

EOC

Liaison Office at the European Union



**Report on the impact of the activities
of the European Union
on sports**

April 2005



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Sport

News from the institutions

1st Current status of Bathing Water Directive

In the run up to the European Parliament's 2nd reading on the Bathing Water Directive, which is scheduled for mid-May, the Environment Committee has voted on amendments regarding the common position of the Council. In the process, 10 amendments aimed at placing leisure activities, and therefore water sports, within the narrow scope of the directive were, among others, rejected. From the start of the discussions, numerous umbrella sports organisations have been fighting for the exclusion of these activities, which cannot be equated wholesale with bathing.

In his introductory plea, the rapporteur of the competent Environmental Committee, Maaten (Netherlands), emphasised, among other things, the intractable difficulty of inspecting the countless public expanses of water used for sporting activities (in Germany alone, 40,000 kilometres of waterways are used for canoeing). With the adoption of his subsequent amendment, however, Maaten's wish to at least mention leisure activities in his report was fulfilled.

All the amendments of the rapporteur and of other MEPs can be consulted



under session item 14 at the following link.



http://www.europarl.eu.int/meetdocs/2004_2009/organes/ENVI/ENVI_20050420_2500.htm

2nd Committee on culture: Services Directive

As representative of the Luxembourg Council presidency, the Luxembourg Sports Minister was a guest of the European Parliament Committee for Education and Culture on 21st April.

With regard to the Services Directive, Minister Krecké stressed that the lack of provisions for the free provision of gambling services would undoubtedly result in numerous appeals to the European Court of Justice regarding existing State monopolies. Through legal decisions of the ECJ alone, these monopolies would then break up, which is inconsistent with the principle of legal certainty.

The European Commission shares this view and wants to find a solution that continues to secure subsidies for the sports movement without disrupting the functioning of the Single Market.

In addition, the members of the Culture and Education Committee approved Mrs Descamps' draft position statement on the Services Directive. In that



statement, she calls for gambling activities to be excluded from the directive's scope of application. Furthermore, the directive should apply neither to State subsidies benefiting amateur sport nor to sports centres, for which the 'provider of services' definition is, according to the draft statement, too vague.

The position statement will be enclosed with the main report on the Services Directive by Mrs Gebhardt.

3rd Reform of regional policy: current status

The EU Commission is fundamentally reforming its regional policy for the funding period 2007–2013 and has submitted numerous proposals to the European Parliament (EP) and Council on the subject.

The EP is currently debating the proposed regulation tabled by the EU Commission regarding the European Regional Development Fund (ERDF) for the period 2007–2013.

The position of sport was introduced into the discussions in the competent EP Regional Development Committee. Amendments call for a new sphere of assistance – that of "sport" – to be referred to explicitly in the ERDF proposal.



Mentioning sport in the proposed regulation is important because it would establish in law the fact that sport is a sphere worthy of support. This would make funding for sport easier to obtain from the ERDF than previously.

In order for these amendments to be adopted, a majority must vote for them in the EP Regional Development Committee. Voting on the amendments is scheduled for 24th May. The proposed regulation itself should be adopted by the plenum in June.

Legal Questions

4th Verdict in the Simutenkov case (C-265/03)

On 12th April 2005, in its judgement in the case of the Russian football player Igor Simutenkov (C-265/03), the European Court of Justice pronounced to the effect that the European Community's (EC) partnership agreement with the Russian Federation is contrary to the application of a rule established by a Sports Federation. That rule limits the extent to which Russian footballers can take part in competitions at national level.

In doing so, the Court of Justice unreservedly agreed with the views of the Advocate General, Mrs Stix-Hackl, on which we reported in the monthly report of January 2005.



Background:

Igor Simutenkov is a professional athlete of Russian nationality who holds a residence and work permit in Spain. On the basis of a contract of employment concluded with the Deportivo Tenerife Club, he is employed as a professional footballer and has a licence, issued by the Real Federación Española de Fútbol (Spanish Football Federation), for players not belonging to the Community.

A regulation established by the Spanish Football Federation stipulates that, for competitions at national level, clubs may select only a limited number of players from non-EU countries, who do not belong to the European Economic Area.

Simutenkov therefore applied to the Spanish Football Federation to change his licence to a Community player's licence. In doing so, he referred to the partnership agreement between the EC and the Russian Federation, which bans any discrimination on the basis of nationality with respect to working terms and conditions. The Spanish Federation rejected this however. Thereupon, Simutenkov took the matter to court in order to find out whether the aforementioned regulation of the Spanish federation is compatible with the partnership agreement, with respect to the non-discrimination clause.



The Court initially found that an individual can refer to the discrimination ban pronounced in the EC–Russia partnership agreement, before the courts of a Member State.

The Court of Justice also determined that the restriction based on nationality does not refer to special matches between teams representing their countries, but applies to official matches between clubs and, therefore, concerns professional sport.

Funding Programmes

5th Example of LEADER+ project “Nordic walking Langenlois”

“LEADER+” funding is enabling the fashionable sport of Nordic walking to be established and promoted in Langenlois, Lower Austria.

The “Nordic Walking Centre Langenlois” project was submitted to the LEADER+ committee at the end of 2004 and duly approved. Assistance is being provided at 80% of the planned costs of EUR 32,500. The remaining EUR 6,500 will be raised by the local authority and sponsors. The project covers a two–year



period.

The project promoter is the municipality, and 'das Ursin-Haus', a tourist service concern, is responsible for carrying it out. Tourist concerns such as the Loisium Hotel, which will be completed in autumn 2005, will be involved in promoting this sport. Information and advertising folders are also being drawn up. In the next few months, tracks through the vineyards and fields around Langenlois will be defined, adapted and signposted as walking routes. There are to be at least five tracks, one of which, the "Wine Route", draws particular attention to the special features of the region. The routes will run mainly over goods routes and not on existing cycle tracks.

6th Proposal regarding health and consumer protection

On 6th April, the European Commission adopted a strategy plan regarding health and consumer protection and a proposal for a new Community programme from 2007 to 2013 in this sphere.

The Commission thus combines the current programmes on public health and the promotion of European consumer protection policy and widens them. The newly-formed Public Health Agency will then be responsible for the whole programme and its actions. The Commission hopes this consolidation will



achieve synergies in the spheres of health promotion, safety, information and health education.

The Commission is earmarking a total of 1.2 billion in assistance for the programme, which is to run for several years.



http://europa.eu.int/comm/health/ph_overview/pgm2007_2013_en.htm

7th “Citizens for Europe” – new EU programme

On 6th April 2005 the European Commission adopted the proposal for a new “Citizens for Europe” programme for the period from 2007–2013 and submitted it to the European Parliament and the Council.

The future programme is to focus on three areas of action:

Action I “Active Citizens for Europe”

Activities that involve or promote direct exchanges between European citizens, in the sphere of either town–twinning initiatives or citizens’ projects and supporting measures.

Action II “Active Civil Society in Europe”



Structural support for organisations that provide new ideas and reflections on European issues or support for transnational projects.

Action III "Together for Europe"

High-visibility events, studies or information and dissemination tools that appeal to European citizens.

The Commission proposes a total budget of 235 million EU (from 2007–2013) for these actions.

In the course of the consultation procedure organised by the EU Commission to draw up the new assistance programme, ENGSO and the EOCs contributed with position statements.



http://europe.eu.int/comm/dgs/education_culture/activecitizenship/new_programme_en.htm



Miscellaneous

8th Presentation of inquiry into the mobile phone sector

Together with the EFTA Surveillance Authority, the European Commission has carried out a sector inquiry concerning the sale of sports rights to providers of third-generation (3G) mobile phone services. A public presentation of the preliminary findings of that inquiry will take place in Brussels on 27th May 2005. There will also be an opportunity for comments at that presentation (conference language English). Anyone interested in taking part in the public presentation should e-mail the following address by 16th May 2005:

comp-sector-inquiry-3g@cec.eu.int.



http://europa.eu.int/comm/competition/antitrust/others/sector_inquiries/new_media/3g/