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EU policy matters

The Treaty of Lisbon enters into force as of 1 Dec 2009

After a long delay, Czech President Václav Klaus signed the instrument of ratification approving the Treaty of Lisbon on 3 November 2009. This decision was possible after the Czech Constitutional Court had dismissed the final objections to the Treaty of Lisbon on the same day. In the view of the European



Commission, the **Treaty** can therefore **come into force on 1 December 2009**.

The European Heads of State and Government are to decide at a special summit in mid-November who is to be appointed to the posts of President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy, which will be newly created by the Treaty of Lisbon.

The EU Commissioners-designate will present themselves to the European Parliament committees in November and December and hope for their approval. However, it is still unclear if the new Commission will take up its work in January 2010.

The following are the most significant changes to the work of the European Union brought about by the Treaty of Lisbon:

1. Effects on sport

Sport is anchored in the Treaties of the European Communities for the first time in the Treaty of Lisbon. In Art. 6 and Art. 165 of the Treaty of Lisbon, the significance of

sport for Europe is explicitly acknowledged and the promotion of sport as a Community objective emphasised. Article 165 (1) says: *"The Union shall contribute to the promotion of sporting issues, while taking into account the specific nature of sport, its structure based on voluntary activity and its social and educational function"*. It also says that *"Union action shall be aimed at developing the European dimension in sport."* This has the following legal, institutional and financial consequences:

Legal consequences:

- The European Union is not given any direct legal competences for sport, but supports and promotes it. This also means that the new article on sport does not invalidate internal market or competition law provisions. In this context, the question arises concerning the extent to which the "specific nature of sport" referred to in Article 165 will be taken to account in concrete terms.
- The European Union will not pass any legal act in the future either, but will only be able to draft recommendations and positions. Harmonising national legislation in the field of sport, too, continues to be excluded.
- The EU undertakes to maintain the principle of subsidiarity in sport. The main competence in the field of sport





remains in the hands of the Member States

Thus, the essential changes for sport are not of a legal but rather of an institutional and financial nature.

Institutional consequences:

- A separate Council of Sports Ministers will be set up at Council of Minister level, consisting of the Ministers from the Member States who are responsible for sport. It will not have any formal legislative competence in the field of sport, but will only be able to draft recommendations and positions. The Council of Sports Ministers will be constituted under the Spanish Presidency of the European Council in the first half of 2010.
- The "Sports Unit", part of the European Commission's Directorate-General for Education and Culture (DG EAC), will be given greater competences.
- In future, the European Parliament will have an equal say in decisions on financing funding measures in the field of sport within the framework of the "co-decision-procedure".
- The sports federations expect the European Court of Justice to take greater account of the "specific nature of sport" in its future rulings.

Financial consequences:

- Art. 165 provides the legal basis for creating a specific EU sports funding programme that could be implemented from 2012 onwards. Incidentally, it would have been possible to continue the funding

programme "Preparatory measures for a Community policy in the field of sport" in 2010 and 2011 even without the Treaty of Lisbon.

- In future, greater account will have to be taken of sport in existing EU funding programmes and policies (so-called "mainstreaming").
- The "Sport Unit" will gain greater importance within then framework of the Interservice Groups (regular meetings of the 17 Directorates-General that cooperated on the White Paper on Sport).

2. General effects

- The election of a **President of the European Council** for a term of two-and-a-half years will give Europe a face and a voice for the first time. His future task is to prepare Council meetings, chair them and guarantee the continuity of the Council's work.
- The position of **High Representative of the Union for Foreign Affairs and Security Policy** within the European Council is also being created by the Treaty of Lisbon. The aim is to strengthen coherence in external action and raise the EU's profile in the world. The High Representative combines two official functions within one position. He will be the Vice-President of the Commission and will Chair the Council for Foreign Affairs. The High Representative will be supported by a newly created European External Action Service (EEAS), composed of officials from the Commission and Council Secretariat and from the diplomatic services of the Member States.



- The **European Council**, which is made up of the Heads of State or Government of the Member States and the President of the Commission, will be officially raised to the status of an institution.
- In contrast to original plans, the **European Commission** will not be reduced from its present 27 Commissioners to 18 Commissioners. The current arrangement that each state is represented by one Commissioner will be maintained.
- The role of the **European Parliament** will be strengthened by the Treaty. The co-decision procedure, in which the Parliament has a full right of co-decision in the legislative process, will be applied as a regular procedure, thus ensuring that the European Parliament is placed on an equal footing with the Council for the vast bulk of EU legislation. The Parliament's powers will also be strengthened in budgeting procedures. The Treaty also has effects on the composition of the Parliament. The maximum number of 751 seats will in future be allocated in greater dependence on the number of inhabitants of the EU Member States. Thus, each Member State will have a minimum of 6 and a maximum of 96 seats.
- Majority decisions by the **Council of the European Union** (Council of Ministers) will be extended and taken by "double majority" in the future. A decision must represent 55 % of the States, and 65 % of the population of the EU in future. This new voting



procedure will only be introduced in stages from 2014, however. Decisions in sensitive areas, such as taxation, financial planning and foreign and security policy will continue to be taken unanimously.

- The role of the **national parliaments is strengthened** by the new Treaty. As well as a comprehensive right to information, parliaments will be given the opportunity within the context of an "early warning system" to request the Commission to monitor the compliance of a legislative initiative with the principle of subsidiarity.
- The Treaty of Lisbon leaves the **number of Member States open**, guaranteeing potential new applicants the possibility of acceding to the EU. For the first time, too, the possibility of **voluntary withdrawal** by a Member State was laid down.

Other general innovations introduced by the Treaty of Lisbon are as follows:

- **The European Union has its own legal personality.** In the future, it will thus be able to conclude international agreements and to join international organisations.
- **Charter of Fundamental Rights.** The Treaty of Lisbon contains a Charter of Fundamental Rights, which, while not a formal part of the Treaty, has the same legal value. The Charter covers personal, civic, political, economic and social rights and is legally binding on all Member States (opt-outs from certain provisions apply in the case of Poland, the United Kingdom and the Czech Republic). The Charter also paves the way for the EU's accession to the European Convention on Human Rights.



Canada tightened its Visa provisions

The European Commission adopted its fifth report on visa waiver non-reciprocity with third countries on 20 October 2009. The



report shows that – despite the set-back regarding Canada, which has reintroduced its visa requirement for Czech citizens - overall progress

has been achieved. EU citizens may now travel to Singapore, Japan and Panama without a visa. Australia, too, has simplified its visa application procedure for citizens of all Member States and Schengen associated countries by means of the “eVisitors” system.

The European Commission has also achieved progress with regard to applying for visas for the USA. Entry to the USA has now been facilitated for citizens of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Slovakia and Malta, in that they may now apply online through the U.S. Electronic System for Travel Authorization (ESTA). However, the citizens of five other EU countries (Greece,

Cyprus, Bulgaria, Romania and Poland) continue to be excluded from the system.

On the negative side, however, a visa requirement has been reintroduced for nationals of the Czech Republic wishing to visit Canada. Like Romanians and Bulgarians, they, too, are now required to apply for visas once again. For the Olympic Games taking place in Vancouver in February 2010, special rules apply to accredited members of the “Olympic Family”. Spectators from the above-mentioned countries are immediately affected by the new regulation, however.

Further information:

Fifth report of the European Commission on visa waiver non-reciprocity:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1547&format=HTML&aged=0&language=EN&guiLanguage=en>

Visa regulations for the Vancouver 2010 Olympic Winter Games:

<http://www.cic.gc.ca/english/2010games/index.asp>



European Union and Sport

Pál Schmitt becomes "6+5 ambassador" in the European Parliament



Pál Schmitt,
Vice-President of
the European
Parliament

During the Conference on the "Specificity and Autonomy of Sport", which took place in Budapest on 21 October 2009, the European Parliament Vice-President Pál Schmitt declared his willingness to officially promote FIFA's '6+5 rule' in future. The football rule states that a club must select at least six players at the start of a club competition who must also be eligible to play for the national team of the association in which the club plays. In so doing, FIFA aims to support the training of young players, to promote the national identity of football clubs and to make a major improvement in the recruitment of players for national teams.

However, the problem currently exists that in the view of the European Commission, national player quotas in selecting teams do not conform to EU legislation.

It now seems that the two sides are moving closer together. At the sports conference in Hungary, FIFA President Sepp Blatter

explained some details of the '6+5' rule, which promise greater conformity with EU rules. According to Blatter, players who have played for clubs belonging to the association in which the club plays on a continuous basis since the age of 12 or earlier would be eligible to play, regardless of their nationality, as would players who have been registered in clubs belonging to the association in which the club plays on a continuous basis for five years since the age of 18.

For his part, IOC Member Pál Schmitt explicitly supports the FIFA initiative as an model for other team sports: "It is my personal conviction that sport is part of national identity and culture, and the '6+5' rule is a symbol for all team sports and gives an opportunity to young talents to take part in the highest level of competition. I expect that besides football, other team sports will also support this initiative since local starts in the line-up make sport more popular and attractive, therefore it draws young people back to the grounds."

Further information:

<http://de.fifa.com/aboutfifa/federation/releases/newsid=1121350.html?cid=rssfeed&att>



Reduced rate of VAT on horses: the European Commission refers Germany, France, Luxembourg and Austria to the ECJ

The European Commission referred Germany, France, Luxembourg and Austria to the European Court of Justice on 8 October 2009 since they are applying a reduced rate of VAT to horses, in particular race horses. This constitutes an infringement of an EU Directive of November 2006 to harmonise European VAT rates.

The European Commission had already examined the legal situation regarding the taxation of horses in a number of European countries including Germany, France, Luxembourg, Austria, the Netherlands and Italy back in October 2007. Only Italy complied with the request from Brussels, amending its legislation as of 1 January



2008. Following the other countries' failure to amend their VAT legislation in spite of repeated formal requests by the EU, the Commission referred the Netherlands in the first instance to the European Court of Justice in January 2009. Proceedings against the other countries were initiated at the beginning of October 2009.

Under the EU directive, reduced rates of VAT only apply to foodstuffs for human or animal consumption as well as to live animals, seeds, plants and ingredients normally intended for use in the preparation of foodstuffs. In contrast, "reduced rates may

not be applied to the supply of animals kept as pets nor to ponies and pet or race horses, [if] these animals are not intended for human or animal consumption". Thus, according to EU-Legislation, reduces VAT rates do not apply to horses for top-level sport. The following VAT rates currently still apply to horses/race horses: Austria 10%, Germany 7%, Luxembourg 3% and France 2.1% or 5.5%.

Further information:

EU press statement, October 2009:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1459&format=HTML&aged=0&language=DE&guiLanguage=en>

EU press statement, November 2008:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1812&format=HTML&aged=0&language=DE&guiLanguage=en>

Action brought on 29 January 2009 - Commission of the European Communities v Kingdom of the Netherlands (Case C-41/09): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:129:0002:0002:DE:PDF>



Funding programs and studies

Support for bodies active at European level in the field of youth – Call for proposals for 2010

The European Commission has published a call for proposals to provide support for the operating costs of bodies active at European level in the field of youth within the context of the "Youth in Action" Programme.



Within this context, not-for-profit organisations performing their activities on behalf of young people at European level and pursuing an aim which is of European interest can apply for grants towards the operating costs of their ongoing activities for 2010. These include sports organisations operating at European level.

The annual work programme of these bodies should envisage activities from the following fields for 2010:

Activities eligible for funding:

- youth exchanges and voluntary services;
- non-formal and informal learning and activity programmes targeted at young people;
- promoting intercultural learning and understanding;
- debate on European matters, EU policies or youth policies;
- dissemination of information on Community action;
- actions promoting participation and initiative by young people.

Eligible institutions:

The institution making the application must have member organisations from at least eight of the following countries:

- the Member States of the European Union;
- the EFTA States: Iceland, Liechtenstein, Norway;
- Turkey;
- the countries of the Western Balkans: Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Croatia, Montenegro, Serbia;
- the following East European countries: Belarus, Republic of Moldova, Russian Federation and Ukraine.

Funding and deadlines:

The maximum Community grant for each body will be EUR 35,000 for its annual operating costs for 2010. Application forms are to be submitted electronically by 9 December.

Further information:

http://eacea.ec.europa.eu/youth/funding/2010/call_action_4_1_de.php



EU-Funding Programme: "Lifelong Learning": Call for proposals for 2010

Project applications may now be made for the year 2010 in the context of the EU Lifelong Learning Programme. The funding programme, which is divided into the four sub-programmes "Comenius", "Erasmus", "Leonardo da Vinci" and "Grundtvig", aims to improve lifelong basic and further training in Europe and to facilitate trans-national educational transfer.



"Leonardo da Vinci" (vocational education and training) and "Grundtvig" (adult education) are of particular relevance to sport. Both of these programmes can be used by sports organisations to finance projects relating to basic and further training, qualification measures and the acquisition of key skills. That may be summed up in the motto "Learning through sport." Special attention is given here to projects which also support the integration of disadvantaged population groups, such as people with disabilities, immigrants or disadvantaged young people. "Partnerships" in particular (see below) are a good way to enter into cross-border cooperation with other European countries.

Project financing:

The amount of financial assistance granted and the duration of project funding vary; important factors are the measure, type of project and number of countries taking part.

Project applications:

The funding programmes are implemented in a decentralised way by National Agencies. These provide further information on how to apply and on funding conditions. The

National Agencies are responsible for handling applications relating to mobility projects and partnerships. Applications for European cooperation projects, networks and accompanying measures are to be submitted directly to the Education, Audiovisual and Culture Executive Agency (EACEA) in Brussels.

National Agencies:

http://ec.europa.eu/education/lifelong-learning-programme/doc1208_en.htm

Deadlines:

The most important deadlines for the Leonardo and Grundtvig programmes are:

Leonardo da Vinci:

Mobility	5 February 2010
Partnerships	19 February 2010
European cooperation projects, networks and accompanying measures	26 February 2010

Grundtvig:

Workshops	19 February 2010
European cooperation projects, networks and accompanying measures	26 February 2010
Assistantships, Senior Volunteering Projects	31 March 2010

Further information:

<http://www.na-bibb.de/>
http://ec.europa.eu/education/llp/doc848_en.htm



EU:SPORT:FUTURE: Final conference in Lisbon

Some 100 EU citizens, athletes, sports officials, civil servants from national ministries and staff from EU institutions convened on 30 October 2009 for the final conference of the EU:SPORT:FUTURE project at which they discussed proposals for shaping future sports policies at EU level.



These proposals are the result of the project-related questionnaire and the five thematic workshops which were held during the year. They dealt with the subjects of sport and employment, volunteering, education, society and health.

The most important recommendations of EU citizens are succinctly summarised in the "EU:SPORT:FUTURE-Declaration" presented in Lisbon. It will be forwarded in the coming weeks not only to the European Commission, but also to the European Parliament, the relevant national ministries of the EU-27 and the national sports umbrella associations.

For example, the project participants recommend that the year 2014 should be

declared the "European Year of Sport and Physical Activity". According to the participants this should be held 10 years after the "European Year of Education through Sport" and possibly at the same time as the start of a European sport funding programme. There were also repeated calls for efficient networks in the above-mentioned areas and a platform to share know-how and good practices. The project's great popularity among the participants and their steady interest in the project highlight that sport is an important issue within the EU. It is an issue that motivates citizens and the EU should recognise and support it.

The conference was held in the framework of the 12th ENGSO Forum in Oeiras, Portugal. ENGSO is responsible for managing the EU:SPORT:FUTURE project. Together with seven other sports organisations from around Europe, it has carried out the project over the last 10 months.

The EU:SPORT:FUTURE Declaration and the conference presentations are available on the project's website: www.eusportfuture.eu

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