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European Union and Sport

EP-Budget Committee: Only 3 million Euros proposed for the "sport budget line" 2011

On 2 September 2010 the Committee on Culture and Education of the European Parliament (CULT-Committee) voted to increase the European Commission's proposal for the "sport budget line" 2011 by nine million Euros (from one to ten million Euros). However, on 28 September this proposal was rejected by the leading committee on budget and was instead only set at three million Euros on the 28 September. The plenary session of the European Parliament is scheduled to adopt the EU's budget for 2011 this November.



After 2010 the amount for the sport budget line 2011 is again disappointingly low. Regarding the funding priorities for the 2011 "sport budget line" the European Parliament wishes to promote social inclusion in and through sport, good governance in sport, actions against violence and racism, and aspects of health-enhancing physical activity which were not covered yet in 2009.

Sport Funding Programme 2012/13 at stake

According to information given by the EU Commission end of September in the course of the Council Working Party on Sport the implementation of the announced Sport Funding Programme 2012/13 faces serious resistance within the European Commission. Due to serious budgetary constraints the outcome of internal impact assessment of the European Commission was quite negative. At this stage the chances of the

introduction of the first real Sport Funding Programme as a consequence of the insertion of Sport in the Lisbon Treaty are rather low.

Given this unexpected development the European Commission is now asked to clarify which proposed European activities will remain on the agenda.

The EU now has a 'Sport Minister Council'

The Treaty of Lisbon brought important changes in the field of sport: with Article 165, sport became a new competence of the EU. To reflect these changes, the European Council has decided to incorporate policy on sport in the Council configurations. Consequently, it modified the name of the Education, Youth and Culture Council to

'Education, Youth, Culture and Sport Council', including Audiovisual Affairs. The decision was taken on 16 September 2010 under the Belgian EU Presidency. Philippe Muyters, Flemish Sport Minister responsible for the coordination of the Belgian EU Presidency for Sport, has the chance to chair the first ever 'Sport Minister



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Council'. In his opinion, the decision by the European Council "is not only a symbol but also a proof of the importance the EU attributes to sport". The Olympic Sport Movement expects that the Council will take their concerns better into consideration due

to the incorporation of sport in the Council configuration.

Further Information:

<http://www.eutrio.be/pressrelease/now-eu-has-sport-council>

EU-policy matters

European Court of Justice rules on gambling situation in Germany and Austria

The Court of Justice of the EU (CJUE) has published several judgments concerning the situation of gambling in Germany (8 September 2010) and the monopoly on casinos in Austria (9 September 2010).



**Germany:
Joined cases Stoss and others,
C-316/07**

The Administrative Courts of Giessen and Stuttgart had to resolve disputes between intermediaries for sporting bets and the German authorities. The latter have prohibited those intermediaries from offering sporting bets organised by different undertakings operating with licences delivered in Malta, Gibraltar and UK.

In absence of EU law harmonisation in the field of gambling, the CJEU acknowledges the right of the Member States to regulate the gambling market and especially to prohibit the offering of games of chance on the internet. Nevertheless, in accordance with the previous judgments of the CJEU related to gambling issues, the Court reaffirms **"such a restriction may be justified by imperative reasons in the public interest**, such as preventing incitement to squander on gambling and combating gambling addiction. According to

the CJEU, the German cases do not comply with the imperative reasons of public interest justifying this monopoly. Indeed, the Court stresses "the holders of public monopolies carry out intensive advertising campaigns with a view to maximize profit from lotteries thereby departing from the objectives justifying the existence of those monopolies". In this respect the Court uphold the illegality of the German situation regarding to community law: "[...] Having regard to the findings which they made in those cases, the German courts are right to take the view that **the German rules do not limit games of chance in a consistent and systematic manner**" (extracts from the CJEU press release). Consequently the Court stated that **"the German rules on sporting bets constitute a restriction on the freedom to provide services and the freedom of establishment"**.

Case "Winner Wetten", C-409/07

The Administrative Court of Cologne asked the CJEU whether a regulation concerning a public monopoly on sporting bets which contains unlawful restrictions on the freedom of establishment and the freedom of provide services can be further applied by way of exception and during a transitional period. The CJEU allows such a continuation for

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exceptional reasons (eg. public order). But in the present case, the CJEU rejected this approach and remitted the case back to the Administrative Court of Cologne for interpretation.

Austria:

Case Engelman- Austria C-64/08

Austrian legislation establishes a State monopoly over games of chance, with the effect that the right to organize and operate games of chance is, in principle, reserved to the State.

The 12 Casino concessions are currently held by a single company, Casinos Austria AG. They were granted and renewed without a public tendering procedure.

First "the Court of Justice finds that **the obligation on persons holding concessions to operate gaming establishments to have their seat in**

Austria constitutes a restriction on freedom of establishment". Even such restrictions can be justified by public interest, the Court hold that **"the categorical exclusion of operators whose seat is in another Member State is disproportionate."** According to the Court, a limited number of licenses delivered for a given time is not contrary to community law. Nevertheless **"the absence of a competitive procedure when the concessions were granted to Casinos Austria AG does not comply with freedom of establishment and freedom to provide services."**

Further information:

(CJEU press release and full text of the judgments):

<http://curia.europa.eu>

European Commission adopts new strategy on gender equality 2010-2015

Following the road map for gender equality 2006-2010 and the Commission's Women's Charter presented in May 2010, The Commission has adopted a new five-year strategy for promoting equality amongst women and men in Europe. The strategy aims in particular to make better use of women's potential, thereby contributing to the EU's overall economic and social goals. The gender equality strategy spells out a series of actions based around five priorities: equal economic independence; equal pay; equality in decision-making; tackling gender-based violence; and promoting equality beyond the EU.

The new strategy also tackles horizontal issues, namely gender roles, legislation and governance. Promoting non-discriminatory gender roles in sport is mentioned as an

essential contribution towards gender equality. Accordingly, the Commission has named as one of its key actions the promotion of good practice on gender roles in sport, among other areas.

More information and related documents:

<http://ec.europa.eu/social/main.jsp?langId=en&atId=89&newsId=890&furtherNews=yes>



Funding programs and studies

The European Parliament releases study about implementation of the Lisbon treaty

On 28 September the Committee of Culture and Education (CULT) of the European Parliament released the results of study about "The Lisbon treaty and EU sports policy" launched in February.

The study had the objective to show the legal effect of article 165 TFEU and its impact on EU sport policy in order to give the CULT legal advice on the article interpretation.

Professor Richard Parrish (University Edge Hill, Great Britain) holds the view that article 165 TFEU allows no general exemption for sports in relation to the EU's internal market and competition law. According to Article 165 para. 4 TFEU any harmonisation of national laws and regulations is excluded, but instead it allows direct funding for sport through the EU budget. Parrish recommends the Commission not to elaborate any guidelines on the application of EU law to sport. This would not contribute to legal certainty.

A definition of the "specific characteristics of sport" would not be helpful for the reason that sporting rules need to be interpreted on a case-by-case basis. Therefore, the European Court of Justice should continue its legal approach based on the concept of proportionality.

The study recommends the Commission to concentrate its future policy measures on health promoting physical activity, education and training, social inclusion and volunteering. Based on article 165 TFEU the

EU would not be allowed to set up legislative proposals, but the EU owns the possibility to legislate in regard to sports on the basis of other provisions of the Treaty.

Petra Kammerevert (Socialists, Germany) regrets that article 165 TFEU does not allow the European Parliament to legislate sports at European level. In particular she would have appreciated to enact an EU Directive on players' agents or a European Licensing system for team sports.

The Belgian conservative Ivo Belet accented that the Lisbon treaty offers other provisions as legal basis for legislative proposals with implications to sport, e.g. article 82ff. TFEU with regards to regulations on anti-doping or the preventions of manipulations in sport betting.

The CULT's chairwoman **Doris Pack** (Conservatives, Germany) asked the Commission to make constructive and creative proposals so that the European Parliament can make use of all competences of the treaty. The commission should support the sport federations in implementing their own policy.



The results of this study are going to be discussed with representatives of the organised sport at a hearing in the European Parliament on 18 November 2010.



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Call for proposals for European Year of Volunteering 2011 flagship projects

In the course of the upcoming European Year of Volunteering 2011, the Commission has launched a call for proposals for flagship projects on volunteering.

The call will support one or two projects per EU Member State. The aim is to test and develop new and innovative schemes and approaches with a view to build long-term partnerships between civil society organizations operating in the area of volunteering. The priority themes are:

- Improvement of the quality of volunteering
- Creation of an enabling environment for volunteering in the EU
- Employer-supported volunteering
- Mobility schemes in volunteering
- Volunteering as a way to fight against social exclusion
- Senior volunteering and inter-generational dialogue and cooperation.

Applicants may be public sector organizations and civil society non-governmental organizations (ie sport

federations or clubs) with a legal personality, developing their activities in the field of voluntary work at local, regional, national or European level. A network of at least four partners is required, including at least one public sector organisation and one non-governmental civil society organisation. Eligible countries include the 27 EU Member States.

A total amount of € 2 million is reserved for this call for proposals, with a maximum of 54 projects that will be allocated a grant. The co-financing from the Commission is limited to 60 %. The Commission will consult the National Coordinating Bodies when evaluating the project proposals.

Deadline for applications is 12 November 2010.

For further information and related documents, go to:

http://ec.europa.eu/citizenship/news/news1092_en.htm

The Commission launches public consultations on future EU Programmes on youth, education and training

While the funding for sport in 2012-2013 is still unclear, the Commission has already started consultations for the next EU programme period which is due to start in 2014. The current consultations cover three different programmes which are currently run by the Directorate-General for Education and Culture: Youth in Action, Lifelong Learning and Erasmus Mundus.

For over 20 years, the European Union has been supporting programmes in favour of youth to encourage their mobility, active

engagement and the development of skills and competences through a wide variety of non-formal activities. The current **Youth in Action Programme** will also be under scrutiny during the preparations of the next programme period. In its public consultation, the Commission is collecting views on how to best develop the future European programme in the field of youth so as to ensure an adequate response to youth needs, challenges and expectations.



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You will find more information and the consultation at http://ec.europa.eu/dgs/education_culture/consult/via_en.html.

The current European programme on education and training, the **Lifelong Learning Programme**, covers several areas of education and training through sub-actions such as the Erasmus programme for higher education. The Commission is now seeking views especially regarding the rationale, scope, operational objectives and design of the future programme.

To participate, go to http://ec.europa.eu/dgs/education_culture/consult/llp_en.html.

Finally, to prepare a proposal for a future EU programme for international cooperation in higher education and human capital development, following the current **Erasmus Mundus Programme**, the Commission is consulting its stakeholders so as to ensure an adequate response to current needs, challenges and expectations.

The consultation can be accessed at http://ec.europa.eu/dgs/education_culture/consult/higher_en.html.

The consultations are open for everyone – for individuals just as well as for associations and other interested parties. Deadline for submitting replies is 30 November 2010.

At a glance

Dates of the Hungarian Presidency

Even before the Hungarian Presidency begins on the 1 January 2011 it launched the following for the European sport important dates for 2011:

- 14. Feb. Council of Ministers
- 21. - 22. Feb. EU Sports Forum
- 22. – 23. Feb. Informal ministers' meeting
- 2. - 3. May Council of Ministers
- 27. – 28. June Sport directors' meeting



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The Commission working groups are going to meet on the following dates:

- 12. Jan. Social Inclusion
- 20. Jan. Anti-Doping
- 26. Jan. Non-profit sport organisations
- March Education and training
- 17. – 18. March Sport and health
- May Sport and economics

Important dates in October:

- 7. – 9. – ENGSO Forum
- 12. - Conference on the role of authorities in regulating gambling (Belgian Presidency/EU Commission)
- 18. - Council Working Party on sport
- 26. - Council Working Party on sport

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