



MONTHLY REPORT DECEMBER 2008 – JANUARY 2009

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Sport

News from the Institutions

1st The Olympic sports movement meets EU Commissioner Figel'

Led by the Chairman of the International Olympic Committee, Jacques Rogge, on 26th January 2009, representatives of the Olympic movement met EU Commissioner for Education, Training and Culture Ján Figel' and his delegation in Lausanne. The basis of the discussion was the European Council "Declaration on Sport" of December 2008. The agenda included, among other things:

- The specific nature of sport
- The question of funding for sport and problems in the sports betting sector
- Application of EU competition law and of freedom of movement of workers in professional sport
- The fight against doping

Ján Figel' reiterated his respect for the autonomy of sports organisations and confirmed their right to self-regulate their matters. At the same time, he recognised the international pyramidal structure of sport at international level. According to Mr Figel', this fact must be given greater consideration in a future dialogue between the EU and the sports movement. In this context, Commissioner Figel' particularly welcomed the opening of the EOC EU Office, which he acknowledged as having an important mediatory role to play.

The representatives of the Olympic movement emphasised the need to maintain the existing financial solidarity mechanisms between professional and grass root sport. This was expressly supported by the EU Commission. With regard to future development, Ján Figel' explained that the Sports Unit is preparing the implementation of the Lisbon Treaty, which still has to be ratified and which contains an article on sport. He also stated that the contribution of the Olympic movement to this project would be extremely important. By way of concrete measures, Figel' mentioned a conference on the freedom of movement of workers and sport in March, a conference on doping in May and one on licensing procedures in professional football in June this year.

The EU Commission wants to work, on a continual basis, on shaping the dialogue with the IOC. Against this background, there is to be a further round of talks in Brussels in June 2009.

2nd The Czech Council Presidency programme and guidelines for sport

The French EU Council presidency ended on 31st December 2008. Its final report contains several subjects regarding sport, such as, for example, dual careers in sport and the problem of the freedom of movement of workers (6+5 rule) in the case of professional clubs. These subjects had already been taken up previously in the EU Council of Ministers' declaration of 11th and 12th December (see below).

As of 1st January 2009, the Czech Republic now holds the EU Council Presidency until 30th June 2009. Its work programme concentrates mainly on the following three spheres:

- Economy
- Energy
- Europe and the rest of the world

In regard to sport, the list of priorities includes the following subjects:

- Autonomy of sport
- voluntary work in sport

The work programme explicitly refers that: "The Presidency will support forms of international cooperation that respect the principles of the autonomous and particular nature of sports, as defined in the Nice Declaration of the European Council on the specific characteristics of sports and their social function in Europe. The Presidency will continue the dialogue with the sports movement and favour a dialogue with representatives of non-governmental sports organisations. In connection with the White Paper on Sport, and in view of the "Pierre de Coubertin" Action Plan, the Presidency will focus on the identification of the current status, best practices and other possibilities for supporting volunteer work in the field of sports".

Compared to the French Presidency, the Czechs' ambition with regard to activities in the area of sport seems more modest.

A meeting of sports directors is planned for 28th/29th April. A meeting of sports ministers is not expected to be held again until the first half of 2010 under the Spanish Council Presidency.

The review of the French EU Presidency:



http://www.eu2008.fr/webdav/site/PFUE/shared/import/1231_Bilan_PFUE/French_Presidency__Review_and_outlook.pdf

The homepage of the Czech EU Presidency:



<http://www.eu2009.cz/en/>

3rd European Council – declaration on sport

The Heads of State and Government of the 27 EU Member States met for the last time under the French EU Council Presidency on 10th/11th December. One important point of the French Presidency's final report was the declaration of the European sports ministers adopted in November. (See Monthly Report November 2008)

This political declaration on sport annexed to the conclusions of the Presidency stipulates the following:

"The European Council recognises the importance of the values attached to sport, which are essential to European society.

It stresses the need to take account of the specific characteristics of sport, over and above its economic dimension.

It welcomes the establishment of a constructive dialogue at the first European Sport Forum organised by the European Commission.

It calls for the strengthening of that dialogue with the International Olympic Committee and representatives of the world of sport, in particular on the question of combined sports training and education for young people (dual career)."

The particular value of this declaration lies in the acceptance of the IOC as a strategic interlocutor of the European institutions. Previously, the EU Commission had concentrated solely on the European level and not given sufficient consideration to the international pyramid structure of sport.

It is important to point out, however, that this declaration does not lead to the right to an exemption of sport from EU Community law. Against this background, the sports organisations should continue to press for definitive recognition by the European institutions of the "specific nature of sport over and above its economic significance".

4th Council of Europe – adoption of three declarations on sport

At the 11th conference of sports ministers of the Council of Europe in Athens on ethics and independence in sport held on 11th/12th December 2008, the sports ministers and representatives of the international sports movement from the 44 Council of Europe member States passed three resolutions on the promotion of ethics in sport, protection of the autonomy of sport and on legal certainty in sport.

The discussion on the subject of legal certainty related, in particular, to protection of the privacy of athletes in the anti-doping guidelines laid down by WADA. In addition, a declaration of intent to strengthen cooperation between the Council of Europe and the European Union in regard to sport was adopted, in which the member States and non-governmental organisations are asked to play a more active part in the actions of the Council of Europe's EPAS initiative (Enlarged Partial Agreement on Sport).

The second resolution, relating to ethical questions in sport, contains the proposal to apply the Council of Europe's sports ethics code from 2001 in order, in this way, to meet the ethical challenges facing sport due to match-fixing, online betting on sport, corruption problems and doping by genetic manipulation. In addition, sports organisations are required to take legal proceedings against human trafficking in sport and, through increased Europe-wide cooperation, to combat doping.

Finally, in the third resolution, the importance of the autonomy of the sports movement in the face of various challenges, such as the growing power of business in sport, is emphasised. In this respect, it is also necessary to resist the risk of an increasing dependence of sport on sponsors, capital investors and gambling providers.

In its second reading on 13th January 2009, the European Parliament passed a new regulation on the production and licensing of pesticides and adopted a directive on their sustainable use. These, on the one hand, regulate the marketing of phytopharmaceutical products and, on the other, lay down the Community's framework of action for the sustainable use of pesticides. The significance for sport lies in the provision regarding the use of pesticides in sports and leisure facilities.

Sports facilities were affected by the whole decision-making procedure in so far as sections of the European Parliament wanted an absolute ban on the use of pesticides in these locations. The Council was less restrictive and called only for a very limited use of phytopharmaceutical products.

Following discussions with sports associations, in the end, the European Parliament passed the following wording in accordance with Directive Article 12 regarding the "Reduction of pesticide use or risks in specific areas":

"Member States shall, having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, ensure that the use of pesticides is minimised or prohibited in these specific areas. Appropriate risk management measures shall be taken and the use of low-risk plant protection products as defined by Regulation (EC) No. ... [concerning the placing of plant protection products on the market] and biological control measures shall be considered in the first place. The specific areas in question are:

1) areas used by the general public or by vulnerable groups as defined by Article 3 of Regulation (EC) No. ... [concerning the placing of plant protection products on the market], such as parks, public gardens, sports and recreation grounds, school grounds and playgrounds and in the close vicinity of healthcare facilities."

So, the final wording is a compromise between the position of the European Parliament and that of the Council, according to which the use of pesticides on sports facilities may be banned or strictly limited.

The regulation will be adopted by the Council in the next few weeks and should be implemented in the member States within the next two years.

Legal Questions

6th Gambling : EPMA conference on funding and integrity of sport

On 22nd January 2009, the European Pari Mutuel Association (EPMA) held a conference in Brussels on the subjects of the funding and integrity of sport.

The following topics were discussed at the event:

- The organisation of sports betting in Europe and sports funding mechanisms worldwide
- The underlying legal framework in the member States and ongoing national reforms (e.g. in France)
- The integrity of horse racing and sports competitions

With a total of some 100 participants, the conference provided an opportunity to lend weight to the significance of the subjects of games of chance and sports betting at EU level. The following speakers should be mentioned, in particular:

- Mr Toubon, MEP, as moderator, and Mrs Schaldemose, MEP, as speaker, presented the current status of ongoing work in the European Parliament concerning the report on the integrity of on-line gambling.
- The work carried out by the French EU Presidency in the second term of 2008 was presented by Mr Mochon. He was coordinating the report published by the Competitiveness Council in December 2008 on the status of national legislations in the sphere of games of chance.

The Olympic movement was represented by Mrs Girard-Zappelli, Secretary of the IOC Ethics Commission, and Denis Masseglia, Vice-President of the CNOSF. Mrs Girard-Zappelli explained the international context and the resources brought to bear by the IOC in order to prevent potential breaches of competition integrity, and the relevant safeguards implemented during the Olympic Games in Beijing 2008.

Mr Masseglia reminded the participants, in the context of national reforms, of the urgent need to safeguard the integrity and ethics of sport competitions, within the framework of a close cooperation between the States, betting providers and sport actors especially when they organise sports competition.

He also emphasised the need to take financial solidarity mechanisms into consideration in the planned legislative reform which will soon take place in France, in particular with regard to the recognition of intellectual property rights for sport organisers.

More information about the conference (programme, presentations):



<http://www.epma-conference.net/index.html>

7th Proceedings against new WADA regulations

At the end of January 2009, a group of 65 Belgian professional athletes initiated proceedings before a Flemish regional court against the new regulations of the World Anti-Doping Agency (WADA).

Since 1st January, WADA's new reporting obligations provide that athletes must state their whereabouts three months in advance in order to be able to undergo unannounced drug tests between 6 a.m. and 11 p.m.

The plaintiffs include KV Mechelen footballers, volleyball players from Roselare and racing cyclists in the Quickstep team.

The athletes believe that the compulsory reporting obligations are disproportionate and contravene Article 8 of the European Convention on Human Rights (protection of privacy) and the EU Working Hours Directive (maximum working week of 48 hours).

Athletes' associations such as the European Elite Athletes Association, the Belgian organisation Sporta and FIFPro are backing this action.

The Belgian court must now decide whether the anti-doping rules are fair and whether they are in breach of Belgian and European law. It is possible that a reference for a preliminary ruling will be made to the European Court of Justice (CoJEC) or that the plaintiffs will apply directly to the European Court of Human Rights (ECHR) in Strasbourg. The ruling of the Belgian court could be pronounced around the end of 2009.

General Policy

8th The 2009 EU budget – preparatory measures on sport

On 18th December 2008, the European Parliament approved the EU budget for 2009. This contains, in particular, a budget line provided with 7.5 million euro for preparatory measures in the sports sector.

The budget will be probably be divided as follows:

- 1 million € for studies and conferences, an anti-doping conference (May 2009), a conference on licensing procedures in professional football (June 2009), a study on the participation of athletes in national championships of other countries, a Eurobarometer survey
- 1 million € for organising the Mediterranean games in Pescara
- 1.5 million € for organising the European Olympic Youth Festival in Tampere
- 4 million € for supporting networks in the following spheres:
 - physical activity
 - sport and education
 - sport and disability
 - equality in sports

The European Commission is currently preparing a call for proposals, to be published in May 2009. Only projects with several European partners are co-funded (co-funding amounting to approx. 200,000 – 300,000 €).

9th European citizens' programme – call for project proposals

As part of the "Europe for Citizens" programme, the EU Commission Education, Audiovisual and Culture Executive Agency has published a call for project proposals.

The aim of this call is to support concrete projects from civil society, involving participants from at least two different countries – from the local, regional, national or Europe-wide area.

The project proposals should include at least one of the following characteristics:

- Active European citizenship
- Intercultural dialogue
- Impact of EU policies on society
- Network work

These projects should be in accordance with the priorities and goals of the "Europe for Citizens" action programme, which, for their part, are aimed at promoting the participation of the population in the development of democracy in Europe.

The organisations called upon to submit project proposals also include, among others, sports clubs focusing on popular sport. The projects should start on 01.08.2009 at the earliest and end on 31.07.2010 at the latest. The amount of the project backing provided depends on the type of project. The final deadline for submitting the project documents is 15th March 2009.

More information about this call:



http://eacea.ec.europa.eu/citizenship/action2/measure3/call2009_en.htm

More information concerning the application guidelines:



<http://eacea.ec.europa.eu/citizenship/action2/documents/measure3.pdf>

The European programme "Youth in Action" is a voluntary programme for youth groups, non-profit-making organisations and institutions for youth work, which is intended for youths and young adults from 13 to 30 years of age.

With its 5 action programmes it is aimed, above all, at promoting youth group meetings, youth exchange programmes and international youth projects and at cultivating dialogue with organisers involved in youth work.

The "Youth in Action" programme also provides for the promotion of training programmes for youth group leaders in order to improve the conditions of carrying out and quality youth projects.

The programme goals for 2009 listed below were published in January 2009, but the existing programme regulations from previous years continue to apply to the project selection.

The programme guidelines for 2009:

- European Year of "Innovation and Creativity"
- Active participation of young people in the elections to the European Parliament
- The fight against all forms of violence against women
- Sport as a tool to encourage the active citizenship and social integration of young people
- The promotion of healthy lifestyles through physical activity, including sport
- Promotion of the inclusion of people with disabilities
- Promotion of awareness of global challenges (e.g. climate change and sustainable development)
- Participation of young people in renewing the European framework for cooperation in the youth policy sphere
- Intercultural dialogue

Further information:



http://ec.europa.eu/youth/youth-in-action-programme/doc443_en.htm

11th European Youth Sports Forum 2008 – adoption of the “Pink Paper”

During the French EU Council Presidency, CNOSF held a European Youth and Sports Forum from 30th November to 6th December. Around 100 young Europeans from 18 to 30 years of age took part in this event, which was co-organised by ENGSO (European Non-Governmental Sports Organisation) and ISCA (International Sport and Culture Association) and for which financial backing was provided by the "Youth in Action" programme.

The themes of the event ranged from talks given by experts through to the exchange of examples of good practice from youth work in national, regional and local organisations.

Several themes of the White Paper on European Sport were touched upon: public health, active lifestyles, education and training, voluntary work in sport, active citizenship and the problems of non-profit-making organisations, the prevention of racism and violence in sport, and social dialogue with representatives of sports institutions.

On the last day, the results of the work of the Youth and Sports Forum were presented in the form of a "Pink Paper", which set out a whole series of recommendations for the European institutions as well as for the governments of the different European member States.

Further information:



<http://eysf2008.yource.net>

Miscellaneous

12th Social dialogue in the sport sector (CC–project)

(Results of the conference on the contractual landscape in the sport sector (London, December 2008))



The CC–project, coordinated by EURO–MEI (representing the employees) and EASE (European Association of Sport Employers, representing the employers) and supported by the European Commission, aims to bridge the gap between the end of the RBT project (*“Reinforce the representativeness of the social partners in the sport sector: Row the Boat project”*– 2006/2008) and the creation of the European Sectoral Social Dialogue Committee for the sport sector as a whole.

EASE had the opportunity to present the CC–project at the EU Sport Forum in Biarritz (November 2008).

The main phases of the project revolve around three meetings:

- A 2–day conference on the contractual landscape in the sport sector (8th & 9th December 2008, London);
- A 2–day conference on health and safety in the sport sector (1st & 2nd April 2009, Lisbon);
- and an informal social dialogue meeting (27th May 2009, Brussels).

The conference gathered around 45 representatives of European employer and worker organisations and of other stakeholders from the sector.

The discussions have been launched by a presentation of two small–scale studies:

- A study on the legal framework on employment contracts in 4 EU Member States (Germany, Spain, Great Britain and Italy) for sport workers not being

professional sportsmen and –women (the participants have also been provided with data on France, Sweden and the Netherlands);

– A study on the employment of professional sportsmen and –women in 5 EU Member States (Germany, Spain, Great Britain, Italy and Sweden).

The following conclusions have been drawn:

- The aspirations of EASE and EURO–MEI at a European level are:
 - to recognize the importance of social dialogue,
 - to support and advise on development of social dialogue at a national and sport specific level,
 - to share issues and concerns and promote/share good practices (codes of conduct and good governance).
- To do this, they recognize the need to structure their dialogue.
- They are willing to develop social dialogue first on 3 main themes:
 - Contracts
 - Health and welfare
 - Qualifications

EASE and EURO–MEI are going to issue a document called “Joint recommendations on minimum requirements of employment contracts in the sport sector” as a result of this conference.

If you require further information about the CC–project:



www.easesport.eu