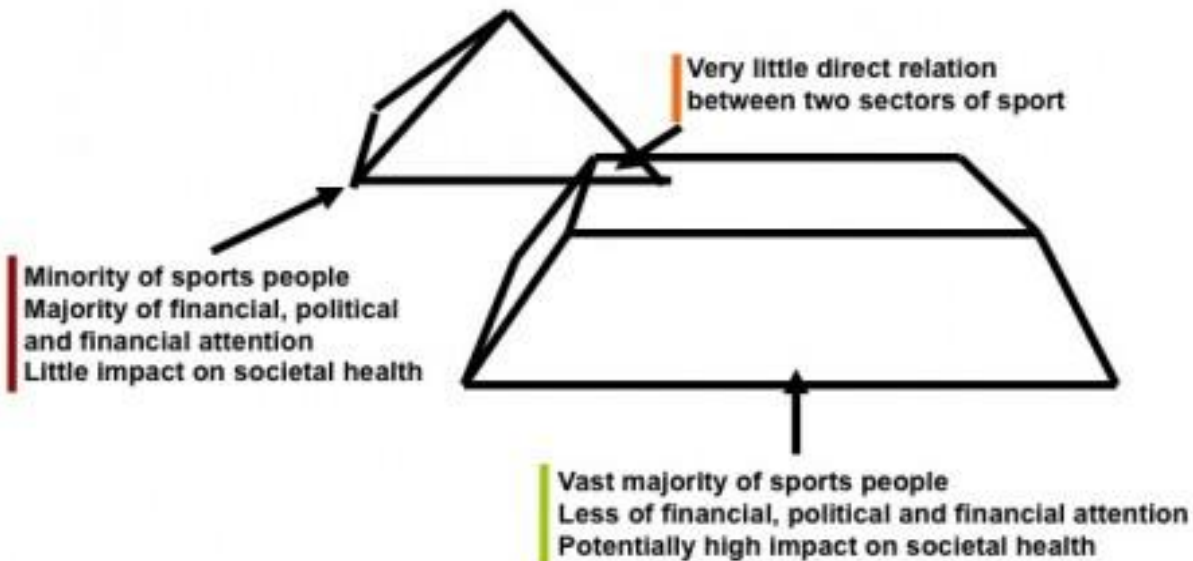
(http://www.sportdevelopment.info/attachments/088_eurosportmodel.pdf)



The Organization of Sport in Europe The Pyramid Model

http://www.sportdevelopment.info/attachments/088_eurosportmodel.pdf

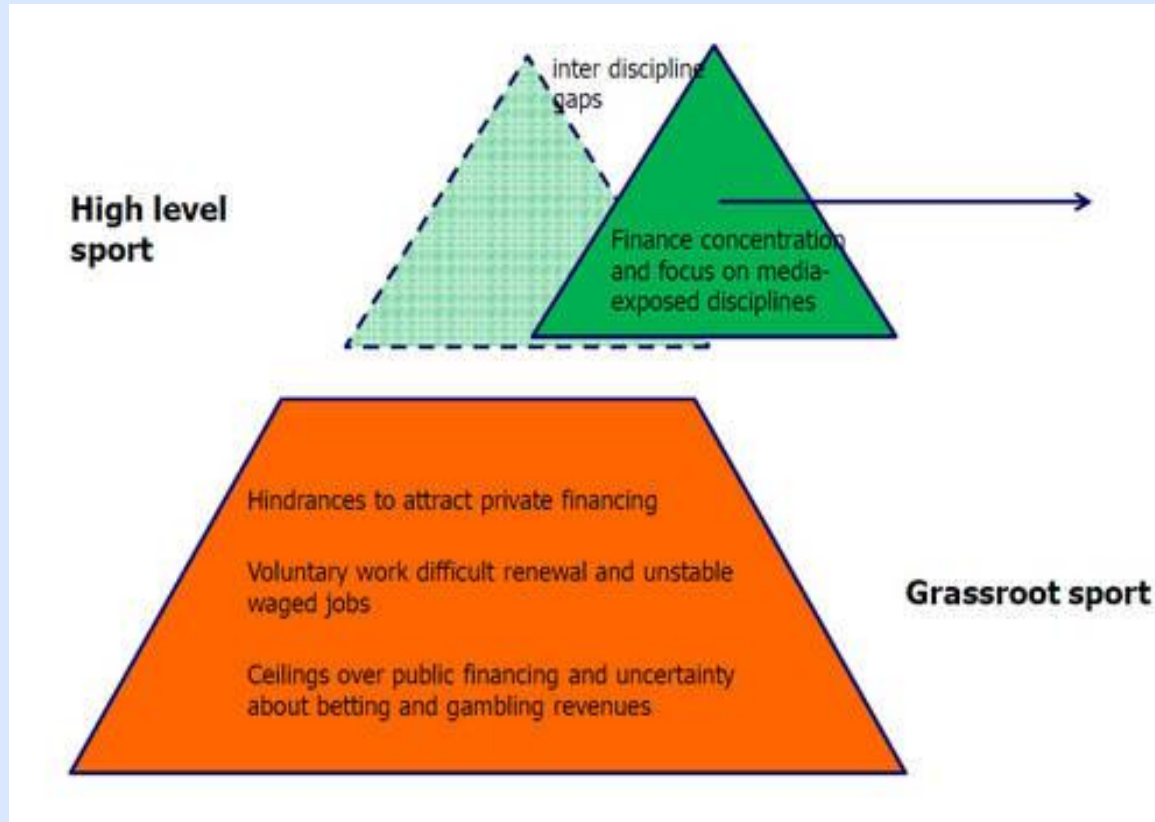
The Pyramid(s) of Sport ¹



¹The illustration of the Sport structure as a pyramid indicating relation and solidarity between bottom (grass-root sport) and the top (elite sport) is an illusion, which is not in line with the reality. *Mogens Kirkeby, ISCA president at November 2007.*

(<http://isca-web.org/filer/downloads/The%20illusion%20of%20the%20pyramid%20of%20sport.pdf>)

A European model of sports financing: under threat?



By: Andreff, W, Dutova, A. & Montel, J. 2009. A European model of sports financing: under threat?
(<http://www.playthegame.org/knowledge-bank/articles/a-european-model-of-sports-financing-under-threat.html>)

European Integration & Sport and the EU

- **2001** Nice Treaty
 - **2001** [Nice Declaration](#), annexed to the Presidency Conclusions and without binding legal value: the EU will check that its policies and decisions are sport-friendly
 - **2004** [European Year of Education through Sport \(EYES 2004\)](#). Around 200 projects are co-financed by the Commission, accompanied by a communication campaign

European Year of Education through Sport 2004

- the European Commission enabled four studies in the field of Youth and Sport:
 1. Study on young people's lifestyles and sedentariness and the role of sport in the context of education and as a means of restoring the balance
 2. Improving employment in the field of sport in Europe through vocational training
 3. Sport and Multiculturalism
 4. Education of Young Sport persons

European Integration & Sport and the EU

- **2004** A European Convention presents a draft Constitutional Treaty which is later rejected in referenda in France and the Netherlands
- **2004** Specific provisions on sport are included in the draft Treaty
- **2006** The European Court of Justice rules in the Meca-Medina case: EU competition rules must be applied with due regard to the specificity of sport; proportionality test; the assessment whether a sporting rule is compatible with EU law can only be made on a case-by-case basis; the notion of "purely sporting rules" is irrelevant for the question of the applicability of EU competition rules to the sports sector

Co-operation with the Member States

- EU sports directors and ministers meet regularly, outside the formal structures of the EU Council of Ministers, to address sport-related matters of common concern, exchange good practice and give political guidance to the Commission.
- Member States agreed in 2004 to base their work on a 'Rolling Agenda' for sport (priority themes):
 - the social function of sport
 - public health and sport
 - the fight against doping,
 - education in sport,
 - volunteering in sport
 - the economic dimension of sport.
- Five EU working groups, on specific topics of the Rolling Agenda. Each working group includes representatives of at least eight Member States and is chaired by the Commission.
- 2005 - Working Group "Sport & Health"
2006 - Working Group "Sport & Economics"
2007 - Working Group "Non-Profit Sport Organisations"
2008 - Working Group "Anti-Doping"
2009 - Working Group "Education and Training in Sport".
- the 2007 White Paper on Sport proposes to reinforce the Rolling Agenda through the joint definition of priorities and through regular reporting on progress to EU sports ministers.

European Integration & Sport and the EU

- **2007** Signature of the Treaty of Lisbon (subject to ratification by all Member States)
- **2007** [White Paper on Sport](#) adopted by the Commission. For the first time, the Commission provides a comprehensive vision for sport in a high-profile policy document
- **2007** Specific provisions on sport are included in the draft Treaty, creating a soft, complementary EU competence for sport and paving the way towards an EU sport programme
- **2008** Declaration of the European Council on Sport: the EU reiterates the specific characteristics of sport, welcomes the structured dialogue with the sport movement at EU level and calls for its reinforcement, in particular on the question of combined sports training and education of young people

The White Paper on Sport 2007

1. The Societal Role of Sport

- Enhancing public health through physical activity
- Fight against doping
- Enhancing the role of sport in education and training
- Promoting volunteering and active citizenship
- Social integrations, equal opportunities
- Fight against racism and violence
- Sustainable development

WP: 2. The Economic Dimension of Sport

- Evidence-based sport policies (statistics, surveys)
- Public support for sport on a more secure footing

WP: 3. The Organisation of Sport

- The specificity of sport
- Free movement and nationality
- Transfers
- Players' agents
- Protection of minors
- Corruption, money laundering etc.
- Licensing system, media

The specificity of sport

- Competition law and Internal Market provisions apply to sport in so far as it constitutes an economic activity. Sport is also subject to other important aspects of EU law, such as the prohibition of discrimination on grounds of nationality, provisions regarding citizenship of the Union and equality between men and women in employment.

The specificity of European sport can be approached through two prisms:

- “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;
- 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;”

(WHITE PAPER ON SPORT 2007, 13)

ACTION PLAN "PIERRE DE COUBERTIN"

Accompanying document to the WHITE PAPER ON SPORT

A. The societal role of sport

- A.1. Public health and physical activity
- A.2. *Fight against doping*
- A.3. *Education and training*
- A.4. *Volunteering in sport, active citizenship and non-profit sport organisations*
- A.5. *Social inclusion in and through sport*
- A.6. *Prevention of and fight against racism and violence in sport*
- A.7. *Sport in the Union's external relations*
- A.8. *Sustainable development*

B. The economic dimension of sport

- B.1. *Economic impact of sport*
- B.2. *Public support for sport*

C. The organisation of sport

- C.1. *Free movement and nationality*
- C.2. *Players' agents*
- C.3. *Protection of minors*
- C.4. *Corruption, money-laundering and other financial crime*
- C.5. *Licensing systems*
- C.6. *Media*

ACTION PLAN "PIERRE DE COUBERTIN"

Accompanying document to the WHITE PAPER ON SPORT

D. Follow-up

- *D.1. Structured dialogue with sport stakeholders*
- *D.2. Cooperation with Member States*
- *D.3. Social dialogue*

ACTION PLAN "PIERRE DE COUBERTIN"

- Choose three most important proposals of the action plan and explain why you chose those

Studies

- **2010 Equal treatment of non-nationals in individual sports competitions**
- **2010 Volunteering**
- **2009 Sports Agents**
- **2009 Money Laundering through the Football Sector**
- **2008 Training of young sportsmen and sportswomen in Europe**

EU funding and Sport

- €7,5 million in 2009 for preparatory actions
- Sport has been supported through different programmes
 - Structural Funds
 - Projects like the fight against obesity
- Year on Education through Sport in 2004 (€12 million, 200 projects, networks)

EU Budget line for Sport in 2009

6 M € for preparatory measures

1.5 M € for the European Olympic Youth Festival in Tampere

a) 1 M € for studies, conferences and seminars

b) 4 M € for networks and good practices

- 15 projects that will test topics for a real sport program
- 4 fields: Physical activity, sport & training, disabilities & sport and volunteering in sport

c) 1 M € for the Mediterranean Games

- Publication in May 2009

The Lisbon Treaty, Article 6

“**The Union shall have competence to carry out actions to support, coordinate or supplement**

the actions of the Member States. The areas of such action shall, at European level, be:

- (a) protection and improvement of human health;
- (b) industry;
- (c) culture;
- (d) tourism;
- (e) education, vocational training, youth and sport;
- (f) civil protection”

Interpretation :

-”That EU shall have competence to“ ...in the area of sport = New EU competence

-Subsidiarity principle = Main competence belongs to the Member States = Limited action of the EU in the field of sport

Art. 165 Treaty on the Functioning of the EU

- „...The Union shall contribute to the promoting of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational role“

Interpretation:

- Promotion of European sporting issues : what does it mean ?
- Inclusion of specific nature of sport in the Treaty
- Recognition of the importance of voluntary activity in sport
- Strengthening the social and educational role of sport

165.2 „Union action shall aim to [...] developing the European dimension of Sport, by

promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen [...]“

Interpretation:

- “Union shall aim to...”
- ”Developing the European dimension of sport”: what does it mean? EU shall promote European sports competitions ? EU shall financially support the development of the European dimension of sport ?
- Promotion of “fairness and openness in sporting competitions” : There are many ways to interpret these words...
- “EU shall aim to” develop “cooperation between bodies responsible for sports” : what does it mean? Strengthening dialogue between sport governing bodies ? Strengthening structured dialogue between sport actors

Health and sport integrity (anti-doping policy) among top priorities of the EU action in the field of sport

165.3. The 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”

Interpretation :

- ”EU and the Member States” : together, not the EU alone...
- Cooperation with third countries (EFTA countries, Accessing countries, ACP...) and
- Competent (?) international (not sport) organisations such as Council of Europe and UNESCO
- in the field of education and sport: does it mean that education and sport will be the only fields covered by the relationship between EU, Member States and third countries & international organisations ?

See chapter 2.7 of the WP “sharing our values with other parts of the world”) for a general understanding of article 165.3

Art.165.4“In order to contribute to the achievement of the objectives referred to in this Article:

- the European Parliament and the Council, acting in accordance with the ordinary legislative Procedure [...] shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States,**
- **the Council, on a proposal from the Commission, shall adopt recommendations”**

Interpretation :

- New role played by the European Parliament and the Council through the co-decision procedure (newly named ordinary legislative procedure)
- ”excluding any harmonisation of the laws and regulations of the Member States”: Subsidiary principle recalled and reinforced with a strict limitation of the EU action in the field of sport
- Legal tools available : incentives measures (co-decision procedure) and recommendations (of the Council) with no legally binding effects

Sport is a new competence of the EU:

The EU competence in the field of sport is limited :

The main competence belongs to Member States (subsidiarity), the framework provided by the articles 6 and 165 is very limited

The Lisbon Treaty will not modify the interpretation of the specificity of sport :

However, *“the specific nature of sport”, or the promotion of “fairness and openness in sporting competitions” may soon be challenged before the European Court of Justice for interpretation.*

The legal tools available for the EU to be active in sport are limited:

Only recommendations and incentive measures, with limited legal effects

However, the EU can be active in sport through its own traditional fields of competence.

The Commission's 2010 annual work programme on grants for action in the field of sport €11 million

- €3 million is earmarked for different sport projects addressing doping, social inclusion and volunteering
- €8 million is earmarked for three special sport events:
 - €2 million to the 10th biannual European Youth Olympic Winter Festival in 2011 in Liberec (Czech Republic)
 - €6 million to the European Special Olympics Summer Games in Warsaw in 2010 and the World Special Olympics Summer Games in Athens in 2011.

Next Steps

- **1 Dec. 2009:** Lisbon Treaty enters into force, giving the EU a competence on sport.
- **26-27 Feb. 2010:** Meeting of EU sport directors.
- **First half of 2010:** Commission to consult member states and stakeholders regarding the implementation of Lisbon Treaty's sport provisions.
- **19-20 April 2010:** Second EU sport forum in Madrid.
- **Spring 2010:** European Parliament hearing on EU sport competence.
- **May 2010:** First EU Sports Council scheduled.
- **Mid-2010:** Commission communication on the impact of the Lisbon Treaty on sport.
- **Mid-2010:** Commission draft decision on the EU's sports programme and budget.
- **2010, 2011:** Preparatory actions for sport.
- **2012:** First EU sports programme (2012-2013) expected to come into force.

Strategic Choices for the Implementation of the New EU Competence in the Field of Sport: EU-wide public consultation

ADDRESSING KEY CHALLENGES FOR SPORT IN EUROPE AND IDENTIFYING POLICY PRIORITIES FOR EU ACTION

- 1 Social and educational function of sport**
- 2 Volunteering in sport**
- 3 Physical and moral integrity of sportspeople**
- 4 Governance of sport**
- 5 Specificity of Sport**
- 6 Fairness and openness of sporting competitions**

<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=EUandSPORT&lang=en>

Role of Sport in EU

- A form of “economic activity”
- The freedom of movement for workers
- Sport - a suitable means of communicating the common and integrative aspect of the European Community
- Organization
 - Committee for Culture, Youth, Education and Media
 - The Sports Unit of the European Commission
 - European Sports Forum
 - EOC EU office Website: www.euoffice.eurolympic.org
- Legal base for sport in the European treaties
- The social role of sport within the Community (special characteristics of amateur sport)
- European Sports Model
- Sport in Article of the Constitution

The coalitions of the EU's sport policy by Richard Parrish (2003)

