



## European Union and Sport

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### WADA published second draft of the revised Code

On 3 December 2012 the World Anti-Doping Agency (WADA) published the second draft of the revised WADA Code. Consequently WADA also launched the third and final consultation phase for stakeholders on the Code, together with a second and final consultation phase on the International Standards.

Compared to the first draft of the revised WADA Code, the following changes are worth to mention:

- *Reinstatement of the B Sample and return to current Code:* This is in line with the opinion of athletes' representations and of the European Union. The EU in its contribution, during the second consultation phase stated that the abolishment of the B sample would undermine the legitimacy of the fight against doping.
- *Clarification of Article 2.10 (Prohibited Association):* The athlete would have to be notified in writing by the Anti-Doping Organisation with jurisdiction or by WADA.
- *List criteria:* The potential to enhance performance remains a necessary criterion to include a substance on the Prohibited List.

- *Sanctions:* The introduction of four year sanctions for violations involving for instance anabolic steroids, hormones or masking agents. This means that the "limitation on participation in the Olympic Games", as was described in Article 10.15 in the first draft, has been removed. The four year sanction would cover an Olympic cycle, making any specific article on the Games redundant.
- *Education* has been strengthened.

#### Next steps in the Code Review process

- *1 March 2013:* Closing of the third and final consultation phase on the Code and of the second and final consultation phase on the International Standards
- *12-15 November 2013:* Presentation of the new WADA Code and related International Standards at the World Conference on Doping in Johannesburg
- *1 January 2015:* Entry into force of the new Code and International Standards

#### Further information:

[Press release WADA 3 December 2012](#)  
[Direct link to second draft revised Code](#)

### State Aid: European Commission proposes reform

On 5 December 2012 the European Commission has adopted proposals to amend two Council Regulations governing EU state aid control. The reform of the [Procedural Regulation](#) of 1999 is aimed

at focusing state aid enforcement on the most significant distortions of competition in the internal market and to speed up decision making. The proposed amendments to the [Enabling Regulation](#) of 1998 would allow



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the Commission to adopt more block exemptions for aid with limited impact on the internal market, for example in the field of culture or innovation. Amateur sport is also proposed to be included as a new sector covered by block exemptions regulation.

## Amateur sports proposed as new block exemption

The proposed extension of the Enabling Regulation (see [MEMO/12/936](#)) would allow the European Commission to exempt certain categories of aid from prior notification to the European Commission. Block exemptions allow Member States to grant state aid without notification, as long as the conditions for the block exemption are fulfilled.

In the proposal published on 5 December 2012, the European Commission confirms and clarifies the situation concerning state aid for amateur sports: *"While a considerable number of cases relating to*

*amateur sports does not even constitute aid, others usually have limited effects on intra-Union trade and do not create serious distortions of competition; furthermore, the amounts granted are typically limited. Council Regulation N°994/98 should be amended accordingly so that these categories of State aid could be exempted in the future."*

The European Commission proposals will now be discussed in the Council and in the European Parliament in 2013. Details about the concrete implementation (for example about the definition of amateur sports) will come later on but, at this stage, the initiative shall be interpreted favorably both by the sport movement and public authorities.

### For further information:

[Proposal for a Council Regulation amending Regulation \(EC\) No 994/98 of 7 May 1998 - COM\(2012\)730 final, 5 December 2012](#)

## CJEU – Advocate General's Opinion on the case of UEFA and FIFA v. Commission

On 12 December 2012 Advocate General Jääskinen delivered his opinion on the appeals brought to the Court of Justice of the European Union (CJEU) by UEFA and FIFA concerning the free-for-all television broadcasting of the Football World Cup ("the World Cup") and the European Championships ("the EURO") in various Member States.

Directive 89/552/EEC on television broadcasting allows Member States to include the World Cup and the EURO championships in lists of events that are "of major importance to society" and which can "require that they be broadcast on free-to-

air television". The General Court dismissed their actions after FIFA and UEFA first contested the Commission's decision to declare actions in this regard taken by Belgium and the United Kingdom to be compatible with European law.

In his non-binding Opinion Advocate General Jääskinen states that with the Directive it was intended to reserve to the Member States the right to draw up such lists of events of major importance for their society in order to *"reconcile the objective of promoting the freedom to provide services in the field of television broadcasting and that of protecting the right to information within*



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the context of the cultural diversity of the Member States". Accordingly, it must be considered justified and hence proportionate that with the provisions in the Directive the EU legislators deliberately conceived this fundamental freedom as necessary for the Member States' intention to ensure access of a large audience of events of major importance of society.

The argument brought forward by FIFA and UEFA that such limitation of exclusive broadcasting infringed their right to property was rejected by the Advocate General. He noted that neither national nor EU law provide a definition of the right to property emerging from sporting events broadcasting

and that hence limitations to this right are set by the Directive itself.

He also raised, that due to the direct mentioning of EURO and the World Cup in the Directive, Member States are not required to include in their notification to the Commission specific grounds concerning their nature as an event of major importance for society. Concluding, Advocate General Jääskinen proposed that the CJEU dismissed the appeals brought forward by FIFA and UEFA in their entirety. The decision by the Court will be expected for late springtime 2013.

**Further information:**

[CJEU - Press Release - Advocate General opinion on UEFA and FIFA v. Commission](#)

## Funding programmes, studies and projects

### S4GG Project Peer review meeting in Netherlands

On 13 December the "Sport for Good Governance" Project

(S4GG),

managed by the EOC EU Office, visited the facilities of the Netherlands Olympic Committee – Netherlands Sports Confederations (NOC\*NSF) in Arnhem for a third and final peer review meeting.



On the agenda were two main items. During the first part Huibert Brands of NOC\*NSF, together with Roel Roelfzema of Sport & Business, presented the process of implementing good governance principles in sport in the Netherlands. By identifying the different steps that have been taken by the

NOC\*NSF over recent years (e.g. identification of 13 principles and installation of 17 Minimum Requirements) it became clear that considerable progress has already been made in the Netherlands.



In the second part of the meeting, the emphasis was on the development of the educational toolkit. This educational toolkit will be one of the major outcomes of the S4GG Project and will help national sport federations and National Olympic Committees (NOCs) with implementing Good Governance principles. During the exchange on the toolkit, decisions were taken on the content as well as the format. The toolkit will consist of a master presen-



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tation, a self-assessment test, a guide with recommendations and good practice examples. During the first half of 2013 the toolkit will be completed and tested in a training session with national sports federations and NOCs.

Finally, we would again like to thank the NOC\*NSF for their hospitality and for hosting this peer review meeting.

**Further information:**  
[Website of the S4GG Project](#)

## Internal and visits

### 41<sup>st</sup> EOC General Assembly: Launch of the European Games

The 41<sup>st</sup> General Assembly of the EOC took place at the CONI headquarters in Rome on December 7 and 8, 2012.

#### **The 1<sup>st</sup> European Games will take place in Baku in 2015.**

38 out of the 49 NOCs of Europe voted in favour of the proposal to organise the 1<sup>st</sup> European Games in 2015 in Baku. The Games will presumably take place at the end of June 2015 and will have around 15 sports on the programme, including handball, volleyball, rugby, boxing, judo, triathlon, shooting, badminton, taekwondo, archery, fencing, canoe, table tennis. Probably swimming and gymnastics will be added to the list as well.



Games but will create their own identity.

As stated by President Hickey, the first edition in Baku will be a test. And it is hoped that it will turn into a long series in years to come. The European Games will not be a copy of Olympic

#### **EYOFs will take place in Gyor and Sarajevo in 2017**

Another important event of the General Assembly was the election of the 2017 summer and winter EYOF hosts, which will be respectively organised in Gyor (HUN) and Sarajevo (BIH).

In closing, the Rome Assembly chose Lithuanian swimmer Ruta Meilutyte as best European young athlete of the year.



#### **Report on EU**

During the General Assembly, Octavian Morariu, Vice-Chair of the European Union Commission of EOC, and Folker Hellmund, Director of the EOC EU Office, presented the activities of the EOC EU Commission and the EOC EU Office in 2012 and provided perspectives for 2013.



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The next General Assembly, which will include elections of the EOC President and of the Executive Committee, will be organised in Italy at the end of 2013.

**For further information:**  
[EOC website](#)

## EOC EU Office launches Twitter account

The EOC Office in Brussels is henceforth available to follow on Twitter. The account will relay the biggest news from the European Olympic and Sport movement and inform the general public on our activities, conferences and publications.

Through this media, the EOC EU Office will accelerate its communication with the partner organisations, but also exchange more directly with some stakeholders in the field of sport for instance Members of the European Parliament.

With the expansion of our network, we will also diffuse major news in the different NOCs, such as elections of the presidents or general secretaries.

Finally, at this pivotal time for sport (its first own funding programme is currently being discussed by the European institutions), it seemed important that the EOC EU Office relays the sequential outcomes of the budgetary negotiations concerning sport policy at E.U. level.

You can find the webpage by searching "EOC EU Office" on Twitter or by clicking [here](#).

## 2<sup>nd</sup> European Gender Summit in Brussels

On 29 and 30 November, the 2nd European Gender Summit took place at the European Parliament in Brussels. Since 2011, the European Gender Summit brings together scientists, policy makers and gender research scholars to jointly assess and agree on the best, gender equality strategies for science.

In spite of national and EU-level strategies on gender equality, European research still suffers from a considerable loss and inefficient use of highly skilled women. The integration of a gender dimension into the design, evaluation and implementation of research is also still too limited. The challenge is to improve on all these points to increase the quality and relevance of research. The Commission is already

committed to ensure 40% of the under-represented sex in all its expert groups, panels and committees and will apply this particularly under the new EU Framework Programme for Research and Innovation - Horizon 2020.

The European Commission will therefore foster gender equality and the integration of a gender dimension in the Horizon 2020 programme. Furthermore, in 2013 the Commission will propose a Recommendation to Member States with common guidelines on institutional change to promote gender equality in universities and research institutions.



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## Relevance for European sport policy

Even though the European Gender Summit has a clear focus on science, the discussions on gender mainstreaming on European level could in the long run also have an impact on European sports policy. As an example, the gender dimension could be integrated in

other future EU funding programmes which are also relevant for sport. The EOC EU Office will closely follow the developments.

### Further information:

<http://www.gender-summit.eu>

## Dates in January

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|----------|--|
| 17-18/01 | EU-Seminar with German Regional Sport Federations in the EOC EU Office |
| 24/01    | Council Expert Group "Anti-Doping" in Brussels                         |
| 30-31/01 | Council Expert Group "Education and Training in Sport" in Dublin       |

Imprint:  
EOC EU Office  
52, Avenue de Cortenberg  
B-1000 Brussels  
Tel. : 0032-2-738 03 20  
[info@euoffice.eurolympic.org](mailto:info@euoffice.eurolympic.org)