

**THE ROLE OF MEMBER STATES IN THE  
ORGANIZING AND FUNCTIONING OF  
PROFESSIONAL SPORT ACTIVITIES**

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## INTRODUCTION

Article 39 EC Treaty establishes the free movement of workers in the European Union. It prohibits all discrimination on the basis of nationality. The European Court of Justice in several judgments confirmed that professional and semi-professional sportsmen are workers within the meaning of this Article and consequently, Community law applies to them.<sup>1</sup> This implies the application of equal treatment and the elimination of any direct or indirect discrimination on the basis of nationality. The Court particularly stated that Article 39 EC not only applies to the action of public authorities but extends also to rules of any other nature aimed at regulating gainful employment in a collective manner and that obstacles to freedom of movement for persons could not result from the exercise of their legal autonomy by associations or organizations not governed by public law.<sup>2</sup>

However, in light of recent developments in the field of sport, certain international sport authorities have advocated the adoption of rules that might be contrary to Community law and in particular to the free movement of workers principle. National sport authorities, being members of international authorities, should also apply the rules adopted at international level. Therefore, the implementation at national level of such rules will be contrary to EC law. For example, the European Commission has published an independent study on the “home-grown players’ rule” adopted by the European football governing body. This rule requires clubs participating in the Champions league and the UEFA Cup (as from the 2009/2010 season; Europa League) to have a minimum number of “home grown players” in their squads. Compared with the “6+5” rule adopted by the world football governing body FIFA, which is incompatible with EU law, the Commission considers that UEFA has opted for an approach which seems to comply with the principle of free movement while promoting the training of young European players.<sup>3</sup> The “6+5” rule provides that at the beginning of each match, each club must field at least six who are players eligible to play for the national team of the country of the club.

The European Commission as guardian of the Treaties and within the framework of its competences can initiate infringement proceedings before the European Court of Justice (ECJ) against Member States that have breached Community law. According to the case-law, an infringement procedure can be initiated against a Member State if government authorities of that Member State are at the origin of the infringement (Case C-95/97).<sup>4</sup> As to the actions of private entities, the ECJ has indicated that Member States might be responsible for breach of EC law by private entities, recognised as having legal personality, whose activities are directly or indirectly under State’s control. Possible criteria that are mentioned in this context are, in particular the appointment of the members of the entity’s management committee by state authorities, and the granting of public subsidies which cover the greater part of its expenses. (Case C-249-81).<sup>5</sup>

Therefore, the fundamental element authorising the Commission to initiate an infringement procedure against a Member State is the existence of behaviour breaching Community law that can be attributed to the State. The same reasoning applies also in the field of professional sports activities, where in order for the services of the Commission to launch the infringement procedure, behaviour breaching Community law attributed to the State should be present. Consequently, it should be examined whether and to what extent, Member States participate directly or indirectly in the organisation of professional sports activities.

<sup>1</sup> Case 13/76 Donà, ECR 1976, p. 1333 and Case C-415/93 Bosman, ECR 1995, I-4921.

<sup>2</sup> Case C-415/93 Bosman, ECR 1995, I-4921.

<sup>3</sup> Cf., IP/08/807 of 28 May 2008.

<sup>4</sup> Case C-95/97 Région wallonne v Commission, ECR 1997, I-1787.

<sup>5</sup> Case C-249/81 Commission v. Ireland, ECR 1982, 4005.

Community law on the free movement of workers and in particular Article 39 EC Treaty being directly applicable in the Member States' legal orders, means that every EU citizen that considers that his/her rights have been violated might go and seek a redress in front of the national administrative authorities and jurisdictions. If the application of EU law is at stake, national courts may request a preliminary ruling from the European Court of Justice, who is entitled to give rulings about the compatibility of sporting rules with the EU legal order. In the White Paper on Sport, adopted in 2007, the Commission reaffirms its acceptance of limited and proportionate restrictions (in line with EU Treaty provisions on free movement and European Court of Justice's rulings) to the principle of free movement in particular as regards:

- The right to select national athletes for national team competitions;
- The need to limit the number of participants in a competition;
- The setting of deadlines for transfers of players in team sports.

In order to improve the knowledge of the functioning of sport regulations across the EU and to outline the general trends in Europe, national sport legislation should be analysed and it should be explored whether and to what extent, Member States participate directly or indirectly in the organisation of professional sport activities, with a view of clarifying the different levels of responsibility. This country-by-country analysis should cover:

- a) *organisation of professional sport activities*: the way in which professional sport activities are organised should be detailed with particular focus on whether the organisation is:
  - part of general organisation of sport activities or whether there are separate special rules regulating professional sport activities;
  - underpinned by general law, framework law or specific rules governing sectoral sport activities;
  - at the level of the state, or devolved to e.g. the regional/local level.
- b) *organisation and functioning of sport authorities*: the way in which sport authorities are organised and function should be detailed with particular focus on whether the sport authorities
  - are private actors or whether they act or operate under the auspices of the State;
  - have State participation in any of their responsibilities for the organisation of professional sport activities (e.g. nomination of members of governing bodies, financing, and adoption of regulations governing professional sport competitions).
- c) *discrimination*: the study should explore whether there are direct or indirect discriminatory rules and/or practices towards Community citizens. The following fields of professional sport activities must be covered: football, basketball, volleyball, handball, rugby and hockey/ice-hockey (both Men and Women championships, first and second divisions).

## **TEXT OF QUESTIONNAIRE**

Note: For the purposes of this questionnaire, the term “sport authorities” covers sport federations, sport organisations, bodies governing the organisation and the functioning of professional sport activities.

### **1. Organisation of professional sport activities**

Note: With regard to defining the scope of “professional sport activities”: Sport is subject to Community law only in so far as it constitutes an economic activity within the meaning of Article 2 of the Treaty.

- How are professional sports activities organised in your Member State? Are they organised within the general framework of sport activities (amateur and professional) or is there a special provision regulating them separately?
- Is the organisation of professional sport centrally regulated or is it done under the responsibility of federal/regional or local level?
- Are professional Sport activities regulated by law, framework law or are they regulated by regulations adopted by sport authorities or bilateral agreements? Please send the relevant texts and provide any additional details if necessary.
- Is there a general rule, by law and/or sporting regulation, on sport activities or are there particular texts governing specific sport activities (particularly in the fields of team sports such as football, basketball, volleyball, handball, rugby, ice-hockey)?
- Are there any new national proposals aiming at the implementation of international sporting rules?

### **2. Organisation and functioning of sport authorities**

- What is the status of sport authorities responsible for the organisation and functioning of professional sport competitions in your Member State?
- Are they private actors (associations, companies, etc.) or do they act under the control, responsibility, supervision etc. of the State authorities?
- Are there any powers delegated from the State to the sport authorities through legislative or regulatory measures? If yes, which powers are delegated?
- How are the members of the managing bodies of the sporting authorities appointed? Is the State involved in their nomination?
- How are the sporting authorities who are in charge in your Member State of the organisation of professional competitions financed?  
Does the State participate directly or indirectly in their financing?  
Does the State exercise any financial control?
- How do the sporting authorities who are in charge of the organisation of professional competition adopt the regulations governing those competitions?  
Are they independent from any State intervention?

### **3. Equal treatment**

- Are you aware of the existence in your Member State of general rules/practices and/or collective bargaining agreements governing sports that imply the direct/indirect discrimination of Community citizens (citizenship clauses, residence clauses, quotas) for the participation to professional and /or amateur sport? If yes, what is the justification for them, if any?
- Are you aware of the existence in your Member State of specific regulations

and/or collective bargaining agreements governing professional competitions, implying the direct/indirect exclusion of Community citizens (citizenship clauses, residence clauses, quotas)? If yes, what is the justification for them, if any?

- Are there any particular rules on transfers setting quotas or limiting the mobility of EU citizens?  
If yes, what is the justification for them, if any?
- Are there any other restrictions on the basis of nationality? If yes, what is the justification for them, if any?

While answering this part of the questionnaire, particular attention should be given to the situation in the area of team sport activities such as:

Football	— first and second division, both Men and Women championships
Basketball	— first and second division, both Men and Women championships
Volleyball!	— first and second division, both Men and Women championships
Handball	— first and second division, both Men and Women championships
Rugby	— first and second division, both Men and Women championships
Ice-Hockey	— first and second division, both Men and Women championships



## AUSTRIA

### 1. Organisation of professional sport activities

Sport is organized autonomously in Austria. Legislation applies to sporting bodies in the same way in which it applies to any other body set up in the form chosen by the sporting body. The national government deals with sport only insofar as it promotes sport but does not regulate it. It respects the autonomy of sport organisations and follows the principle of subsidiarity.

Sport organisations regulate their own affairs in every aspect (amateur and professional) within the general legal framework. There is no special state provision - besides the general legal framework - regulating professional sport activities.

The "Bundessportorganisation" is a non-governmental governing body which acts for the whole sport in Austria.

Professional sport activities are regulated by sport authorities in the framework of the general law applicable.

Each sport is regulated by its own professional association or umbrella organization. The sport organisations decide upon regulations on their sport activities (within the legal framework).

There are no new national proposals aiming at the implementation of international sporting rules.

No national proposals exist aiming at the implementation of international sporting rules.

### 2. Organisation and functioning of sport authorities

The sport authorities are set up according to the Austrian Act on Association of 2002; they are formed as legal entities of private law.

The sport authorities are private actors and independent from state authorities.

There are no powers delegated from the state to the sport authorities.

The members of the managing body are appointed by sporting authorities according to the rules set out in their respective statutes. The state is not involved in their nomination.

Principally the financing of sport associations comprises of membership fees, sponsorship agreements, and income from business activities such as owning of property and selling of fan products. The general state promotion regards for example international sport competitions, medical research and sport congresses. The especial state promotion regards the segmentation of financial resources to the different sport associations. Basically the State does not exercise any financial control.

The sporting authorities adopt the regulations governing their competitions according to the rules set out in their statutes.

Austrian sporting authorities are independent from any state intervention.

### 3. Equal treatment

According to the laws of Austria there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens in general excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

N.B. According to the rules of the Austrian Football Association (ÖFB) a first-division-club has to nominate 12 Austrian citizens per match to be entitled to receive ÖFB's money. As a result of this, any club in need of these subsidies is forced to restrict the number of non-Austrian EEA-citizens.

### Summary

#### 1. Organisation of professional sport activities

- Sport is organized autonomously in Austria and is not directly covered by constitution.

- Sport organisations regulate their own sport activities in every aspect (amateur and professional) within the general legal framework.
  - The “Bundessportorganisation” is a non-governmental governing body which acts for the whole sport in Austria.
  - Professional sport activities are regulated by sport authorities in the framework of the general law applicable.
- 2. Organisation and functioning of sport authorities**
- Each sport is regulated by its own professional association or umbrella organization.
  - Sport organisations are private actors and independent from state authorities.
  - They are allowed to determine the rules of the particular sport within the framework of existing legislation; this could be a kind of delegation.
  - The state is not involved in the nomination of members of managing bodies.
  - Sport authorities may receive private funds depending on the sport discipline.
  - The special state promotion regards the segmentation of financial resources to the different sport associations.
  - In addition to this, the state supervises the promoted projects and exercises financial control.
  - Sport authorities are independent from any state intervention, as Austrian sport organisations are autonomous.
- 3. Equal treatment**
- According to the laws of Austria, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

### **Conclusions: state responsibility in the sport sector**

Sport authorities are formed as legal entity of private law. They are private actors and independent from state authorities. There are no powers delegated from the state to the sport authorities.

The members of the managing body are appointed by sporting authorities according to the rules set out in their respective statutes. The state is not involved in their nomination.

In Austria the state promotes the sporting authorities, so that they could achieve their socio-political contribution to social integration. The especial state promotion regards the segmentation of financial resources to the different sport associations. Basically the State does not exercise any financial control. The Austrian Sports Confederation exercises financial control over the Austrian National Football League as well as the Austrian Volleyball Federation on the funding being received through the Austrian Sports Confederation.

The sporting authorities adopt the regulations governing their competitions according to the rules set out in their statutes. The Austrian sporting authorities are independent from any state intervention, as they are autonomous.

*In Austria the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>AUSTRIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sport is organized autonomously in Austria and is not directly covered by the Austrian constitution.	
	Differentiation between professional and amateur sports activities	
	sport organisations regulate their own in every aspect (amateur and professional) within the general legal framework	
Organisation of professional sport activities	Centrally regulated The "Bundessportorganisation" is a non-governmental governing body which acts for the whole sport in Austria.	Federally/regionally regulated
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		Professional sport activities are regulated by sport authorities in the framework of the general law applicable.
	By general rule	By rules per sport
		Each sport is regulated by its own professional association or umbrella organization.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Sport organisations are private actors and independent from state authorities.		
	Powers delegated from the State		No powers delegated from the State
	The sport associations are allowed to state the rules of the particular sport within the framework of existing legislation; this could be a kind of delegation.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The state is not involved in their nomination.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Sport authorities may receive private funds depending on the sport discipline.	The especial state promotion regards the segmentation of financial resources to the different sport associations. In addition to this, the state supervises the promoted projects and exercises financial control.	
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	Sport authorities are independent from any state intervention, as Austrian sport organisations are autonomous.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion	The rules of the Austrian Football Association include a restriction of fees for training according to age, division and number of players.
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	

## **BELGIUM**

### **1. Organisation of professional sport activities**

Sports are organized by the sporting associations themselves rather than through legislation. Legislation applies to sporting bodies in the same way in which it applies to any other body set up in the form chosen by the sporting body. Normally, sporting activities are defined by their governing bodies which seek to establish a monopoly over the activity through providing rules of the game and the matches.

Professional sports are organized by the sporting associations themselves.

Professional Sport activities are regulated by regulations adopted by sports authorities. Each sport federation regulates their own sports activities.

There are no new national proposals aiming at the implementation of international sporting rules.

### **2. Organisation and functioning of sport authorities**

Sport authorities are private actors organized under the legal framework as mentioned here above. Mainly, there are unincorporated associations

There are not any powers delegated from the State to the sport authorities through legislative or regulatory measures.

The members of the managing bodies are appointed by their own governing body based on a private regulation. The State is not involved in their nomination.

Most professional bodies are dependent on their commercial activities for their funding. The State does not participate directly or indirectly in their financing.

The vehicle used for the sporting body will determine how the rule making power can be exercised. These rules follow the normal procedures for the type of vehicle used.

### **3. Equal treatment**

There is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded.

There are no rules on transfers limiting the mobility of EU citizens.

There are no any restrictions on the basis of nationality.

## **Summary**

### **1. Organisation of professional sport activities**

- Sports are organized by the sporting associations themselves rather than through legislation.
- Sport activities are organized within the general framework of sport activities (amateur sport and professional sport).
- Professional sports are organized by the sporting associations themselves.
- There exists no general rule on sports activities.
- The organisation of professional sport activities is regulated by regulations adopted by sports authorities.
- Each sport federation regulates its own sports activities.

### **2. Organisation and functioning of sport authorities**

- Sport authorities are private actors. The most common legal forms which sporting bodies take are: limited companies and unincorporated associations.
- No powers delegated from the State.
- Managing bodies of sport authorities are appointed by their own governing body based on a private regulation.
- Most professional bodies are dependent on their commercial activities for their funding.

- The State participates indirectly in their financing while granting subsidies to the sports federations.
- No financing of sport authorities, except to the extent of the legal framework the sporting authorities have chosen and through the normal rules on taxation.
- The vehicle used for the sporting body will determine how the rule making power can be exercised.

### **3. Equal treatment**

- According to the laws of Belgium, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

#### **Conclusions: state responsibility in the sport sector**

In Belgium the sport authorities are private actors. There are not any powers delegated from the State to the sport authorities through legislative or regulatory measures.

The members of the managing bodies are appointed by their own governing body based on a private regulation; the State is not involved in their nomination.

The State does not participate directly or indirectly in their financing of the sporting authorities.

The sporting authorities adopt the regulations governing their competitions according to the rules set out in their statutes. The Austrian sporting authorities are independent from any state intervention, as they are autonomous.

*In Belgium the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>BELGIUM</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sports are organized by the sporting associations themselves rather than through legislation.	
	Differentiation between professional and amateur sports activities	
	Elles sont organisées dans le cadre général des activités sportives (sport amateur et sport professionnel).	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	Professional sports are organized by the sporting associations themselves.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	There exists no general rule on sports activities.	They are regulated by regulations adopted by sports authorities.
	By general rule	By rules per sport
		Each sport federation regulates its own sports activities.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	Sport authorities are private actors .The most common legal forms which sporting bodies take are: limited companies and unincorporated associations.		
	Powers delegated from the State		No powers delegated from the State
			No powers delegated from the State.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	They are appointed by their own governing body based on a private regulation.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Most professional bodies are dependent on their commercial activities for their funding.	The State participates indirectly in their financing while granting subsidies to the sports federations.	No except in the extend of the legal framework the sporting authorities have chosen and through the normal rules on taxation.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The vehicle used for the sporting body will determine how the rule making power can be exercised.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination. Legislation can be interpreted as a limitation for non EU-citizens.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation, except the setting of deadlines for transfers of players in team sports	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions. Legislation can be interpreted as a limitation for non EU-citizens.	

## **BULGARIA**

### **1. Organisation of professional sport activities**

The Law on Physical Education and Sport provide for the general framework of sport activities in Bulgaria.

The relevant National Federations in each sport area have a certain autonomy with regard to the governance of their activities. The head of the State Agency for Youth and Sport is the state organ that grants them licences and approves their regulations.

Professional sport activities are regulated by sport federations through respective regulations for the specific activities.

The principles of the system for the physical education and sport, its aims and tasks, as well as promotion and financial support for sport from the state are provided in the Law for physical education and sport and the Statutory rules and orders for the Law for physical education and sport. Special texts regulating specific sports activities are provided in the statutes, rules and regulations of relevant sports federations. The relevant National Federations in each sport area propose regulations that are approved by the head of the State Agency for Youth and Sport. There are no new national proposals aiming at the implementation of international sporting rules.

### **2. Organisation and functioning of sport authorities**

Sport Authorities responsible are non-profit associations for implementation of public sport and youth activities, that act independently and take independent decisions while implementing their activities.

Under the Sports Act, one of the requirements for granting a licence to a sport federation is that it presents rules for the organization of sport competitions. The licence is issued for a period of validity of four years and encompasses the right to organize and carry out sport competitions. Every four years a commission appointed by the head of the State Agency for Youth and Sport makes an attestation of the sport organization with regard to renewal of its licence.

The State has delegated some powers to the sport authorities.

The general assemblies of Sport federations, registered as non-profit legal persons, are free to elect their boards of directors. The State doesn't have the right to nominate or to participate in any way in composition of the management bodies.

In principle sport organizations are dependent on their own fundrasing. The State has direct and indirect participation in financing of sports authorities responsible for organisation of professional competitions. The State exercises financial control over the provided funds. In case sport organizations realize activities that are funded by the State Agency for Youth and Sport the Sport Act envisages financial supervision by an Inspectorate which is directly subordinated to the head of the State Agency for Youth and Sport.

One of the requirements for granting a licence to a sport federation is that the sporting authorities present rules for the organization of sport competitions. The rules for carrying out (running) competitions with participation of professional sports clubs are approved by the management bodies of relevant sports federation. When approving the rules there is no state interference.

### **3. Equal treatment**

There is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded.

There are no rules on transfers limiting the mobility of EU citizens.

There are no any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- The Sport Law provides for the general framework of sport activities in Bulgaria.
- Licensed sports federations define rules and conditions for registering amateur and professional athletes.
- The professional sport is regulated at national (central) level by the sports federation in the respective sport.
- Professional sport activities are regulated by sport federations through respective regulations for the specific activities.
- The relevant National Federations propose regulations that are approved by the head of the State Agency for Youth and Sport.

### 2. Organisation and functioning of sport authorities

- Sport authorities, responsible for the organisation and functioning of professional sport competitions, are non-profit associations
- The State has delegated some powers to the sport authorities.
- The State doesn't have the right to nominate or to participate in any way in composition of the management bodies.
- In principle sport organizations are dependent on their own fundraising.
- The State has direct and indirect participation in financing of sports authorities.
- The State exercises financial control over provided funds.
- When approving the rules there is no state interference.

### 3. Equal treatment

- According to the laws of Bulgaria, citizens from other EU-countries are not discriminated or excluded.
- In the rules of the sports federations there are some limitations for the number of foreign athletes that can be registered.
- There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
- There are no restrictions on the basis of nationality.

## Conclusions: state responsibility in the sport sector

Sport authorities in Bulgaria are non-profit legal persons for implementation of public sport and youth activities. They act independently and take independent decisions while implementing their activities. According to the law, Sport authorities are only recognized when they are granted a licence by authority of the State. The licence is issued for a period of validity of four years and encompasses the right to organize and carry out sport competitions. Every four years a commission appointed by the head of the State Agency for Youth and Sport makes an attestation of the sport organization with regard to renewal of its licence. The State has delegated some powers to the sport authorities.

The general assemblies of the sport authorities are free to elect their boards of directors. The State doesn't have the right to nominate or to participate in any way in composition of the management bodies.

The State has direct and indirect participation in financing of sports authorities responsible for organisation of professional competitions. In compliance with the aims and tasks underpinned in the programme for development of physical education and sport and the Sports Act, the State finances the duly approved programmes and projects for public sport and youth activities. The State exercises financial control over the provided funds.

According to the Bulgarian Sports Act, one of the requirements for granting a licence to a sport federation is that the sporting authorities present rules for the organization of sport competitions. The rules for carrying out (running) competitions with participation of professional sports clubs are approved by the management bodies of relevant sports



federation. When approving the rules there is no state interference.

***In Bulgaria the State is not legally involved in the functioning of the sport authorities. However, on the one hand the recognition of the sport authorities is dependent on the granting of licences by the State and on the other hand the State is directly financially involved in the functioning of the sport authorities. Presumably, on basis of those aspects the State may be hold responsible for the actions of the sport authorities.***

<b>BULGARIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	The Sport Law provide for the general framework of sport activities in Bulgaria.	
	Differentiation between professional and amateur sports activities	
	Licensed sports federations define rules and conditions for registering amateur and professional athletes.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The professional sport is regulated at national (central) level by sports federation in respective sport..	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		Professional sport activities are regulated by sport federations through respective regulations for the specific activities.
	By general rule	By rules per sport
	The relevant National Federations propose regulations that are approved by the head of the State Agency for Youth and Sport.	
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Sport authorities, responsible for the organisation and functioning of professional sport competitions, are non-profit associations		
	Powers delegated from the State		No powers delegated from the State
	The State has delegated some powers to the sport authorities.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The State doesn't have the right to nominate or to participate in any way in composition of the management bodies.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	In principle sport organizations are dependent on their own fundraising.	The State has direct and indirect participation in financing of sports authorities.	The State exercises financial control over provided funds.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	When approving the rules there is no state interference.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	There are no rules applying direct or indirect discrimination to the Community citizens for participation in professional or amateur sport.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		In the rules of the sports federations there are some limitations for the number of foreign athletes that can be registered.
Mobility of Community citizens	No limitation	Limitation
	There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There are no restrictions on the basis of nationality.	

## CYPRUS

### 1. Organisation of professional sport activities

Sporting activities are governed the Sports Act. In Cyprus sports are organized by the various sport bodies: some are themselves statutory bodies operating on the basis of legislation, regulations and state budgets, others were set up by associations and clubs to organize tournaments etc. Legislation applies to sport bodies in the same way as it does to other entities set up in the form chosen by the body in question. National sport bodies are often formed as registered associations. All sporting activities are supervised by the Cyprus Sports Authority (KOA).

The organisation of professional sport is done under the responsibility of a federation.

The sport activities are regulated by the sport associations themselves but subject to the overall supervision by KOA.

There are explicit directives towards the federations on their conformity to the State Legislation as well the Community Legislation and the decisions of the European Court.

### 2. Organisation and functioning of sport authorities

Sport clubs are mostly organized as registered associations, except for some clubs which are private limited companies.

The Sports Act empowers the executive committee of the KOA to supervise sporting activities, to advise sports federations and associations/clubs, to regulate the federations and to adjudicate in case of differences between clubs; to run competitions and to impose sanctions to sports federations and clubs for violation of sports law and international regulations.

The members of the decision-making bodies of sport associations are selected by and represent the member associations/clubs. The decision-making bodies nominate the executive bodies and personnel. The state has no involvement in the nominations. KOA is a semi-governmental organization and falls under the general supervision of the Ministry of Education. It is run by an executive committee appointed every three years by the President of the Republic.

There is indirect state funding of sporting authorities in Cyprus, primarily via the KOA, which receives funding in the form of a subsidy as part of the State budget. The State controls only the money that the KOA itself finances to the federations.

The decision-making bodies of the associations adopt the regulations concerning competitions. There is no state intervention as regard the regulations governing competitions.

### 3. Equal treatment

There is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are some agreements between gentlemen in certain federations, however these agreements were never taken into account by the state and they were never considered accepted.

There are no rules on transfers limiting the mobility of EU citizens. In some federations there are some transfer setting quotas limiting mobility, however this was never approved by the state.

There are no any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- Legislation applies to sport bodies in the same way as it does to other entities set up in the form chosen by the body in question.
- Organisation of professional sport activities is done under the responsibility of the federal (federation) level.

- The sport activities are regulated by the sport associations themselves but subject to the overall supervision by Cypriot Sports Authority.
- Sporting activities are governed by the general law (*Law 41/1969*) as well as the EU White Paper on Sport.
- There are explicit directives towards the federations on their conformity to the State Legislation as well the Community Legislation and the decisions of the European Court.

## **2. Organisation and functioning of sport authorities**

- Some sport authorities are statutory bodies operating on the basis of legislation, regulations and state budgets, others are set up by associations and clubs to organize tournaments etc
- Powers delegated from the State are mostly found in the competences that the State gave to the federations.
- Managing bodies of sport authorities are appointed by the responsible bodies of their Federations and their member clubs
- Sport associations receive private funding in the forms of membership fees etc
- Indirectly the State participates financially.
- The State controls only the money that the Cypriot Sports Authority itself finances to the federations.
- There is no State intervention as regards the regulations governing competitions.

## **3. Equal treatment**

- There is no discrimination (not permitted by the state).
- Direct/indirect exclusion of Community citizens: there are gentlemen's agreements in certain federations, however these agreements were never taken into account by the State and they were never considered accepted.
- In some federations there are some transfer setting quotas limiting mobility, however this was never approved by the State.
- There are no restrictions on the basis of nationality of Community citizens.

### **Conclusions: state responsibility in the sport sector**

Sport authorities are under the control by the state, in regards to their financial status, as well as their general function rules. For their activities, they are controlled by the federations where they belong to. There are powers delegated from the State to the sport authorities through legislative or regulatory measures? These powers are mostly found on the competences that the State gave to the federations in order for them to have their own juridical committees, arbitration committees as well as control of their own programs.

The members of the managing bodies of the sporting authorities are appointed by the responsible bodies of their Federations and their member clubs.

The State participates indirectly in their financing. The State controls only the money that the Cyprus Sport Organization finances to the federations.

The sport authorities are responsible for the organization of their competitions based on the legislations/laws that they publish themselves. There is no state intervention as regard the regulations governing competitions.

*In Cyprus the State is not legally involved in the functioning of the sport authorities. Though the sport authorities are financially under the control by the State, it is unclear if the State can be hold responsible for their actions.*

<b>CYPRUS</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Legislation applies to sport bodies in the same way as it does to other entities set up in the form chosen by the body in question.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	It is done under the responsibility of the federal (federation) level.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		The sport activities are regulated by the sport associations themselves but subject to the overall supervision by KOA.
	By general rule	By rules per sport
	Sporting activities are governed by the general law ( <i>Law 41/1969</i> ) as well as the EU White Paper on Sport.	
Implementation of international sporting rules	New national proposals	No new national proposals
	There are explicit directives towards the federations on their conformity to the State Legislation as well the Community Legislation and the decisions of the European Court.	

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	Some sport authorities are statutory bodies operating on the basis of legislation, regulations and state budgets, others are set up by associations and clubs to organize tournaments etc		
	Powers delegated from the State	No powers delegated from the State	
	These powers/measures are mostly found on the competences that the State gave to the federations.		
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination	
		They are appointed by the responsible bodies of their Federations and their member clubs.	
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Sport associations receiving private funding in the forms of membership fees etc.	The State participates indirectly.	The State controls only the money that the Cyprus Sport Organization itself finances to the federations.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention	
	There is no State intervention as regard the regulations governing competitions.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	There is no discrimination and is not permitted by the state.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	There are some agreements between gentlemen in certain federations, however these agreements were never taken into account by the State and they were never considered accepted.	
Mobility of Community citizens	No limitation	Limitation
	In some federations there are some transfer setting quotas limiting mobility, however this was never approved by the State.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There are no restrictions.	

## CZECH REPUBLIC

### 1. Organisation of professional sport activities

There is a Law on Support of Sport, which delimits a place of a sport as a non-profit activity in the society. The law also stipulates tasks to ministries and other state authorities in the field of sport.

There is no general framework for sport activities or a special provision regulating them separately. Professional sports activities are organized by the sport authorities themselves, and their activities in sports are not governed by any special legislation.

Sport associations are set up as all the other civil associations by registration at the Ministry of Interior. This is the reason why there are no concrete legal regulations for sports neither amateur nor professional, it would be considered an unlawful state intervention.

There is no specific provision on sport in Czech Constitution. Only the very general Law on Support of Sport was passed. It determines that the position of sport in society is the general beneficial activity and the law sets up the tasks of Ministries, other administrative organs and regional authorities on support of sport.

Sports activities are regulated by rules, orders and guidelines which are adopted by the national association of the sport in question.

There are no new national proposals, though, currently hot debate concerns amendments to the Law on support of sport concerning football hooliganism which determined the duties of an organizer of sports events and police.

### 2. Organisation and functioning of sport authorities

All the sport authorities are civil associations. The Act on Association of Citizens applies to sport authorities in the same way as it does to other entities set up in this form. Some of the sport clubs also exist not only as non-profit organizations, but also in a form of a profit organization. There are no powers delegated.

The State is not involved in the nomination of the members of the managing bodies. They are nominated usually by the regional association and appointed by the annual meeting (general assembly of all members) of the organizations, which is the highest body of the civil association. The State does not finance the sport authorities directly. The State participates in the financing of the sport activities on the basis of grants given also to civil organizations, but only to non-professional activities. If the State supports any of the sport authorities, the control is very rigorous.

There are no legal measures which would give the state a possibility to intervene. The sport authorities mostly adopt the regulations through their executive bodies.

### 3. Equal treatment

According to the laws of the Czech Republic there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded.

There are no rules on transfers limiting the mobility of EU citizens.

There are no any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- There is no general framework for sport activities.
- There is no differentiation between professional and amateur sports activities.
- The organization of professional sport is not centrally regulated, nor is it done under the responsibility of federal/regional or local level.

- There is no law or a framework law or a regulation, the sport activities are regulated by the sport associations themselves.
- Sports activities are regulated by rules, orders and guidelines which are adopted by the national association of the sport in question.

## **2. Organisation and functioning of sport authorities**

- Sport authorities are private actors completely.
- There are no powers delegated.
- There is no state intervention, it would be considered unlawful.
- The State does not finance the sport authorities directly.
- If the State supports any of the sport authorities, the control is very rigorous.
- The sport authorities are independent from any state intervention.

## **3. Equal treatment**

- There are no rules applying direct or indirect discrimination to the Community citizens for participation in professional or amateur sport.
- In the rules of the sports federations there are some limitations for the number of foreign athletes that can be registered.
- There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
- There are no restrictions on the basis of nationality.

### **Conclusions: state responsibility in the sport sector**

Sport authorities are private actors completely. The State is not involved in the nomination of the members of the managing bodies of the sporting authorities.

The State does not finance the sport authorities directly. The State participates in the financing of the sport activities on the basis of grants. If the State supports any of the sport authorities, the control is very rigorous.

The sport authorities adopt the regulations through their executive bodies; they are independent from any state intervention

*In the Czech Republic the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>CZECH REPUBLIC</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	There is no general framework for sport activities.	
	Differentiation between professional and amateur sports activities	
	There is no special provision regulating them separately.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The organization of professional sport is not centrally regulated, nor is it done under the responsibility of federal/regional or local level.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		There is no law or a framework law or a regulation, the sport activities are regulated by the sport associations themselves.
	By general rule	By rules per sport
		Sports activities are regulated by rules, orders and guidelines which are adopted by the national association of the sport in question.
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	They are private actors completely.		
	Powers delegated from the State		No powers delegated from the State
			There are no powers delegated.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			There is no state intervention, it would be considered unlawful.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
		The State does not finance the sport authorities directly.	If the State supports any of the sport authorities, the control is very rigorous.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The sport authorities are independent from any state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion	
Mobility of Community citizens	No limitation	Limitation
	No limitation	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There is no evidence of any restrictions on the basis of nationality, the only limitation is a level of a sport performance of each individual.	



## DENMARK

### 1. Organisation of professional sport activities

Professional sport activities are organized within the general framework of sport activities. Though the politics and regulation of sport are not unified in one act or within one ministry (although sport formally falls under the Ministry of Culture) certain conditions are regulated by legislation affecting sport directly:

There are three independent main national organizations and a number of the local associations are members of more than one main organization. A number of associations are not members of the national organizations. Team Denmark is the self-governing public institution solely dealing with elitist sport.

Professional sport activities are regulated to a less extent by the general framework law on sport. In detail, the professional sport activities are regulated by regulations adopted by the national and international sport authorities themselves being the governing body of their respective sport, both regarding amateur and professional sport.

There are currently no specific national proposals in relation to the implementation of international sports regulations:

### 2. Organisation and functioning of sport authorities

The Danish 'sport model' is characterized by framework law, large public funding and autonomous sport authorities based on the freedom of association and not influenced to a large extent by the public authorities. Thus, the Danish 'sport model' is based on a tradition of private associations and volunteerism. These associations interact with the State and municipal authorities, constitute the majority of Danish sport bodies and are not run as businesses with the purpose of financial profit.

The sport authorities are private actors acting independent of the State authorities.

Normally the State do not delegated power or responsibility to the sports federations, through laws or regulations. Exceptions to this however, is the Danish elite sports organization Team Denmark, which is regulated by The Top-level Sport Act.

The State is – in principle - not involved in the nomination of the members of the independent sporting authorities not established as self-governing institutions. The members of the managing bodies of professional sport companies are appointed according to the legislation on companies.

As for the professional sport companies in particular, these are financed through their commercial activities. One of the characteristics of Danish sport is large public funding which indirectly or directly may support professional sport. The Ministry of Culture exercises financial control in pursuance of Executive Order on Accounts and Audit of Beneficiaries of Subsidies.

In case of fundamental rule changes that require changes or adjustments in the federations rules, it is the individual federations representatives who have decision-making powers. The process of regulatory or legislative changes within the professional sport is decided democratically and without governmental interference.

### 3. Equal treatment

In the laws of Denmark there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- In Denmark, professional sport activities are organized within the general framework of sport activities.
  - Professional sport activities are regulated to a certain extent by the general framework law on sport.
  - The professional sport activities are regulated by regulations adopted by the national and international sport authorities themselves.
  - Certain conditions are regulated by general legislation affecting sport directly.
- 2. Organisation and functioning of sport authorities**
- The sports federations in Denmark are private associations; they do not act under any control, responsibility or supervision from public authorities.
  - The State does not delegated powers or responsibilities to the sports federations. Exception to this, however is the Danish elite sports organization Team Denmark.
  - The State is not involved in the nomination of the members of the independent sporting authorities.
  - In some cases the Danish Minister of Culture nominates members for the managing bodies of the sporting authorities (Team Denmark and Anti Doping Denmark's board).
  - One of the characteristics of Danish sport is large public funding which indirectly or directly may support professional sport.
  - The Ministry of Culture exercises financial control in pursuance of the Executive Order on Accounts and Audit of Beneficiaries of Subsidies.
  - Generally the sporting authority's regulations are independent from the State and are adopted at the organisation's General Assembly.
- 3. Equal treatment**
- There are no rules applying direct or indirect discrimination to the Community citizens for participation in professional or amateur sport.
  - In the rules of the sports federations there are some limitations for the number of foreign athletes that can be registered.
  - There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
  - There are no restrictions on the basis of nationality. (The Danish Ice-Hockey Union introduced a maximum of ten foreign players on club teams).

### **Conclusions: state responsibility in the sport sector**

The sports federations In Denmark sport authorities are private associations. The members of the managing bodies are appointed on a General Assembly without any involvement of the State. The State has not delegated power or responsibility to the sports federations, through laws or regulations.

One of the characteristics of Danish sport is large public funding which indirectly or directly may support professional sport. The State does not exercise any financial control.

The process of regulatory or legislative changes within the professional sport is decided democratically and without governmental interference.

*In Denmark the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>DENMARK</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	In Denmark, professional sport activities are organized within the general framework of sport activities.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	In Denmark, there are 3 independent main national organizations and a number of the local associations are members of more than one main organization.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	professional sport activities are regulated to a less extent by the general framework law on sport.	The professional sport activities are regulated by regulations adopted by the national and international sport authorities themselves.
	By general rule	By rules per sport
Implementation of international sporting rules	certain conditions are regulated by general legislation affecting sport directly.	
	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The sports federations in Denmark are private associations; they do not act under any control, responsibility or supervision from public authorities.		
	Powers delegated from the State		No powers delegated from the State
	The State do not delegated power or responsibility to the sports federations.		Exception to this however, is the Danish elite sports organization Team Denmark.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	The State is not involved in the nomination of the members of the independent sporting authorities.		In some cases The Danish Minister of Culture nominate members for the managing bodies of the sporting authorities (Team Denmark and Anti Doping Denmark's board).
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
		One of the characteristics of Danish sport is large public funding which indirectly or directly may support professional sport.	The Ministry of Culture exercises financial control in pursuance of Executive Order on Accounts and Audit of Beneficiaries of Subsidies.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	Generally the sporting authority's regulations are independent from the State and are adopted at the organisations General Assembly.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	There are no rules or regulations that imply a direct or indirect discrimination against European citizens.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion	
Mobility of Community citizens	No limitation	Limitation
	There are no specific regulations or collective agreements in professional competitions, which involve an expulsion of European citizens.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	For most sports there are no restrictions on the basis of nationality.	
		The Danish Ice-Hockey Union introduced maximum of 10 foreign players on club teams.

## ESTONIA

### 1. Organisation of professional sport activities

Professional sport is organized within the general framework of sport activities. Sports is organised in the sports clubs, non-governmental bodies.

The organisation of professional sport is not centrally regulated.

There is no special law on sport activities. The different sport organizations have adopted their internal rules on competition and in order to organise the different sport activities. Some of those rules could be obtained on different homepages of different central organizations of different sport categories.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The sport authorities are mainly organized as non-profit organisations. Different categories of sport have their central organizations that are responsible for developing sport activities and organizing different competitions. They do not operate under the State supervision or responsibility.

Generally no powers are delegated.

The members of the management board are nominated by the general meeting unless the articles of association prescribe otherwise. The State is not involved in the nomination of management board members.

The sport authorities are financed differently. The sport authorities collect the membership fees, but at the same time they will get also the financial support from the state.

The State is usually supporting of organizing 1-2 international competitions (like European/world champs, worlds cups) per year. If the state guarantees financial support, the sport authorities have to present the report how they spend the money. This means, that there is the financial control on behalf of the State, but this control includes only this financial support, that was granted by the state.

The sport authorities are independent in their decision making from the State authorities. The adoption of regulations and other acts is usually in the competence of the management board of the non-profit association. The respective decisions are adopted by the management board pursuant to law and the articles of association.

### 3. Equal treatment

In the laws of Estonia there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

### Summary

#### 1. Organisation of professional sport activities

- Professional sport activities are organized within the general framework of sport activities.
- There are no differentiation between professional and amateur sports activities.
- The organisation of professional sport is not centrally regulated.
- Professional sport activities are regulated by framework law.
- There is no special law on sport activities.

#### 2. Organisation and functioning of sport authorities

- The sport authorities are mainly organized as non-profit organisations.
- The State authorities have only a supportive role, as is defined by the Estonian Sport Act.
- Generally, no powers are delegated. Some specific areas are delegated to non-governmental organizations.

- The sport authorities are financed differently. The sport authorities collect the membership fees, but at the same time they will get also financial support from the state.
- If the state guarantees financial support, the sport authorities have to report how they spend the money.
- The sport authorities are independent in their decision making from the State authorities.

### **3. Equal treatment**

- There are no rules applying direct or indirect discrimination to the Community citizens for participation in professional or amateur sport.
- In the rules of the sports federations there are some limitations for the number of foreign athletes that can be registered.
- There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
- There are no restrictions on the basis of nationality.

### **Conclusions: state responsibility in the sport sector**

The sport authorities are mainly organized as non-profit organisations. They do not operate under the State supervision or responsibility. No powers are delegated from the State to the sport authorities.

The members of the managing bodies are elected by the members of the sport authorities.

There is no state intervention.

Financial support from the state budget is paid to sports organizations. The State exercises financial control

The sport authorities are independent from any State interventions by adopting the competitions rules.

*In Estonia the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>ESTONIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sport activities are organized within the general framework of sport activities.	
	Differentiation between professional and amateur sports activities	
	There are no special regulations to regulate them separately	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
		The organisation of professional sport in not centrally regulated.
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activities are regulated by framework law.	
	By general rule	By rules per sport
		There is no special law on sport activities.
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no proposals to implement international sporting rules centrally by the legislator or by the government.

<b>2. Organisation and functioning of sport authorities</b>		
Status of sport authorities	Private actors	Under the control of the State authorities
	The sport authorities are mainly organized as non-profit organisations.	The State authorities have only a supportive role, as is defined by the Estonian Sport Act.
	Powers delegated from the State	No powers delegated from the State
	Generally no powers delegated. Some specific areas are delegated to the certain non-governmental organizations.	
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination
Financing of sport authorities	Private financing	Financial control by the State
	The sport authorities are financed differently. The sport authorities collected the membership fees, but at the same time they will get also the financial support from the state.	If the state guarantees financial support, the sport authorities have to present the report how they spend the money.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention
	The sport authorities are independent in their decision making from the State authorities.	

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
		Estonian citizens and minors under 18 years of age residing in Estonia have the right to participate in international championships in the membership of the Estonian national team or individually.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	Generally there are no restrictions for example in participation the Estonian Championships.	
Mobility of Community citizens	No limitation	Limitation
	There are no particular rules on transfers setting quotas or limiting the mobility of EU citizens.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There are no other restrictions based on nationality.	

## FINLAND

### 1. Organisation of professional sport activities

In Finland sports are organized by the sport bodies themselves rather than through legislation. National sport bodies are normally formed as registered associations. National associations adopt rules, orders and guidelines that guide the organization and conduct of the activities and competitions in the respective field.

According to the Sports Act, the government and local authorities shall be responsible for creating general preconditions for sports. Sport provision shall mainly be the responsibility of sports organisations. The ministry responsible for sports shall be responsible for the general direction, development and coordination of sport services within the state administration. At the regional level these tasks shall be the responsibility of the provincial sports administrations and at the local level the responsibility of the local authorities.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Sport bodies responsible for organization and functioning of professional sport competitions are formed as private registered associations, except for the Finnish Ice-Hockey League that is formed as a limited company.

The sport associations are supervised by state authorities as it concerns employment, pension, and insurance legislation, as well as health and safety issues etc.

Professional sport competitions are organized by the National Sport Federations or limited companies owned by the National Sport Federations. These federations are autonomic private organizations and they have independent legal personality (association).

The members of the decision-making bodies of sport associations are selected by and represent the member associations i.e. the regional associations and teams. The decision-making bodies nominate the executive bodies and personnel. The state is not involved in the nominations.

Normally the financing of sport associations comprises of membership fees, sponsorship agreements, etc. Sport associations may apply for state subsidies for their activities. The Ministry for Education allocates the state subsidies to associations that have applied for them after obtaining an opinion from the National Sport Council. The grounds for granting state subsidies are set forth in the Act on sports. The state exercises financial control through tax law.

The decision-making bodies of the associations in question adopt the regulations concerning competitions. Those regulations are independent from state intervention.

### 3. Equal treatment

In the laws of Finland there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. The teams playing in the men's National Ice-Hockey League, Basket Ball League and Volleyball league applied in season 2008-2009 'gentlemen's agreements' that set quotas for foreign players in the playing line-up. There is no legislation on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- Professional sports activities are organised within the general framework of sport activities.
- According to the Sports Act the government and local authorities shall be responsible for creating general preconditions for sports.
- Issues falling within the ambit of general labour, pension, insurance, and other legislation are regulated by the respective legislation.

- Sporting activities of each field are regulated by rules, orders and guidelines adopted by the national association of the sport in question.

## **2. Organisation and functioning of sport authorities**

- The National Sport Federations are autonomous private organizations and they have independent legal personality (association).
- The state involved in the nomination of managing bodies of sport authorities.
- Normally the financing of sport associations comprises membership fees etc.
- Sport associations may apply for state subsidies for their activities.
- The state exercises financial control through tax law.
- The regulations governing competitions are independent from state intervention.

## **3. Equal treatment**

- In general, no discriminatory practices for Community citizens exists. (Quotas for foreign players may be left to be agreed upon through gentlemen's agreements concluded among the teams, without the sport associations being formally involved).
- There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
- There are no restrictions on the basis of nationality.

### **Conclusions: state responsibility in the sport sector**

The sport authorities are autonomic private organizations and they have independent legal personality.

The decision-making bodies nominate the executive bodies and personnel. The state is not involved in the nominations.

The Ministry for Education allocates the state subsidies to associations that have applied for them. The state exercises financial control through tax law.

The decision-making bodies of the associations in question adopt the regulations concerning competitions. Those regulations are independent from state intervention.

*In Finland the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*



<b>FINLAND</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sports activities are organised within the general framework of sport activities.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	According to the Sports Act the government and local authorities shall be responsible for creating general preconditions for sports.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Issues falling within the ambit of general labour, pension, insurance, and other legislation are regulated by the respective legislation.	
	By general rule	By rules per sport
Implementation of international sporting rules		Sporting activities of each field are regulated by rules, orders and guidelines adopted by the national association of the sport in question.
	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The National Sport Federations are autonomic private organizations and they have independent legal personality (association).		
	Powers delegated from the State		No powers delegated from the State
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	No state involvement.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Normally the financing of sport associations comprises of membership fees etc.	Sport associations may apply for state subsidies for their activities.	The state exercises financial control through tax law.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The regulations governing competitions are independent from state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	In general no discriminatory practices for Community citizens exists.	Quotas for foreign players, may be left to be agreed upon through 'gentlemen's agreements' concluded among the teams without the sport associations being formally involved.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No discriminatory practices for Community citizens exists.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions	Restriction for non-Community citizens.

## FRANCE

### 1. Organisation of professional sport activities

The state has delegated the power to organise and promote the practice of their disciplines to the sporting federations. The sporting federations manage all sporting activities in their disciplines, whether it be amateur sport or professional sport, competitive sport or leisure sport.

The Sports Code distinguishes federations which benefit from the approval of the state from those which, in addition, have been delegated responsibilities.

The approved federations are involved in the implementation of a mission of public interest. They are subject to state control and have to have statutes that conform with the provisions of the decree relating to the recognition of sporting federations.

The delegatory federations can create a professional league, for the representation, management and coordination of sporting activities of a professional nature of the affiliated sporting associations and organisations.

When, in accordance with the federation's statutes, the professional league is an association, its statutes have to be in conformity with the provisions enacted by a decree in the State Council. This decree also defines relations between the league and the federation.

The Sports Code covers the legal existence of the professional leagues, bodies charged with the representation, management and coordination of professional sporting activities which can be an internal body or an association endowed with moral status, having signed a convention with the delegatory federation concerned.

Within the framework of the responsibilities assigned, the professional leagues exert the authorities for the sport which they are in charge of.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The professional leagues integrated into the federation take the form of a specific internal commission. Their methods of organisation and operation are those which apply to the delegatory sporting federations. The professional leagues are associations. The statutory provisions of the professional leagues that are distinct from the federation, their attributions and the methods of their conventional relations with the delegatory federation are specified by decree. The statutes of the professional league, financial protocol and convention which link it to the delegatory federation have to be approved by the federation's Board of Directors and the Minister of Sports. Even though the legislator has granted the possibility of creating separate structures to manage the professional activities in disciplines where the federations have been delegated responsibilities from the Minister of Sports, the "last word" should always be given to the federations because they are the ones who have received the original delegation.

The statutes of the professional league specify the procedure applicable to the election of the members of its Board of Directors and of the managing body. They cover in particular the creation of the electoral Commission instructed to check the regularity of the electoral operations and the conditions in which these operations can be disputed.

The sporting federations have three principal resources: public subsidies, statutory resources and commercial income.

The delegation of the management of professional sport by the federation to a professional league is carried out on the basis of a convention. The convention specifies the distribution of the competences and the conditions under which the federation and the league exert the authorities jointly. The convention determines in particular the conditions under which the federation can concede to the professional league, for a duration not exceeding the term of the convention, the marketing of user rights for the professional competitions. Moreover, a

financial protocol is annexed to the convention.

Generally, the professional leagues are financed thanks to televised retransmission rights, products of marketing, etc., but also by distribution between the professional federation and the leagues of the products resulting from ticket sales for certain competitions.

The managing body of the professional league adopts decisions in its competence area. However this power is controlled by the Sports Code which states that the convention specifies the conditions in which the federation's managing body can alter decisions taken by professional league bodies which are against the federation's statutes or regulations. The intervention of the state is carried out upstream from the decision, in that the statutes of the professional league and the financial protocol and conventions which connect it to the delegatory federation must be approved by the federation's Board of Directors and by the Minister of Sports.

### **3. Equal treatment**

In the laws of France there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. In basketball there exist particular rules on transfers setting quotas or limiting the mobility of EU citizens.

#### **Summary**

##### **1. Organisation of professional sport activities**

- The model of organisation of French sport is a single unit.
- There is no separation between amateur sport and professional sport.
- The sporting federations manage all sporting activities in their disciplines.
- The legislator has granted the possibility of creating separate structures to manage professional activities in disciplines for which the federations have received delegation from the Minister of Sports.
- Within the framework of the responsibilities assigned, the professional leagues exert certain authorities for the sport which they are in charge of.

##### **2. Organisation and functioning of sport authorities**

- Two forms: either an internal body or an association endowed with moral status, having signed a convention with the delegatory federation concerned.
- The State has delegated the power to organise and promote the practice of their disciplines to the sporting federations.
- The State is not involved in the nomination of the members of the independent sporting authorities.
- Private financing: commercial income, resulting from ticket sales etc.
- The sport associations can get public benefits.
- The delegation of the management of professional sport by the federation to a professional league is carried out on the basis of a convention. A financial protocol is annexed to the convention.
- The sport federations are responsible for the organisation of sport; they are established in the form of associations and working independently, but under the control of the Minister of Sport. A stand-alone governmental entity with responsibility for sport is created.

##### **3. Equal treatment**

- In general, no discriminatory practices for Community citizens exists.
- There are no particular rules on transfers setting quotas or limiting the mobility of Community citizens.
- There are no restrictions on the basis of nationality.
- The sporting federations' regulations generally provide for a limitation of the number of foreign players who can simultaneously be integrated in a team at the time of the competitions.

**Conclusions: state responsibility in the sport sector**

The sport authorities are established in the form of associations. They have to be accepted by the state to participate in its support; they work independently, but under the control of the Minister of Sport: Even though the legislator has granted the possibility of creating separate structures to manage the professional activities in disciplines where the federations have been delegated responsibilities from the Minister of Sports, the "last word" should always be given to the federations.

The statutes of the sporting authorities specify the procedure applicable to the election of the members of its Board of Directors and of the managing body.

The sporting authorities can benefit from public subsidies.

The managing body of the professional league adopts decisions in its competence area. The intervention of the state is carried out upstream from the decision, in that the statutes of the professional league and the financial protocol and conventions which connect it to the delegatory federation must be approved by the federation's Board of Directors and by the Minister of Sports.

*In France the State is to a certain degree legally but not financially involved in the functioning of the sport authorities; presumably it might be possible to hold the State responsible for their actions.*

<b>FRANCE</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	The model of organisation of French sport is a single unit.	
	Differentiation between professional and amateur sports activities	
	There is no separation between amateur sport and professional sport.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The sporting federations manage all sporting activities in their disciplines.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	The legislator has granted the possibility of creating separate structures to manage professional activities in disciplines for which the federations had received delegation for from the Minister of Sports.	
	By general rule	By rules per sport
		Within the framework of the responsibilities assigned, the professional leagues exert certain authorities for the sport which they are in charge of.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Two forms: either an internal body or an association endowed with moral status, having signed a convention with the delegatory federation concerned.		
	Powers delegated from the State		No powers delegated from the State
	The State has delegated the power to organise and promote the practice of their disciplines to the sporting federations.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The State is not involved in the nomination of the members of the independent sporting authorities.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Commercial income, resulting from ticket sales etc.	The sport associations can get public benefits for missions of general interest and statutory resources.	The delegation of the management of professional sport by the federation to a professional league is carried out on the basis of a convention. A financial protocol is annexed to the convention.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
			The sport federations are responsible for the organisation of sport, established in form of associations and working independent, but under the control of the Minister of Sport. A stand-alone governmental entity with responsibility for sport is created.

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
		The sporting federations' regulations generally provide for a limitation of the number of foreign players who can simultaneously be integrated in a team at the time of the competitions.

## GERMANY

### 1. Organisation of professional sport activities

In Germany, as a matter of principle, sport acts autonomously as part of the constitutionally guaranteed freedom of association. State-organised sport does not, therefore, exist. Professional sports activities are organised by the competent – civil – institutions in the sports sector in question

The civil institutions competent for the professional sport sector within the individual sports types generally organise this centrally for the whole of Germany. Fundamentally, an independent professional sports organisation does not exist at regional or community level.

Due to sports' autonomy professional sports activities in Germany are not regulated by sports-specific state laws, but by the statutes etc. of the competent institutions.

There is no general legal or internal sports regulation for sports activities. In each case there are separate regulations promulgated or agreed by the competent institutions for the various types of sport.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Where the sports authorities responsible for organising and running professional competitions in Germany are concerned, these are civil players (associations with the nature of a club and/or company). There is no control or monitoring by state authorities.

The state has not delegated any powers to the "sports authorities".

The members of the managing bodies of sports authorities are appointed according to the respective, prevailing internal association or company statutes. The state is not involved in the appointment of sports functionaries.

The (independent) institutions concerned finance themselves from the revenues that they earn. The state is neither directly nor indirectly involved in financing them and does not exercise financial control either.

The rules for professional competitions are decided upon according to the respective, prevailing internal association or company statutes. There is no state intervention.

### 3. Equal treatment

In the laws of Germany there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- As a matter of principle, sport acts autonomously as part of the constitutionally guaranteed freedom of association.
- The civil institutions competent for the professional sport sector within the individual sports disciplines generally organise this centrally.
- Professional sports activities are regulated by the statutes etc. of the competent institutions
- There is no general legal or internal sports regulation for sports activities.

### 2. Organisation and functioning of sport authorities

- The sports authorities are civil players (associations with the nature of a club and/or company).
- There is no control or monitoring by state authorities.
- The state has not delegated any powers to the sports authorities.

- The members of the managing bodies of sports authorities are appointed according to the respective, prevailing internal association or company statutes.
- The sport authorities finance themselves from the revenues that they earn.
- The state is neither directly nor indirectly involved in financing them and does not exercise financial control either.
- There is no state intervention.

### **3. Equal treatment**

- According to the laws of Germany, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

#### **Conclusions: state responsibility in the sport sector**

The sports authorities are civil players. There is no control or monitoring by state authorities. The state has not delegated any powers to the sports authorities.

The members of the managing bodies are appointed according to the prevailing internal association or company statutes. The state is not involved in the appointment of sports functionaries.

The state is neither directly nor indirectly involved in financing them and does not exercise financial control either.

The rules for professional competitions are decided upon according to the respective, prevailing internal association or company statutes. There is no state intervention.

*In Germany the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>GERMANY</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	As a matter of principle, sport acts autonomously as part of the constitutionally guaranteed freedom of association.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The civil institutions competent for the professional sport sector within the individual sports types generally organise this centrally.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		Professional sports activities are regulated by the statutes etc. of the competent institutions
	By general rule	By rules per sport
	There is no general legal or internal sports regulation (such as the German Olympic Association) for sports activities.	
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no corresponding proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	The sports authorities are civil players (associations with the nature of a club and/or company).	There is no control or monitoring by state authorities.	
	Powers delegated from the State	No powers delegated from the State	
	The state has not delegated any powers to the sports authorities.		
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination	
		The members of the managing bodies of sports authorities are appointed according to the respective, prevailing internal association or company statutes.	
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	The sport authorities finance themselves from the revenues that they earn.	The state is neither directly nor indirectly involved in financing them and does not exercise financial control either.	
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention	
	There is no state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	



## GREECE

### 1. Organisation of professional sport activities

The Greek Constitution provides that athletics shall fall under the protection and supervision of the state. All sport activities are supervised by to the General Secretariat for Sports a subsidiary of the Ministry of Culture.

General principles of amateur and professional sport activities are provided centrally in the Sports Act. The Sports Act delegates the power of the organization of professional leagues to the National Federations.

The associations responsible for the organization of the professional leagues adopt their own regulations according to the law.

There is one law regulating all sport activities, however there is one sport activity (football) which is specifically regulated. The reason was that the Hellenic Football Federation (HFF) wasn't totally independent from the state.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Sports authorities responsible for the organization and functioning of professional sport competitions in Greece are legal persons of private law (associations).

The State exercises supervision; first of all, competent jurisdictions control the legality of the statutes of associations, and finally, a financial control is applied to all federations and clubs participating in a professional league.

The delegation of the powers by the state concerns the possibility to organize by general assembly decisions every matter concerning regulations of sport competitions.

The election of the members is carried out by the general assembly without the interference of the State.

The State makes grants to and controls all types of athletic associations, as specified by law.

The use of grants in accordance with the purpose of the associations receiving them is also specified by law. However this financial support concerns only the national sport federations and not the sporting authorities being in charge of the organisation of professional competitions. The Sports Act provides that no state aid is available to professional athletes unions. However, in reality the state is indirectly financially supporting professional sports through broadcasting rights of public television and sponsorship from a betting company, which is also controlled by the State.

The Greek sporting authorities adopt their regulations by general assembly decisions, without any state intervention. (Only the HFF is totally independent from any state intervention).

### 3. Equal treatment

In the laws of Greece there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

### Summary

#### 1. Organisation of professional sport activities

- Professional sports activities are organized in the framework of sport activities.
- Article 16 of the Greek Constitution states that athletics shall be under the protection and the ultimate supervision of the State.
- There is one law regulating all sport activities, Law 2725/1999.
- Law 2725/1999 distinguishes professional and amateur sport.
- The organization of professional sport is centrally regulated by Law 2725/1999

- Professional sport activities are regulated by basic laws and regulations of governing bodies.
- There is one sport activity (football) which is specifically regulated

## **2. Organisation and functioning of sport authorities**

- Sports authorities are legal persons of private law (associations).
- The delegation of the powers by the state to the sport authorities is provided by Law 2725/1999.
- The election of the members is carried out by the general assembly without the interference of the State.
- The state is indirectly financially supporting professional sports.
- Professional teams are controlled financially by the Ministry of Merchandise.
- Greek sporting authorities adopt their regulations by general assembly decisions, without any state intervention.

## **3. Equal treatment**

- Greek regulations concerning athletes provide equal treatment to Greek and EU citizens.
- Restrictions and exclusions concerning the integration of EU citizens are appearing most recently under specific regulations.
- According to the laws of Greece, citizens from other EU-countries are not limited in their mobility.

### **Conclusions: state responsibility in the sport sector**

The sports authorities are legal persons of private law, however, the State exercises supervision; first of all, competent jurisdictions control the legality of the statutes of associations, and finally, a financial control is applied to all federations and clubs participating in a professional league.

The state indirectly financially supports professional sports through broadcasting rights of public television and sponsorship from a betting company, which is controlled by the State.

The sport authorities are controlled financially by the Ministry of Merchandise.

The sporting authorities adopt their regulations by general assembly decisions, without any state intervention.

*Article 16 of the Greek Constitution states that Athletics shall be under the protection and the ultimate supervision of the State. Presumably it is possible to hold the State responsible for the actions of sports authorities.*

<b>GREECE</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	They are organized in the framework of sport activities.	
	Differentiation between professional and amateur sports activities	
	Law 2725/1999 distinguishes professional and amateur sport.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The organization of professional sport is centrally regulated by Law 2725/1999	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activities are regulated by basic laws and regulations of governing bodies.	
	By general rule	By rules per sport
	There is one law regulating all sport activities, Law 2725/1999.	However there is one sport activity (football) which is specifically regulated
Implementation of international sporting rules	New national proposals	No new national proposals
		For the moment no new national proposals.

<b>2. Organisation and functioning of sport authorities</b>		
Status of sport authorities	Private actors	Under the control of the State authorities
	Sports authorities are legal persons of private law (associations).	Article 16 of Greek Constitution states that Athletics shall be under the protection and the ultimate supervision of the State.
	Powers delegated from the State	No powers delegated from the State
	The delegation of the powers by the state to the sport authorities is provided by Law 2725/1999.	
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination
		The election of the members is carried out by the general assembly without the interference of the State.
Financing of sport authorities	Private financing	Financial control by the State
		The state is indirectly financially supporting professional sports.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention
	Greek sporting authorities adopt their regulations by general assembly decisions, without any state intervention.	

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	Greek regulations concerning athletes provide equal treatment to Greek and EU citizens.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		Restrictions and exclusions concerning the implantation of EU citizens are appearing most recently under specific regulations.
Mobility of Community citizens	No limitation	Limitation
	There is no distinction between Greek and EU citizens.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There is no distinction between Greek and EU citizens.	

## HUNGARY

### 1. Organisation of professional sport activities

Sports in general are regulated by a framework law. In that Act special provisions are laid down for amateur and professional sportsmen. Among others, the status of sportsmen and sports organizations, the contest system of sports, the organization of sports events and the instruments of State aids granted to sports are regulated by that law.

Fulfilment of the duties related to the management, regulation and monitoring of sports, laid down in the Sports Act and other laws, is provided by the Minister through the sports administrative body (i.e. the Ministry).

The sports administrative body prepares *inter alia* the government decisions related to sports and provides for the implementation of government decisions related to sports.

In order to provide for the proper operation of a branch of sport, the relevant association of a specific sport, in addition to other rules prescribed by special laws, shall draw up the Competition Rules. Concerning each sport the sport association of the given sport is entitled to determine the special rules for such sport in accordance with the standards and regulations laid down by the international association of the given sport as well as in conformity with the relevant provisions of the Sports Act.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Sports associations are social organizations with legal personality and self-government, established for the purpose of organizing sports contests for certain sports activities, protecting the interests of their members and providing services to them as well as for arranging their international relations. The national associations of specific sports shall be governed by the provisions on sport associations unless otherwise provided in the Sports Act and the Civil Code. Judicial supervision is exercised by the Public Prosecutor's Office over the operation of social organizations (e.g. sport associations).

Pursuant to the provisions of the Act on non-profit organizations, for registration under priority non-profit status, an organization's instrument of constitution shall include a clause stating that the organization performs public duties which, by virtue of law or in accordance with the provisions of other legal regulations based on the authorization granted by law, are to be provided by a state agency or by a local government. In this case each sport organization or sport association may perform public duties however those duties are typically not related to professional sports. No State powers may be delegated to sport organizations or sport associations under the prevailing laws.

The State is not involved in appointing the members of the managing bodies of sporting authorities (sport organizations, sport associations); the democratic nomination and election of those persons based on the principle of self-governance are guaranteed by the relevant provisions of the Association Act in case of sport associations

The State is directly and indirectly involved in financing the sports authorities appointed to organize professional contests. Besides the State, the local governments also take part in financing the sport authorities; the financing may be carried out through tender, in the form of sponsoring or patronizing, or by the municipality's own business activity etc.

All organizations or private persons financed from any subsystem of public finances shall be obligated to account for the proper use of any amount granted to them for any special purpose and not as a social allowance. The financier shall verify the use of and accounting for the amounts. In addition to the abovementioned, the State Audit Office and the Government Audit Office are entitled to carry out auditing activities concerning the use of central State aids.

The sport authorities organizing the professional contests adopt the competition rules of their own contests themselves in accordance with the provisions of the Sports Act.

### **3. Equal treatment**

In the laws of Hungary there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. The competition rules of the Hungarian Basketball Association contain a restriction stating that in Group A of the national basketball championship for men a maximum of 12 players per match may be included in the record. In case of 12 players a minimum of 8, in case of 11 players a minimum of 7 while in case of 10 players a minimum of 6 players should be Hungarian citizens. On the basis of the competition rules of the Hungarian Ice Hockey Association, 5+1 players who are not Hungarian nationals may play at the ice-hockey rink at a given match in the first division of the National Championship.

### **Summary**

#### **1. Organisation of professional sport activities**

- The sports in general are regulated by a framework law (Act I of 2004).
- Professional and amateur sportsmen are defined in the sports act.
- Fulfilment of the duties related to the management, regulation and monitoring of sports, laid down in the Sports Act and other laws, is provided by the Minister through the sports administrative body (i.e. the Ministry).
- In order to provide for the proper operation of a branch of sport, the relevant association shall draw up the competition rules.

#### **2. Organisation and functioning of sport authorities**

- A sports club is a social organization operating in accordance with the provisions of Act II of 1989 on the freedom of association and the Civil Code.
- An organization's instrument of constitution shall include a clause stating that the organization performs public duties.
- The State is not involved in appointing the members of the managing bodies of sporting authorities.
- The State is directly involved in financing the sports authorities.
- All organizations or private persons financed from any subsystem of public financing shall be obligated to account for the proper use of any amount granted to them.
- The sport authorities adopt the competition rules of their own contests themselves in accordance with the provisions of the Sports Act.
- Judicial supervision is exercised by the Public Prosecutor's Office over the operation of social organizations (e.g. sport associations).

#### **3. Equal treatment**

- According to the laws of Hungary, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- The competition rules of the Hungarian Basketball Association contain a restriction.

### **Conclusions: state responsibility in the sport sector**

In Hungary sports associations are social organizations with legal personality and self-government. No State powers may be delegated to sport organizations or sport associations under the prevailing laws.

The State is not involved in appointing the members of the managing bodies of sporting authorities.

The State is involved in direct and indirect financing the sports authorities. The State Audit Office and the Government Audit Office are entitled to carry out auditing activities concerning the use of central State aids.

The sport authorities organizing the professional contests adopt the competition rules of their own contests themselves in accordance with the provisions of the Sports Act.

*In Hungary the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>HUNGARY</b>			
<b>1. Organisation of professional sport activities</b>			
Professional sports activities	Organised within the general framework		Separately regulated by a special provision
	The sports in general are regulated by a framework law (Act I of 2004).		
	Differentiation between professional and amateur sports activities		
	The professional and amateur sportsmen are defined in The Sports Act.		
Organisation of professional sport activities	Centrally regulated		Federally/regionally regulated
	Fulfilment of the duties related to the management, regulation and monitoring of sports, laid down in the Sports Act and other laws, is provided by the Minister through the sports administrative body (i.e. the Ministry).		
Regulation of professional sport activities	By law, framework law		By regulations adopted by sport authorities
	The complex task of state and fundamental right to healthy life is executed through the special regulation on sport.		
	By general rule		By rules per sport
			In order to provide for the proper operation of a branch of sport, the relevant association of a specific sport, in addition to other rules prescribed by special laws, shall draw up the Competition Rules.
Implementation of international sporting rules	New national proposals		No new national proposals
			There is no national proposal aiming at the implementation of international sporting rules.
<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	A sports club is a social organization operating in accordance with the provisions of Act II of 1989 on the freedom of association and the Civil Code.		
	Powers delegated from the State		No powers delegated from the State
	An organization's instrument of constitution shall include a clause stating that the organization performs public duties.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The State is not involved in appointing the members of the managing bodies of sporting authorities.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
		The State is directly involved in financing the sports authorities.	All organizations or private persons financed from any subsystem of public finances shall be obligated to account for the proper use of any amount granted

		to them.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention
	The sport authorities adopt the competition rules of their own contests themselves in accordance with the provisions of the Sports Act.	Judicial supervision is exercised by the Public Prosecutor's Office over the operation of social organizations (e.g. sport associations).

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		the competition rules of the Hungarian Basketball Association contain a restriction.
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	

## IRELAND

### 1. Organisation of professional sport activities

Sports activities in Ireland are generally organized by specific national governing bodies. There is no over-arching national framework for sport as a whole.

There are only a small number of professional sports in Ireland. Rugby and soccer are the dominant professional sports. There is no special provision regulating them separately.

There is a central regulatory body for all of the team sports covered by this response. However, many of these bodies are “federal” in nature. Most team sports are, by their nature, run on the basis of a number of local or regional teams.

There are no laws or framework laws regulating professional sport activities as such.

Professional sport activities are instead regulated by “rule-books” and similar documents. It should be noted that the NGB Unit of the Irish Sports Council acts as an advisory body for NGBs in areas of governance, change management, strategic planning and procedural issues as well as compliance.

There is no general rule on sports activities as a whole. Instead, there are particular texts governing specific sports.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

It is not always possible to ascertain the precise legal status of sport authorities. In some cases, they are associations/unincorporated bodies rather than companies. In other cases, they are private companies limited by guarantee.

All of the team sports authorities are private actors. They do not act under the control, responsibility or supervision of the State.

There are no powers delegated from the State to the sport authorities in relation to the team sports.

Members of the managing bodies are appointed according to the rules of their governing instruments. The State does not have a direct role in the appointment of members of the managing bodies of the sporting authorities.

The sporting bodies are financed by a variety of means, including membership subscriptions, sponsorship, ticket sales and merchandizing sales. There is some State financing. The Department of Arts, Sport and Tourism administers the Sports Capital Programme which is funded by the National Lottery. A major current project is the Landsdowne Road Stadium (Rugby and Football). Funding is also provided to specific national sporting bodies by the Irish Sports Council, acting under the Irish Sports Council Act 1999. The Irish Sports Council sees itself as a resource for these bodies, with a priority of strengthening and developing their capabilities. There are eligibility criteria establishing minimum requirements for bodies wishing to apply for support. This eligibility process is currently under review. The State exercises financial control insofar as financial support is targeted and the bodies concerned must show that they have delivered on key objectives. The Irish Sports Council sees this as a process of dialogue.

The sporting authorities in relation to team sports adopt regulations in accordance with their respective rules/memorandum and articles of association. They are entirely independent of the State.

### 3. Equal treatment

In the laws of Ireland there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.



## Summary

### 1. Organisation of professional sport activities

- There is no over-arching national framework for sport as a whole.
- The mission of sporting bodies is concerned with amateur sporting activity.
- There is a central regulatory body for all of the team sports.
- There are no laws or framework laws regulating professional sport activities as such.
- There is no general rule on sports activities as a whole.

### 2. Organisation and functioning of sport authorities

- All of the team sports authorities are private actors.
- There are no powers delegated from the State.
- Members of the managing bodies are appointed according to the rules of their governing instruments.
- The sporting bodies are financed by a variety of means.
- There is some State financing.
- The State exercises financial control insofar as financial support is targeted and the bodies concerned must show that they have delivered on key objectives.
- Sport authorities are entirely independent of the State.

### 3. Equal treatment

- According to the laws of Ireland, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited. Rules on transfers appear to be designed to ensure that players seeking to transfer have honoured their obligations, rather than to set any quotas or limit mobility of EU citizens.

## Conclusions: state responsibility in the sport sector

The sports authorities are private actors and are not under the control, responsibility or supervision of State authorities. There are no powers delegated from the State to the sport authorities through legislative or regulatory measures.

The State does not have a direct role in the appointment of members of the managing bodies of the sporting authorities.

There is some indirect State financing.

The adoption of regulations governing the organisation of professional competitions are a matter between the sporting authority and its governing body. There is no State intervention.

*In Ireland the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>IRELAND</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	There is no over-arching national framework for sport as a whole.	
	Differentiation between professional and amateur sports activities	
	The mission of sporting bodies is concerned with amateur sporting activity.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	There is a central regulatory body for all of the team sports.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	There are no laws or framework laws regulating professional sport activities as such.	
	By general rule	By rules per sport
	There is no general rule on sports activities as a whole.	
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	All of the team sports authorities are private actors.		
	Powers delegated from the State		No powers delegated from the State
			There are no powers delegated from the State.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	Members of the managing bodies are appointed according to the rules of their governing instruments.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	The sporting bodies are financed by a variety of means	There is some State financing..	The State exercises financial control insofar as financial support is targeted and the bodies concerned must show that they have delivered on key objectives.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	They are entirely independent of the State.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	There are no such general provisions in Ireland.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		There are a number of rules and regulations – reflecting European and International rules on representation on national teams in international competitions.
Mobility of Community citizens	No limitation	Limitation
	Rules on transfers appear to be designed to ensure that players seeking to transfer have honoured their obligations, rather than to set any quotas or limit mobility of EU citizens.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	In general, sport is open to all.	

## ITALY

### 1. Organisation of professional sport activities

Sports activities are regulated by a special Sports Act: the Professional Sports Act. According to the directives enacted by the the Italian National Olympic Committee (CONI), only few Italian Sports Federations allow athletes to practise sporting activities as a profession.

The organisation of professional sport is centrally regulated. The organisation of sport (professional sporting activities as well as non-professional sporting activities) is a task assigned by national law to the CONI and the National Sport Federations affiliated thereto. Professional sporting activities are regulated by the Law no. 91 of 1980, by the employment contracts, and by regulations enacted by National Federations, which shall conform to the law and the directives by the CONI and by the I.O.C. Therefore, under the Italian legal system the general framework governing the sports sector is the result of the interplay of rules of different nature (national law, CONI's regulations, National Sport Federations' regulations, and sometimes International Sport Federations' rules).

Italian Federations autonomously implement international sporting rules enacted by European and/or International Sporting Federations to which they are affiliated and subordinated. There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Italian National Federations are supervised by the CONI. The CONI is a public body holding an independent juridical personality, placed under the surveillance of the Ministry of Cultural Heritage and Activities. The CONI groups all the National Sports Federations and the affiliated sporting activities and shall conform to the principles of international sporting rules, in accordance with the deliberations and directives enacted by the International Olympic Committee.

Italian National Federations are private associations holding juridical personality regulated by the Italian civil code. National Sport federations are governed by rules and regulations based on democratic principles and the principle of participation by everyone in sporting activities on equal terms and according to national and international sporting rules.

The State has assigned to the CONI all the regulatory powers as to the sports sector. The C.O.N.I.'s National Council establishes, in line with international sporting rules and within each National Sport Federation, the criteria in order to distinguish sporting activities that may be pursued as a profession from those which may be pursued on non-professional basis. In addition, the National Council sets out conditions and criteria governing the exercise of its controlling powers on National Federations and any other sports body.

The President of the CONI is elected by the National Council and then appointed through a Decree enacted by the President of the Italian Republic. The State is directly involved in the nomination of two out of five members of the College of the Auditors of Account: one member is appointed by the Minister of Cultural Heritage and Activities and the other by the Minister of Economy. The other three members are selected by the CONI

The State indirectly participates in their financing because it finances the CONI. The CONI performs all its tasks and activities through a limited company called "Coni Servizi spa". "Coni Servizi's" accounts are controlled by the Court of Accounts. The State finances directly the CONI and controls directly Coni Servizi spa. The Court of Accounts is also competent to control National Federations' accounts. This is due to the public character of the service relationship between National Sport Federations and the CONI, which directly or indirectly finances the former, and the public nature of CONI's resources.

National Sport Federations and the affiliated sporting activities are governed by rules and

regulations based on democratic principles. National Sport Federations adopt the regulations governing professional competitions within the limits eventually established by the CONI and I.O.C.

### **3. Equal treatment**

In the laws of Italy there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

Many sporting regulations enacted by Italian Sport Federations imply the indirect exclusion of Community citizens. Generally speaking, these discriminations result from the implementation by National Sport Federations of the CONI's directive regarding the protection of the national training colts.

### **Summary**

#### **1. Organisation of professional sport activities**

- Sports activities are regulated by a special law, Legge N. 91/81 Sul Professionismo Sportivo.
- Differentiation between professional and amateur sports activities.
- The National Sports Federation centrally controls professional sport activity.
- Professional sport activities are regulated by law and also by regulations adopted by sports authorities.
- There is a general rule about professional sport activities and specific texts relevant to each sport activity.

#### **2. Organisation and functioning of sport authorities**

- National Federations are private associations holding juridical personality regulated by the Italian civil code.
- National Federations are supervised by the Italian National Olympic Committee (CONI).
- The State has assigned to the CONI all the regulatory powers as to the sports sector.
- In Italy sporting regulation is independent from the State.
- Sport authorities are financed by CONI and private contributions.
- The State indirectly participates in their financing because it finances the CONI.
- The State exercises financial control of professional sport activities.
- Sport authorities are independent from any State intervention.

#### **3. Equal treatment**

- According to the laws of Austria, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- Many sporting regulations enacted by Italian Sport Federations imply the indirect exclusion of Community citizens.
- Football rules on transfers could amount to limits to the mobility of EU citizens.

### **Conclusions: state responsibility in the sport sector**

In Italy sports authorities are private actors. The members of the managing bodies are appointed on a General Assembly without any involvement of the State.

The State indirectly participates in the financing of sports authorities by way of financing the CONI. The State exercises any financial control on professional sport activities.

Sport authorities are governed by rules and regulations based on democratic principles and the principle of participation by everyone in sporting activities on equal terms.

*In Italy the State is to a certain degree legally – through the CONI - but not financially involved in the actual functioning of the sport authorities; it might be possible to hold the State responsible for their actions.*

<b>ITALY</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sports activities are regulated by a special law, Legge N. 91/81 Sul Professionismo Sportivo.	
	Differentiation between professional and amateur sports activities	
	Legge N. 91/81 Sul Professionismo Sportivo regulates them separately.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The National Sports Federation centrally controls professional sport activity.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activities are regulated by law and also by regulations adopted by sports authorities.	
	By general rule	By rules per sport
	There is a general rule about professional sport activities and specific texts relevant to each sport activities.	
Implementation of international sporting rules	New national proposals	No new national proposals
		No, there aren't in this period.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Italian National Federations are private associations holding juridical personality regulated by the Italian civil code.		National Federations are supervised by the C.O.N.I..
	Powers delegated from the State		No powers delegated from the State
	The State has assigned to the C.O.N.I. all the regulatory powers as to the sports sector.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	In Italy sporting regulation is independent from the State.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Sport authorities are financed by CONI and private contributions.	The State indirectly participates in their financing because it finances the CONI.	The State exercises any financial control on professional sport activities.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	Sport authorities independent from any State intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination, but in some cases the sport rules and regulations provide a minimum quota of local trained athletes.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	In general, no exclusion.	Many sporting regulations enacted by Italian Sport Federations imply the indirect exclusion of Community citizens.
Mobility of Community citizens	No limitation	Limitation
	In general, no limitation..	Football rules on transfers could amount to limits to mobility of EU citizens.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	



## LATVIA

### **1. Organisation of professional sport activities**

Sport activities both professional and amateur are regulated by the Sports law.

The Institution in charge of sports policy is Ministry of Education and Science. This institution is supported by public advisory institution – the Latvian National Sports Council consisting of several ministers and leading sports organizations.

In general Latvia has adopted approach of non-intervention into organization of professional sports. In other words, executive power is in charge of setting very general framework of sports policy while competence of organisation of professional sport is fully left to the private sport organisations.

The Council of the Latvian Sport Federations is in charge of certain control of recognized sport federation, for example, compliance with law, and consequently Council has competence depriving status of a recognized sport federation. The Council of Latvian Sport Federations is non-governmental organisation whose members are recognised sports federations. According to the Sports law a recognized federation is responsible for compliance with law with regard to organisation of sport activities.

Professional sport activities are regulated by the Sports law and by the contracts of employment. The Sports law defines only general principles and basic minimum requirements of sports as well as framework of sports organisation. Detailed regulation is provided by sport organisations (clubs and federations) usually in form of statutes and regulations.

A sports federation has the right to manage and co-ordinate the work in the relevant type of sport or field of activities in the State, as well as to represent the State in the relevant international sports organisation.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### **2. Organisation and functioning of sport authorities**

Sports competitions are being organized by the national sports federations which have the status of non-governmental sports organizations. Sport organizations could be clubs, sport federations and other institutions defined by Sports law. Sports federations shall be non-governmental organisations consisting of sports clubs and other legal persons, whose activities are connected with particular sport activity. One sport federation could represent interests of several specific sport activities.

Recognized sport federations in Latvia of particular interest are established as non-governmental organisations under Law on Organisations and Foundations.

The State has entitled the sports organisation - the association “Latvian Sports Federations Council” - as a responsible body to recognize activities of the sports federations. The Sports Federations Council issues the administrative act granting or removing the right to a respective sports federation to manage and co-ordinate the work in the relevant type of sports, as well as to represent the State in the relevant international sports organisation.

Members of managing bodies are elected according to the procedure provided by the statutes of non-governmental organisation. Consequently, the State is not involved in nomination of managing bodies such as sport clubs, federations and Council of Latvian Sport Federations.

The State budget funds for sport are allocated in accordance with the annual State budget law. The Financial Commission of the Ministry of Education and Science assesses financial proposals submitted by the sports federations in accordance with the internal regulations of the Ministry of Education and Science, by which State Budget funds shall be allocated to sports.

The State participates indirectly in professional sports financing since state budgeted funds have been allocated to the specialised sports organisation - the limited liability company “Latvian

Olympic Team”.

The agreements on state budget funding signed for each sports organization stipulate requirement to submit financial reports on a regular basis. The Ministry of Education and Science provides monitoring of the flow of finances whether expenditures correspond to particular objective stated in the agreement.

Sport federation adopts regulations governing competitions according to the procedure laid down by its own statutes as non-governmental organisation. Sport federations are free from any intervention by the State, except according to the Sports Act they must ensure compliance with all legally binding norms.

### **3. Equal treatment**

In the laws of Latvia there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. In all considerable fields of sport activities of Latvia where business interests appear rules and regulations of sport federations contain discriminatory restrictions with regard to foreign players (quotas, higher licensing and transfer fees) and measures (compensations between transferring clubs) which impede free movement of players with regard to all players irrespective of nationality.

## **Summary**

### **1. Organisation of professional sport activities**

- Sport activities both professional and amateur are regulated by the Sports Act.
- Amateur and professional sport activities are organised within one general framework.
- Professional sport is organised by recognized sport federations.
- Professional sport activities have been regulated by the Sports Act and by contracts of employment.
- Detailed regulation on participation etc. is regulated by regulations elaborated and adopted by sport federations.

### **2. Organisation and functioning of sport authorities**

- National sports federations have the status of non-governmental sports organizations.
- The State has entitled the Latvian Sports Federations Council as a responsible body to recognize activities of the sports federations.
- The State is not involved in the nomination of managing bodies.
- The State participates indirectly in professional sports financing.
- The Ministry of Education and Science provides monitoring of the flow of finances, whether expenditures correspond to particular objectives stated in the agreement on state budget funding.
- In general Latvia has adopted the approach of non-intervention into the organization of professional sports.

### **3. Equal treatment**

- According to the laws of Latvia, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- In all considerable fields of sport activities of Latvia rules and regulations of sport federations contain discriminatory restrictions with regard to foreign players and measures which impede free movement of players with regard to all players, irrespective of nationality.

## **Conclusions: state responsibility in the sport sector**



In Latvia the sports authorities have the status of non-governmental sports organizations. The members of managing bodies are elected according to the procedure provided by the statutes of non-governmental organisation. The State is not involved in their nomination. The State budget funds for sport have been allocated in accordance with the annual State budget law. The State participates indirectly in professional sports financing. The financing system foresees transparent process for monitoring the expenditures of the State allocations. The sports authorities adopt regulations governing competitions according to the procedure laid down by their own statutes as non-governmental organisation. The sports authorities are free from any intervention by the State.

***In Latvia the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.***

<b>LATVIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sport activities both professional and amateur are regulated by the Sports Act.	
	Differentiation between professional and amateur sports activities	
	Amateur and professional sport activities are organised within one general framework.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	Professional sport is organised by recognized sport federations.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activities have been regulated by the Sports Act and by the contracts of employment.	
	By general rule	By rules per sport
		Detailed regulation on participation etc. is regulated by regulations elaborated and adopted by sport federations.
Implementation of international sporting rules	New national proposals	No new national proposals
		There are not any new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	National sports federations have the status of non-governmental sports organizations.		
	Powers delegated from the State	No powers delegated from the State	
	The State has entitled the Latvian Sports Federations Council as a responsible body to recognize activities of the sports federations.		
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination	
		The State is not involved in the nomination of managing bodies.	
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
		The State participates indirectly in professional sports financing.	The Ministry of Education and Science provides monitoring of the flow of finances whether expenditures correspond to particular objective stated in the agreement on state budget funding.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention	
	In general Latvia has adopted approach of non-intervention into organization of professional sports.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens Direct/indirect exclusion of Community citizens Mobility of Community citizens Restrictions on the basis of nationality of Community citizens	No discrimination	Discrimination
		In all considerable fields of sport activities of Latvia (Ice-Hockey, Basketball, Football and Volleyball) where business interests appear rules and regulations of sport federations contain discriminatory restrictions with regard to foreign players (quotas, higher licensing and transfer fees) and measures (compensations between transferring clubs) which impede free movement of players (workers) with regard to all players irrespective of nationality.

## LITHUANIA

### 1. Organisation of professional sport activities

There is a framework Law on Sports, however various sports are organised by sports bodies who adopt their own rules and regulations and also organise competitions. Competitions are regulated by documents approved by the competition's organiser. Sport federations are operating as NGOs. There is a national sports' body - Department of Physical Education and Sports under the Government of the Republic of Lithuania. Some sports are considered strategic/priority for the country and included in a special list drawn by the Department of Physical Education and Sports under the Government of the Republic of Lithuania. The organisation of professional sport is centrally regulated. Sporting activities of each field are regulated by rules, orders and guidelines adopted by the national association of the sport in question.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

According to the Law on Sports, physical education and sports organization means a legal entity established in accordance with the procedure laid down by legal acts and branches set up in the Republic of Lithuania by an undertaking established in one of the Member States of the European Union.

According to the Law on Sports, amateur sport clubs are public legal entities, while professional sport clubs are private legal entities of the Republic of Lithuania. The Department of Physical Education and Sports shall sign a contract for use of budget funds only with a recognized national sport federation. A sport branch that is being developed by a sport federation of Lithuania in accordance with the procedure laid down by the Department of Physical Education and Sports, may be recognized as a strategic sport branch after the evaluation of the achieved sport results during the last Olympic cycle and included in the list of the strategic sports.

The organisation and execution of all levels of sport competitions (i.e. international, national, regional or local) in Lithuania are the ultimate responsibility of the national federation of a particular sport activity. However, the right to organise and execute regional and local sport competitions could be assigned for other sport organisations in Lithuania.

The National federations are in charge of specifying a competition system as well as conditions for execution of sport competitions for a particular sport activity. The national federations are responsible for organising and executing sport competitions in accordance with regulations set by international sport organisation. Only a national sport federation is entitled to conclude agreement with TV broadcasters to arrange the broadcasting of national competitions and selection competitions for European and world championships.

The management bodies of federations are appointed at the procedure prescribed by the statutes of the appropriate federations. Public authorities do not take part in the process of appointing the management bodies of federations.

The State can participate directly in financing sporting authorities. Sports organizations may receive funds of the state and municipal budgets for the implementation of physical education and sports programmes and projects. A state institution or the municipal administration shall sign contracts for the use of budget funds with the mentioned organizations.

If state and municipal institutions allocate funds they have the right to check how these funds are used. The organizations which have received funds from the state and municipal budgets must submit a report on the use of these funds to the institutions which allocated the funds. The decision-making bodies of the federations in question approve the regulations concerning competitions. The regulations governing competitions are independent from state intervention.

### 3. Equal treatment

In the laws of Lithuania there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. Certain issues, such as quotas for foreign players, may be left to be agreed upon through 'gentlemen's agreements' concluded among the teams without the sport associations being formally involved. Sometimes these rules are also determined by the sports federations (e.g. rules on transfer of players in basketball, etc.)

There are different fees for registration for competitions if there are foreigners playing in the team. These fees are used for financing the clubs and organisation of competitions or development of youth football/basketball in Lithuania. This is the only justification known for the author of this questionnaire.

### Summary

#### 1. Organisation of professional sport activities

- Professional sports activities are organised within the Sport Act.
- Professional sports activities are organised for both sport amateurs and professional sportsmen.
- The organisation of professional sport is regulated centrally.
- Sporting activities of each discipline are regulated by rules, orders and guidelines adopted by the national association of the sport in question.

#### 2. Organisation and functioning of sport authorities

- Sport authorities are private actors in Lithuania.
- There are no subordination relations with public authorities.
- According to the Law on Sport a recognized national federation of any sport activity is granted with certain rights.
- The public authorities do not take part in the process of appointing the management bodies of federations.
- Sports may be financed by funds that they legally obtain.
- The State can participate directly in financing sporting authorities.
- The organizations which have received funds from the state and municipal budgets must submit a report on the use of these funds to the institutions which allocated the funds.
- The regulations governing competitions are independent from state intervention.

#### 3. Equal treatment

- According to the laws of Lithuania, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- N.B. Quotas for foreign players exist in some sport branches.

### Conclusions: state responsibility in the sport sector

Sport authorities are private actors in Lithuania. The management bodies of the sports authorities are appointed conform the procedure prescribed by the statutes. Public authorities do not take part in the process of appointing the management bodies of the sports authorities. The State can participate directly in financing sporting authorities. If the State allocates funds it has the right to check how these funds are used.

The decision-making bodies of the associations/federations in question approve the regulations concerning competitions. The regulations governing competitions are independent from state intervention.

*In Lithuania the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>LITHUANIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Within the Law on Physical Education and Sport.	
	Differentiation between professional and amateur sports activities	
	Professional sports activities are organised for both sport amateurs and professional sportsmen.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The organisation of professional sport is regulated centrally.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Generally, professional sports activities are regulated by the Law on Physical Education and Sport. In addition, sport (sport branch) federations follow their internal rules of procedure.	
	By general rule	By rules per sport
		Sporting activities of each field are regulated by rules, orders and guidelines adopted by the national association of the sport in question.
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no national proposals aiming at the implementation of international sporting rules at the moment.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Sport authorities are private actors in Lithuania.		No subordination relations with public authorities.
	Powers delegated from the State		No powers delegated from the State
	According to the Law on Sports a recognized national federation of any sport activity is granted with certain rights.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The public authorities do not take part in the process of appointing the management bodies of federations.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Sports in Lithuania may be financed by funds that they legally obtain.	The State can participate directly in financing sporting authorities.	The organizations which have received funds from the state and municipal budgets must submit a report on the use of these funds to the institutions which allocated the funds.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The regulations governing competitions are independent from state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		No information about bargaining agreements was found. However, quotas for foreign players exist in some sport branches.
Mobility of Community citizens	No limitation	Limitation
	There are no national rules which stipulate the procedure of sportsmen's moving from one club to another, the procedure of setting quotas, etc.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There are no restrictions concerning citizenship in Lithuanian sports.	

## LUXEMBOURG

### 1. Organisation of professional sport activities

In Luxembourg, sports are divided into competitive and leisure sports, with professional sports activities included in the former classification. Athletics are governed by the Law on Sports, which provides generally that the structure of athletics in the country is comprised of approved federations, non-profit associations, and their affiliated clubs, all falling under the central non-profit association: the Luxembourg Olympic and Sports Committee (COSL). In order to be approved, a federation must represent athletic activities or athletics at the national level and be internationally recognized. The Sports Ministry approves a single federation per sport or group of similar or related activities, and requests the opinion of the COSL in doing so.

As a general matter, the organization of sports in Luxembourg is based on the principle of subsidiarity, with the public sector recognizing organized sports (*le mouvement sportif*) as an autonomous and independent partner. And, while respecting the autonomy of the sports organizations, the government contributes to athletics through the Ministerial Sports Department.

Professional sport activities and high-level competitions are regulated by the federation relevant to the sport practiced by the high-level athlete. Activities in each of these sports are governed by the regulations adopted by the approved relevant national federation.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The federations, all independent non-profit associations, and their affiliated sports clubs/associations fall under the umbrella of the COSL. Both the federations and the COSL are organizations that are recognized as being of public benefit.

The federations elect their boards of directors in accordance to their respective Articles of Association. The State is not involved in the nomination process.

The Sports Law provides that the funds the State grants for sporting activities, technical supervision and sports administration are to be determined annually by the budget law for the year in question. In its funding, the State distinguishes between subsidies and financial contributions for a specific expense, the latter requiring supporting documentation. The State provides subsidies and financial contributions for competitive and leisure sports and sports infrastructure. With respect to the federations, the State is more inclined to provide financial contributions for the federations' operating expenses than ordinary subsidies.

Additionally, clubs and federations receive funding from annual member dues and license fees. They also receive revenue from certain competitions as detailed in their respective financial regulations.

Generally, the federations independently adopt the international regulations governing competitions and any relevant COSL regulations and/or articles.

### 3. Equal treatment

In the laws of Luxembourg there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. A team from the Seniors I league can validly compete in an official match when at least 7 players having either Luxembourg citizenship or obtained their first license as a player from the Luxembourg Football Federation (FLF), are in the footballbox (*feuille de match*). Basketball players involved in loans, and exchange in cooperation/partnership must be Luxembourg citizens or assimilated foreign players as defined in the rules of the basketball

federation.

## Summary

### 1. Organisation of professional sport activities

- Sports activities are governed by the Sports Law.
- Sports are divided into competitive and leisure sports, with professional sports activities being included in the former category.
- The organization of professional sport activities is centrally regulated.
- Professional sport activities and high-level competitions are regulated by the relevant federation.
- Sporting activities are governed by the regulations adopted by the approved relevant national federation.

### 2. Organisation and functioning of sport authorities

- The federations are all independent non-profit associations.
- No powers delegated from the State.
- The State is not involved in the nomination process of the managing bodies of sport authorities.
- The state supports professional sport (among other support) with financial contributions, coming from a special fund which is regulated in a special budget framework.
- Generally, the federations independently adopt the international regulations governing competitions.
- According to the laws of Lithuania, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

### 3. Equal treatment

- Basketball players involved in loans, and exchange in cooperation/partnership must be Luxembourg citizens or assimilated foreign players as defined in the rules of the basketball federation.

## Conclusions: state responsibility in the sport sector

The sport authorities are independent non-profit associations.

The sport authorities elect their boards of directors in accordance to their respective Articles of Association. The State is not involved in the nomination process.

The Sports Law provides that the funds the State grants for sporting activities are to be determined annually by the budget law for the year in question.

The sport authorities independently adopt the regulations governing competitions.

*In Luxembourg the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>LUXEMBOURG</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sports activities are governed by the Sports Law.	
	Differentiation between professional and amateur sports activities	
	Sports are divided into competitive and leisure sports, with professional sports activities included in the former classification.	
Organisation of professional sport activities	Centrally regulated The organization is centrally regulated.	Federally/regionally regulated
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		Professional sport activities and high-level competitions are regulated by the federation relevant to the sport practiced by the high-level athlete.
	By general rule	By rules per sport
		Activities in each of these sports are governed by the regulations adopted by the approved relevant national federation.
Implementation of international sporting rules	New national proposals	No new national proposals No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The federations are all independent non-profit associations.		
	Powers delegated from the State		No powers delegated from the State No powers delegated from the State.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The State is not involved in the nomination process.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Clubs receive funding from sponsors.	The state supports professional sport (among other support) with financial contributions, coming from a special funds which is regulated in a special budget framework.	
Adoption of regulations governing competitions	Independent from any State intervention Generally, the federations independently adopt the international regulations governing competitions.	Dependent from any State intervention	

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
		Under FLF Rules, first division national team matches and for FIFA and UEFA international competition matches, only players with Luxembourg citizenship are selected.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		A team from the Seniors I league can validly compete in an official match when at least 7 players having either Luxembourg citizenship.
Mobility of Community citizens	No limitation	Limitation
		FLF's Luxembourg citizenship requirement.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
		The players involved in loans, and exchange in cooperation/partnership must be Luxembourg citizens or assimilated foreign players as defined in the rules of FLBB.



## MALTA

### 1. Organisation of professional sport activities

There are no special provisions regulating amateur and professional sport. Professional sport activities are organised within the general framework of sport activities. Professional sport is organized under the responsibility of the national federations and/or associations. All professional sport activities in Malta are regulated by those regulations adopted by sport authorities as well as according to regulations imposed by their respective international federations.

There is no general rule, each federation organises its sport activities according to their own rules in compliance with international regulations set by the International Federation to which they are affiliated.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

All sport associations in Malta are autonomous in the running their sport discipline, but mainly all of them have opted to register with Malta Sports Council. Registrations are vetted to ensure that: if possible they are affiliated to their respective International Federation; they are non-profit making; their objectives are clearly stated in the statute; there is good governance; and they are democratically elected in their respective governing councils.

All those sport organisations that register with the Malta Sports Council are entitled to receive assistance or benefits under the Malta Sports Act and also entitles them to make use of state run sport facilities at a subsidised rate or receive by legal title or rent a sport facility to be administered by them.

Neither the State nor the Malta Sport Council interferes in the sport organisations' administrative affairs. The appointment of the managing bodies of sporting authorities is completely autonomous and independent from the State.

Financed mainly through sponsors and membership – income at the gates is minimal. The National Sports Organisations are assisted through a number of assistance / incentive schemes offered by the Malta Sports Council as well as other schemes by other Government Agencies as well as Tax Rebate schemes.

The state participates indirectly through the schemes made available by the Malta Sports Council to those sport organisations which are registered. The State, through its Sport Authority, makes sure that the public funds received by the organisations were used for the purpose they were given for in the first place. At the end of their financial year, sport organisations registered with the Malta Sports Council have to submit their Audited Accounts so that the Council makes sure that the organisation has not become a profit making.

Sporting authorities are totally autonomous and free from any state interventions on all matters relating to their activities.

### 3. Equal treatment

In the laws of Malta there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- Professional sport activities are organised within the general framework of sport activities.
- There are no special provisions regulating amateur and professional sport.

- Professional sport is organised under the responsibility of the national federations and/or associations.
- All professional sport activities are regulated by the regulations adopted by sport authorities.
- The federations organise their sport activities according to their own rules.

## **2. Organisation and functioning of sport authorities**

- Sport authorities are non-profit making.
- Mainly all of them have opted to register with the Malta Sports Council.
- The appointment of the managing bodies of sporting authorities is completely autonomous and independent from the State.
- Self financed. Mainly through sponsors and membership; income at the gates is minimal.
- The State indirectly finance of registered sport authorities through the assistance given by the National Sports Council.
- The State, through the National Sports Council, makes sure that the public funds received are used for the purpose they were given for.

## **3. Equal treatment**

- According to the laws of Malta, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

### **Conclusions: state responsibility in the sport sector**

All sport associations are autonomous in the organisation and functioning of their professional sport competition.

The appointment of the managing bodies of sporting authorities is completely autonomous and independent from the State.

The state participates indirectly through the schemes made available by the Malta Sports Council. At the end of their financial year, registered sports organizations have to submit Audited Accounts.

Sporting authorities are totally autonomous and free from any state interventions on all matters relating to their activities.

*In Malta the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>MALTA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sport activities are organised within the general framework of sport activities.	
	Differentiation between professional and amateur sports activities	
	There are no special provisions regulating amateur and professional sport.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	Professional sport is organised under the responsibility of the national federations and or associations.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		All professional sport activities are regulated by those regulations adopted by sport authorities.
	By general rule	By rules per sport
		There is no general rule, each The federations organise their sport activities according to their own rules.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	Sport authorities are non-profit making	Mainly all of them have opted to register with Malta Sports Council.	
	Powers delegated from the State	No powers delegated from the State	
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination	
		The appointment of the managing bodies of sporting authorities is completely autonomous and independent from the State.	
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Self financed. Mainly through sponsors and membership – income at the gates is minimal.	Indirectly, through the assistance given by the National Sports Council to registered sport organisations.	The State, through National Sports Council, makes sure that the public funds received are used for the purpose they were given.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention	
	Sporting authorities are totally autonomous and free from any state interventions on all matters relating to their activities.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
		Regulations are made by the Associations /Federations concerned.

## NETHERLANDS

### 1. Organisation of professional sport activities

Sport is organised at club level. The clubs are members of the national sport association. The national sport associations are responsible for their own sport. The sport associations are affiliated to the Nederlands Olympisch Comité (NOC\*NSF).

Most national associations do not separate amateur - and professional sport.

The organisation of professional sport in the Netherlands is regulated under the responsibility of the national association. So the organisation is centrally regulated.

Sport in the Netherlands has traditionally been an area of self-regulation. Sport in the Netherlands is still considered to be a social activity unconnected with state organisations.

These actors are not under the control or responsibility or supervision of the state. There are no powers delegated from the state to the sports authorities. Professional sport activities are regulated by regulations adopted by the sport authorities. So the sporting authorities in the Netherlands draw up and maintain their own regulations.

The Netherlands has no special "Law on Sport" and there are no particular texts governing specific sport activities.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The sport authorities are private actors. Most have still the form of an association of members. National sports associations are traditionally non profit voluntary associations. The associations function relatively autonomous within the state system. Sports clubs are also voluntary associations or limited liability companies.

There are no powers delegated from the State to the sport authorities through legislative or regulatory measures.

The State is not involved in the nomination of the members of managing bodies.

National sports associations can file an application with the Ministry of Health, Welfare and Sport for an annual subsidy for performing their activities. It is occasionally possible to apply to other ministries for subsidies e.g. to finance special projects in the field of sports. Besides this, the municipalities (and provinces) use many million euros to maintain sporting facilities, to organise major events and to fund special projects, but also to stimulate topsport. The associations (and/or clubs), are accountable for the expenditures. Next to public financing NOC\*NSF provide subsidies to normal members. This money comes from the revenue generated by LOTTO, which is involved in organising games of chance. Some of the funds that are available for sport are paid directly to the sport associations. Another portion goes to umbrella organisations. These umbrella organisations receive the funds in order to maintain their organisation and to carry out activities for the purpose of supporting the sport associations.

The rule making body is the assembly. The assembly meets annually. Proposals or alterations by members will be transferred to a draft. Alterations must be approved by a majority of votes. The sporting authorities are independent from any State intervention.

### 3. Equal treatment

In the laws of the Netherlands there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. In Ice hockey there is a gentlemen's agreement. The clubs agreed to decrease the number of non-Dutch players to play for the team.

## Summary

### 1. Organisation of professional sport activities

- Sport is autonomous in the Netherlands. Each Sport Federation decides on its own rules.
- Most national associations do not separate amateur and professional sport.
- The organisation of professional sport in the Netherlands is regulated under the responsibility of the national association.
- Sport in the Netherlands has traditionally been an area of self-regulation.
- The Netherlands has no special “Law on Sport” and there are no particular texts governing specific sport activities.

### 2. Organisation and functioning of sport authorities

- The sport authorities are private actors.
- There are no powers delegated from the State to the sport authorities through legislative or regulatory measures.
- The state is not involved in the nomination of members of managing bodies of sport authorities.
- Sport authorities are self financed. Mainly through sponsors and membership fees.
- Subsidies can be given for projects, also for several years.
- Monitoring and final calculations are done by the government rules concerning subsidies.

### 3. Equal treatment

- According to the laws of the Netherlands, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- N.B. Team sports with a number of non-national players, playing in Dutch teams, all try to protect national youth training and try to maintain the (quality of the) national team, by rules or regulations or by (gentlemen’s) agreements.

## Conclusions: state responsibility in the sport sector

In the Netherlands the sport authorities are private actors which function relatively autonomous within the state system. There are no powers delegated from the State to the sport authorities through legislative or regulatory measures. The members of the managing bodies of the sporting authorities are nominated and appointed without any interference of the State. The State does not finance the sport authorities directly. The sport authorities can file applications with the Ministry of Health, Welfare and Sport for an annual subsidy for performing their activities. The sport authorities which received subsidies are accountable for the expenditures.

The rule making body of the authorities is their assembly. Proposals or alterations by members will be transferred to a draft. Alterations must be approved by a majority of votes. The sporting authorities are independent from any State intervention.

*In the Netherlands the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>NETHERLANDS</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sport is autonomous in the Netherlands. Each Sport Federation decides on its own rules.	
	Differentiation between professional and amateur sports activities	
	Most national associations do not separate amateur - and professional sport.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The organisation of professional sport in the Netherlands is regulated under the responsibility of the national association.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Sport in the Netherlands has traditionally been an area of self-regulation.	
	By general rule	By rules per sport
	The Netherlands has no special "Law on Sport" and there are no particular texts governing specific sport activities.	
Implementation of international sporting rules	New national proposals	No new national proposals
	There aren't any proposals aiming at the implementation of international sporting rules.	

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The sport authorities are private actors.		
	Powers delegated from the State		No powers delegated from the State
	There are no powers delegated from the State to the sport authorities through legislative or regulatory measures.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	The state is not involved in their nomination.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Self financed. Mainly through sponsors and membership.	Subsidies can be given for projects, also for several years.	Monitoring and final calculations are done by the government rules concerning subsidies.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The sporting authorities are independent from any State intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	There are no general rules/practices and/or collective bargaining agreements that imply direct/indirect discrimination of Community citizens.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	In general no restrictions	
Teamsports with a lot of non-national players, playing in Dutch teams, all try to protect national youth training and subsequently try to maintain the (quality of the) national teams, by rules or regulation or by (gentlemen) agreements.		

## POLAND

### 1. Organisation of professional sport activities

In Poland sports are generally organized by sport associations. Legislation does apply in general, but the main core of relevant legislation is made by sport bodies themselves. There are two general legal acts that regulate issues concerning sport: the Act on Physical Culture and the Act on Top Sport. Polish sports associations carry out their tasks in compliance with the guidelines set forth in the Act on Top Sport.

National sport associations may act as associations or federations of associations. However, the consent of the Minister of Physical Education and Sport (presently the Minister of Sport and Tourism) is obligatory in order to set up a sport association. Moreover, a national sport association may set up a capital company in order to govern tangible and intangible assets. A relevant agreement between the company and the association shall be concluded.

Professional sport in Poland is organised at the central level by Polish Sports Federations, which are subject to control by the competent Minister of Sport and Tourism. At the level of voivodeships, there are district sports federations which are legal entities and members of relevant Polish Sports Federations. In the case of some sports disciplines, there are also other entities which are subordinate to local authorities and Polish Sports Federations.

The basic legal regulation regarding professional sport is the Act on Top Sport, which lays down the rules for conducting activity in the realm of top sport, the rules for participating in sports competitions, as well as the tasks of government bodies. It also specifies the tasks and obligations of Polish Sports Federations and the conditions for the activity of professional sports leagues.

The minister of physical education and sport is responsible for the supervision and control of Polish Sports Federations, including their statutes which are the basis for their activity. Polish Sports Federations may enter into bilateral agreements, with companies managing professional sports leagues, on the rules for coordinating competitions.

The issues which are not regulated by the two sports acts fall within the competence of Polish Sports Federations. Each sport federation has its own rules of procedure and rules for coordinating sports competitions.

The Ministry of Sport and Tourism is working on a new parliamentary act on sport, in order to, *inter alia*, adjust the Polish law to international sports regulations.

### 2. Organisation and functioning of sport authorities

Sport organisations responsible for organization and functioning of certain professional sport competitions are formed as private registered associations.

The Minister may repeal the consent for creation an association if the relevant association does not fulfill its obligatory duties or has lost membership in international sport organization or lastly if the association is during winding-up process.

The members of the authorities of Polish Sports Federations (management boards and audit committees) are elected in democratic elections by representatives, pursuant to applicable statutes. The national authorities do not participate in the nomination process.

Generally, the financing of sport associations comprises of membership fees, sponsorship agreements, television agreements, etc. The sport associations may apply for state subsidies for their activities. The Minister of Sport and Tourism controls these expenditures by supervising all documents concerning state subsidies as well as he is entitled to control correctness of execution of agreements on commissioned tasks.

The decision-making bodies of national sport associations have power to adopt rules concerning professional competitions. The state does not get involved in establishing the statutes of Polish Sports Federations, but they are subject to control of the minister of physical education and sport, in respect of their compliance with applicable regulations.

### 3. Equal treatment

In the laws of Poland there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. In the regulations of the sports associations there are restrictions as to the number of foreign contenders in competitions; there are restrictions as to the number of foreign contenders taking part in competitions in the certain sports disciplines and there are detailed provisions regulating transfers which set forth restrictions as to the number of EU citizens.

#### Summary

##### 1. Organisation of professional sport activities

- Professional sport is regulated by the Act Top Sport, whereas the issues related to amateur sport are regulated by the Act on Physical Education.
- The issues concerning professional and amateur sport are regulated by separate legal acts.
- General legal issues concerning sports activity are regulated at the central level.
- At the regional level, there are district sports federations.
- The basic legal regulation regarding professional sport is the Act on Top Sport.
- The two Sports Acts regulate issues concerning all sport activities. Specific sport activities regulations are issued by relevant national sport associations.
- The Ministry of Sport and Tourism is working on a new parliamentary act on sport.

##### 2. Organisation and functioning of sport authorities

- The sports federations take the form of an association or a union of associations.
- Polish sports associations carry out their tasks in compliance with the guidelines set forth in the Act on Top Sport.
- The members of the authorities of the sports federations are elected in democratic elections by representatives, pursuant to applicable statutes.
- The sports federations are funded from difference sources, i.e. from membership fees, voluntary contributions, by sponsors, as well as from the state budget.
- The use of the public funds is subject to control of the national or local government which grants the subsidy and of the Supreme Chamber of Control.
- The state does not get involved in establishing the statutes of the sports federations, but they are subject to control of the minister of physical education and sport, in respect of their compliance with applicable regulations.

##### 3. Equal treatment

- According to the laws of Poland, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- In the regulations of the sports associations there are restrictions as to the number of foreign contenders in competitions; there are restrictions as to the number of foreign contenders taking part in competitions in the certain sports disciplines and there are detailed provisions regulating transfers which set forth restrictions as to the number of EU citizens.

#### Conclusions: state responsibility in the sport sector

The sport authorities take the form of an association or a union of associations. They are managed autonomously. The activities of the sports authorities are subject to the supervision of the competent minister of physical education and sport. The Minister carries out control in order to verify the compliance of the activity with the applicable regulations, statute and rules of procedure.

The Management boards and audit committees of the sporting authorities are elected in democratic elections by representatives, pursuant to applicable statutes. The national authorities do not participate in the nomination process.



The sports authorities are partly funded from the state budget (i.e. by means of subsidies from the central budget etc.). The use of the public funds is subject to control of the national or local governments which grants the subsidy and of the Supreme Chamber of Control.

Any issue regarding the organisation of professional sports competitions is settled as provided for in the statutes of the sports authorities. The State is not involved in establishing these statutes, but they are subject to control of the minister of physical education and sport, in respect of their compliance with applicable regulations.

***In Poland the State is neither legally nor financially involved in the actual functioning of the sport authorities; although the activities of the sports authorities are under the supervision of the government, the State cannot be held responsible for their actions.***

<b>POLAND</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sport is regulated by the Act Top Sport, whereas the issues related to amateur sport are regulated by the Act on Physical Education.	
	Differentiation between professional and amateur sports activities	
	The issues concerning professional and amateur sport are regulated by separate legal acts.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	General legal issues concerning sports activity are regulated at the central level.	At the level of voivodeships, there are district sports federations.
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	The basic legal regulation regarding professional sport is the Act on Top Sport.	
	By general rule	By rules per sport
	The abovementioned two Acts regulate issues concerning all sport activities. Specific sport activities regulations are issued by relevant national sport associations.	
Implementation of international sporting rules	New national proposals	No new national proposals
	The Ministry of Sport and Tourism is working on a new parliamentary act on sport.	

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors	Under the control of the State authorities	
	The sports federations take the form of an association or a union of associations.		
	Powers delegated from the State	No powers delegated from the State	
		Polish sports associations carry out their tasks in compliance with the guidelines set forth in the Act on Top Sport.	
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination	
		The members of the authorities of the sports federations are elected in democratic elections by representatives, pursuant to applicable statutes.	
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	In Poland, The authorities which are responsible for the organisation of top sports competitions are Polish The sports federations are funded from difference sources i.e. from membership fees, voluntary contributions, by sponsors, as well as from the state budget		The use of the public funds is subject to control of the national or local governments which grants the subsidy and of the Supreme Chamber of Control.
Adoption of regulations governing competitions	Independent from any State intervention	Dependent from any State intervention	
			The state does not get involved in establishing the statutes of the sports federations, but they are subject to control of the minister of physical education and sport, in respect of their compliance with applicable regulations.

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
		There are restrictions as to the number of foreign contenders in competitions.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		There are restrictions as to the number of foreign contenders taking part in competitions in the following sports disciplines.
Mobility of Community citizens	No limitation	Limitation
		There are detailed provisions regulating transfers which set forth the restrictions as to the number of EU citizens.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	There is no official information on the existence of restrictions on the grounds of nationality.	

## PORTUGAL

### 1. Organisation of professional sport activities

In Portugal, sports are organized within the general framework of the Law on Physical Activities and Sports and of Decree-Law 248-B/2008, of 31 of December, which develops the framework law. According to the Sports Act sports are organized through Sports Federations, which are non profit associations.

Professional sports are organized by professional leagues that exercise disciplinary and regulatory powers delegated by the federations which have the statute of legal person of sport public interest.

The statute of “legal person of sport public interest” is granted for a period of four years by the government member responsible for sports, after the consultation of the Portuguese Olympic Committee, the Portuguese Sports Confederation and the National Sports Council.

Professional sports are organized by The professional leagues exercise disciplinary and regulatory powers delegated by the federations.

The sporting activities of each field are regulated by rules, orders and guidelines adopted by the professional league of the sport concerned.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Sport bodies responsible for organization and functioning of professional sport competitions - the Professional Leagues - are formed as private registered non profit associations. In order to exercise those functions the professional leagues must establish a contract with the Federations. The activities of the Federations, as well as the Professional Leagues, are supervised by State authorities through enquiries and inspections.

The State delegates in the sporting authorities disciplinary and regulatory powers. Professional leagues exercise those powers by way of delegation from the federations that have the statute of “legal person of sport public interest”.

The members of the decision-making bodies of sport federations are selected by and represent the member associations i.e. the regional associations and teams. The decision-making bodies nominate the executive bodies and personnel. Professional league bodies are selected by clubs and sports companies. The State is not involved in the nominations.

The financing of professional leagues comprises of membership fees, sponsorship agreements, etc. There is a prohibition for a direct participation of the state in their financing, except in what is related with the improvement of sport facilities. The financial activities of the Federations, as well as the Professional Leagues, are supervised by state authorities through enquiries and inspections.

Sport authorities in charge of the organisation of professional competitions are independent and have no state intervention.

### 3. Equal treatment

In the laws of Portugal there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. N.B. In the regulations of some federations Community citizens are excluded with no plausible justification.

## Summary

### 1. Organisation of professional sport activities

- Sports are organized within the general framework of the Law on Physical Activities and Sports and of Decree-Law 248-B/2008.
- The organization of sport activities is under the responsibility of sport federations.
- Professional sports are organized by professional leagues that exercise disciplinary and regulatory powers delegated by the federations.
- Sporting activities of each field are regulated by rules, orders and guidelines adopted by the professional league of the sport concerned.

## **2. Organisation and functioning of sport authorities**

- Sport authorities are private actors – associations that act under the supervision of the Federations.
- The State delegates to the sporting authorities disciplinary and regulatory powers.
- The managing bodies of sport authorities are elected with no involvement of the state in this election.
- The organization of sport professional competitions is based on private funding.
- There is a prohibition for a direct participation of the state in their financing.
- The state exercises financial control through enquiries and inspections.
- Sport authorities in charge of the organisation of professional competitions are independent and have no state intervention.

## **3. Equal treatment**

- According to the laws of Portugal, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
- In the regulations of some federations Community citizens are excluded with no plausible justification.

### **Conclusions: state responsibility in the sport sector**

The sport authorities are private actors.

The managing bodies of sport authorities are elected with no involvement of the state in this election.

There is a prohibition for a direct participation of the state in the financing of the sports authorities. The state does not exercise any financial control.

The sports authorities are independent and have no state intervention. Their regulations governing competitions are independent from State intervention.

*In Portugal the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>PORTUGAL</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Sports are organized within the general framework of the Law on Physical Activities and Sports and of Decree-Law 248-B/2008.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The organization of sport activities is under the responsibility of sport federations.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		Professional sports are organized by professional leagues that exercise disciplinary and regulatory powers delegated by the federations.
	By general rule	By rules per sport
		Sporting activities of each field are regulated by rules, orders and guidelines adopted by the professional league of the sport concerned.
Implementation of international sporting rules	New national proposals	No new national proposals
	Yes for the World Anti-Doping Code 2009.	

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	They are private actors – associations that act under the supervision of the Federations.		
	Powers delegated from the State		No powers delegated from the State
	The State delegates in the sporting authorities disciplinary and regulatory powers.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The managing bodies of sport authorities are elected with no involvement of the state in this election.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Organization of sport professional competitions has private funding.	There is a prohibition for a direct participation of the state in their financing.	The state does not exercise any financial control.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	Sport authorities in charge of the organisation of professional competitions are independent and have no state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
		Yes, in youth amateur sports with the justification of protecting athletes qualified for national teams.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		Yes, with no plausible justification.
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions	

## ROMANIA

### 1. Organisation of professional sport activities

Professional sports activities are organised within the general framework of sport activities: the Law no.69/2000 on physical education and sports (Sports Act).

Each sport structure will be registered in the Sport Registry and his status of sport entity will be confirmed by a Sport Identity Certification. Sport associations without legal personality, like territorial and local sport associations, organised by each specific sport activities are private actors. Sport associations can be constituted in the frame of a private or public institution, only one such association in the respective institution.

Sport clubs, including professional sport clubs may be organised as private or public legal entities. Private sport clubs are organised as non-governmental organizations or as a trade companies. They have financial and patrimonial autonomy. Public sport clubs are organised as public institutions subordinated to the state administration. Professional sports leagues are organised by association of the sport clubs by each specific sport activities. They are autonomous, apolitical and non governmental entities. Sport clubs and territorial sport associations forms national sport federations in different sports branches. National federations are autonomous, apolitical, non-governmental and national interest entities. The Ministry of Youth and Sport supervises and controls each sport structure and organisation. The establishment of national sporting federations or amending its statutes and constituting acts, without compliance with the Sports Act is null and void.

The education and sport system is based on a strong centralised structure principles, having a strategy and an organizing system by means of instructions from the central authority to the regional ones. In Romania, the funds are allocated from the state budget, coordinated and distributed from the central authority, especially to high performance areas and a priori in sports with good results provided over the years, or interested by means of political forums. Sport activity is regulated both regarding the professional and non-professional sports. Professional sport practising conditions for each sport branches are established by means of national sporting federations norms, approved by the Ministry of Youth and Sport. There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The members of the managing bodies of the sport authorities are appointed - in general – by the general assembly of each entity. The governing bodies of each organisation are established by their own statutes. The state can delegate representatives in the governing bodies of sport clubs organised as public institutions. These public entities are subordinated by public administration and are governed by their own bodies.

The Sports Act contains provisions regarding the financing of sports activities. The income brackets are specified for each sport structures, which are in general: income of the economic activities. The annual budgets of the private sport structures are adopted by its general assembly. The budget of the public sport structures are adopted by local or central public administration's governing bodies in function which are depend by. It's very important that all non-governmental sport structures are free for local contributions and taxes. On base of contracts the nongovernmental sport associations and the Romanian Olympic Committee can get subventions from the state's budget or from the local administrations budget for organising sport competitions or other sport evenings. The state, by means of its specialized bodies, can exercise financial control on the activities of the national sport federations and professional leagues.

Each sport structure has his own regulation elaborated in accordance with Sports Act and adopted by his governing bodies. Each sport entity can adopt his own rules governing his

competitions. These entities have autonomy in elaborating their internal rules and organising those competitions.

### **3. Equal treatment**

In the laws of Romania there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## **Summary**

### **1. Organisation of professional sport activities**

- Professional sports activities are organised within the general framework of the Law no.69/2000 on Physical Education and Sports and Government Decisions/ Ordinance.
- Sport activity is regulated regarding both the professional and non-professional sports, by means of a single special law adopted as a general regulation.
- The education and sport system is based on strongly centralised principles.
- Professional sport activity is regulated by law.
- Professional sport practising conditions for each sport branches are established by means of national sporting federations norms, approved by the Ministry of Youth and Sport.

### **2. Organisation and functioning of sport authorities**

- Some sporting associations are sports structures without legal personality.
- Sport authorities are under the control of the State authorities.
- No powers are delegated from the State.
- The state can delegate representatives to the governing bodies of sport clubs organised as public institutions.
- The members of the managing bodies of the sport authorities are appointed - in general – by the general assembly of each entity.
- The Sports Act contains provisions regarding the financing of sports activities. The income brackets are specified for each sport, which are in general: membership dues, donations and sponsorships, state subventions, income from the economic activities etc.
- The state, by means of its specialized bodies, can exercise financial control on the activities of the national sport federations and professional leagues.
- The governing bodies have autonomy in elaborating their internal rules and organising the competitions.
- The regulations have to be approved by the Ministry of Youth and Sport. Also, the Ministry of Youth and Sport has legal competences in supervising and controlling the observance of the legislative provisions in force and the provisions comprised in the rules and establishment documents, by all sport organisations.

### **3. Equal treatment**

- According to the laws of Romania, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

## **Conclusions: state responsibility in the sport sector**

The sports authorities are furnished with competences of establishing the conditions of practising the professional sport by means of own regulations. These regulations have to be approved by the Ministry of Youth and Sport.

The sports authorities can be private or public. Public sports authorities are organised as public institutions subordinated to the state administration. The Ministry of Youth and Sport exercises the supervision and control on all the sport structures and by means of delegation.

The governing bodies of the private sports authorities are established by their own statutes. The state can delegate representatives in the governing bodies of sport clubs organised as public institutions. Sports authorities can benefit, at request, of amounts from the budget of the central or local public administration authorities, depending on case. The state, by means of its

specialized bodies, can exercise financial control on the activities of the national sport federations.

Conditions for practising professional sport are established by the sports authorities, by means of own norms, approved by the Ministry of Youth and Sport, specialized central public administration body entitled to supervise and control the way the national sport federations observe these norms.

*In Romania the State is to a certain degree legally but not financially involved in the functioning of private sports authorities. Public sports authorities are under the supervision of the State. The State can be hold responsible for the actions of public sports authorities. It is difficult to say to what extent the State can be hold responsible for the actions of private sports authorities.*



<b>ROMANIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Law no.69/2000 on Physical Education and Sports and Government Decisions/ Ordinance.	
	Differentiation between professional and amateur sports activities	
	Sport activity is regulated both regarding the professional and non-professional sports, by means of a single special law taken as a general regulation.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The education and sport system is based on strong centralised structure principles.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activity is regulated by law.	
	By general rule	By rules per sport
	Professional sport practising conditions for each sport branches are established by means of national sporting federations norms, approved by the Ministry of Youth and Sport.	
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no new proposals regarding the implementation of international sporting regulations.

<b>2. Organisation and functioning of sport authorities</b>		
Status of sport authorities	Private actors	Under the control of the State authorities
	Sporting associations are sports structures without legal personality.	Under the control of the State authorities.
	Powers delegated from the State	No powers delegated from the State
		No powers delegated from the State.
Managing bodies of sport authorities	State involved in their nomination	State not involved in their nomination
	The state can delegate representatives in the governing bodies of sport clubs organised as public institutions.	The members of the managing bodies of the sport authorities are appointed - in general - by the general assembly of each entity.
Financing of sport authorities	Private financing	Financial control by the State
	Direct or indirect participation of the State	The state, by means of its specialized bodies, can exercise financial control on the activities of the national sport federations and professional leagues.
The Sports Act contains provisions regarding the financing of sports activities. The income brackets are specified for each sport structures, which are in general: membership dues, offerings and sponsorships, state subventions, income of the economic activities etc.	Independent from any State intervention	Dependent from any State intervention
	The governing bodies have autonomy in elaborating their internal rules and organising those competitions.	The regulations have to be approved by the Ministry of Youth and Sport. Also, the Ministry of Youth and Sport has legal competences in supervising and controlling the observance of the legislative provisions in force and the provisions comprised in the rules and establishment documents by all sport structures.

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	The legislation does not include regulations / specific practices and / or collective agreements, in the field of professional competitions, involving exclusion of direct / indirect, of EU citizens.	
Mobility of Community citizens	No limitation	Limitation
	There are no specific regulations on establishing or limiting the of EU citizens according to the quota.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	As regard Romania, in sport there are no rules / regulations / special practices that lead to discrimination or eliminating direct / indirect, of EU citizens.	

## SLOVAKIA

### 1. Organisation of professional sport activities

The terms “professional sports, professional sports activities and professional sports” are not defined in the legislation. Sports activities are organized by national sports federations on the basis of sport and technical rules compliant with the standards of international sports federations.

The Ministry of Education of the Slovak Republic as the central state administration body for the area of sport is authorized to organize and supervise the implementation of the state sports policy. The organisation of professional sport is not regulated at all. Each sport sector is regulated by its own governing body.

Professional sport activities are regulated by regulations adopted by sport authorities. The legislation provides only for a general clause on cooperation with government upon agreement, and for financing of sports activities from the state budget.

The act No. 300/2008 which is the general act on sports doesn't distinguish the respective fields of team sports and it is applicable to all fields of sport. But each field of sport is concretely regulating through the legislation of the national sport authority operating in this field of sport.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The sport authorities are private actors, legal persons grounded on the base of civil law. They are responsible for the organisation and functioning of professional sport competitions.

National sport authorities are responsible for the organisation and functioning of professional sport competitions.

There is no specific supervision or control of the State authorities over the sport authorities, general rules as to other civic associations apply.

There are no competences delegated to national sports federations by the state.

National sports federations are civil associations established under the Act on the association of citizens. Members of their management bodies are elected. The State is not involved in the nomination of the members of the managing bodies of the sporting authorities.

According to the Sports Act the sources of financing of physical culture are in inter alia means from the state budget and means from municipalities.

The state participates directly in the financing. The Sports Act regulates the financing of sports. The financing of sports from the state budget is implemented through grants assigned for sports. A grant may be provided for securing organization of sport competitions. The beneficiary of a grant is obliged to publish annually the amount and type of grants received, if the income from grants is higher than 33 194 EUR in a year. There are no other specific means of state control in the law.

It is up to the sporting authorities to decide on the way of adopting regulations governing professional competitions. There is no state intervention, sporting authorities are only obliged to notify to the sports register at the Slovak Ministry of Education statutes and organization rules of an association, and other information on its members, its membership in an international association, and on any changes in the notified issues.

### 3. Equal treatment

In the laws of Slovakia there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- Professional sports activities are not regulated by specific legislation.
- There are differences in transfer rules for amateur and professional athletes.
- The rules of organization are usually common for professional and amateur sport.
- The Ministry of Education as the central state administration body for the area of sport is authorized to organize and supervise the implementation of the state sports policy.
- The specified activities are regulated by sports and technical rules determined by national sports federations.
- Each team sport is independently regulated by its own governing body.

### 2. Organisation and functioning of sport authorities

- Sport authorities responsible for the organisation and functioning of professional sport competitions are private actors, usually civil associations.
- There is no specific supervision or control of the State authorities over the sport authorities, general rules as to other civic associations apply.
- There are no competences delegated.
- The State is not involved in the nomination of members of managing bodies
- Sport authorities are financed from incomes of advertising, gifts, etc.
- The state participates directly in the financing.
- The beneficiary of grants is obliged to publish annually the amount and type of grants received.
- The state does not interfere with the management of sports contests.

### 3. Equal treatment

- According to the laws of Slovakia, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

## Conclusions: state responsibility in the sport sector

The sport authorities are private actors. There is no specific supervision or control of the State authorities over the sport authorities. There are no competences delegated to national sports federations by the state.

The State is not involved in the nomination of the members of the managing bodies of the sports authorities.

The state participates directly in the financing of sports authorities. The beneficiary of a grant is obliged to publish annually the amount and type of grants received. There are no other specific means of state control in the law.

The sports authorities are autonomous in adopting the regulations governing professional competitions. There is no state intervention.

*In Slovakia the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>SLOVAKIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sports activities are not regulated by a specific legislation.	There are differences in transfer rules for amateur and professional athletes.
	Differentiation between professional and amateur sports activities	
	The rules of organization are usually common for professional and also for amateur sport.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The Ministry of Education as the central state administration body for the area of sport is authorized to organize and supervise the implementation of the state sports policy.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
		The specified activities are regulated by sports and technical rules determined by national sports federations.
	By general rule	By rules per sport
		Each team sport is independently regulated by its own governing body.
Implementation of international sporting rules	New national proposals	No new national proposals
		The act on sports was adopted last year and there are no new proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	Sport authorities responsible for the organisation and functioning of professional sport competitions in Slovakia are private actors, usually civic associations.		There is no specific supervision or control of the State authorities over the sport authorities, general rules as to other civic associations apply.
	Powers delegated from the State		No powers delegated from the State
			There are no competences delegated.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			State is not involved in the nomination.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Means of civic associations, incomes from advertising, gifts, etc.	The state participates directly in the financing.	The beneficiary of a grant is obliged to publish annually the amount and type of grants received.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The state does not interfere with the management of sports contests.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	

## SLOVENIA

### 1. Organisation of professional sport activities

Professional sports activities are organized within the general framework of sport activities. According to the Sports Act the realization of public interest in sport activities is under the control of the State and local communities. Public interest in sport includes tasks included in the National Sports Program (adopted by the Parliament) and sports programs of local communities. National Sports Program is carried out by the annual program (fixed by the Government) and annual programs of the local communities.

Though in principle the organisation of professional sport is centrally regulated, the majority of sport is being run at the local level.

Professional activities are run autonomously through a self regulation system. When purely economic and profit oriented activity (verified by taxation legislation) the regulations of company law applies. In addition to the very general provisions in the Sports Act the National Sports Program may cover the activities in which professional sportsmen are involved.

There are no special regulations for team sports. All sports activities are covered by relatively general provisions of Sports Act.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

As a rule, sport authorities are private actors (sports clubs) and are in principle not under the control of State authorities.

The Council of Sports Experts as provided by the Sports Act has the authority to confirm or adopt the education and qualification training programmes to the civil sport movement (mostly federations). The Sports Act empowers NOC to implement the licensing system and to manage the beneficiaries provided form the status of elite athlete (medical examinations, health insurance, social security, scholarships, special education and studying conditions etc.)

Members of the managing bodies of the sporting authorities are elected and/or appointed of members of sports organizations in accordance with the internal rules of the organizations. State is as a rule not involved.

Sporting authorities are mostly financed by providing their funds by themselves in the free market. The Lottery money is also distributed by the Foundation of Sport. Sporting authorities can get public subsidies to put in place the so called "public interest" as mentioned in the Sports Act and national programme through the annual calls for tenders provided by the state and municipalities. The State is directly financing sporting authorities if they organize competitions which fall under the National Sports Program and/or annual sports program. The competitions could be financed by local communities, too. In the case professional competitions are financed by public funds the financial control is carried out by the Court of Auditors. The State exercises financial control by occasional revision from the point of view of taxation policy mostly.

The supreme authority within sports organisations is its Assembly (according to statutes) which is entitled to adopt regulations, rules and other provisions which again have to be in line with international rules and domestic general legal framework.

Sporting authorities are independent from the State when adopting regulations governing competitions as well as other so called internal regulations.

### 3. Equal treatment

In the laws of Slovenia there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- As regards professional sports activities they are as a rule carried out in the framework of sports clubs.
- No differentiation between professional or amateur sports activities.
- One could argue that professional sports activities are centrally regulated, but the regulation is very general.
- On the basis of the Sport Act the National Sports Program may cover the activities in which professional sportsmen are involved.
- The general legislation applicable for the area of sport is as follows: Sport Act, National Programme of Sport, Act on Associations.

### 2. Organisation and functioning of sport authorities

- In general they are considered to be private organizations insofar as they manage general sporting activities.
- Some powers are delegated from the State to the Council of Sport Experts.
- The managing bodies are appointed or elected according to the statutes of each organisation.
- Sport authorities are mostly financed by collecting their funds themselves on the free market.
- Sport authorities can get public subsidies.
- Control through occasional revision from the point of view of taxation policy mostly.
- Sport authorities are independent in terms of sporting rules and regulations.

### 3. Equal treatment

- According to the laws of Slovenia, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

## Conclusions: state responsibility in the sport sector

The sports authorities are in general considered to be private organizations insofar as they manage general sporting activities.

Members of the managing bodies of the sports authorities are elected of members of sports organizations in accordance with the internal rules of the sports authorities. The State is as a rule not involved.

Sports authorities are usually partly financed by public financial sources. The State is directly financing sporting authorities if they organize competitions which fall under the National Sports Program and/or annual sports program. In the case professional competitions are financed by public funds the financial control is carried out by the Court of Auditors.

The sports authorities are independent from the State when adopting regulations governing competitions.

*In Slovenia the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

<b>SLOVENIA</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	As regards professional sports activities they are as a rule carried out in the framework of sports clubs.	
	Differentiation between professional and amateur sports activities	
	No differentiation between professional or amateur sports activities/	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	One could argue that it is centrally regulated. But the regulation is very general.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	On basis of the Law on Sport the National Sports Program may cover the activities in which professional sportsmen are involved.	
	By general rule	By rules per sport
	General legislation applicable for the area of sport is as follows: Law on Sport, National Programme of Sport, Act on Associations.	
Implementation of international sporting rules	New national proposals	No new national proposals
		There are no national proposals of implementation of international sporting rules.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	In general they are considered to be private organizations insofar as they manage general sporting activities.		
	Powers delegated from the State		No powers delegated from the State
	Some powers are delegated from the State to the Council of Sport Experts.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	The managing bodies are appointed or elected according to the statutes of each organisation.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	They are mostly financed by providing their funds by themselves in the free market.	They can get public subsidies.	Control through occasional revision from the point of view of taxation policy mostly.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	Independent in terms of sporting rules and regulations.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	In general no limitation.	Limitations are mostly in place for players coming from the ex Yugoslav territory.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	They EU citizens are allowed to compete during the national competitions but cannot enter the finals; the finals have to be organised between nationals. However, this is not the case in team sports.	

## SPAIN

### **1. Organisation of professional sport activities**

In Spain, professional sport activities are organized by the sports federations.

In accordance with the Sports Act the activity of the State Administration in the sports sector corresponds to the Higher Sports Council, which has competence to recognise the existence of a sport modality and to label official competitions of a professional nature. Nevertheless, the sports Act set up the general framework for the regulation of sport activities but the Autonomous Communities have also some competencies to regulate sports activities in their respective territorial scope.

Spanish sports federations are regulated through their Articles of Association and Rules, which state their internal structure and functioning. They comprise other sport associations involved on the organization of professional sports activities: sports federations with regional scope, sports clubs and Professional Leagues. They must be registered in the Register of Sports Associations.

The Higher Sports Council acts in coordination with the Autonomous Communities with respect to general sports activity, and cooperates with them in the development of the competences that are attributed to them in their respective articles of association.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### **2. Organisation and functioning of sport authorities**

The Higher Sports Council is an autonomous body of an administrative nature associated to the Government Presidency, which directly exercises the State Administration activity concerning the sports sector. The President of the Higher Sports Council, holding the rank of Secretary of State, is appointed and dismissed by the Council of Ministers.

Spanish sports federations are private entities, which exercise public functions by delegation of an administrative nature. The articles of association and regulations of the sport federations have to be approved by the Higher Sports Council. That Council has competence to agree on the objectives and sports programmes with the Spanish sports federations, in particular those concerning high level sport.

Professional clubs are Sports Public Limited Companies (SAD). This legal form incorporates the legal and financial responsibility for the club which carries out activities of a professional nature.

Professional Leagues are associations of clubs established in the Spanish sports federations where there is official competition of a professional nature, which are exclusively comprised of all of the clubs that participate in the competition on an obligatory basis. Professional Leagues have a legal personality, and enjoy autonomy as regards their internal organisation and functioning with respect to the relevant Spanish sports federation of which they form a part.

Although, the State is not involved in the nomination of members of the managing bodies, the Electoral Guarantees Board of the Higher Sports Council is responsible for overseeing the electoral processes in the government organisms of the Spanish sports federations.

The financing of Spanish sports federations is comprised of the profits that are produced by the sports activities and competitions they organise. The public entities - State, Autonomous Communities, Local Entities - may grant subsidies to sports associations. State subsidies are awarded by the Higher Sports Council. The Council is also responsible for authorising the multi-annual costs of the Spanish sports federations, determining the use of the net capital of these in the event of dissolution, controlling the subsidies that have been granted and authorising the levying and conveyance of their property assets, when these have been wholly or partially financed with State public funds. Regarding fiscal obligations and social security,



control is exercised by the State.

The regulations governing competitions are independent from direct state intervention.

### **3. Equal treatment**

In the laws of Spain there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality. However, according to the Royal Decree 971/2007, on high level and high performance sportspersons Community or EEA sportspersons who reside in Spain cannot access a number of fiscal benefits related to insertion into the employment area and education for sportspersons who are qualified as high level and high performance.

N.B. The regulatory norms of the Women's Football Championship for the 2007-2008 season established a discriminatory quota as regards Community or EEA players. The Spanish football federation's regulations provide that Rumanian and Bulgarian footballers who have employment contracts must occupy one of the posts stipulated for non-Community foreigners.

### **Summary**

#### **1. Organisation of professional sport activities**

- Professional sport activities are organized by Sports Federations.
- The Higher Sports Council acts in coordination with the Autonomous Communities with respect to general sports activity.
- The Spanish framework of reference for professional sport activities is made up of the Sports Act of 15 October 1990, and the Royal Decree of 17 April 2009.
- Each sport federation adopts particular rules, regulations and memoranda governing specific sport activities.

#### **2. Organisation and functioning of sport authorities**

- The sports federations are private entities, with their own legal personality.
- The sports federations exercise public functions by delegation of an administrative nature.
- Although the State is not involved in their nomination, the Electoral Guarantees Board of the Higher Sports Council is responsible for overseeing the electoral processes in the governing organs of the sports federations.
- The financing of sports federations comprises membership fees, gifts, inheritances, etc.
- The State, Autonomous Communities and local entities may grant subsidies to sports associations.
- The Higher Sports Council controls the subsidies when these have been wholly or partially financed from State public funds.
- The regulations governing competitions are independent from direct state intervention.

#### **3. Equal treatment**

- According to the laws of Spain, citizens from other EU-countries are – in general - not discriminated or excluded, nor is their mobility limited.
- Community or EEA sportspersons who reside in Spain cannot access a number of fiscal benefits.
- The regulatory norms of the Women's Football Championship established a discriminatory quota as regards Community or EEA players.
- The football regulations provide that Rumanian and Bulgarian footballers who have employment contracts must occupy one of the posts stipulated for non-Community foreigners.

### **Conclusions: state responsibility in the sport sector**

The sports authorities are private entities, with their own legal personality, which, in addition to their particular attributes, exercise public functions by delegation of an administrative

nature.

Although, the State is not involved in the nomination of the members of the managing bodies of the sports authorities, the Electoral Guarantees Board of the Higher Sports Council is responsible for overseeing the electoral processes in the government organisms of the sports authorities.

The public entities – State, Autonomous Communities, Local Entities – may grant subsidies to sports authorities. Regarding fiscal obligations and social security, control is exercised by the State.

The organisms of government and representation of the sports authorities adopt the rules governing competitions. The regulations governing competitions are independent from direct state intervention.

***In Spain the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.***

<b>SPAIN</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Professional sport activities are organized by Sports Federations.	
	Differentiation between professional and amateur sports activities	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	The Higher Sports Council acts in coordination with the Autonomous Communities with respect to general sports activity.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	The Spanish framework of reference for professionals Sport activities is made up of Sports Act of 15 October 1990, and Royal Decree of 17 April 2009,	
	By general rule	By rules per sport
		Each sport federation adopts particular rules, regulations and memorandums governing specific sport activities.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The sports federations are private entities, with their own legal personality.		
	Powers delegated from the State		No powers delegated from the State
	The sports federations exercise public functions by delegation of an administrative nature.		
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	Although, the State is not involved in their nomination, the Electoral Guarantees Board of the Higher Sports Council is responsible for overseeing the electoral processes in the government organisms of the Spanish sports federations.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	The financing of Spanish sports federations is comprised of membership fees, gifts, inheritances, etc.	The State, Autonomous Communities and local entities may grant subsidies to sports associations.	The Higher Sports Council controls the subsidies when these have been wholly or partially financed with State public funds.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The regulations governing competitions are independent from direct state intervention.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
		The Handball federation establishes that, as regards participating players, there must be a minimum of two national players who may be selected for the Spanish national team.
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
		In basketball a squad can be made up a maximum of 2 extra-Community players, and there must be 5 players from the European FIBA area, not including countries belonging to the Cotonú Agreement.
Mobility of Community citizens	No limitation	Limitation
		The regulatory norms of the Women's Football Championship for the 2007-2008 season establishes a discriminatory quota as regards Community or EEA players.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
		The football federation establishes that Rumanian and Bulgarian footballers who have employment contracts must

	occupy one of the posts stipulated for non-Community foreigners.
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## SWEDEN

### 1. Organisation of professional sport activities

The professional sport activities are regulated by the national associations in charge of the sport respectively. Sport activities are not directly regulated by law.

Sports in Sweden are organised in national sport associations for different sports, all together in the National Sport Federation, which makes a difference between professionals (or élite) and more general breadth sports.

In order to be a member of the National Sport Federation the applicant should be a non-profit idealistic sport organisation, and the association should pursue sport in harmony with the National Federation's objectives and ideology as a non-governmental organisation. The task assigned to the National Sport Federation is to represent the national sport associations in contact with State authorities and politicians.

Among the largest sport clubs having professional players there is a trend to found companies. The establishing of such companies by the clubs is regulated by the National Sport Federation.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

The organisations in charge of and operating sport activities are private actors. They do not act directly under control from the state.

There is no formal delegation of power from the State to the sport associations.

The members of the managing bodies are elected by the members of the sport associations and clubs. The State does not interfere in the selection of the boards or other leading bodies of the non-profit organisations.

The State contributes to the financing of sport activities. The subsidies are paid to the sport associations on different levels. In principle, the State pays financial contributions to the National Sport Federation which transfers money to different levels of the national sport associations. Further, the regional county councils pay contribution to the sport associations on the regional level independent of the state subsidies. On the local level, local municipalities give direct or indirect financial support to local sport clubs. For instance, a local sport club could be given money from the local authorities depending on the number of local members. The State makes follow-up of the financial support to sport and more.

However, in reports from the Swedish National Audit Bureau and the Swedish Agency for Public Management there are accounts for State regulations concerning financial contributions to non-profit associations in general. A conclusion was that there is no common basic policy for financial support from State authorities. Further, there was no common policy or regulations governing the financial support on the regional and local level and the follow-up routines have been criticized.

There is no State sport authority and the non-profit sport organisations are adopting the regulations for the sports concerned within the framework of the National Federation's regulations. In principle the sport associations as idealistic organisations should implement State regulations or binding EC law through amendments of the associations' statutes. Sport authorities are independent from any State intervention.

### 3. Equal treatment

In the laws of Sweden there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

## Summary

### 1. Organisation of professional sport activities

- Both professional and amateur sport are organised in a general framework.
- Sports – including professional sports – are organised in 68 special national sport associations for different sports, all together in the National Sport Federation.
- Professional sport activities are not regulated by law.
- The professional sport activities are regulated by the associations in charge of the sport respectively.

### 2. Organisation and functioning of sport authorities

- The organisations in charge of and operating sport activities are private actors.
- They do not act directly under control from the state.
- There are administrative powers delegated to the Swedish Sport Confederation.
- There is no formal delegation of power from the State to the sport associations.
- The members of the managing bodies are elected by the members of the sport associations and clubs.
- The State contributes to the financing of sport activities.
- The State makes a follow-up of the financial support to sport.
- In the adoption of regulations governing competitions the sport authorities are independent from any State intervention.

### 3. Equal treatment

- According to the laws of Sweden, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.

## Conclusions: state responsibility in the sport sector

The sports authorities are private actors. They do not act directly under control from the state. There is no formal delegation of power from the State to the sport associations.

The members of the managing bodies are elected by the members of the sports authorities.

The State contributes indirectly to the financing of sport activities. The subsidies are paid to the sports authorities on different levels. The control is exerted by the Swedish Sports

Confederation which is also able to deny the financial support under certain circumstances:

There is no State sport authority and the non-profit sport organisations are adopting the regulations for the sports concerned within the framework of the National Federation's regulations.

*In Sweden the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*

<b>SWEDEN</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	Both professional and amateur sport are organised in a general framework.	
	Differentiation between professional and amateur sports activities	
	The different sport associations embrace both professionals and amateurs.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	Sports – including professional sport – are organised in 68 special national sport associations for different sports, all together in the National Sport Federation.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	Professional sport activities are not regulated by law.	
	By general rule	By rules per sport
		The professional sport activities are regulated by the associations in charge of the sport respectively.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	The organisations in charge of and operating sport activities are private actors.		They do not act directly under control from the state.
	Powers delegated from the State		No powers delegated from the State
	There are administrative powers delegated to the Swedish Sport Confederation.		There is no formal delegation of power from the State to the sport associations.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
			The members of the managing bodies are elected by the members of the sport associations and clubs.
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
		The State contributes to the financing of sport activities.	The State makes a follow-up of the financial support to sport and more.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	The Sports Confederation's decisions are binding if they are in accordance to the Ordinance Concerning Government Grants to Sports Activities (1999).		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No discrimination	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion	However, the number of players from third countries can be restricted.
Mobility of Community citizens	No limitation	Limitation
	No limitation.	
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	No restrictions.	

## UNITED KINGDOM

### 1. Organisation of professional sport activities

Sport is governed autonomously and there is no obligation to be part of a particular legal status, although many statuses are available to sports organisations- unincorporated, charitable, trust, association, etc. There is no legal difference between amateur and professional clubs. It is worth noting that sport has recently been recognised as a charitable objective in the UK. Sports clubs are independent non-governmental organisations. Governmentally, the Department for Culture Media and Sport holds the portfolio for sport, but input will also come through the Department for Health and the Local Government Authorities.

In the UK it must be noted that the devolved nature of Scotland, Northern Ireland and Wales adds an extra level of complication; each country having its own ministries and sports councils.

While there is limited legislation that is designed specifically for sport, there is explicit mention of sport in UK law in the London Olympics and Paralympic Act 2006.

Sporting rules are defined by the national governing bodies of sport.

There are no proposals to implement international sporting rules centrally by the legislator or by the government.

### 2. Organisation and functioning of sport authorities

Sport authorities responsible for the organisation and functioning of professional sport competitions are private actors. Sports governing bodies are autonomous.

National Governing Bodies will have their own rules and regulations for democratic appointments.

Professional competitions are funded through the governing body and with private sponsorship. Funding is also available for hosting events as part of planning of elite participation through UK Sport. Major sporting events may have government assistance when it comes to anti-terror, ticket touting, infrastructure, tourism.

The State participate indirectly in the funding of sport authorities. E.g. through the normal rules on taxation. The Department of Culture, Media and Sport, additionally advises that it undertakes the funding activities in respect of sport. The state will control areas of the budget for which it is responsible.

Sporting authorities who are in charge of the organisation of professional competition autonomously adopt the regulations governing those competitions. They are independent from any State intervention?

### 3. Equal treatment

In the laws of the United Kingdom there is no direct or indirect discrimination practices or rules of Community citizens nor are Community citizens excluded. There are no rules on transfers limiting the mobility of EU citizens nor are there any restrictions on the basis of nationality.

### Summary

#### 1. Organisation of professional sport activities

- In the UK sports are organized by the sporting associations themselves rather than through legislation.
- There is no legal difference between amateur and professional clubs.
- Sport must of course adhere to Community and national law, but sport is essentially run autonomously in the UK.

- There is explicit mention of sport in UK law in the London Olympics and Paralympic Act 2006, The Violent Crime Reduction Act 2006 and The Fire Safety and Safety of Places of Sport Act 1987.
  - Sporting rules are defined by the national governing bodies of sport.
- 2. Organisation and functioning of sport authorities**
- Sport authorities are private actors. They are only controlled by state authorities as regards their activities such as employment law, health and safety etc.
  - No powers delegated from the State.
  - The State is not involved in the nomination of members of managing bodies of sport authorities.
  - Professional competitions are funded through the governing body and with private sponsorship.
  - The state will naturally control areas of the budget for which it is responsible.
  - In the vast majority of cases sporting authorities determine their own constitutional arrangements.
- 3. Equal treatment**
- According to the laws of the United Kingdom, citizens from other EU-countries are not discriminated or excluded, nor is their mobility limited.
  - N.B. Rugby Union allows a maximum of 2 foreign players per match day squad. Ice hockey allows a maximum of ten non-British trained players in the Elite League squads.

**Conclusions: state responsibility in the sport sector**

The sport authorities are private actors.

The sporting authorities have their own rules and regulations for democratic appointments, the only state intervention possible is secondary.

The State participates indirectly in the financing of the sports authorities. The state will control areas of the budget for which it is responsible.

In the vast majority of cases sports authorities determine their own constitutional arrangements.

*In the United Kingdom the State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be held responsible for their actions.*



<b>UNITED KINGDOM</b>		
<b>1. Organisation of professional sport activities</b>		
Professional sports activities	Organised within the general framework	Separately regulated by a special provision
	In the UK sports are organized by the sporting associations themselves rather than through legislation.	
	Differentiation between professional and amateur sports activities	
	There is no legal difference between amateur and professional clubs.	
Organisation of professional sport activities	Centrally regulated	Federally/regionally regulated
	Sport must of course adhere to community and national law, but sport is essentially run autonomously in the UK.	
Regulation of professional sport activities	By law, framework law	By regulations adopted by sport authorities
	There is explicit mention of sport in UK law in the London Olympics and Paralympic Act 2006, The Violent Crime Reduction Act 2006 and The Fire Safety and Safety of Places of Sport Act 1987; sport must of course adhere to community and national law.	
	By general rule	By rules per sport
		Sporting rules are defined by the national governing bodies of sport.
Implementation of international sporting rules	New national proposals	No new national proposals
		No new national proposals.

<b>2. Organisation and functioning of sport authorities</b>			
Status of sport authorities	Private actors		Under the control of the State authorities
	They are private actors.		They are only controlled by state authorities as regards their activities such as employment law, health and safety etc.
	Powers delegated from the State		No powers delegated from the State
			No powers delegated from the State.
Managing bodies of sport authorities	State involved in their nomination		State not involved in their nomination
	Their own choice will depend on the type of vehicle which has been used by the sporting body.		
Financing of sport authorities	Private financing	Direct or indirect participation of the State	Financial control by the State
	Professional competitions are funded through the governing body and with private sponsorship.		The state will naturally control areas of the budget for which it is responsible.
Adoption of regulations governing competitions	Independent from any State intervention		Dependent from any State intervention
	In the vast majority of cases sporting authorities determine their own constitutional arrangements.		

<b>3. Equal treatment</b>		
Direct/indirect discrimination of Community citizens	No discrimination	Discrimination
	No direct or indirect discrimination against Community citizens takes place.	
Direct/indirect exclusion of Community citizens	No exclusion	Exclusion
	No exclusion.	
Mobility of Community citizens	No limitation	Limitation
	In general no limitation.	Rugby Union allows a maximum of 2 foreign players per match day squad.
Restrictions on the basis of nationality of Community citizens	No restrictions	Restrictions
	In general no restrictions. Kolpak and Cotonou players are not considered as foreign players.	Ice Hockey allows a maximum of 10 non-British trained players in the Elite League squads. Cricket allows 1 overseas player per match squad.

## CONCLUSIONS: STATE RESPONSIBILITY IN THE SPORT SECTOR

### AUSTRIA

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### BELGIUM

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### BULGARIA

*The State is not legally involved in the functioning of the sport authorities. However, on the one hand the recognition of the sport authorities is dependent on the granting of licences by the State and on the other hand the State is directly financially involved in the functioning of the sport authorities. Presumably, on basis of those aspects the State may be hold responsible for the actions of the sport authorities.*

### CYPRUS

*The State is not legally involved in the functioning of the sport authorities. Though the sport authorities are financially under the control by the State, it is unclear if the State can be hold responsible for their actions.*

### CZECH REPUBLIC

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### DENMARK

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### FINLAND

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### FRANCE

*The State is to a certain decree legally but not financially involved in the functioning of the sport authorities; presumably it might be possibility to hold the State responsible for their actions.*

### GERMANY

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

### GREECE

*Article 16 of the Greek Constitution states that Athletics shall be under the protection and the ultimate supervision of the State. Presumably it is possible to hold the State responsible for the actions of sports authorities.*

### HUNGARY

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**IRELAND**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**ITALY**

*The State is to a certain decree legally – through the CONI - but not financially involved in the actual functioning of the sport authorities; it might be possibility to hold the State responsible for their actions.*

**LATVIA**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**LITHUANIA**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**LUXEMBOURG**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**MALTA**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**THE NETHERLANDS**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**POLAND**

*The State is neither legally nor financially involved in the actual functioning of the sport authorities; although the activities of the sports authorities are under the supervision of the government, the State cannot be hold responsible for their actions.*

**PORTUGAL**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**ROMANIA**

*In Romania is State is to a certain decree legally but not financially involved in the functioning of private sports authorities. Public sports authorities are under the supervision of the State. The State can be hold responsible for the actions of public sports authorities. It is difficult to say to what extent the State can be hold responsible for the actions of private sports authorities.*

**SLOVAKIA**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

**SLOVENIA**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

#### **SPAIN**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

#### **SWEDEN**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

#### **UNITED KINGDOM**

*The State is neither legally nor financially involved in the functioning of the sport authorities; the State cannot be hold responsible for their actions.*

***On the basis of the information received and the research undertaken, it might be concluded that in Bulgaria, Cyprus, Greece, Italy and Romania, contrary to all other EU Member States the organising and functioning of professional sports activities to a certain extent can be attributed to the State.***

## ANNEX

### LEGISLATION ON SPORT

#### AUSTRIA

- Bundesgesetz Vom 12. Dezember 1969, Betreffend Förderungen des Sportes aus Bundesmitteln (Bundes-Sportförderungsgesetz) Stf: Bgbl. Nr. 2/1970
- Gesetz vom 11. Dezember 2003 über die Sportförderung im Burgenland
- Kärntner Sportgesetz 1997
- NÖ Sportgesetz (Niederösterreich)
- Landesgesetz vom 12. Juni 1997 Über das Sportwesen in Oberösterreich (OÖ. Sportgesetz)
- Gesetz Vom 21. Oktober 1987 Über die Organisation und Förderung des Sports im Lande Salzburg (Salzburger Landessportgesetz 1988)
- Gesetz Vom 21. Juni 1988 über das Sportwesen im Land Steiermark (Steiermärkisches Landessportgesetz 1988)
- Gesetz über die Sportförderung und die Sicherheit bei der Sportausübung Land Vorarlberg
- Gesetz über die Regelung des Sportwesens in Wien (Landessportgesetz für Wien)

#### BULGARIA

- Constitution, Chapter Two Fundamental Rights and Obligations of Citizens, Art. 52(3)
- Law for The Physical Education and Sport  
Prom. SG. 58/9 Jul 1996, amend. SG. 53/4 Jul 1997, amend. SG. 124/27 Oct 1998, amend. SG. 51/4 Jun 1999, amend. SG. 81/14 Sep 1999, amend. SG. 53/30 Jun 2000, corr. SG. 55/7 Jul 2000, amend. SG. 64/4 Aug 2000, amend. SG. 75 2 Aug 2002., amend. SG. 95 8 Oct 2002., amend. SG. 120 29 Dec 2002., amend. SG. 96/29 Oct 2004

#### CYPRUS

- Constitution, Part 2 Fundamental Rights and Liberties, Art. 23(4.) and (8).Part 5 The Communal Chambers, Art. 87, 1(e)

#### CZECH REPUBLIC

- Act No.115/2001 on Support of Sport, dated 28th February 2001

#### DENMARK

- The Top-Level Sport Act, Act No. 288 of 26 April 2004

#### ESTONIA

- Sports Act, Passed on 15 June 1998 (RT I 1998, 61, 982)

#### FINLAND

- Sports Act 1054/1998, adopted in Helsinki on the 18th of December 1998

#### FRANCE

- Loi Relative à l'organisation et à la Promotion des Activités Physiques et Sportives, Loi n°84-610 du 16 juillet 1984, version consolidée au 27 juillet 2005 - version JO initiale, publication au JORF du 17 juillet 1984
- Décret N°2001-252 du 22 Mars 2001 Décret Relatif à la Composition et au Fonctionnement du Conseil National des Activités Physiques et Sportives, version consolidée au 10 juin 2004 - version JO initiale

- Loi N° 2003-708 du 1er Août 2003 relative à l'organisation et à la Promotion des Activités Physiques et Sportives
- Code du sport (Version consolidée au 16 août 2009)
- Code du sport (Version à venir au 1 juillet 2010)

#### **GREECE**

- Constitution (adopted on: 11 June 1975) Art. 16(9)
- Ν 2725/1999/Α-121 Ερασιτεχνικός - Επαγγελματικός Αθλητισμός και άλλες διατάξεις, Φεκ Α' 121/17.6.1999, Νομος Υπ' Αρ. 2725
- Εφημερις Της Κυβερνησεως Της Ελληνικης Δημοκρατιας Τευχος Πρωτο Αρ. Φύλλου 152, 19 Ιουλιου 2006, Νομος Υπ' Αριθμ. 3479

#### **IRELAND**

- Irish Sports Council Act, 1999, Number 6 of 1999

#### **ITALY**

- Constitution, Part II Organization of the Republic, Title V Regions, Provinces, Municipalities, Art. 117(3)
- Legge N. 91/81 Sul Professionismo Sportivo

#### **LATVIA**

- Sports Law, Published: "Vestnesis", 13 Nov. 2002, No. 165 (2740)

#### **LITHUANIA**

- Constitution, Chapter 4 National Economy and Labour, Art. 53 (2)
- Law On Physical Culture and Sport of The Republic of Lithuania, December 20, 1995 No. I - 1151

#### **LUXEMBOURG**

- Loi du 3 Août 2005 Concernant le Sport et Portant
  - a) modification de la loi modifiée du 7 juin 1937 ayant pour objet la réforme de la loi du 31 octobre 1919 portant règlement légal du louage de service des employés privés;
  - b) modification du code des assurances sociales;
  - c) dérogation aux articles 5 et 9 de la loi modifiée du 24 mai 1989 sur le contrat de travail.

#### **MALTA**

- Sports Act [ Cap. 455. 1], Chapter 455

#### **POLAND**

- Constitution, Chapter II The Freedoms, Rights, and Obligations of Persons and Citizens, Section IV Economic, Social, and Cultural Freedoms and Rights, Art. 68(5)
- Dziennik Ustaw z 1996 r. Nr 25 poz. 113 Ustawa, z dnia 18 stycznia 1996 r. o kulturze fizycznej (Act on Physical Culture). (Dz. U. z dnia 6 marca 1996 r.)
- Ustawa o sporcie kwalifikowanym (Act of qualified sports) of July 29, 2005, Journal of Laws of 2005, No. 155, item 1298 with further amendments)

#### **PORTUGAL**

- Constitution (2 April 1976), Section III Economic, Social, and Cultural Rights and Duties, Chapter II Social Rights and Duties, Art. 64(2), b), Art. 70(1), c); Chapter III Cultural Rights and Duties, Art. 79 Physical Education and Sport

- Lei de Bases do Sistema Desportivo, Lei n.º 1/90 de 13 de Janeiro (Rectificada nos termos da Rectificação publicada no DR, Iª s, n.º 64, de 17 de Março de 1990 e alterada pela Lei n.º 19/96, de 25 de Junho)
- Decree-Law 248-B/2008, of 31 of December

#### **ROMANIA**

- Law no.69/2000 on physical education and sports, with subsequent amendments (Educatiei Fizice Şi Sportului);
- Government Decision no. 884/2001 approving the Regulation implementing the Law on Physical Education and Sports no. 69/2000;
- Government Decision no. 759/2003 on the organization and functioning of the National Agency for Sport;
- Government Ordinance no. 26/2000 on associations and foundations, approved with amendments by The Law no. 246/2005;
- Justice minister Order No. 1417/2006 on access to the national register of legal persons without patrimonial purpose

#### **SLOVAKIA**

- 300/2008 Z.z. Zákon z 2. júla 2008 o organizácii a podpore športu a o zmene a doplnení niektorých zákonov Zmena: 462/2008 Z.z.

#### **SLOVENIA**

- The Law on Sport of The Republic of Slovenia

#### **SPAIN**

- Constitution, Title I Basic Rights and Duties, Chapter III Guiding Principles of Economic and Social Policy, Art. 43 [Health Protection, Sports, Leisure] (3). Title VIII Territorial Organization, Chapter III Autonomous Communities, Article 148(1) , 19)
- Ley 10/1990, de 15 de Octubre, Del Deporte
- Ley del Deporte del Pais Vasco

#### **SWEDEN**

- Ordinance Concerning Government Grants to Sports Activities (1999:1177)
- The Act Concerning the Transfer of Administrative Duties to The Swedish Sports Confederation (1995:361)