



European Union and Sport

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European Union and Sport

Cyprus takes EU Presidency from July till December 2012

As of 1 July 2012, Cyprus hosts the Presidency of the Council of the EU, succeeding Poland and Denmark as third country of the Trio Presidency. In June 2011, the Trio stated in a note on the 18 month programme of the Council, that the main issues regarding sport will be to:



- Address threats to the integrity of sport, such as doping and match-fixing,
- Prioritize the social, societal and economic dimensions of sport as well as
- Promote quality of life, health enhancing activities and volunteering.

The Cyprus Presidency will benefit from the outcomes and deliverables of the Council's Expert Groups, which have been set up in the EU Work Plan for Sport for the period 2011-2014.

It is expected that the Cyprus Presidency will focus on the following priorities:

- **Public Health and Physical Activity:** Adoption of Council Conclusions in the field of Health Enhancing Physical Activity (HEPA)
- **Evidence based Sport Policies** (e.g. Sport Statistics): Adoption of Council Conclusions on "Evidence based Sport Policy"
- **Sport Integrity:**
 - Match fixing: Preparation of a Council Resolution on combating match fixing, which

is one deliverable of the Expert Group "Good Governance".

- Continuation of the works on Good Governance principles.
- Doping (also in recreational sports): The EU will, among other things, prepare a contribution for the second consultation phase for the revision of the WADA Code. It is expected that the fight against doping will be more prominent on the agenda during the Cyprus Presidency. Furthermore, the expert Minister for the WADA Foundation Board shall be elected.
- **Erasmus for all:** Further negotiations on the funding programme for Education, Training, Youth and Sport.

During the Cyprus Presidency, the following main events regarding sport will take place in Nicosia:

- 19/20 September: EU Sport Forum, organized by the Commission. An Informal Ministerial Meeting will be linked to this Forum.
- 22/23 November: Ministerial Council of Education, Youth, Culture and Sport (EYCS)
- 29/30 November: Sport Directors Meeting

The term of the Cyprus Presidency will end on 31 December, followed by Ireland holding the Presidency for the first half-year of 2013.

Further information:

[The website of the Cyprus Presidency](#)



Council of the EU: Meeting of the Expert Group on "Good Governance"

The Expert Group on Good Governance (XG GG) held its third meeting on 5-6 June 2012.

On the first day, which was focusing on **match fixing**, the meeting was attended by 19 Member States and numerous representatives of the sport movement, as observers, including EOC, IOC, FIFA, UEFA, IRB, EPFL and ENGSO.

Discussion related to the input on the EU's role in fighting match-fixing

The European Commission presented a draft deliverable – "Input on the EU's role in fighting match-fixing", which should be presented later in the process to the Ministers in charge of sport. In this document, *"the Council Working Party on sport is invited to examine recommendations and to ensure appropriate follow-up by inviting the stakeholders (Member States, European Commission and Sport Movement) to take the necessary steps and implement the actions suggested..."*. It has in addition explained that betting operators were not directly included as addressees of the recommendations since they were indirectly covered through recommendations addressed to national gambling regulators. During the meeting, many representatives of sport movement on the contrary considered that the recommendations should include a specific part devoted to betting operators, which would further clarify the responsibilities and the role of betting operators in this context.

The Council of Europe informed about the outcome of the informal meeting of sport ministers which took place in Belgrade on 15 March and notably about the proposal for launching a possible new Convention or another international instrument against match-fixing. The likely starting date for these negotiations has been set for the

autumn of 2012. This initiative has been supported by many participants during the meeting.

In addition, among the various observations addressed by the sport movement, the IRB called for proportionate solutions taking into account the autonomy of sport. The IOC added that sporting sanctions and criminal sanctions have to be in accordance. The IOC also called for a pragmatic approach, ruling out the creation of a global agency on the model of WADA as too premature at this stage. The IOC finally said that cooperation and monitoring should be reinforced but warned against the risk that existing and future data protection legislation may hinder exchanges of data and information among relevant stakeholders. Several observers agreed on the need to further examine the issue of data protection in the context of possible international cross-sector agreements. UEFA said that the sport movement was united in its requests, notably on the need for an international concerted effort, calling on Member States to pronounce themselves clearly in favour of a European Convention, and on the need of legally binding agreements between sport bodies and betting operators, saying that the elements of a game on which bets can be placed cannot be left to the market. The EOC called for a specific reference to be made to the Sport Chapter of the proposed 'Erasmus for All' programme 2014/2020 as a tool to support preventive measures.

Before closing the morning session, the Chair asked observers for their opinion about the extension of the mandate of the XG GG to continue working on the issue of match-fixing, initiative globally supported within the XG GG on the fight against match-fixing.

The Chair informed the members of the process of submission of the

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recommendations to the Council Working Party on Sport on 4 July in Brussels.

Discussion on Good Governance

The second day of the meeting was devoted to good governance. The Chair (Darren Bailey, UK) explained that the objective of the work of the XG on good governance is to produce usable, concrete results that may contribute to improve good governance in sport in the EU.

Among the observers' expectations coming from the sport movement, the IRB and ENGSO underlined the importance of taking into account all levels of sport, including local and grassroots, avoiding a 'one-size-fits-all' approach. The IOC presented its ethical review process launched in 2008 with a public consultation and resulting in the adoption at the 2009 Olympic Congress in Copenhagen of the basic universal principles of good governance of the Olympic movement.

Results of the consultation on existing codes and rules on good governance in sport and discussion on a possible list of topics that should be included in the recommendations

The European Commission presented the results of a consultation on existing codes and rules on good governance in sport. The Chair noted that the XG output expected by end of 2012 will include an initial set of recommendations that could be later complemented. He also informed that a meeting between the XG Chairs and the leaders of the EU-supported projects on good governance (including the Project "Sport4GoodGovernance" coordinated by the EOC EU Office) would be organised in the margins of the EU Sport Forum in Cyprus in September 2012.

A draft report including the recommendations to be adopted by the Group would be circulated among the XG members and observers in November 2012 ahead of the next meeting of the Group, which will be held on 13 December 2012.

Further information:

The final report of the Expert Group meeting on Good governance shall be published on the [European Commission Sport Units website](#) during the course of July 2012

Council of the EU: Meeting of the Expert Group on "Sport, Health and Participation"

The Expert Group on Sport, Health and Participation met for the third time on 27th June 2012 in Brussels. Chaired by Jean-Francois Toussaint (France) this expert group identified during their first meeting in September 2011 five deliverables in accordance with the EU Work Plan for Sport for 2011-2014. The outcomes of the work on these deliverables will be successively presented to the Council Working Party on Sport. They should pave the way for possible future EU level activities in the field of HEPA.

Furthermore, all deliverables will be feed into the Commission's final report on the implementation of the EU Work Plan to be submitted by the end of 2013.

The last meeting showed the progress made concerning three deliverables:

- **Deliverable 1: Priorities for a policy initiative on HEPA.**

The Commission presented an overview of the work in progress of



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the planned EU policy initiative to promote health-enhancing physical activity (HEPA) building on the EU Physical Activity Guidelines. As part of the preparations for this initiative, DG EAC had launched a study to assist the drafting of the Impact Assessment and to provide specific elements relating to an outline of the methodological framework and a final list of draft indicators.

After having received the input by the Member States, the lead partner presented the implementation table which was then adopted by the participants.

▪ **Deliverable 2: Guidance for strengthened cooperation between the sport and health care sectors.**

The Expert Group had surveyed whether and to what extent the Member States' national health care systems integrate physical activity as a tool for safeguarding good health for the population. Moreover they would like to find out how this integration of physical activity might be better organised in the future. The lead partner Germany presented the results of the survey and the draft deliverable "Guidance for strengthened cooperation between the sport and health sector" which was discussed and agreed amongst the participants. It was decided to collect more models of good practise and to add a paragraph on the importance of evidence based research.

▪ **Deliverable 3: Principles on physical activity contributing to active ageing.**

This deliverable fits in the context of the "European Year of Active Ageing and Solidarity between Generations 2012" that aims at encouraging Member States to increase efforts to support physical activity related opportunities for active ageing. In order to maximize healthy life years and reduce the risk of dependency of elderly, physical activity adapted to their needs should be promoted. For this purpose, the Expert Group provided input for a short questionnaire aimed at collecting information on Member States' activities and programmes to use physical activity as a tool to promote active and healthy ageing.

The replies to this questionnaire as well as the discussions and further written input formed the basis for the development of "Principles on physical activity contributing to active ageing". The draft deliverable was represented by a Hungarian representative and again discussed amongst the participants.

All three deliverables will be presented to the Council Working Party on Sport. The next meeting of the Expert group on Sport, Health and Participation will take place on 6th February 2013. The minutes of the meeting from 27th June shall be published in the course of the summer on the Sports Unit website.

Further information:

[European Commission - Sport Unit website](#)



How to regulate gambling and betting in Europe?

On 27 June, the conference “How to regulate Gambling and Betting in Europe?” was held at the European Parliament. For the EU Institutions MEP Jürgen Creutzmann, Rapporteur of the EP Resolution on “Online Gambling in the Internal Market”, Commissioner Androulla Vassiliou, responsible for Education, Culture, Multilingualism Youth and Sport, and Commissioner Michel Barnier, responsible for Internal Market and Services took part in the conference.

The main representative of the Olympic Sport Movement was Pâquerette Girard-Zappelli representing the International Olympic Committee (IOC). She reported on the different activities combating match fixing under the chair of the IOC and illustrated the upcoming measures foreseen for the London 2012 Olympics.

The three main topics of the Conference were the following:

- Which new EU Action Plan on gambling?
- The specific case of sports betting: with the penalization of sports fraud at European level and the recognition of “betting right” as the main issues.
- Protecting European consumers

With the follow-up to the Green Paper on on-line gambling in the Internal Market to be expected in the autumn of this year, considerable attention was given to the speeches of the Members of the European

Commission. Vassiliou on the one hand, mainly focused on the issue of match-fixing and the related threat to the integrity of sport.

Barnier on the other hand, provided some insight into the future actions at the EU level. He highlighted three elements which will become crucial parts of the EU Action Plan: protecting consumers and citizens, which is the main concern of the EU with regard to online gambling, preventing fraud as well as safeguarding the integrity of sport. Barnier also mentioned three ways in which these objectives can be met:

- Involve Member States and develop administrative cooperation,
- Encourage the development of an attractive range of legal gambling opportunities where this is allowed,
- Respect the European legal framework.

Both Commissioners also referred to the parallel processes within the IOC and the Council of Europe. Barnier for instance mentioned the “importance of the EU’s active role within the IOC and the Council of Europe, which recently took a series of measures in a context surpassing that of the EU alone”, whereas Vassiliou highlighted the need for coordination.

Further information:

[Speech of Commissioner Michel Barnier](#)

[Speech of Commissioner Androulla Vassiliou](#)



WADA published first draft of the revised World Anti-Doping Code

On 1 June 2012 the World Anti-Doping Agency (WADA) published the first draft of the revised World Anti-Doping Code. This publication comprises another step in the Code Review Process that should result in a new version of the Code. The revised WADA Code is scheduled to enter into force as of 1 January 2015.

The published first draft is based on the contributions of the first consultation phase, which ran from 28 November 2011 to 15 March 2012. During this first consultation, 91 official contributions and 1,366 individual comments were collected.

One of the most remarkable new elements in the first draft is the "Limitation on Participation in the Olympic Games", which can be found under Article 10.15. It is stated that under certain conditions *"as an additional sanction, the Athlete or other Person shall be ineligible to participate in the next Summer Olympic Games and the next Winter Olympic Games taking place after the end of the period of Ineligibility otherwise imposed."*

This new article refers to two recent Court of Arbitration for Sport (CAS) cases. In the Arbitration USOC/IOC of October 2011, the CAS has ruled Rule 45 of the Olympic Charter or the so-called "Osaka Rule" as *invalid and unenforceable* under the WADA Code currently in force. In a similar Arbitration in April 2012, the Bye-Law of the British Olympic Association regarding Olympic Games has been ruled non-compliant with the WADA Code. The draft article 10.15 could be regarded as an attempt to reconcile sanctions regarding the exclusion of athletes from Olympic Games.

Other elements that are worthy to mention are:

- Contaminated Products (Article 10.4.2): A new article on a prohibited substance coming from a contaminated product has been included.
- Roles and responsibilities of Athletes (Article 21.1.2): In addition to the already existing article "To be available for Sample collection, the words "at all times" have been added. In a comment it is stated that *"with due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection outside of normal Testing hours."*

Further planning:

- 1 June 2012 – 10 October 2012: Second consultation phase WADA Code and first consultation phase International Standards
- 1 December 2012 – 1 March 2013: Third consultation phase WADA Code and second consultation phase International Standards
- November 2013: Final draft presented at World Conference on Doping in Sport

Further information:

[Press release WADA \(1 June 2012\)](#)

[Direct link to the revised draft of the World Anti-Doping Code](#)

[WADA Code Review Plan](#)

[Media release CAS - Arbitration USOC/IOC \(6 October 2011\)](#)

[Media release CAS - Arbitration BOA/WADA \(30 April 2012\)](#)



Resolution on recognising and promoting cross-border voluntary activities in the EU

The European Parliament adopted a legally non-binding resolution that recognises and promotes cross-border voluntary activities in the EU in its plenary session in Strasbourg on 12 2012.

The Resolution calls on Member States, national, regional and local authorities, the Council and the Commission and the EU as a whole to recognise and promote volunteering as an important means of intercultural learning, social solidarity and participative democracy.

Volunteering is not only a formal, informal and non-formal learning experience that offers a benefit in terms of personal development; it also contributes to society and the economy of each Member State as well as the European Union. This contribution should be supported by different actions proposed in the Resolution. One such action calls for a clear legal framework to be put in place in Member States which have not made any progress in recognising and respecting the rights and responsibilities of volunteers.

The Resolution also encourages the participation of disadvantaged young people, especially of those with fewer opportunities or disabilities, and the participation of older people in voluntary activities.

Economic benefits could also result from volunteering as it boosts the generation of

national and European GDP. "The use of volunteer time as matching funding for European projects" is another important initiative of the Resolution as it recognises the significance of volunteering in the relevant EU policies and programmes. The European Parliament calls for a clarification of the concept of grants not to be confused with state aid and for a mechanism to exempt voluntary non-for-profit organisations from VAT. To be able to measure the social and economical benefits of voluntary activities, comparable statistics, data proving and monitoring should be introduced in the Member States as well as reports should be published by the European Commission.

Sport is also mentioned in the Resolution. It takes into consideration the Council's conclusion on the role of voluntary activities in sport in promoting active citizenship and "calls on the Commission and the Member States to give a high profile to volunteering in sport, particularly at the grassroots level, to acknowledge the important role played by volunteer-led sporting organisations in strengthening culture, promoting social inclusion and enhancing communities and to reduce the barriers to sports volunteering across the EU".

Further information:

[Link to the report](#)



June 2012

CJEU: Publication of Advocate Generals' Opinions related to sport

The CJEU has published in June 2012 two opinions of Advocate Generals (Bot and Cruz Villalón) which both have relevance for sport:

- **12 June 2012, Advocate General's Opinion in Case C-283/11, Sky Österreich GmbH v Österreichischer Rundfunk (ORF)**

Extracts from the press release : "According to Advocate General Bot, the limitation of the compensation payable by a television channel for the use of short extracts of high-interest events to the public, such as football matches, is justified. That limitation establishes a fair balance between the various fundamental rights concerned".

- **21 June 2012, Advocate General's Opinion in Case C-173/11, FootballDataCo and Others**

This preliminary ruling was brought by the UK High Court asking for guidance to the CJEU on whether fixture lists for football leagues are covered by copyright.

In this case, the questions referred to the CJEU were the following:

"Where a party uploads data from a database protected by sui generis right under Directive 96/9/EC1 ("the Database Directive") onto that party's web server located in member state A and in response to requests from a user in another member state B the web server sends such data to the user's computer so that the data is stored in the memory of that computer and displayed on its screen

a) is the act of sending the data an act of "extraction" or "re-utilisation" by that party?

b) does any act of extraction and/or re-utilisation by that party occur

(i) in A only

(ii) in B only or

(iii) in both A and B?"

Extracts Opinion Advocate General Cruz Villalón, conclusion (point 61):

"(1) Where a party uploads data from a database protected by sui generis right under Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases onto that party's web server located in Member State A and, in response to requests from a user in another Member State B, the web server sends such data to the user's computer so that the data is stored in the memory of that computer and displayed on its screen, the act of sending the information constitutes an act of 're-utilisation' by that party.

(2) The act of re-utilisation performed by that party takes place both in Member State A and in Member State B."

Please note that a Advocate General's Opinion is not binding in the Court of Justice. The Judges of the CJEU are now beginning their deliberations in this case. Judgments will be given at a later date, most probably at the end of 2012.

Further information:

[12 June 2012 CJEU press release Advocate General's Opinion in Case C-283/11, Sky Österreich GmbH v Österreichischer Rundfunk \(ORF\)](#)

[21 June 2012 CJEU opinion Advocate General Cruz Villalón, Case C-173/11, FootballDataCo and Others](#)



Commission announces new Director for youth and sport

On 20 June, the European Commission appointed Chiara Gariazzo as the new Director for youth and sport in the Directorate-General Education and Culture (DG EAC). She will be replacing Mr Gregory Paulger, who became Director-General of DG Communication (DG COMM) in January 2012.

Previously Mrs Gariazzo worked as Head of Unit within DG Justice, where she was responsible for financial support for migration and borders. She will take up her new position as of 1 September 2012.

Further information:

[Commission staff Directory](#)

[Organisation chart DG Education and Culture \(EAC\)](#)

Funding programmes, studies and projects

Commission publishes call for Feasibility Study

On Monday 15 June 2012 the European Commission published the invitation to tender for the Feasibility Study on "Possible future mobility measures for sport in the EU". The invitation follows the publication of the contract notice in the Official Journal of the European Union on 9 June 2012.

The study itself will be carried out in the framework of the Preparatory Action "European Partnership on Sports" within the EU budget for 2012. With this study the European Commission wants to get an overview of all factual elements that may help to determine:

- Whether funding of sport mobility measures at EU level is necessary,
- What would be their feasibility,

- What shape they might take and under what conditions, and
- What might be the requested amounts.

The contract will have an estimated value of 100,000 EUR (excluding VAT) and can take no longer than 8 months, starting from the award of the contract. Offers to tender must be sent no later than 27 September 2012.

Further information:

[Press release Sport Unit \(15 June 2012\)](#)

[Open Call for tender EAC/20/2012](#)

[Contract notice - Official Journal of the EU \(9 June 2012\)](#)



Dates in July and August

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| 4 July | Council Working Party on Sport in Brussels |
| 9-10 July | EP CULT Committee meeting on Erasmus for All – Exchange of views |
| 11 July | Education, Youth Sport Council meeting in Brussels |
| 27 July – 12 August | Olympic Summer Games in London |
| 31 July | Deadline “Call for Proposals Preparatory Actions in the Field of Sport” 2012 |
| 29 August – 9 Sept | Paralympic Summer Games in London |