

# *EOC*

Liaison Office at the European Union



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

**May 2008**

## MONTHLY REPORT MAY 2008

<b>Sport</b>		<b>3</b>
	<b>News from the Institutions</b>	<b>3</b>
	1st European Parliament (EP) adopts the White Paper on Sport	3
	2nd Budget line for sport planned under the 2009 budget	4
	3rd Olympic rights for human games: Conference on the Olympics in China	5
	4th White Paper: A Strategy for Europe on Nutrition, Overweight and Obesity	7
	5th European Commission: Tobacco Advertising Ban Effective	8
	<b>Legal Questions</b>	<b>9</b>
	6th “6+5” rule: FIFA and UEFA are given leave to negotiate with the Commission	9
	7th European Court of Justice – Gambling and freedom of establishment	10
	8th Sport betting / French Court forbid two online websites to organise betting on Roland Garros	11
	<b>Aid Programms</b>	<b>12</b>
	9th Call for proposals in the “Youth in Action” programme	12
	<b>Miscellaneous</b>	<b>14</b>
	10th COSL is a new partner of the EU–Office	14

## Sport

### News from the Institutions

#### 1st European Parliament (EP) adopts the White Paper on Sport

The European Parliament adopted the report on the European Commission's White Paper on Sport on 8 May.

Amongst others a vote was taken on the following proposed amendments:

- The emphasis on subsidiarity and autonomy: According to the EP, the competencies deriving from Article 165 of the Treaty of Lisbon should be used carefully, taking into account the specificity of sport. The EP calls on the European Commission (EC) to respect the principle of the subsidiarity and autonomy of sports organisations.
- Greater legal security: MEPs call on the EC to draw up guidelines for sports organisations on the specificity of sport in order to ensure greater legal security.
- Access to ordinary courts: MEPs call on sports organisations to allow recourse to ordinary courts in their statutes.
- "6+5" rule: The EP calls on Member States and sports organisations not to introduce any new discriminatory rules like FIFA's "6+5" rule. UEFA's arrangement for training players locally ("homegrown players") is supported, however.
- EU funding: The EP calls for additional investments in sports infrastructures (also through funding programmes).

Together with its partner organisations, the EU-Office of German Sports submitted a position paper containing 22 proposed amendments covering subjects including the areas of the specificity and autonomy of sport, betting,

the mainstreaming of sport, structured dialogue and media rights. All 22 proposals were integrated into the EP report and even the precise text of some of them was taken over, for example the budget line for sport under the 2009 budget.

## **2nd Budget line for sport planned under the 2009 budget**

Since the autumn of last year, the EU–Office of German Sport has been in direct contact with the European Commission (EC). It has worked committedly in the consultations on the White Paper on Sport, partly through the European Parliament (EP), to establish a budget line for preparatory measures in the field of sport.

The EU–Office’s lobbying was successful; the EC took up the idea and has earmarked € 1.5 million for this purpose.

The EU–Office will follow the budgetary procedures in the coming months and will try to persuade the EP to increase funding considerably. The chances of it doing so are good since the EP adopted the proposed amendment for creating a separate budget line for sport in the Mavrommatis report on the White Paper on Sport.

The budget line is a special achievement in that it provided for the direct funding of sport even before ratification of the Treaty of Lisbon (and the article on sport).

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The EU-Office will also maintain a dialogue with the EC on the planned contents that may be funded. Possible subject areas that may receive funding are as follows:

- sport and health (creation of a network for physical movement that is beneficial to health)
- training (European certificate for schools that promote physical activity)
- voluntary activity (creation of a network, provision of coordinating bodies for non-profit organisations [advice on legal and tax matters])
- conferences and seminars



<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/695&format=HTML&ag ed=0&language=EN&guiLanguage=en>



[http://ec.europa.eu/budget/documents/annual\\_budgets\\_reports\\_accounts\\_en.htm](http://ec.europa.eu/budget/documents/annual_budgets_reports_accounts_en.htm)

### **3rd Olympic rights for human games: Conference on the Olympics in China**

A conference on human rights in China and Tibet took place at the European Parliament on 15 May in connection with the 2008 Olympics in Beijing. Most of the speakers were journalists and politicians. Sport was represented by Ingo Weiss, President of the German Basketball Federation, and Gella Vandecaveye, former Belgian athlete and Olympic medallist.

Three main subject blocks were discussed:

- Block I: Beijing's promises and the course of the games: Who is responsible?
- Block II: Should the media live with censorship and surveillance?
- Block III: Boycotting the opening ceremony ... and what else?

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Ingo Weiss pointed out that political rapprochement can take place through sport, but that this cannot make up for political failings. He opposed a boycott of the opening ceremony, favouring an open discussion with China. In connection with the athletes' preparation, he pointed out that they are being informed about the political situation in China in cooperation with Amnesty International and Human Rights Watch. Gella Vandecaveye was in favour of boycotting the opening ceremony but opposed a general boycott of the Olympics.

An envoy of the Dalai Lama emphasised the good cooperation between Tibet and the EU, but underlined that quiet diplomacy would not make China seriously devote attention to the subject of human rights. The Frenchman Robert Ménard (Secretary General of Reporters without Borders) accused the IOC of failing to act and called on athletes to take up a public position. Daniel Cohn-Bendit, Vice-President of the European Greens, also advocated a boycott of the opening ceremony. Cohn-Bendit considers early July to be the key phase on this issue, when France takes over the Presidency of the European Council. In his view, measures should be taken against China's political exploitation of the Olympics. He went on to call for greater inclusion of subjects such as human rights and ecology in the context of the Olympics in general. James Moran (Director of the External Relations Directorate-General) opposed a

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boycott of the opening ceremony and favoured using constructive means to deal with the situation.

#### **4th White Paper: A Strategy for Europe on Nutrition, Overweight and Obesity**

The responsible Environment Committee of the European Parliament (EP) voted on a motion for a resolution for an own-initiative report on the White Paper: “A Strategy for Europe on Nutrition, Overweight and Obesity” on 28 May. In the White Paper, the European Commission (EC) called on Member States in May 2007 to take additional steps to counter the reduction in physical activity. The strategy was to promote education about healthy eating and physical activity. Above all, the idea was that children and young people should be encouraged to do more physical exercise through advertising and media campaigns.

In the draft report of December 2007, the original rapporteur Adriana Poli Bortone (UEN, Italy) proposed that any sponsoring and advertising of products with a high sugar, salt and fat content should be banned in schools. She also demanded a voluntary commitment by all sports organisations and teams to promote a balanced diet and physical exercise. In addition, she called on them not to try to attract sponsors who manufacture or sell food with low nutritional value or high calorie content, and in no case to advertise such products.

The responsible Environment Committee advocated sports federations and teams promoting a balanced diet and physical activity. The food industry was

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called upon to introduce restrictions on advertising targeted at children.

The final vote on the non-binding own-initiative report is expected to take place on 8/9 July 2008 at the European Parliament's plenary session. The European Commission will examine the state of obesity in a progress report in 2010 and compile a status report of the measures of the Member States and other players.

#### **5th European Commission: Tobacco Advertising Ban Effective**

Less than three years after its entry into force the EU advertising ban has proven its effectiveness. This is the conclusion of the European Commission report on the performance of the Tobacco Advertising Directive. Today, all Member States have transposed the Directive and tobacco brand advertising in the press aimed at the general public has virtually disappeared. Direct tobacco sponsorship of cross-border sports and other events within the EU has also ceased, like at the European Football Championships or Formula One races. The long history of tobacco sponsorship and Formula One has come to an end. This is a direct result of the EU Tobacco Advertising ban. So far, in 2008, no tobacco brands have been visible in Formula One Grand Prix races.

The key challenge in the tobacco advertising ban has shifted to the internet which is difficult to control.

The Commission is working with the WHO Framework Convention on Tobacco



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Control to strengthen advertising bans at global level, to ensure that the EU ban is not undermined from the outside.



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## Legal Questions

### 6th “6+5” rule: FIFA and UEFA are given leave to negotiate with the Commission

The FIFA Congress in Sydney decided on 30 May to approve a resolution to protect national teams by introducing the so-called “6+5” rule. Under item 12.2., the delegates of the national football associations committed themselves to giving their full support to the objectives of the “6+5 rule”:

- maintaining the national identity of football clubs
- strengthening national teams
- reducing the financial inequalities between poor and rich clubs
- strengthening the sporting value of club competitions
- safeguarding the education and training of young players
- strengthening training in the clubs
- recreating original sporting and economic conditions

From the 2010/2011 season, at least four homegrown players should be included in the list of players, from the 2011/2012 season, the number should be five and from 2012/2013, it should be six. These players should be eligible

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to play for the national team of the country where the club has its headquarters. These rules relate to the players at the beginning of the game. Substitutions in the course of a game can result in a larger number of foreign players being on the field.

In addition, the delegates gave the FIFA and UEFA Presidents the task of continuing to tap all possible means permitted by law in the world of sport, among the organisers of football, on the International Olympic Committee and in the international federations and to ensure that FIFA's basic sporting objectives are reached. The President of FIFA was authorised to introduce similar rules with the competent confederations in the other continents if necessary. The German Football Association (DFB) welcomed the adoption of the FIFA resolution. It enabled a confrontation between FIFA and UEFA to be avoided and created a way of entering into dialogue with the European Commission.

#### **7th European Court of Justice – Gambling and freedom of establishment**

Oral representations were made at the ECJ in the legal case C-42/07 on 29 April. The subject of dispute is the sponsorship of the Portuguese football league by a Bwin subsidiary. The government-owned monopolist Santa Casa claims the exclusive right to act as a sports betting operator.

It is envisaged that a lead opinion will be issued on 9 September 2008. A ruling

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is likely to be made only a few months later.

The argumentation of the ECJ in the hearing is to be noted, particularly in the context of France's current negotiations with the European Commission on the liberalisation of the sports betting market. The ECJ asks the fundamental question regarding the grounds for a monopoly model (sports betting) on the one hand and a licensing model (casinos) on the other within one Member State (Portugal) (coherence argument). This question could also be applied to a model envisaging a monopoly on betting and the award of licenses for sports bets, such as that currently being negotiated by France. In the medium-term the gambling monopoly could be seriously called into question.

Following the Gambelli and Placanica rulings, this ruling is also considered to be of considerable fundamental significance. It is also likely to have repercussions on the many referral proceedings pending at the ECJ on account of the (new) German legal situation.

#### **8th Sport betting / French Court forbid two online websites to organise betting on Roland Garros**

Two Internet websites were banned on May 30, by a French court (Tribunal de Grande Instance de Paris) from taking online bets at the on-going Roland Garros tennis championship in Paris.

Unibet and Expekt, both based in Malta, were also ordered to pay 800,000 EUR

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to the French tennis federation, which owns the rights on the sport event. An appeal of this first instance decision shall be introduced shortly by the two companies.

In two distinct rulings, the court ruled that both sites "violated the operating monopoly conferred on the French tennis federation, the organisers of the tournament".

The French tennis federation launched a similar action before the Belgium jurisdiction, which was dismissed in April 2008.

## **Aid Programms**

### **9th Call for proposals in the "Youth in Action" programme**

The European Commission calls for the submission of proposals relating to projects within the framework of the "Youth in Action" programme. The proposed projects are to enable the wide dissemination of high-quality information and ensure access to information at European level by young people and people involved in youth organisations.

These projects are intended to achieve the active participation of young people in European public life.

The projects to be submitted are to include at least one of the following major subjects:

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- the participation of young people
- cultural diversity
- European citizenship
- the inclusion of young people with fewer opportunities

Non-governmental organisations, non-profit organisations and associations, local and regional public agencies that have their own legal personality and have had their legal headquarters in one of the programme countries (EU Member States, EEA countries, candidate countries) for at least one year at the time of application may receive funding under this programme. Partner organisations from at least two countries must be involved in the projects, of which at least one has its legal headquarters in a European Union Member State.

- Application deadline: 30 June 2008
- Project start: between 1 January 2009 and 31 March 2009
- Project duration: between 12 and 18 months
- Financial framework: € 900 000, project-related grant: a maximum of € 100 000
- Co-financing of up to 80 % of the total project costs that may receive funding



[http://eacea.ec.europa.eu/youth/calls2008/index\\_en.htm](http://eacea.ec.europa.eu/youth/calls2008/index_en.htm)

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## Miscellaneous

### 10th COSL is a new partner of the EU-Office

We are happy to be able to welcome Luxembourg's National Olympic Committee (COSL) as a new partner of the EU-Office of German Sports. Marc Theisen, COSL President, signed the partnership agreement, making COSL the ninth national umbrella sports organisation to become a partner of the EU-Office since it was set up to achieve better representation at EU level in 1993. The COSL was founded in 1912 and currently represents 59 Luxembourg sports federations.



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