European Union and Sport

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European Union and Sport

Position paper of the Olympic Movement on “Sport and the Lisbon Treaty”

On January 25, 2010, the Olympic Movement and the most International Federations launched a unified “position paper” on how the wording on sport in the EU’s new Lisbon Treaty should be put into practice.

During a meeting with Prime Minister Zapatero, IOC member and FIFA President Joseph S. Blatter presented the position paper to the Spanish President, holding currently the EU-Presidency as well. Signatories include the IOC, the European Olympic Committees (EOC) and the umbrella organisations of the International Federations (ASOIF, AIOWF and SportAccord). Simultaneously, the document was sent to members of the European Commission and the European Parliament.

The main focus of the position paper is on the protection of the “Specificity of Sport”, which, in the near future, will gain much more significance thanks to Art. 165 of the Lisbon Treaty. Moreover, signatories strive for an explicit commitment of the European Authorities on the “Autonomy of the Sport Organisations”.

The Olympic and Sports Movement intends to continue and intensify the dialog with the European Institutions, in order to achieve sustainable results for the future of sports.

In particular, the sports movement calls for the following:

- To apply EC Internal Market and Competition Law according to the requirements of the “specific character of sport”; concerning in particular the “right to freedom of movement”.

- To support the “integrity of sport” and, especially on part of the European Commission, to assume the initiative for the co-operation of the European Member States concerning the fight against doping and sports betting frauds.

- To intensify the mainstreaming of sport in other EU policies like Health, Education, Social Inclusion and Structural Policies.

Further information:
http://www.olympic.org/en/content/Media/?articleNewsGroup=-1&articleId=76515
www.euoffice.eurolympic.org
On January 1, 2010 Spain took over the EU Presidency from Sweden. According to the Lisbon Treaty the Spanish Prime Minister José Luis Rodríguez Zapatero is to share the responsibility with the first permanent President of the European Council Herman van Rompuy.

As to Sport the following changes arise from the obligations of the new treaty: at ministry level a “Sport Ministers Council” for the representatives of the national ministries related to sport will be established. The Council will not have any law-making power but will just be able to publish positions and recommendations. A first constitutive meeting is to take place on April 20 - 21, 2010 in Madrid on informal level. The first official “Sports Ministers Meeting” is scheduled on May 10, 2010 in Brussels. Moreover, the „Sport Unit“ of the DG Education and Culture (EAC) will gain more competencies regarding sport related matters while the European Parliament will obtain greater co-decision power concerning the EU sport funding budget.

With regards to content, the following Sport related topics appear on the agenda of the Spanish EU Presidency:

- “Physical Activity and Health”: Increased integration of Sport in the following EU funding programs:
  - “7th Framework Program for Research and Technological Development (FP7)”
  - “Youth in Action”
  - “EU Health Program”
  - “Lifelong Learning”

- “Fight against Doping”: Expanded cooperation with the Council of Europe, the UNESCO and the WADA as to implementing health enhancing policies and doping prevention measures.

- „Sport and Social Integration“: Enhanced social inclusion of young people and immigrants in sport funding programs. Promotion of voluntary engagement.

- Further implementation of the „Action plan Pierre de Coubertin“ (see: “White Paper on Sport”)

The most important political Sport meetings to be held under the Spanish EU Presidency:

- Sportdirector´s meeting:
  24-25 February 2010 in Barcelona

- EU Sport Forum:
  19-20 April 2010 in Madrid

- Informal Sports Ministers Meeting:
  20-21 April 2010 in Madrid

- Official Sports Ministers Meeting:
  10 Mai 2010 in Brussels

- EU Sports Conference:
  3-5 June 2010 in Madrid
New EU Commissioner Androulla Vassiliou comments on the future EU Sports policy

On the occasion of EU-Commissioner designates official hearing at the European Parliament on 14 January 2010 the new Commissioner of Education and Culture (DG EAC), Androulla Vassiliou, seized the opportunity to comment on the future EU Sports policy. In the presence of the parliamentarians she announced to support primarily the social role of sport and to use sport as a tool to promote health enhancing and educational measures as well as gender equality, provided she will be confirmed.

Having held the position of the EU Health Commissioner, she emphasized the link between the lack of physical activity and the problems of overweight and obesity. Therefore it is a matter of particular concern for her to promote leisure sports. According to an “EU-Study on Diet, Physical Activity and Health” implemented in 2009, more than half of the adult population and nearly 30% of European children (approx. 22 million) suffer from obesity and overweight with an upward trend of 400,000 cases per year.1

Additionally, Vassilou stressed the integrative value of sport and promised to combat any sort of violent excesses and racism.

The “specific nature of sport” stipulated in the Lisbon Treaty she indicated as the most important topic to be specified with regard to other policies like European competition law, restrictions on the European Single Market, unrestricted free movement of workers and the free exchange of goods and services. In this context „best possible solutions” have to be defined, she said.

Due to the withdrawal of Bulgaria’s Rumiana Jeleva on January 19, 2010 as her country’s nominee for International Cooperation Humanitarian Aid department the installation of the new EU Commission is delayed for several days. The Bulgarian Government designated Kristalina Georgiewa, Vice President of the Word Bank, instead. Her hearing with the European Parliament will be held on 3 February 2010. These changes push back the approval of the whole Commission until February 9, so the new EU Commission may commence its work on February 10, 2010.

Further information:

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1 EU Platform on Diet, Physical Activity and Health – 2009 Annual Report
On December 8 and 9, 2009 the European Court of Justice dealt with 8 referral proceedings regarding the German Sport Betting monopoly. The cases on December 8 concerned the distribution of sport betting vouchers by a German “Lotto-Toto” receiving office (case “Markus Stoß” CT316/07) on one hand and via internet on the other (case “Carmen Media” C-46/08).

On December 9 a case of the German “Verwaltungsgericht Köln” was heard by the ECJ (case “Winner Wetten GmbH C-409/06). The case pertains to the application of the Sport-betting Monopoly of the Federal State of North Rhine Westphalia, which is, according to the German court, not legally compliant to European Law. The question is, how those national sport betting rules, if contradicting European Law, are to be applied in a transition period?

In evaluating the “National Sport Betting Monopolies”, the crucial question arises whether Sport-betting and Gambling Monopolies in Europe are coherent in their application. Therefore European States are allowed to restrict activities of private sport-betting and gambling suppliers as long as they act consistently and systematically and in accordance with requirements of consumer protection. Moreover, corresponding to the arguments put forward in the Liga Portuguesa case by the ECJ, the Member States are obliged to cut down on their offers as well in order to maintain their own credibility. (see Monthly Report Oct. 2009)

If the ECJ retains the arguments of the “Liga Portuguesa case”, it is up to the Member States and not to the European Union to regulate their national gambling markets. The arguments, exposed in the judgement, will be considered on a case by case basis so that there is no legal certainty, unless the ECJ has dealt with the specific case.

The future ECJ decisions will show if the position of Advocate General, Yves Bot, may prevail. He announced, he will publish his final opinions in the cases “Markus Stoß” (C-316/07) and “Carmen Media” (C-46/08) on March 3, 2010, so that a decision in these cases might already be taken in early summer. In the case “Winner Wetten GmbH” (C-409/06) he already released his final statement. (See the following article)
Court of Justice of the European Union – Opinions of the Advocate General Bot concerning two series of cases on gambling

The Advocate General Yves Bot published on December 17, 2009, his opinion with regards to two cases concerning the compliance of the Netherlands legislation governing gaming policy with Community law and rules on freedom to provide services (cases C-203/08 and C-258/08). He also published on January 26, 2010, his opinion concerning a preliminary ruling brought by Verwaltungsgericht Köln (Allemagne) on a dispute between the company Winner Wetter GmbH and the city of Bergheim (German state NRW) on sport betting.

Amongst the common arguments brought in both series of cases, Advocate General Bot underlines that “[…] I have proposed that the Court rule that the fact that the holders of exclusive rights to operate gaming in that Member State are authorised to make their offers attractive by creating new games and using advertising is not, as such, inconsistent with the aims of that State taken as a whole. What is important, in that particular case, is that the creation of new games and the advertising be strictly controlled by the Member State and limited so as to be compatible also with pursuit of the aim of protecting consumers against addition to gaming” (point 52 of the opinion for the case C409/06). He also adds that “[…]as it is difficult in practice to strike a balance between those two aims, I have also proposed that the Court rule that the Member States have a broad discretion.” (point 53 and 122).

Advocate General Bot concludes in both series of cases that a "[…]Legislation of a Member State restricting the offer of gambling games in order to curb the addiction to gaming and to prevent fraud, whereby the holder or holders of the exclusive right to provide those games is or are authorised to make their offer attractive by introducing new games and by using advertising, must be deemed to pursue those objectives in a consistent and systematic manner if, according to the assessment carried out by the national court, that law, in the light of its content and how it is applied, actually contributes to the attainment of those two objectives” (Extracts of the opinion in joint cases C203/08 et C258/08 , point 192)

The CJEU shall publish its decisions on these on-going cases in the coming months. There are still numerous on-going cases pending at the CJEU on gambling concerning France, Austria, Sweden and Germany.

For further information, see the opinions of Advocate General Bot and CJEU’s press release of the CJEU (December 17, 2009) on www.cura.europa.eu
**EU-policy matters**

### European Team Sport Association is born

The major European Team Sport Associations: Football (UEFA), Handball (EHF), Volleyball (CEV), Basketball (FIBA-Europe), Rugby (FIRA-AER), Ice-Hockey (IIHF) formed on December 8, 2009 their own team, by creating an European Association to promote, develop and represent the interest of European Team Sport. They intend to take up the chances provided by the integration of sport on the Lisbon Treaty and to provide more power behind their words by speaking with one united voice.

**Weitere Informationen:**
http://www.eurohandball.com/article/012769/European+Team+Sports/*association+is+born

### Belgium and Estonia legalize "Online Poker"

Since the beginning of the year Online-Poker has been legalized in Belgium and Estonia. In Belgium, private providers having their place of business in the country may obtain a governmental licence allowing them to run online poker rooms. The Belgium government, on one hand, intends to generate revenue and, on the other, to curtail crime and money laundering.

In Estonia, the government decided to legalize Online Poker as well. Until 2011, the model will be restricted to national providers, afterwards it will be opened up for everyone. Distributing online gambling licences, the Estonian State expects to gain additional revenue in order to become able to meet the criteria for the introduction of the Euro in 2013 and to take up a key position on this market in the Baltic States.

In many European countries the online gambling market is restricted by national monopolies, which provide money for leisure sport funding.
Funding programs and studies

**EU provides financial support for 18 European Sports Projects**

The European Commission has published the list of projects selected for funding within the framework of the Call for Proposals “Preparatory Action in the Field of Sport” (EAC 21/2009). 18 projects will be funded with a total amount of 4 million EUR. Among the beneficiaries is also the EOC EU Office with the project “Athletes2Business”. The project involves 11 partner organisations from all over Europe and aims at promoting the dual career of athletes by improving the knowledge base and sharing of good practices in the following fields: formal education, career programmes, business and the athlete himself/herself.

The 18 project proposals cover the four priority areas, as follows:

- Nine grants were allocated to projects promoting health-enhancing physical activity;
- Four grants went to projects promoting education and training in sport;
- Two grants went to projects promoting European fundamental values by encouraging sport for persons with disabilities;
- Three grants went to projects promoting gender equality in sport.

The call for proposals, launched in May 2009, generated wide-spread interest among sport stakeholders. 207 project proposals were submitted by public bodies and civil society organisations from across the 27 Member States. With their various partner networks, these projects involve a total of 150 organisations, covering a wide range of actors from sport federations and sport clubs to European umbrella organisations and public authorities. The projects will be implemented between December 2009 and March 2011.

The total amount of the applications exceeded the available budget tenfold, in spite of the strict award criteria included in the call for proposals. “The enormous interest in this first call for proposals clearly demonstrates the need for support for transnational sport projects in the EU”, the outgoing EU-Commissioner of Education and Culture, Maroš Šefčovič, said.

The objective of the call for proposals “Preparatory Action in the Field of Sport” is to identify and test suitable European sport-networks and find examples of “good practices” in the field of sport. In view of the forthcoming entry into force of the Lisbon Treaty, which foresees "incentive sport-measures", the road towards further EU support for sport-related projects is now open. A second call for proposals is expected to be launched in 2010 and another one in 2011.

Further information:


http://ec.europa.eu/sport/preparatory_actions/doc866_en.htm
The European Commission (EC) has recently published its Work Plan for 2010 for the implementation of the second programme of Community action in the field of health (2008-2013). The publication of the Work Plan was followed by the publication of calls for proposals for projects, operating grants, conferences and joint actions by the Executive Agency for Health and Consumers (EAHC).

Objectives of the Health Programme
The Programme’s objectives are:

- to improve citizens' health security
- to promote health, including the reduction of health inequalities and
- to generate and disseminate health information and knowledge.

Projects eligible for funding
In 2010 the following projects – among other things – can be promoted in the field of nutrition and physical activity:

- Developing and/or implementing good practice on how to promote physical activity in socioeconomically disadvantaged areas through future planning of infrastructure and through recreational policies and whole community actions. The aim is to support the follow-up of the implementation of the White Paper on a Strategy for Europe on Nutrition, Overweight, and Obesity-related health issues and EU Physical Activity Guidelines.

Criteria
In 2010, the European Commission intends to ensure that the limited funding available at EU level will be focused on strategic topics and activities with an obvious European added value.

The successful proposals should concentrate on aspects of public health that cannot be achieved on a national level. They should ensure a significant impact across the EU. Among the proposals that will be received under the call for proposals 2010, the Commission intends to co-finance not more than a limited numbers of excellent proposals:

- Projects : 13
- Joint actions : 10
- Operating grants : 5
- Conferences : 5

The selection procedure will be highly competitive in 2010. Only proposals which are excellent in all award criteria will have a chance to be funded.

Financing
The total budget available for the execution of the 2010 Work Plan is 46 million euro. The Union financial contribution will normally be up to 60% of the eligible costs for the projects considered.


Further information
http://ec.europa.eu/eahc/health/health.html

On February 08-09, 2010 a training workshop for prospective applicants will be organized in Luxemburg by the executive agency. Registrations to this workshop can be done online at:
http://ec.europa.eu/eahc/health/workshop_entry.html
Publication of the Study on Sport Agents in the European Union

The European Commission published in December 2009 the results of the study on Sports Agents in the EU. The study was conducted in 2009 by a consortium composed of Kea European Affairs (Belgium consultancy firm), EOSE (European Observatoire of Sport and Employment) and the CDES (University of Limoges-France).

This study, announced by the White paper on sport in July 2007 (recommendation n°41), provides a detailed overview of the activities of sports agents in the EU. It is divided into four parts:

1. Sport agents’ activities,
2. Sport agents' activities framework,
3. The necessity for an EU legal framework,

“The Commission considers these results as useful input for future discussions with governmental and non-governmental stakeholders in view of addressing the issues raised by activities of sport agents at EU level”.

The final report can be downloaded only in French on the European Commission Sports Unit website:


The English translation shall be available by the end of March 2010.
A consortium formed by Eurostrategies, CDES (centre de droit et d’économie du sport in Limoges), AMNYOS and the German Sport Institute of Cologne has been engaged by the European Commission in October 2009 to conduct a study on the internal market barriers to sport funding. The EOC EU Office collaborates with the consortium as a strategic partner.

The main study objectives are to examine the efficiency and sustainability of grassroots sports financing systems in the EU as well as to identify the internal market barriers these systems may be facing. The study will also analyze the impact of internal market policies on the way sport is financed across the EU.

Currently, the consortium is working on the first phase, which consists of data collection, identification of business models and preparation of country monographs.

National Olympic Committees, National Sports Confederations and Sports Ministries received a questionnaire regarding this issue and were invited to contribute by the end of January. An online consultation opened to everybody ran parallel to this process and has been closed on January 31, 2010. (http://www.sphinxonline.net/amnyos69/ec_sport_consultation/ec_sport_consultation.html)

In a second phase, 2 key stakeholders will be mobilized through a conference organized in Brussels on 16th February 2010. The objectives are to present the economic models and country analysis, as well as to select 7-10 countries and 5 disciplines for further investigation.

The 3rd and 4th phases will focus on a detailed collection of data for key disciplines in selected member states, as well as the analysis of the data and the drafting of conclusions (end of 2010).

For more information please contact the EOC EU Office: info@euoffice.euolympic.org