



European Union and Sport

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Commissioners Tajani and Vassiliou co-host high-level informal meeting with sport-related industries

On 21 January 2014, Commissioners Antonio Tajani and Androulla Vassiliou co-hosted a high-level informal meeting with representatives of the Olympic Movement, sport federations, sport-related industries and sectors, journalists and research institutes. The aim of the meeting was to discuss the role of the sport-related economy as an economic driver to help the European industry recover. Among the topics discussed was the importance of the sport industry for innovation, tourism, industrial competitiveness and employment.

The fact that Commissioner Tajani, responsible for Industry and Entrepreneurship, and Commissioner Vassiliou, responsible for Sport, organised this meeting together is a positive example of how sport can be better mainstreamed. Commissioner Vassiliou stressed that this meeting was indeed an opportunity to better mainstream sport into other EU policies and to reflect on how best to promote the economic importance of the sport sector. Commissioner Tajani, in turn, acknowledged that the industrial dimension of sport has so far been somehow overlooked despite the fact that sport-related activities generate 3% of EU GDP and represent 3.5% of the European workforce.

Folker Hellmund, Head of the EOC EU Office, was among of the participants representing the Olympic Movement. He stressed the need to recognise the high potential of sport in the creation of jobs and economic growth. He also referred to the lack of statistical evidence as a major concern in recent years

when trying to demonstrate the economic impact of sport. Especially regarding the financing of sport infrastructure by the Structural Funds, statistical evidence would have been very useful.

Roberto Fabbricini, Secretary General of the Italian Olympic Committee (CONI), insisted on the fact that financing is a major problem in the field of sport. He also mentioned the importance of sport tourism and the need for its development.

Hansjörg Wirz, President of the European Athletic Association, referred to sport in its entirety, including the economic and social aspects. Financial support should not only be available to the building of infrastructure but also used to motivate people to practice sport.

Follow-up

At the end of the meeting, Commissioner Tajani announced that thematic groups will be created based on the issues discussed during the meeting. The activities of these thematic groups would feed into an action plan for the sport-related industries. This action plan is foreseen to be published in the autumn of 2014. It is not sure yet at this stage how and if this initiative will link to the discussions on the future Council Work Plan on Sport and to the priorities of the incoming Italian Presidency of the EU.

Further information:

[Memo: "Sport keeps not only you, but also industry fit"](#)



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Childhood Obesity: Ministers adopt action plan for 2014-2020

On 25 February the new EU Action Plan on Childhood Obesity 2014-2020 was presented at a High Level Greek EU Presidency Conference on Nutrition and Physical Activity in Athens. The strategy paper was mainly drafted by the members of the High Level Group on Nutrition and Physical Activity, a group of EU Member State representatives led by the European Commission. The overarching goal of the Action Plan on Childhood Obesity is to stop the rise of overweight and obesity of children and young people (0-18 years) by 2020.

The Action Plan addresses, among other elements, the importance of regular participation of children in physical activity and sports, the crucial role of parents and schools, and the recommended boundaries for marketing and advertising. The strategy also highlights that obesity is rising among Europeans and that it affects those in low socioeconomic groups more than others. The Action Plan proposes that commitments should be made across eight broad action areas. These areas are:

1. Support a healthy start in life
2. Healthier school environments
3. Make the healthy option the easy option
4. Restrict marketing and advertising to children
5. Better informed families
6. **More physically active children**

7. Monitoring and evaluation
8. Increased research

As a consequence, Member States can develop, implement and/or evaluate a national action plan including childhood obesity in supporting the principles of this initiative at a regional and local level. They are also invited to share good practices and develop compatible tools to monitor the national policies on childhood obesity.

The EOC EU Office welcomes the adoption of the Action Plan on Childhood Obesity 2014-2020 and the declared intention to increase the regular participation of children in sports or other physical activity. As a consequence, the European Commission should make sure that the implementation of the strategy is linked to adequate funding instruments such as the Health for Growth and the Erasmus+ programme 2014-2020. Foremost attention should therefore be given to projects promoting the regular participation of children in physical activity and sports.

Next step: EU Member State Health Ministers will be asked to formally adopt the commitments of the Action Plan at a ministerial meeting on 20 June 2014.

Further information:

[EU Action Plan on Childhood Obesity 2014-2020](#)

Council of Europe close to finalize its Convention on Match Fixing

The work on the Council of Europe's Convention on Match fixing is coming to an end. The drafting Committee will finalize its work beginning of March. The draft convention will then be submitted to the Sport Ministers of the Council of Europe Member States. The Convention will be

ready for signatures after the summer break. The provisions are only binding for those States that have signed the convention.

Sport Federations such as the IOC were accepted to join the drafting process but



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only as observers. Against this background their direct impact on the wording was limited. Nevertheless the IOC succeeded in incorporating "autonomy of sport" in the preamble of the convention.

Another positive outcome relates to the question of applicable law. Based on Art. 3, illegal sports betting falls under the law of jurisdiction where the consumer is located. That provision would allow regulating authorities to block the access of illegal betting operators.

In order to monitor the implementation of the Convention, Art. 30 foresees the setting up of a Follow-up Committee. The Committee will consist of representatives of public authorities responsible for sport, law enforcement and betting regulation.

An appropriate exchange of information between competent authorities, sports organisations and sport betting operators is crucial for the fight against match fixing. In this regard the signing States are requested (Art. 13) to set up national platforms serving as an information hub and coordination unit.

Furthermore the States are asked (Art. 9) to identify or to establish a betting regulating authority responsible for example for:

- the exchange of information with other relevant authorities about illegal, irregular or suspicious sports betting
- the limitation of the supply of sports betting,
- the provision of information about the types and objects of sport betting products

The requirements for sport federations and competition organisers (Art. 7) are mainly focused on prevention measures, awareness raising activities and the application of effective disciplinary sanctions against the manipulation of sports competitions.

Apart from the Council of Europe Convention, the European Commission plans to adopt still in 2014 a recommendation on best practises in the prevention of and fight against betting related match fixing.

Hyperlinks referring to freely accessible work do not constitute "act of communication to the public"

On 13 February 2014, the European Court of Justice (ECJ) in its judgment of the "Svensson" Case C-466/12, decided that the insertion of a hyperlink on a website **"to works freely available on another website does not constitute an "act of communication to the public"** according to Article 3 (1) of the EU copyright Directive 2001/29/EC. Hyperlinks referring to **live streams of sport events** might also be affected by the judgement.

In the original Swedish case, the website operator created lists with clickable hyperlinks available to his customers which

referred to other websites containing published newspaper articles. Several journalists turned against this practice claiming it a violation of their copyright. The Swedish Hovrätt submitted the procedure to the ECJ within the context of a preliminary ruling.

The ECJ had to deal with the question, whether the insertion of hyperlinks on a website which provide free access to protected works of another website constitute a "communication to the public" according to Article 3 (1) of the EU Copyright Directive.



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The ECJ ruled (without prior Opinion of the Advocate General) that the provision of clickable links to protected works must be considered to be “making available” and, therefore, an “act of communication”. Yet, according to the ECJ, whenever any content is already freely accessible on the Internet, the criterion of a communication to the “public” is not fulfilled. A communication through hyperlinks includes the same works as the original communication (licensed by the copyright owners themselves). Such a form of communication could only fall under the protection of Article 3 (1) EU Copyright Directive, when it is aimed at a “new public”, i.e. at a public that was not taken into account by the copyright holders when they authorised the initial communication to the public. The fact that the works concerned were made available by means of a clickable hyperlink does not lead to the communication of the works in question to a new public. As access to the works on the original website was not subject to restrictive measures, they were freely accessible to all Internet users. Therefore, since there is no “new public”, the authorisation of the copyright holder is not required for a communication to the public by the operator of the website where the hyperlink was placed.

Regarding **live streams of sport events** the criterion “freely accessible” is of particular importance. The ECJ stated in its judgment, that a hyperlink that allows users to circumvent restrictions put in place on the original site where the protected content appears (e.g. restricted access to pay-tv content for subscribers only), does indeed constitute a “communication to the public” according to Article 3 (1) EU Copyright Directive and thus requires prior permission from the rights owners. This is especially the case when the work on the original page is no longer publicly available or is only accessible to a limited public.

The ECJ ruling could imply that hyperlinks on the Internet to free-to-air live broadcasts would not be a breach of copyright law, whereas hyperlinks to restricted live broadcasts of sport events could very well constitute a infringement of copyright. The ECJ will decide in the coming months on the question of copyright infringement through hyperlinks in similar preliminary rulings brought to the Court from Sweden (case C-279/13 “C More Entertainment”) and the German Federal Court of Justice (case C-348/13 “Best Water International”).

Further information:

[InfoCuria - Judgment of the Court](#)

Funding programmes, studies and projects

European Commission and Executive Agency organised an “Info Day” on the sport chapter of Erasmus+ in Brussels

On 4 February 2014, the European Commission and the Education, Audiovisual and Culture Executive Agency (EACEA) organised an “Info Day” in Brussels to inform potential applicants about the new programme and its funding opportunities.

Over 500 participants from over 40 countries took part in the “Info Day” including representatives of the EOC EU Office. There was also a live web-streaming tool available to follow the presentations online.



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During the first half of the day, the European Commission focused on the development and the policy priorities of the sport chapter. The second part was dedicated to administrative, financial and technical details on the registration of applicants and the submission procedure of proposals. All participants had the chance to hand in their written questions which were answered either during the different sessions or via email after the "Info Day".

The "Info Day" was a good opportunity for potential applicants to gather information on the sport chapter of Erasmus+, to get an overview of the application process and to meet other interested stakeholders from Europe and beyond. Nevertheless a range of questions remained still open and will need further clarification e.g.

- **Financial aspects** (eligibility of in kind contributions, requirement of financial guarantees or financing of European Week of Sport)
- **Eligibility of organisations** (bilateral agreements with third countries such as Turkey, Switzerland or Norway)
- **Future priorities** (limitation of topics in the upcoming calls)

The EOC EU Office will keep the contact with the Executive Agency and the Sport Unit of the EU Commission in order to get in due time all these questions answered.

Further information:

More information about the Erasmus+ Sport Info Day and the presentations are available on the [European Commission's website](#)

EU health programme for 2014 to 2020 formally adopted by the European Parliament

On 26 February 2014 the European Parliament formally adopted the new EU health programme for the next seven years. This new programme, which has a budget of 449.4 million EUR, aims at reducing health inequalities, prevention of diseases (also through physical activity) and fostering innovation in the European health sector. Furthermore it should complement Member States' health policies in four areas:

1. Promotion of good health and prevention of diseases: eligible actions include for instance the exchange of good practices for addressing risk factors such as **physical inactivity**
2. Protection from cross-border health threats
3. Innovative and sustainable health systems
4. Increased access to better and safer healthcare

The Executive Agency for Consumers, Health and Food (CHAFEA) will be responsible for the implementation of the programme.

Background: On 9 November 2011, the European Commission had adopted a proposal for the "Health for Growth Programme 2014-2020". This proposal put a greater emphasis on the link between a healthy population and economic growth than did earlier health programmes. At this earlier stage the term "physical inactivity" was not yet mentioned. The Committee on the Environment, Public Health and Food Safety (rapporteur: Françoise Grossetête, EPP, France) adopted a report in June 2012 which proposed among others to change the name of the programme to "Health and Growth for Citizens" programme.

In November 2013, Parliament, Council and the Commission reached a compromise



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agreement which included a more neutral title – “the third programme of Union action in the field of health (2014-2020) and to include the term “physical inactivity”.

The next step in the procedure is the adoption of the programme by the Council. Depending on this adoption, the publication of the annual work programme and the

programme regulation are expected for April/early May 2014. The first calls of proposals should then follow immediately after.

Further information:

[Q&A on the third Health Programme 2014-2020](#)

Internal and visits

EOC EU Office meets the Sport Unit

On 27 February 2014, the EOC EU Office met with the Sport Unit of the European Commission in order to discuss recent developments of the European sports policy. The Sport Unit was represented by Yves Le Lostecque, Head of Unit, and Susanne Hollmann, Deputy Head of Unit.

First, the Sport Unit provided more information regarding their Report on the previous Sport Ministers Work Plan, which was published in January 2014. Especially on the proposed new working structures, the EOC EU Office raised its concerns. The idea of the Commission to differentiate between policy-oriented work, without sport representatives (in so called Sport Strategy Groups) and content-oriented work (in separate Expert Groups) with sport stakeholders was not supported by the EOC EU Office. The direct exchange between sport organisations and the Member States in the previous system was very much appreciated. Strategic discussions on sport require the participation of sport governing bodies! Excluding sport from these Sport Strategy Groups would therefore reduce the added value of these meetings.

The Work Plan will be discussed in the Council Working Party over the next weeks

and will most likely be adopted in May in the course of the next Sport Ministers Council. In the next meeting on Monday 3 March, the incorporation of new policy fields “human rights” (connected to mega sport events), “good governance” and “volunteering” in the new Work Plan will be discussed.

Another topic on the agenda was the European Week of Sport, which is foreseen to be organised for the first time in 2015. It is clear that many questions such as the available budget, the activities and the financing of existing events are still not solved. It was announced however that Commissioner Vassiliou will formally present the European Week of Sport during the Conference on 11 June 2014. By that time all details on this future initiative should be decided upon.

The following other announcements were made:

- Regarding the implementation of the recommendation of HEPA (Health enhancing physical activity), a first meeting of the national focal points is foreseen for October 2014.



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- Greek Presidency seminar in Athens on "Gender based violence in sport", 20 March
- In April 2014 the study of the ASSER-Institute on sports organisers' rights will be ready for publication.
- Greek Presidency symposium on "Sustainability of mega sport events and on "Visa for Athletes for international sport events", 5./6. June in ancient Olympia
- The next EU Sport Forum will take place in December 2014 in Milan under the Italian Presidency of the EU.

Dates in March 2014

3	Working Party on Sport, Brussels
7-14	Winter Paralympic Games, Sochi
20	Seminar "Gender based violence in Sport", Athens
21	EU Sport Director's Meeting, Athens
31	Delegation of Nordic NOCs at EOC EU Office

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