



European Union and sport

European Court of Justice: Jugement in the Liga Portuguesa case to be announced on 8 September 2009 p.2

European Court of Justice: Opinion of the Advocate General in the case Olympic Lyonnais vs. Olivier Bernard and Newcastle United p.3

EU supports the Olympic Youth Festival p.4

EU policy matters

European Parliament: Newly formed committees elect their chairs and vice-chairs p.5

European policy schedule for the month ahead p.6

EU-Visa policy: European Commission launches proposal for Visa liberalisation p.7

Germany: Agreement on an accompanying law to the Treaty of Lisbon p.8

„Be healthy – Be yourself“ – opening conference of the EU Youth Health Initiative p.9

Funding programs and studies

EU-Study on Equal Treatment of Non-Nationals in Individual Sport Competitions p.10

EU provides funds for major anti-doping project p.11

Youth in Action: Call for proposals published p.11

„Europe for Citizens“: Structural support for Think Tanks and for civil society organisations (including sport) at European Level p.13

„Europe for Citizens“: Call for proposals - „Innovative Actions“ p.14



European Union and sport

European Court of Justice: Judgement in the Liga Portuguesa case to be announced on 8 September 2009

The European Court of Justice will announce its judgment in the Liga Portuguesa case on 8 September 2009. The judgment on the compatibility of a national sports betting monopoly with European law will set a precedent.

The plaintiffs are the Liga Portuguesa de Futebol Profissional and a Gibraltar bookmaker belonging to the Bwin group.



They concluded a sponsorship contract involving several million euro in August 2005. Under this agreement, the football league was to be renamed the Bwin League.

The defendant is the Departamento de Jogos da Santa Casa da Misericórdia de Lisboa, functioning as the national state authority on gambling, which prohibited this advertisement by reference to Portuguese national law and imposed a fine of 75,000 euro on each of the plaintiffs. The representatives of the Portuguese football league and their sponsorship partner responded by filing suit against the gambling authority in a Portuguese court in August 2005.

The competent court, the Tribunal de Pequena Instância Criminal do Porto, considered the state gambling monopoly to be incompatible with the higher-ranking European law and referred the case to the European Court of Justice in April 2009. Its main task was now to determine to what extent the state gambling monopoly contravenes the free movement of services,

the freedom of establishment and the free movement of capital under the applicable EU law.

Clarification of this question is of fundamental significance since the European Commission has initiated proceedings for breach of contract against ten States on account of state restrictions on private betting service and lottery providers. In Germany, for example, the State Treaty on Gambling, under which there is a general ban on online betting as well as on advertising for sports bets on television, hoardings and t-shirts, is being called into question.

During the court proceedings before the ECJ, there was a discussion of the question of whether state gambling monopolies continue to be justified for reasons of consumer protection and fighting crime or whether the same result could also be achieved by means of a well-organised licensing system like the one applying to casinos. This would also be compatible with the freedom of services applying within the EU.



Advocate General:
Yves Bot

It remains an open question whether the judgment by the European Court of Justice contributes to comprehensively clarifying the situation, however.

In his opinion, Advocate General Yves Bot has at least indicated the basic direction, however: a state gambling



monopoly does not contravene EU law if the state's main objective is to protect consumers against addiction to gambling rather than to yield maximum profits. The free services enshrined in EU law should not automatically result in opening up the gambling market.

Thus, he made a clearer statement in favour of state monopolies than the ECJ has done in earlier decisions in the past – it remains to be seen whether the Court follows this view.

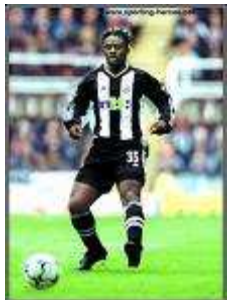
Further information:

<http://curia.europa.eu/de/actu/communiqués/cp08/aff/cp080068en.pdf>

European Court of Justice: Opinion of the Advocate General in the case Olympic Lyonnais v. Olivier Bernard and Newcastle United

In the proceedings before the European Court of Justice *Olympique Lyonnais v. Olivier Bernard*, Advocate General Eleanor Sharpston presented her Opinion on 16 July 2009, stating that a football club that signs a young player may have to pay compensation to the club that originally trained him under certain circumstances.

The proceedings are based on the case of a young footballer who had been offered a



Olivier Bernard
of Newcastle
United

professional contract by his French club, which had trained him for three years. He rejected it and instead accepted another offer to play as a professional footballer for an English club. He thereby made himself liable to pay damages to the French club under the French Professional Football Charter

applying at the time. This club sued the player and the English club in the French courts for a sum equivalent to the salary the player would have received over one year had he signed the contract with the French club.

The French Court of Cassation referred the case to the European Court of Justice in mid-2008, reasoning that in this case, the right

to freedom of movement for workers laid down in Article 39 of the EC Treaty conflicted with the interests of the football club that had provided training in receiving compensation payments.

In the view of the Advocate General, the French rule contravenes the right to freedom of movement of workers in principle. Compensation payments to reimburse training costs could still be justified, however, as clubs would thereby receive compensation for their investments in youth work. Nevertheless, such repayments would only be justifiable if they were compensation payments for the costs of training and development and not if the sum was calculated on the basis of fictional future salaries, as in this case. In such case as a compensation payment is supposed to be made by a professional player or a future professional club and would also have to be shared appropriately among the various former training entities. Thus, the French rule went beyond the financially acceptable measure of compensation payments.

The Advocate General's Opinion is not binding on the court, however. The judgment is expected to be announced in early 2010.

Further information:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2009-07/cp090065en.pdf>



EU supports the Olympic Youth Festival

The 10th European Youth Olympic Festival took place in Tampere (Finland) from 18 to 25 July 2009. The games were organised by the City of Tampere, the Finnish Olympic Committee and the sports organisation "Hämeen Liikunta ja Urheilu (HLU)". They were also co-financed by the European Commission, which, in the framework of this year's EU budget, contributed 1.5 million euro for "Preparatory Actions in the field of sport."

These games, which have been held every two years since 1991, offer the best young athletes (aged between 13 and 18, depending on the discipline) an opportunity

to take part in a high-level international event and to become acquainted with other cultures.



At this tenth event, 2,500 athletes from 49 European countries competed for 132 medals in nine different disciplines (judo, basketball, handball, volleyball, cycling, tennis, swimming, gymnastics and athletics). Russia was the most successful nation (36 gold medals) followed by Germany and Great Britain (25 gold medals)

Further information:

<http://www.tampere.fi/english/2009.html>



EU policy matters

European Parliament: Newly formed committees elect their chairs and vice-chairs

Following the elections in June, the European Parliament counts 736 members in its new five-year legislative term (2009-2014), compared to 785 in the previous one.

Mr. Jerzy Buzek, former Polish Prime Minister (1997 to 2001), was elected president of the



Jerzy Buzek:
New President of the
European Parliament

European Parliament during its inaugural session in Strasbourg last week. The 69-year-old conservative is the first politician from the former communist block to chair the Parliament. Buzek succeeds the German Hans Gerd-Pöttering who

will remain in the Parliament as an ordinary member.

The constituent meetings of the 20 standing committees and 2 subcommittees of the European Parliament were completed 16 July 2009 with the election of the remaining chairs and vice-chairs. These committees consist of between 24 and 76 MEPs and form the backbone of the Parliament's legislative activity.

Sport falls within the responsibility of the **committee for Culture and Education (CULT)** which has elected **Doris Pack** (EPP, Germany) as its chairwoman yesterday. Mrs. Pack, a long-standing member of the Parliament, is known for her efforts in favour of the "European Year for Education through Sport" (2004). With Mr. Pal Schmitt (EPP, Hungary) and Mr. Hannu Takkula (ALDE, Finland), two other prominent voices of sport are represented in the committee.

The EU budget for 2010 is one of the main issues the Culture Committee will deal with in its upcoming session for preparatory actions in the field of sports (2010). The EOC EU Office has already started the lobbying by submitting an amendment to the MEPs mentioned above in order to increase the available budget up to 6 million Euros. According to the preliminary draft budget of the European Commission, only 1,5 million Euros are earmarked for this purpose.

Apart from the Culture committee, the following committees are relevant for sports:

- **Budget (BUDG)**, 44 members in total. Chair: Alain Lamassoure (EPP, France); Jutta Haug (S&D, Germany), Alexander Alvaro (FDP, Germany), Jean-Luc Delhaene (EPP, Belgium), Ilaylo Kalfin (S&D, Bulgaria)
- **Economic and Monetary Affairs (ECON)**, 48 members. Chair: Sharon Bowles (ALDE, United Kingdom), Vice-Chairs: José Manuel Garcia-Margallo y Marfil (EPP, Spain); Arlene McCarthy (S&D, United Kingdom); Theodor Dumitru Stolojan (EPP, Romania); Edward Scicluna (S&D, Malta)
- **Employment and Social Affairs (EMPL)**, 50 members. Chair: Pervenche Beres (S&D, France). Vice-chairs: Elisabeth Lynne (ALDE, United Kingdom); Ilda Figueiredo (GUE/NGL, Portugal); Elisabeth Schroedter (Greens/EFA, Germany); Thomas Mann (EP, Germany)



- **Environment, Public Health and Food Safety (ENVI):** Chair: Joe Leinen (S&D, Germany); Vice-chairs: Corinne Lepage (ALDE, France); Carl Schlyter (Greens/EFA, Sweden); Boguslaw Sonik (EPP, Poland); Dan Jørgensen (S&D, Denmark)
- **Internal Market and Consumer Protection (IMCO),** 39 members. Chair: Malcom Harbour (ECR, UK); Vice-chairs: Eija-Ritta Korhola (EPP, Finland); Bernadette Vergnaud (S&D, France); Lara Comi (EPP, Italy); Louis Grech (S&D, Malta)
- **Legal Affairs (JURI).** Chair: Klaus-Heiner Lehne (EP, Germany); Vice-chairs: Luigi Berlinguer (S&D, Italy); Raffaella Baldassarre (EPP, Italy);

Evelyn Regner (S&D, Austria); Sebastian Valentin Bodu (EP, Romania).

A list with MEPs **from your country** is available under the following link:
<http://www.europarl.europa.eu/members/public/geoSearch.do?language=en>

European policy schedule for the month ahead

According to the latest information from various EU institutions, the new European Commission will probably only officially take up office in February 2010.

Since the current Commission's mandate officially ends on 31 October 2009, a legal committee is currently examining the conditions under which it may be possible to extend it until February or March 2010 in order to ensure a smooth transition.



The European policy schedule for the months ahead is as follows:

- 15 September 2009: José Manuel Barroso, designated European Commission President, presents his work schedule for the next five years to the European Parliament.

- 16 September 2009: Vote on Barroso for European Commission President.
- 2 October 2009: Referendum in Ireland on the Treaty of Lisbon. Additionally, the Treaty of Lisbon still has to be signed by the Czech President Václav Klaus and by the Polish President Lech Kaczyński.
- October 2009: The EU Member States nominate their candidates for the new Commission.
- November/December 2009: Hearings of the Commissioners-designate at the European Parliament.
- 14-17 December 2009: Confirmation of the new Commissioners by the European Parliament.

February 2010: New European Commission takes up office.



EU-Visa policy: European Commission launches proposal for Visa-liberalisation

The European Commission proposed recently to allow citizens of **Serbia, Montenegro and the Republic of Macedonia** to travel to the "Schengen countries"¹ with the new biometric passports from the beginning of next year on.

This means that the visa requirement would be lifted for these countries. Albania as well as the Federation of Bosnia and Herzegovina could follow later in 2010, provided they meet certain political requirements regarding the institutional framework, the fight against organised crime and corruption, the procedure for delivering passports and border and migration management. The Commission's proposal is an outcome of the visa dialogue with Serbia, Macedonia, Montenegro, Albania, Bosnia and Herzegovina, started in early 2008.

To this date, sport organizations, especially those from Eastern Europe countries, often face difficulties in obtaining visas for sport persons to take part in sport events within the European Union. Applying for a visa is time-consuming, costly and stressful for athletes. It involves long waiting times, complicated procedures and the very real risk of rejection. Moreover, the situation complicates the work of European sport federations and member federations. The EOC EU Office therefore welcomes the Commission's proposal.

The proposal is still to be approved by the European Parliament and the Council. In view of the tight schedule of the Parliament after the recent elections it might not deal

with the proposed amendment before September 2009. The plenary will probably vote on the Parliament's opinion of the Commission's proposal not before October or November 2009. The proposal will then have to be formally approved by the EU Member States, that is to say by EU's 27 ministers of justice. Depending on the date of the European Parliament's decision, the Council may vote in October or November/December 2009 (the decision will be taken by qualified majority vote). The aim of EU justice commissioner Jacques Barrot is that the new policy comes into force on 1 January 2010.



Serbia: 7,5 million inhabitants

Further information:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1138&format=HTML&aged=0&language=EN&guiLanguage=en>

¹ All EU Member States (except the UK and Ireland) as well as Switzerland, Norway and Iceland.



Germany: Agreement on a accompanying law to the Treaty of Lisbon

After weeks of negotiations, the Bundestag and Bundesrat agreed on 18 August 2009 on the accompanying law called for by the Federal Constitutional Court in its judgment on the Treaty of Lisbon. Concerning European policy questions affecting the



The building of the Bundesrat in Berlin

Federal Länder, the Bundestag and Bundesrat will hereafter have a right to greater codetermination. In future, the Federal Government will no longer be free to take decisions by itself on many important EU

matters in Brussels. It must consult the Bundestag and in some cases also the Bundesrat before reaching a decision. When transferring new rights to the EU, it must obtain the explicit approval of the parliament with formal rulings or laws.

A total of four accompanying laws are to be adopted before the Federal election. Final consultations on the bills will take place in the Bundestag on 8 September and in the Bundesrat on 18 September so that they can

come into force before the Federal election on 27 September 2009.

As a result, Germany's Basic Law and the Reform Treaty of Lisbon are compatible in principle so that Germany, too, can now ratify the Lisbon Treaty.

Further Information:

<http://www.bundesregierung.de/Content/DE/Artikel/2007/12/2007-12-19-bundesregierung-ratifizierungsverfahren-vertrag-lissabon.html>

„Be healthy – Be yourself“ – Opening conference of the EU Youth Health Initiative

The Directorate General for Health and Consumers officially presented its Youth Health Initiative to the public in an opening conference in Brussels on 9 and 10 July 2009. The 500 participants, including more than 200 young people aged between 18 and 25 years, met with EU policymakers and health experts to debate issues such as the consumption of alcohol, tobacco and drugs, or physical activity and mental health. Cross-cutting issues, including the financial crisis, inequalities in health, education and

the role of the media, were also discussed. The objective of the Youth Health Initiative is to encourage young people to become actively involved in developing EU health policies and to integrate them in implementing prevention programmes.

While the state of health of young people in the European Union is quite satisfactory according to a study carried out in 2005 by the World Health Organisation, diseases of civilisation such as chronic obesity are

July/August 2009



increasing, particularly in Europe. Thus, 28% of 15-year-old girls and 32% of 15-year-old boys are to be categorised as overweight or even obese. The European Union therefore calls on young people in particular to participate in sport regularly and to pay more attention to a healthy lifestyle.

Further Informationen:

http://ec.europa.eu/health-eu/youth/index_en.htm



Funding programs and studies

EU-Study on Equal Treatment of Non-Nationals in Individual Sport Competitions



The European Commission published a call for tenders to organise a study on the equal treatment of non-nationals in individual sports competitions on the 15 July 2009.

Objectives:

The general objectives of the study are as follows:

1. to map the situation concerning discrimination on grounds of nationality related to the access and to any other aspect of individual sports competitions in the European Union;
2. to identify and analyse the nature and objectives of the discrimination;
3. to analyse the identified discrimination taking into account the diversity and specific features of the different sport disciplines affected by the discrimination;
4. to analyse the compatibility of the existing discriminatory measures with the Community legal framework;
5. to assess to what extent action at the level of the European Union is needed in order to remedy the possible breaches of Community law deriving from the cases examined.

Duration in months: 10 (from the award of the contract)

Background:

There is some legal uncertainty how sport organisations can draft their regulations with regards to the award of national championship titles. This recurrent problem has been also raised by a parliamentary question to the European Commission.

To access this question please follow the link: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2007-2542+0+DOC+XML+V0//EN>

Due to this parliamentary question, this particular issue has been taken on board in the EU White Paper on Sport which proposes a study in this field.

Further information:

Sports Unit:

http://ec.europa.eu/sport/news/news792_en.htm

TED:

http://ted.europa.eu/Exec?DataFlow=N_one_doc_access.dfl&Template=TED/N_one_resuIt_detail_curr.htm&docnumber=193373-2009&docId=193373-2009&StatLang=EN

Estimated amount of the contract

300 000 EUR excluding VAT

Deadlines and duration

Deadline to submit proposals: 18.9.2009 - 16:00



EU provides funds for a major anti-doping project

In the course of the EU's 7th Research Framework Programme, the European Commission published a call for proposals for a major anti-doping research project for the first time on 30 July 2009. The maximum amount of funding is 1,500,000 euro. The call is addressed primarily to research institutes and non-governmental organisations (such as e.g. sports organisations from at least three Member States.)



Background:

The current EU research programme runs from 2007 to 2013 and is subdivided into the four focal themes: Cooperation, Ideas, People and Capacities. In calling for proposals for an anti-doping project, the Commission's aim is to support research projects both relating to ethical and social questions of EU policy and targeted at making a contribution to drafting future EU policy.

Eligibility for support:

Funding applications may be made by small and medium-sized project groups made up of partner organisations (e.g. non-governmental organisations, research institutes) from at least three different EU

Member States.

Deadline:

Applications must be submitted by 21 January 2010.

Further information:

http://cordis.europa.eu/fp7/dc/index.cfm?fusection=UserSite.FP7DetailsCallPage&call_id=271#infopack

Youth in Action: Call for proposals published

The European Commission has launched a central call for proposals within the context of Action 4.6. – Partnerships.



The call is intended to develop long-term projects in the fields of

informal learning and youth policy work. The call is targeted primarily at local and regional public bodies as well as at European non-governmental organisations active in the youth sector. These include municipal sports offices, youth departments or – as in the last case – sports organisations with a European network.



The following programmes of activities may apply for project funds:

- International youth movements
- National and international youth initiatives promoting informal learning and the acquisition of social competences
- European Voluntary Service
- Training programmes and networks for young people with a low educational level, school drop-outs, young unemployed people and immigrants or young people with disabilities

Examples:

- The European Commission supported a project set up to run for two years by the Youth Department of the Municipality of Bucharest in 2008/09 with 41,000 euro. The objective of the project was to strengthen the integration of disadvantaged young people through cultural and sporting activities, such as cycling, dance, gymnastics and team sports.
- The European Commission supported a project by the Salzburg Youth Department in 2008/09 for the integration of young people with a migration background with 21,500 euro. Programmes of activities were offered in the fields of sport, culture and literature.

Institutions eligible for funding:

Proposals may be submitted by the following institutions:

- local or regional public institutions, including sports clubs
- non-profit-making institutions working at European level in the youth sector which are represented in at least eight

of the countries participating in the Youth in Action programme

The following organisations may operate as co-organisers:

- non-profit-making non-governmental organisations
- local or regional public institutions
- non-profit-making organisations operating at European level in the youth sector which are represented in at least eight of the countries participating in the Youth in Action programme

Timetable:

The programme of activities must start between 1 April 2010 and 1 September 2010 and may run for up to two years.

Budget available:

The total budget allocated to the co-financing of programmes under this call for proposals is estimated at approximately 1,200,000 euro. The maximum grant allocated to each project may not exceed 100,000 euro.

Deadline for the submission of applications:

Applications must be sent to the following address no later than 1 December 2009:

Education, Audiovisual and Culture Executive Agency
"Youth in Action" Programme – EACEA/22/09
BOUR, 4/09
Avenue du Bourget
BE1140 Brussels

Further information:

http://eacea.ec.europa.eu/youth/funding/2009/call_action_4_6_en.php



EU-programme for citizens: Structural support for Think-Tanks and for civil society organisations (including sport) at European level

Within the framework of the Europe for Citizens programme, the European Commission has published a call for the support of European networks and platforms.

In 1998, the European Paralympic Committee (EPC) and the European Non-Governmental Sports Organisation (ENGSO) received grants from the European Commission towards their operating costs from this budget amounting to 110,000 and 60,000 euro respectively.



The call to submit proposals is addressed exclusively at **European policy research organisations (think-tanks) and civil society organisations at European level**. These also include sports organisations that have a European network. These organisations can apply for so-called "structural assistance" on the basis of their annual working programme, which is given in the form of an operating grant covering some of their running costs.

Depending on certain criteria, this funding may either be granted as an annual grant or within the context of a partnership over a number of years.

Only European platforms/networks are eligible to apply. The activities of these organisations should conform to the objectives of the Europe for Citizens

programme and the major themes that are summarised in brief below:

Objectives of the programme:

The programme aims to promote a feeling of belonging to the European Union among its citizens and to develop an awareness of a European identity. Specifically, the programme promotes the following:

- Action, debate and reflection related to European citizenship and democracy, shared values, common history and culture
- Interaction between citizens and civil society organisations, contributing to intercultural dialogue and bringing to the fore both Europe's diversity and unity

Thematic approach:

Priority will be given to the following themes:

- Future of the European Union and its basic values
- Active European citizenship: participation and democracy in Europe
- Intercultural dialogue
- Impact of EU policies in societies
- People's wellbeing in Europe: employment, social cohesion and sustainable development

Further Informationen:

http://eacea.ec.europa.eu/citizenship/funding/2010/call_action2_1_12_en.php



„Europe for citizen”: Call for proposals – Innovative Actions

The European Commission published a call for proposals in the framework of the “Europe for citizens program” – Action 1, measure 1.6 (innovative actions).

The global purpose of this call is to test and develop innovative transnational exchange schemes with a view to building long-term partnerships between civil society organizations operating in different participating countries in the area of the Europe for Citizens program.



Objectives:

- a) to develop and test new forms of transnational mobility between civil society organizations;
- b) to promote the concept of transnational mentoring between civil society organizations;
- c) to support innovative project methodologies in relation to transnational mobility and mentoring between civil society organisations.

Themes:

Projects should focus on assisting civil society organisations to develop their capacity to actively promote one or more of the themes of the Europe for citizens program:

- Future of the European Union and its basic values;
- Active European Citizenship: participation and democracy in Europe;
- Inter-cultural dialogue;

- People’s well-being in Europe: employment, social cohesion and sustainable development;
- Impact of EU policies in societies.

Duration of projects:

Activities must start between 01/01/2010 and 31/03/2010. The maximum duration of projects is 12 months.

Funding:

The grant awarded may not exceed **80%** of the total amount of the project's eligible costs. The minimum grant will be €75,000 and the maximum will be €150,000.

Deadline for submission of applications:
30.09.2009

Further information:

http://eacea.ec.europa.eu/citizenship/funding/2009/call_action1_16_2009_en.php

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