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European Union and Sport

The European Parliament adopts a resolution on the European dimension of sport

The European Parliament adopted on 2 February 2012 a resolution on the European dimension of sport, based on the report drafted by Mr. Santiago Fisas Ayxela. The report was largely supported by 550 votes to 73 against and 7 abstentions.

This initiative follows the Communication on the European dimension of sport adopted by the European Commission in January 2011 and proposes a list of actions to be initiated by the EU on the social role of sport, the economic dimension of sport and the organisation of sport.

The European Parliament calls on the European Commission to:

- “[...] expand the existing programmes that promote sport as an instrument of its **development policy** and to launch new initiatives in this field”,
- “insist that grassroots sport **should benefit from the European Regional Development Fund and the European Social Fund**, which should allow for investment in sports infrastructure....”
- “organise a **‘European Day of Sports’** every year which promotes the social and cultural role of amateur and professional sports and the benefits of sport in terms of public health”;
- “set up a **mobility programme and relevant measures for young amateur athletes and coaches** to enable them to learn new training methods, establish best practice and

develop European values through sport....”;

- “work with Member States and sporting organisations to protect the **fundamental integrity of grassroots sport**”.

The European Parliament also underlines in the resolution on the European dimension of sport the following issues:

- **Fight against doping:** The European Parliament suggests that trafficking in illegal performance-enhancing substances should be treated in the same way as trafficking in illegal drugs.
- **Violence in stadiums:** The European Parliament asks that supporters who are known to be violent or to engage in discriminatory behaviour be banned from all European stadiums. A European data base should enable national authorities to ensure that the ban applies to any international matches played on their territory.
- **Match-fixing:** To combat match-fixing, money laundering and illegal betting, the resolution implies that any fraudulent activity be treated as a criminal offence and that a licensing system be put in place for betting operators.
- **Players agents:** The profession of sports agent should be regulated and subject to a proper official qualification. The resolution proposes setting up a European register of



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agents, which would also list the players for whom they work.

The resolution will be forwarded by the President of the European Parliament to the Council of the EU and the European Commission, the governments and parliaments of the 27 Member States, and to European, International and national sports organizations.

It will most likely have a substantial impact on the forthcoming discussions within the European Parliament on the future financial framework of the EU 2014/2020. In this

regard, it is an extremely positive initiative. From a more political approach, the question of what influence it will have on the future of the EU policy in the field of sport can be answered. In the past similar initiatives have had no significant impact since they are not binding and therefore do not oblige any of the above-mentioned recipients to implement them.

Further information:

[Consolidated version of the resolution of the European Parliament on the European Dimension of sport](#)

The reform of the Personal Data Protection System

On 25 January the European commission proposed a vast reform of the European legal framework relating to personal data protection, dating from the directive of 1995, which has become obsolete with the evolution of the new technologies. **These new proposals aim to reinforce the rights of the citizens at EU level and to take up the current challenges of digital economy and globalization.**

In this context, the European Commission proposes a reform to guarantee general security within the EU, in particular while envisaging specific rules of transfer towards non-EU countries.

According to EU Justice Commissioner Viviane Reding, "(...)The proposals will help build trust in online services because people will be better informed about their rights and in more control of their information (...)".

The principal modifications made to the directive of 1995 are the following:

- **A single set of rules on data protection, valid across the EU.**

- People can refer to the data protection authority in their country, even when their data is processed by a company based outside the EU.
- People will have easier access to their own data and be able to transfer personal data from one service provider to another more easily. This will improve competition among services.
- Wherever consent is required for data to be processed, **it is clarified that it has to be given explicitly**, rather than assumed.
- A **"right to be forgotten"** will help people better manage data protection risks online: people will be able to delete their data if there are no legitimate grounds for retaining it.
- **EU rules must apply if personal data is handled abroad by companies that are active in the EU market** and offer their services to EU citizens.

Impact on sport:

For sport, this regulation might have consequences too. Indeed, the use of



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internet as a platform of inscription, of payment or of information exchanges is frequent in the field of sport. For example, the fact that athletes communicate with their federations via internet obliges the latter to respect the criteria of detention or use of these data.

In addition and even more relevant, this European regulation might have an impact as well on the field of online betting as for the fight against doping.

With regard to **doping**, the transparency and the circulation of information (via "ADAMS") are necessary for the fight against doping. However, this new regulation of data protection could have an impact on the functioning of ADAMS. Especially the right of athletes to receive information on updates

on their own data could probably get strengthened.

With regard to **online betting**, the consumers reveal information in particular concerning their banking account. If a system of encoding is set up at the EU level, new obligations for online betting distributors relating to the recording, use and the right of suppression of this information might arise.

Further information:

[European Commission - Data protection website](#)

[Directive 95/46/EC of the European Parliament and of the Council of October 24, 1995](#)

[Communication from the Commission COM\(2012\) 9 final of January 25, 2012](#)

Intellectual Property in the internet: No general monitoring obligation for hosting service providers

In its judgment from 16 February in case C-360/10 „SABAM“ the European Court of Justice (ECJ) has ruled that a internet hosting service provider cannot be imposed with a general obligation to introduce a filtering system to prevent any infringement of intellectual property rights on its servers.

In the original case from Belgium, the Belgian authority to manage and enforce the property rights, SABAM, has brought an action against the social network Netlog NV. SABAM wanted to oblige Netlog NV to introduce a general filtering system at its own costs and with no limitation in time for all information saved on the platform in order to prevent the unauthorized availability of audiovisual data via the social network.

In order to assess the case, the ECJ had to weigh the diverging interests and to find a

balance between the protection of the right to intellectual property (Article 17 Charter of Fundamental Rights of the European Union) on the one hand and the freedom of the hosting service provider to conduct its business (Article 16 EU-Charter) as well as the right to protection of personal data and the freedom to receive or impart information of the users (Article 8 and 11 EU-Charter) on the other hand. The ECJ was of the opinion that an obligation to introduce a general and preventive filtering system would result in a serious and unjustified infringement of the freedom of the hosting service provider to conduct its business and freedom to receive or impart users' information.

According to the will of the European legislator the weighing of interests must strike a fair balance between the interests at stake. The claim by SABAM to oblige Netlog NV to install the contested filtering system



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would oblige it to actively monitor almost all the data relating to all of its service users. Such a general monitoring obligation is not compatible with the wording of Article 15 (1) of Directive 2001/31/EC (“Directive on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market”).

With its judgement the ECJ reiterates its legal opinion that a general obligation on

hosting service providers or internet service providers to monitor the information which they transmit or store is not compatible with EU law. Right holders will have to continue informing providers of infringements of their intellectual property rights on a case-by-case basis.

Further information:

[Judgment of the Court of Justice of the European Union in the case C-360/10](#)

Funding programs, studies and projects

Discussions on “Erasmus for All” on the way

The discussions on the new EU funding programme for education, training, youth and sport called “Erasmus for All” have recently started in both the European Parliament and the Council of the European Union. The proposal for the new funding programme, published by the European Commission in November of last year, would for the first time enable the setting up of an EU sport funding programme. It is now up to the European Parliament and the Council to adopt the programme.



Within the European Parliament, the committee Culture and Education (CULT) has been made responsible. The Chairperson, Mrs. **Doris Pack** (EPP), has been assigned

the role of Rapporteur. It is expected that

the report can be voted on by the committee on 9 October 2012. Meanwhile, Mrs. Pack expressed her opinion on the position of sport at a hearing on Youth and Volunteering within the European Parliament earlier this month stating that “youth and sport” should become a separate section.

Within the European Council, discussions on the concrete content of the programme are currently taking place between the Member States. These discussions are still in an early phase. Overall it is however already clear that the existence of a sport funding programme is supported by most of the Member States.

Further information:

[European Commission - Erasmus for All website](#)

[Proposal of the European Commission establishing Erasmus for All](#)



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Publication of the Study on funding of grassroots sport in the EU

The European Commission (DG Internal Market) has published in February 2012 the long awaited study on funding of grassroots sport in the EU. This study, which began towards the end of 2009, was conducted by a consortium formed by Eurostrategies, CDES, AMNYOS and the German Sport Institute of Cologne.



Its main purpose, which results from the Commission's White Paper on Sport of 2007, was to identify and evaluate the differing systems of funding of grassroots sport across the EU. Within that objective, the study examines the importance for grassroots sport of different funding sources including the gambling and media revenue. Impact of certain regulations on the grassroots sport funding is analysed as well.

The study identifies in its recommendations **5 key objectives** that have to be met in order to ensure the sustainability of grassroots sport within the EU:

- Secure, increase and diversify the revenue sources allocated to sport in general, and to grassroots in particular,
- Further promote and enhance financial solidarity between professional and grassroots sport,
- Promote and support voluntary work,

- Recognize the public interest of grassroots sport in other policy areas and
- Improve the evidence-base relating to grassroots sport participation and funding.

With regards to the funding of sport by the EU, it is notable to underline that the study recommends that *"The EU can promote the societal function of sport in Europe by making this a cornerstone of the future EU funding programme for sport. The EU should also mainstream sport initiatives within the whole range of its funding programmes (Structural funds, Progress, Lifelong Learning, Youth, Europe for Citizens, Health, etc.)."*

Also, concerning the integration of grassroots sport into other policy areas, the study considers that *"recognising sport as being of "public interest", and undertaking systematic ex-ante analyses prior to implementing fiscal or other regulatory policy changes, would also help ensure the future sustainability and growth of this sector."*

The study will be further discussed at several occasions in the coming months, starting with the Expert Group of the Council of the EU on sustainable financing of sport.

Further information:

[European Commission - Study on grassroots sport funding](#)



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Think tank publishes study on sports betting and corruption



The Paris-based think tank, Institute of International and Strategic Relations (IRIS), presented the study "Sports Betting and Corruption: How to preserve the Integrity of Sport" in mid February. The research has been conducted by IRIS in close cooperation with the University of Salford (Manchester), the China Center for Lottery Studies and Praxes Avocats.

The study itself is targeted at:

- Participation in the debate in the European region.
- Identifying the major risks that corruption in sport poses to the integrity of sport in the light of the opportunities provided by the growth and spread of online sports betting

The document is divided into three different parts. In the first part the researchers clarify the risk of corruption linked to sports betting, resulting in a typology of the phenomenon of corruption in sport. In the second part they test this typology on the basis of the methods used by the three main

actors involved: the sports movement, betting operators and public authorities. In the third and final part they then present recommendations in order to help establish a multilateral system that will optimize cooperation among these three actors. The system's aim is to prevent and deter corruption, detect fraud and facilitate politico-judicial enquiries.

The study concludes with two high priority proposals:

- A "corruption in sport monitoring centre" should be established with its main focus on gathering all relevant information.
- For the public authorities they envisage the creation of a "permanent intergovernmental structure for the surveillance and monitoring of the sports betting offering on the Internet". National regulators would form the pillars of this kind of structure, but operators could also participate by providing information and know-how.

Further information:

[Study "Sports betting and corruption: How to preserve the integrity of sport"](#)

Internal and visits

The IOC Working Group on Irregular and Illegal Betting in Sport approves a list of measures

The third meeting of the Working Group on Irregular and Illegal Betting in Sport took place on 2 February 2012 in Lausanne. The

participants approved a list of measures aimed at raising awareness, improving monitoring, intelligence and analysis, and



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strengthening or encouraging the adoption of legislation and regulations to combat the problem.

This Working Group, established on 1 March 2011 reviewed recommendations made by sub-groups of experts formed to look at three main areas: education; monitoring, intelligence and analysis; as well as legislation and regulations. Composed of representatives from the sports world, governments, international organisations as well as betting operators, the Working Group endorsed a series of proposals and methods for their implementation.

Among these measures, the Working Group:

- Encourages all members of the sports movement to use existing programmes and tools to raise awareness among athletes, their entourage and sports organisations.
- Supports the efforts of the Council of Europe and other regional public authorities, in conjunction with the International Olympic Committee (IOC) and the United Nations (UN), to establish an information exchange network between existing national sports betting regulatory authorities, with an aim to including other national authorities in the future, in particular those in States outside Europe.
- Encourages States that have not yet done so to pass legislation that allows

for irregular and illegal sports-betting activity to be combated effectively.

- Strongly urges all those involved in the sports movement to update their internal rules to have effective regulations, including in the area of sanctions, to combat all forms of cheating linked to sports betting.
- Determines, in cooperation with the UN Office on Drugs and Crime (UNODC), Interpol and the relevant European institutions, the most appropriate means to produce guidelines needed for international conventions to be applied to irregular or illegal betting.
- Calls on all governments to support making illegal and irregular betting a criminal offence.

The Working Group approved the formation of a monitoring unit, whose mandate will be to follow the progress of the implementation of these recommendations. The monitoring unit will report its findings to the Working Group at its next meeting.

Further information:

[Press release of IOC on February 2, 2012](#)

[Participants of the Working Group of February 2, 2012](#)

[Recommendations made by sub-groups of experts for the Working Group](#)

Project Start: Sport 4 Good Governance

As of 1 February the EOC EU Office together with its project partners has implemented a series of activities within the framework of the project "Sport 4 Good Governance" which aims at promoting and providing a platform for good governance in sport. S4GG

is one of a selected number of projects receiving support from the European Commission and bringing together sport organizations, universities and sport authorities from all over Europe.



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Project activities ongoing until 30 June 2013 will revolve around the IOC's Basic Universal

Principles on Good Governance of the Olympic and Sports Movement. S4GG is designed to enable the sharing of good practices in governance and the exchange of relevant knowhow. In addition, S4GG will

develop a practical toolkit for sport organizations on how they can promote good governance in their line of business.

The kickoff event of S4GG took place on 15-16 February in Vienna, Austria. If you have interest in getting involved in the project or filling out our questionnaire, get in touch with us or visit our project website.

Further information:

[Project website: Sport 4 Good Governance](#)

Dates in March

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| 13 | Council Expert Group on "Good Governance" in Brussels |
| 15 | Council of Europe: Conference of Ministers responsible for Sport in Belgrade |
| 19-20 | Danish Presidency Sportvision 2012 Conference in Copenhagen |
| 21 | Council Expert Group on "Sport, Health and Participation" in Brussels |

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