

EOC

Liaison Office at the European Union



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

March 2008

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Sport

News from the Institutions

1st European Parliament – Report on the White Paper on Sport

The European Parliament's competent Committee on Culture and Education (CULT) voted on the proposed amendments to the EP Report on the White Paper on Sport on 1 April. The report is likely to be adopted by the plenary session on 7 May.

Sport needs more legal security

The report underlines the significance of the EU reform treaty's recognition of sport as a policy area and is to serve as a guideline for future European initiatives in the field of sport. MEPs call on the European Commission (EC) to respect the specificity of sport and to draft clear directives on how EU legislation is to be applied to sport. In view of the reform treaty, which provides for supporting measures in the field of sport, MEPs call for a special budget line for sport as early as in 2009.

Self-regulation of sport

The MEPs agreed with the EC that most challenges in this field can be met by means of self-regulation while adhering to Community law. They are convinced that structured dialogue between the EC and the sports movement is essential in order to achieve greater legal security and to be better able to respect the autonomy of sports organisations.

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Sport for all and the possible deregulation of the gambling market

The report expresses concerns about the possible deregulation of the lotteries and of the gambling market because this could result in the financial support for sport in general and for amateur sport in particular being limited, thus also limiting its social benefit.

In addition, aspects such as the fight against doping, sports marketing and the trade in players were discussed.

The EU-Office will make a comprehensive assessment after the report has been adopted by the plenary session.

2nd Informal meeting of Sports Ministers with representatives of the National Olympic Committees

A historic meeting of sport and politics took place on 17 March under the Slovenian Presidency of the European Council. Within the context of its Informal Meeting of Sports Ministers, the Ministers took part in a discussion with the Presidents of the National Olympic Committees, representatives of the Executive Committee of the European Olympic Committees and with EU Commissioner Jan Figel' for the first time.

The President of the European Olympic Committees, Patrick Hickey, underlined the importance of this structured dialogue. With reference to the White Paper on Sport, which is currently being read in Parliament, he underpinned the willingness of the Olympic Movement to cooperate in implementing it. At the

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same time, he made clear that he expected the European Commission (EC) to involve the Olympic Movement in planned activities at an early date. In this connection, he pointed to the working group on the White Paper on Sport, which was set up in 2007. Its members include representatives of the Member States and the EC, while representatives of sport are excluded and information on the results of the meetings are only insufficiently circulated.

From the point of view of the Olympic Movement, there is an urgent need for action to deal with questions concerning the autonomy and specificity of sport. The sports organisations received support from Luxembourg's Minister of Sport Jeannot Krecké, who called on the EC to cooperate on a specific list of sports-specific provisions.

Acceptable long-term financing of European sport was also a subject of discussion. The EOC is following with interest the two studies on this subject planned by the upcoming French Presidency of the European Council and of the European Commission. In particular, sport's high level of dependence on funding from the lottery and gambling sector is regarded as problematic, particularly as existing state monopolies are coming under increasing pressure. Commissioner Figel' regarded the exclusion of gambling from the service directive as a great mistake since it meant that the opportunity to achieve greater legal security was not used.

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In the Joint Declaration entitled “Social Significance and Dialogue in Sport“, all participants underlined the great societal, social and integrative role of sports and agreed to continue the structured dialogue under the French Presidency.



http://www.eu2008.si/en/News_and_Documents/download_docs/March/0316_EYC_sport/050Declaration.pdf

3rd European Parliament – Olympic Games and Tibet

The European Parliament (EP) discussed the issues surrounding the Olympic Games in China and the human rights situation in Tibet at its plenary session on 26 March. With a few exceptions, the EP expressed understanding for the difficult role of sport, which does not wish to be misused as a political tool.

EP President Hans–Gert Pöttering called on all those involved to put an end to the violence and to return to constructive dialogue, as did the representative of the Slovenian Presidency of the European Council Janez Lenarcic.

The European Commissioner for External Relations, Benita Ferrero–Waldner, supported the IOC’s view that the Olympic Games per se were not a political event. She appealed for the games to be held in the Olympic spirit and for freedom of speech and freedom of the press to be guaranteed.

The discussion between MEPs may be summed up by stating that a boycott of the Olympic Games was not called for by any political parliamentary group.

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However, there was great support for targeted actions within the context of the opening event and for calls on the Member States' political leadership to refrain from taking part in the opening event.

The EP will adopt a resolution on Tibet at its plenary session on 10 April. Its precise text is being negotiated between the parliamentary groups over the next few days.

In addition, the EP Delegation for Relations with the People's Republic of China is planning a special meeting in mid-April to discuss the parliament's further actions.



http://www.europarl.europa.eu/news/expert/infopress_page/004-24808-086-03-13-901-20080326IPR24807-26-03-2008-2008-true/default_en.htm

Legal Questions

4th ECJ – Application of EU competition law to sport

The Advocate General KOKOTT has published on March 6 her opinion on the case MOTOE, a litigation between an independent Greek motorcycling federation (MOTOE) and the Greek motorcycling federation (ELPA), officially recognized by the International Motorcycling Federation (FIM).

The facts are the following: MOTOE applied in 2000 to the Greek Ministry of Public Order for authorisation to hold a number of motorcycling events. In Greece, such authorisation is delivered, following a Law from 1999 (the article 49 of the road traffic code), by the ETHEAM, which is the National Motorcycle-Racing Committee entrusted by the ELPA.

This request never received any consent from the ETHEAM. Therefore, MOTOE brought an action before the Greek jurisdictions. Consequently, two questions for a preliminary ruling were transmitted to the European Court of Justice (ECJ). In this case, the focus of interest is the dual role performed by the ELPA in connection with motor sports events, and the compatibility of the article 49 of the Greek road traffic code with EU Competition law (articles 82 and 86 EC Treaty).

As it is described by the advocate general, the way the ELPA has rejected MOTOE's request "*becomes an abuse where it has no objective justification in*

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the interests of sport, but is used arbitrarily to promote the organisation's own economic interests, to the detriment of other service providers that would like to organise, and above all market, motorcycling events on their own responsibility" (paragraph 96).

The advocate general concludes that the articles 82 et 86 EC Treaty "*preclude a provision such as Article 49 of the Greek Road Traffic Code, under which a non-profit-making association [ELPA] which itself organises and markets motorcycling events is at the same time granted an exclusive right of co-decision in a public body's authorisation of such events, in which capacity it may refuse to give its consent without being subject in this regard to any restrictions, obligations or controls" (paragraph 112).*

The ECJ shall take a decision during the autumn 2008. The ECJ follows in 80 % of the cases the orientations provided by the Advocate General.



<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62007C0049:EN:HTML>

5th European Court of Justice: Publication of the statistics for 2007

In consequence of the accession of the Republic of Bulgaria and of Romania to the European Union on 1 January 2007, the ECJ and the Court of First Instance are now composed of 27 judges.

European Court of Justice

The statistics concerning the Court of Justice's judicial activity in 2007 reveal a reduction, for the fourth year in a row, of the duration of proceedings before the Court. The Court completed 551 cases in 2007 compared with 503 in 2006. For example, the average duration of preliminary ruling proceedings was 19.3 months in 2007, as against 23.5 months in 2004. The Court had 580 new cases brought before it in 2007, the highest number in its history, representing an increase in new cases of 8 % compared with 2006 and 22.3 % compared with 2005.

Court of First Instance

522 new cases were brought before the Court of First Instance in 2007, a significant increase compared with 2006 (432). On the other hand, the number of cases completed went down (397 in 2007 as against 436 in 2006). Consequently, the number of pending cases has substantially been increased. This may rise to the risk that the duration of proceedings will increase, on the contrary to the ECJ. The Court of First Instance has initiated a

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reform in order to tackle this issue.



<http://curia.europa.eu/en/transitpage.htm>

Aid Programms

6th Appeal in the Health Programme 2008–13

The European Union's second health action programme for 2008–2013 came into force on 1 January 2008. The European Commission has now published the funding conditions and the deadline for the submission of project proposals as being 23 May 2008.

The aim of the new health programme is to enable political measures in the field of health to be supplemented, supported and intensified by the Member States, thereby contributing to more solidarity and greater prosperity in the EU. Through the special role of sport in the field of preventive health measures accepted in the White Paper on Sport, it may be assumed that projects of relevance to sport have a greater chance of receiving funding than in the past.

The details of the action programme's objectives are as follows:

- a. to improve citizens' health security
- b. to promote health including the reduction of health inequalities
- c. to generate and disseminate health information and knowledge

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Each project is to have a strong European connection and is not to exceed a term of three years. Applicants should ensure that identical projects have not already been funded in the health programme that has now ended. A list of the projects published to date may be downloaded from the internet.



<http://ec.europa.eu/phea>

The financing follows the principle of shared costs. 60 % of the costs intended to help achieve an objective forming part of the programme shall be met by the Community's financial assistance.



http://ec.europa.eu/phea/calls/call_for_proposals_en.html

7th EU project – “Experts meet” in Potsdam

Representatives from England, Finland, Sweden, Estonia, Germany and Austria took part in an EU-funded networking seminar in Potsdam from 5 to 8 March.

The event was organised and managed by Sportjugend Brandenburg. Successful projects were presented by each delegation at the seminar. The Austrian Sports Federation ASKÖ presented projects including the EU projects “ARCTOS”, “No Drugs! Play Fair!” and the German hosts presented their successful project “Street football for tolerance”, where street football is played with its own fair-play rule. This new model is also applied within the context of at the Euroschoolcup 2008 in Austria.

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As well as the presentations by the individual organisations, the participants exchanged their experiences of the EU, particularly relating to the “Youth in Action” and “Lifelong Learning” programmes. Projects ideas such as “Sports-orientated kindergartens”, “Voluntary involvement in sport” and “The White Paper on Sport and what young people think about it” were discussed. On account of the successful cooperation in this year’s seminar, a joint project on the EU subject of 2009, Creativity & Innovation, is planned.