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### Eurobarometer Survey: Are the Europeans going in for Sports?

The most active Europeans are coming from the far North: 72% of the Swedes and Fins exercise on a daily basis closely followed by the Danes (64%), while people from the Mediterranean region (Italy, Bulgaria and Greece) freely admit to be far less active (3%).



In total, approximately 27.000 European citizens of the 27 Member States have been questioned in October 2009 regarding their personal attitude towards physical activities. On an European average 40% of the respondents indicated to go in for sports at least once a week, whereas 25% conceded to be almost completely inactive.

Concerning their sportive preferences, the EU citizens adopt as well varying positions, when it comes to the point where they like to exercise: 83% of Slovenians prefer outdoors, followed by 76% in Finland and 67% in Estonia, while outdoor exercise is favoured by only 27% of respondents in Greece, 28% in Malta and 29% in Romania. Fitness centres are the most popular venue for Swedes (31%) and Cypriots (22%), while only 2% of French and Hungarian respondents like them. Contrary to that, 61% of respondents in Germany and 57% in Austria are members of sports clubs or other clubs involving physical activities, while these percentages are much lower in Hungary (8%), Greece and Lithuania (12%). At the same time, it is worthwhile to note that the voluntary commitment in Germany (9%) as well as in France (10%) is only slightly above the

European average (7%), whereas the quota in Sweden and Finland amounts to 18%, in the Netherlands to 16% and in Austria and Denmark to 15% of the population.

By proclaiming the year 2011 as "European Year of Voluntary Activity promoting active citizenship" the European Commission is seeking to enhance this civil engagement significantly.

"It is reassuring to see that many Europeans take sport and physical activity seriously, but we also need to do more to encourage citizens who are inactive." Androulla Vassiliou, EU-Commissioner responsible for Sport commented on the results of the study. "Sport is good for the body and soul: as the ancient Romans and Greeks used to say, 'a healthy mind in a healthy body'. Sport gives you more energy and helps people to live more active lives. In an ageing society, it is important to help citizens to remain healthy longer. I will therefore be proposing an initiative later this year aimed at encouraging more Europeans to make sport and physical activity part of their daily lives."

#### Further information:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/383&format=HTML&aged=0&language=EN&guiLanguage=en>

[http://ec.europa.eu/sport/news/news910\\_en.htm](http://ec.europa.eu/sport/news/news910_en.htm)



## EU Sport Forum to take place in Madrid on 19-20 April 2010

The EU Sport Forum 2010 will take place on 19-20 April in Madrid. This is the second time that the European Commission organises this key platform for dialogue on sport at EU level. About 180 participants from the Olympic and sport movement, including leading representatives from international and European sport federations, European and national sport umbrella organisations and other sport-related organisations will come together to discuss topics with regard to the new EU competence in the field of sport and its planned implementation. The second Forum day will include a joint lunch and a high-level debate with EU Sport Minis-

ters. On 20 April a meeting between EU sport ministers and high-ranked officials of Sport Federations will be held. The Olympic and Sports movement is represented by the IOC-President Jacques Rogge and the EOC-President Patrick Hickey. Furthermore, on 10 May the first official Sport Ministers' meeting under the Spanish EU-Presidency is to take place.

### Further information:

[http://ec.europa.eu/sport/news/news913\\_en.htm](http://ec.europa.eu/sport/news/news913_en.htm)

## ECJ Judgement in case Olivier Bernard vs. Olympique Lyonnais

"Football clubs may seek compensation for the training of young players whom they have trained when those players wish to sign their first professional contract with a club in another EU Member State", this is the sentence the ECJ pronounced on 16 March regarding the case "Olivier Bernard vs. Olympique Lyonnais" (C-325/08). Rendering this judgement, the court gave a clear opinion in favour of recruitment and training of young talents in sport.



As to the background of the case: In 1997, **Olivier Bernard** signed a contract for young talents ('joueur espoir') with Olympique Lyonnais for

three seasons. Before that agreement was due to expire, Olympique Lyonnais offered him a professional contract for one year. Bernard refused to sign it and preferred instead to conclude a professional contract with Newcastle United FC, an English football

club. Olympique Lyonnais sued Olivier Bernard, seeking an award of damages against him and Newcastle United of € 53 357.16, equivalent to the salary which Olivier Bernard would have received over one year if he had signed the original contract offered by Olympique Lyonnais.

Having been unable to find a clear decision in this legal dispute, the French jurisdiction referred the case to the ECJ asking for the settlement of the question if the request of awards of damages brought forward by football clubs against young players is compatible with the right of free movement of workers laid down in Article 45 TFEU. Or if such a demand of payment threatens their right of free movement.

The ECJ holds that the rules at issue are likely to discourage the players from exercising their right of free movement. Consequently, those rules are a restriction on freedom of movement for workers. However, in view of the considerable social importance



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of sporting activities and in particular football in the European Union, the objective of encouraging the recruitment and training of young players must be accepted as legitimate as well.

Therefore, the court states that a scheme providing for the payment of compensation for training when a young player, at the end of his training, signs a professional contract with a club other than the one which trained him can, in principle, be justified by the objective of encouraging the recruitment and training of young players. However, such a scheme must be capable of actually attaining that objective and be proportionate to it, taking due account of the costs borne by the clubs in training both future professional players and those who will never play professionally. Hence, such a compensation is to be defined in due proportion to the real training costs and shall not be related to an award of damage like it is the fact in the case under consideration. Therefore, Olym-

pic Lyonnais is entitled to seek compensation payment from Newcastle United.

Rendering the judgement in the present case, the EJC for the first time referred to Article 165 TFEU, wherein the European Union is granted with a competence to promote sport: *"The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function."* Taking into account the specific characteristics of sport in general, and football in particular as well as its social and educational function and balancing it with the right to the freedom of movement of workers, the EJC delivered a very positive verdict in the interest of sports.

**Further information:**

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-03/cp100030en.pdf>

*ECJ: Advocate Generals opinion on the compatibility of the German Sport Betting Monopoly with EU-Law*

"The case-law of the European Union accepts state monopolies in the sport-betting and gaming sector, albeit subject to certain conditions – these are always to be examined from a national viewpoint."



Stating this key message in his final speech, AG **Paolo Mengozzi** referred the question of the compatibility of German

sports betting monopoly with European Law in the cases "Markus Stoß" (C-316/07, C-358/07 up to C-360/07, C-409/07 and C-410/07) and "Carmen Media" (C-46/08) back to the national legislation.

According to AG Mengozzi state monopolies are legally admissible in the European Union

as long as they are applied pursuant to public-interest objectives. Thus, a restriction might be justifiable if genuinely intended to prevent crime or to channel the propensity for gaming into a regulated and controlled system. In this connection, he stressed that an analysis of the particular gambling sector ("sectoral analysis") were sufficient for an evaluation, whereas there were no need for a general assessment of the gambling market.

In addition, the Advocate General takes the view that European Union law, as it now stands, does not oblige Member States mutually to recognise national gaming licences. Neither the freedom of establishment nor the freedom to provide services confers on the



holder of a licence – granted by a Member State for the organisation of sports betting not restricted to its national territory – or third parties appointed by it, the right to offer gambling on the territory of other Member States. In other words, as long as the European gambling legislation is not harmonised, gambling licences are only applicable within national territories.<sup>1</sup>

With this pleading AG Mengozzi follows the central idea of the previous judgements concerning gambling monopolies<sup>2</sup> and states all the more: *“that a Member State may prohibit, under certain conditions, games of chance on the internet and may provide for a state monopoly on sports betting even if those games are actively promoted and if games involving a greater risk of addiction [slot machines and casinos] may be offered by private operators.”*

**Further information:**

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-03/cp100019en.pdf>

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<sup>1</sup> That applies, all the more so, in relation to a purely ‘off-shore’ licence allocated to international gambling operators in Gibraltar.

<sup>2</sup> See EJC jurisdiction in the cases „Liga Portuguesa” (C-42/07), „Sjöberg and Gerdin” (joint cases: C-447/08 and C-448/08) and “Engelmann” (C-64/08).



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*Parliamentary question: Compatibility of amateur sporting regulations concerning payers of other EU-nationalities with EU law*

“Are European citizens entitled to participate in national championships or team sport competitions of other Member States?” – This central questions is still in the spotlight of sport federations legal debates, whereas there is a massive lack of clarity on how to reconcile conditions for participation in amateur sport on national level with the existing EU law.



The European Union has increasingly been facing these questions over the last years and still encounters new inquiries on this matter. Thus, for instance, the statues of the Austrian Bowling Federations

comprise restrictive regulations on the participation of non-Austrian EU-citizens in team-sport competitions. Consequently, the Austrian MEP **Jörg Leichtfried** addressed a Parliamentary question to the European Commission on this concern in November 2009.

**Answer of Maroš Šefčovič on behalf of the Commission (2 February 2010):**

*The Commission is of the opinion that the general interdiction of discrimination due to nationality applies as well in the field of sport. The provisions of the EU citizenship accord the principle of non-discrimination to all European citizens and assign them the right of free movement among Member States. Likewise, referring to Article 165 TFEU, the Union aims at "developing the European dimension in sport, by promoting fairness and openness in sporting competitions". Hence, the Commission acknowledges*

*the individual right of people who sojourn in another Member States to benefit from a non-discriminatory treatment with regard to the participation in amateur sport events. Accordingly, sport federations are to respect the fundamental European rights as laid down in the Lisbon Treaty when reforming their sporting rules and regulations. The statues of the Austrian Bowling Federation in view of the participation of non-nationals in team sport competitions seem to be on the first sight an illicit discrimination on nationality taking into account the legal provisions of current EU law.*

*The ECJ has namely acknowledged the fact that non-national players are allowed to be excluded in specific situations such as sport competitions of national teams, but stressed as well that this rule is to be applied very restrictively.*

*Having regard to these considerations, the Commission intends to examine the controversial regulations of the Austrian Bowling Federation and to call upon the Austrian public authorities to issue an official statement pertaining to this situation. The Commission will particularly try to determine whether the state of Austria could be held responsible for such a restriction and if this provision could entail a treaty violation proceeding.*

At the moment, there is an EU-study “On the equal treatment of non-nationals in individual sports competitions” being carried out of which the results are expected at the end of the year. Sport federations await clear answers and advises from this analyse in order to achieve legal certainty in this field.



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In addition, as already referred to in the Monthly Report of February, a conference on "Racism and Ethnic Discrimination in Sport" was held on 18 and 19 February 2010 in Vienna, organised by the European Agency of Fundamental Rights. The agency is currently carrying out a study entitled "No Level Playing Field? – Racism and Ethnic Discrimination in Sport in the EU and Preventive Initiatives." One of the studies recommendations calls for the abolition of quota in Sport and for the abrogation of entry restrictions for non-national EU-citizens within sport provi-

sions of Member States. The publication of the study is expected in the course of the year.

**Further information:**

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2009-5967+0+DOC+XML+V0//DE&language=EN>



## EU-policy matters

### European Parliament: Initiative report asks for more mobility of youth

“Europe is urged to do more for young people!” – The committee on Culture and Education addresses this appeal to the responsible politicians of the EU Member States and of the European Commission. The committee asks in an own-initiative report concerning European Youth Policy for a stronger involvement of youths in the formulation of youth policy and of the promotion of a healthy lifestyle **emphasizing the role of sport**.



“Especially in difficult economic times which are present at the moment, young people are suffering from unemployment and precarious economic living conditions. We have to combat these problems immediately”, the Greek European Deputy Georgios Papanikolaus (EPP) said.

In a plan comprising 6 points the MEPs asks for concrete steps to improve the situation:

- Facilitation of youth mobility
- Combating youth unemployment
- Volunteering and non-formal education
- Support of young people with disabilities
- Implementation of non-discrimination measures
- Promotion of a healthy lifestyle and **sporting activity**

This own-initiative report shall be put on a plenary vote in the European Parliament in May. After that it will be forwarded to other European institutions, entities and national governments calling for concrete actions.

#### Further information:

[http://www.europarl.europa.eu/news/expert/infopress\\_page/040-71111-081-03-13-906-20100322IPR71108-22-03-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/040-71111-081-03-13-906-20100322IPR71108-22-03-2010-2010-false/default_en.htm)

### EU 2011 Budget – Priorities and Voting Procedure

Young people, economic recovery and research are supposed to be the EU's top budgetary priorities for 2011. The budget of the following year will be the first one, which is to be adopted following the regulations of the Lisbon-Treaty. This means that the European Parliament and the Council of the European Union become co-responsible for all the expen-



diture of the EU, which they jointly determine. Therefore the European Parliament will co-decide the whole budget, but, like the Council as well, it has to adhere to the overall EU Financial Framework (2007 – 2013).

MEPs also asked the Commission to launch the mid-term review of EU's long-term budget before the summer.



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Presumably, the European Commission will allocate only 1.5 Mio. € for the budget line "Preparatory Actions in the Field of Sport". The European Parliament may extend that amount, provided that the requirements for funding on a European level are plausibly justified. The EOC EU Office will forward very shortly a proposal for a future sports funding program including statements addressing concrete contents, target groups and funding amounts to the European Parliament.

**EU budget: voting calendar:**

Date	Event
Week 17 (28 April)	<b>Draft Budget adopted by Commission</b> and presentation to the Committee on Budgets of the European Parliament (COBU) on 28 April
Week 27 (5-8 July)	<b>Council's Reading:</b> Adoption of Council's position on Draft Budget
Week 42 (18-22 October)	<b>EP's Reading:</b> Adoption of EP's amendments on Council's position
Week 47 (22-25 November)	<b>Adoption of joint text</b> (Plenary)

**Further Information:**

[http://www.europarl.europa.eu/news/expert/info\\_press\\_page/034-71280-083-03-13-905-20100324IPR71271-24-03-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/info_press_page/034-71280-083-03-13-905-20100324IPR71271-24-03-2010-2010-false/default_en.htm)

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/budg/dt/804/804312/804312en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/budg/dt/804/804312/804312en.pdf)



## *Council of the European Union: "Draft Internal Security Strategy also comprises the combat against hooliganism"*

In a draft for a European Security Model, the Council of the European Union identified for the first time seven major threats for the Internal Security in Europe in the following years. Besides existential challenges like the combat of terrorism and



organised crime, youth violence and particularly the fight against hooliganism at sports events is also highlighted as a cross-border violence phenomenon. In the future, the collaboration between judicial authorities and the police is to be strengthened in this area to improve the security at major sport events with the help of common detection teams.

In a next step for the implementation of the European Security Strategy the EU-Commission will adopt a Communication which will contain action-oriented proposals to improve the European Security. Furthermore, the Commission will consider the feasibility of setting up an Internal Security Fund to promote the implementation of the Internal Security Strategy.

### **Further information:**

<http://register.consilium.europa.eu/pdf/en/10/st05/st05842-re02.en10.pdf>



## Funding programs and studies

### EU-Funding Program "Lifelong Learning": Call for Proposals

At the end of March the European Commission has published a call for proposals in the context of the funding program "Lifelong Learning". The objective is to support European projects in the area of "Education and Training".



Sport projects, which deal for example with the motivation of young people with learning difficulties or with the societal integration of socially deprived teenagers, could submit their funding proposals in this context.

The Call for Proposals is divided into two distinct parts:

Part A – Raising national awareness of lifelong learning strategies and of European cooperation in education and training

Part B – Support for transnational cooperation in the development and implementation of national and regional lifelong learning strategies

#### Target Group:

National or regional ministries in charge of education and training and other public bodies and stakeholders' organisations active in the field of lifelong learning (pre-primary, schools, VET, higher education and adult learning) as well as sport clubs and sports organisations can submit their proposals.

#### Project Partnerships:

Applications may be submitted by organisations (including all partner organisations) established in one of the following countries:

- the 27 EU Member States
- the three EFTA-EEA countries (Iceland, Liechtenstein, Norway)
- Turkey

At least one country of the partnership must be an EU Member State (applies only to Part B of this call).

#### Part A:

Applications for funding may be made by one organisation or by a partnership composed of several organisations drawn from one or more eligible countries.

#### Part B:

Applications for funding may only be made by partnerships composed of at least 5 organisations drawn from 3 or more eligible countries.

#### Financial contribution:

The maximum financial contribution of the EU is about 120,000 € for projects in Part A and 350,000 € for projects in Part B; the maximum cofinancing is at 75 %.

#### Deadline: 16 July 2010

#### Further information:

[http://eacea.ec.europa.eu/llp/funding/2010/call\\_ecet\\_2010\\_en.php](http://eacea.ec.europa.eu/llp/funding/2010/call_ecet_2010_en.php)



## Directorates-General "Justice and Home Affairs": Call for Proposals for the specific programme "Daphne III"

At the end of March, the Directorates-General "Justice and Home Affairs" has published a Call for Proposals in the framework of the EU funding programme "Daphne III", in which, among other Non-Profit-Organisations, sport organisation can participate.

### Objective of the programme:

- Prevention
- Combating of violence against children, young people and women
- Protection of victims and groups at risk

### Call priorities:

- Street and peer violence among young people (especially drug and alcohol abuse and weapon-carrying)
- Media violence
- Corporal punishment of children
- Capacity building of law enforcement agents and legal practitioners related to intimate partner violence
- Field work at grass-roots level with involvement of children, young people and/or women

Sport projects focussing on the combat of "Violence and Racism in Sport" could be submitted in this context as well.

### Project Partnerships:

The projects must be realised by at least two eligible organisations from two different EU Member States

### Deadline and Duration:

Deadline for the submission of proposals:  
**30 April 2010**

Start of the projects: first half of 2011

The duration of the projects must be either 12 or 24 months. The financial contribution for a 12 month-project is between € 75,000 and € 300,000, the Community grant for a 24-month period is between € 150,000 and € 600,000. The maximum co financing is maximum 80 %.

### Further information:

[http://ec.europa.eu/justice\\_home/funding/daphne3/funding\\_daphne3\\_en.htm](http://ec.europa.eu/justice_home/funding/daphne3/funding_daphne3_en.htm)

[http://ec.europa.eu/justice\\_home/funding/doc/el\\_electronic\\_applications/Introduction\\_Applicants.htm](http://ec.europa.eu/justice_home/funding/doc/el_electronic_applications/Introduction_Applicants.htm)

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