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European Union and Sport

EU Sport Forum

On 21 – 22 February the European Sport Forum took place in Budapest chaired by the Hungarian Presidency. The forum brought together more than 300 participants from European Institutions and the Olympic Sports Movement.

One of the key issues discussed was the EU-Commission's communication "Developing the European Dimension of Sport" adopted on 18 January. Particular attention was also given to the outcome of the projects selected in the framework of the 2009 and 2010 "Preparatory Actions". In this context the EOC EU Office project addressing dual careers, "Athletes2Business", was presented as well.

In his notable keynote speech **Patrick Hickey**, IOC Member and President of the European Olympic Committees pointed out that the main concern of the Olympic Movement is to safeguard the integrity of sport. In this regard he calls on the European Institutions to assist the sport stakeholders actively in the fight against doping and match fixing. He gave recognition to the fact that the COM has acknowledged in its communication the crucial role of WADA and asked the European Institutions to concretise the specific nature of sport.

However, he expressed his disappointment that the communication contains no



reference to a future Sport Funding Programme and nearly no progress in mainstreaming of sport in existing EU funding programmes. He received support from Ivo Belet, MEP, who by stated that the European Parliament has adopted a written declaration "not to cut financial support for grassroots sports in the future". Following Belet, the EP regards the communication as a step forward but "wants to put the bar higher". In this regard he mentioned issues such as Transfers of Minors, Players agents, Integrity and Autonomy of sports, Social Inclusion through sport and noted that more health-enhancing activity through sport could save money in the social security sector.

Hungarian Secretary of State for Sport, Attila Czene, announced that the European Sport Ministers will adopt a resolution on a three years working plan for sport in the course of the next formal Sport Ministers Meeting on 19 May.

Through the recognition of the autonomy of sport, Commissioner Vassiliou emphasized that the EU Commission is open for a dialogue for all stakeholders in sport. Furthermore, she expressed her ambition to implement a sport funding programme from 2014 onwards.

During the panel discussion which included the Sport Ministers, Marc Theisen, President of the NOC of Luxembourg and Executive Committee Member of the EOC made an appeal for specific actions in order to emphasize the added value of the Lisbon Treaty for sport.

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ENGSO President Birgitta Kervinen asked for more European means in order to strengthen volunteering and the educational role of sport.

Assessing the outcome of the Forum it became quite obvious that most of the participants supported the communication in general but the expectations with regard to concrete actions have not been fulfilled. It remains to be seen in which aspects the communication and Art. 165 TFEU will provide a real added value to sport.

More Information:

http://ec.europa.eu/sport/index_en.htm

Speech of P.Hickey at the EU Sport Forum:

http://www.euoffice.eurolympic.org/cms/?s=eoc_news&p=248&eid=65&

EU-policy matters

New judgments of the Court of First Instance of the European Union on sport

- ***FIFA & UEFA challenged the definition of sports events “of major importance for society”***

The Court of the First instance of the EU (CFEU) has published its judgments regarding the cases involving FIFA and UEFA against the European Commission (Cases T-385/07, T-55/08 and T-68/08) on 17 February.

Context:

The so-called “Television without frontiers” Directive allows each Member State of the EU to draw a national list defining sports events of “major importance for their respective societies”, **the exclusive broadcast on pay television is then prohibited for such listed events.** The United Kingdom and Belgium have decided to include in their list all matches of the FIFA World Cup for Belgium and all matches of the FIFA World Cup and the EURO organized

by UEFA for the UK. FIFA and UEFA challenged those decisions before the CFEU, “disputing that **all** such matches can be regarded as events of major importance for the public of those States”. Moreover they claimed that the current situation impedes their ability to sell television rights at the best price.

The CFEU arguments:

First the Court ensures that the so-called “prime” and “gala” matches¹ “are **accepted to be of major importance for the public of a given Member State** and may, therefore, be included in a national list specifying the events to which the public should be able to have access on free television. Regarding the other matches of the competitions, the Court observes that they “may be regarded as single events

¹ ‘Prime’ matches of the World Cup include, in particular, the semi-finals, the final and the matches involving the relevant national team(s) of the country in question. ‘Gala’ matches of the EURO include, in particular, the opening match and the final. Other matches are considered to be ‘non-prime’ and ‘non-gala’ matches respectively.



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rather as a series of individual events [...]” affecting the participation of the national teams to others matches during the competitions. Therefore even “non-prime” and “non-gala” matches may “[...] generate **a particular interest for the public** [...]”. The Member States would have the possibility to decide themselves which events are “of major importance”. “It is therefore possible that certain Member States may consider that only ‘prime’ and ‘gala’ matches and, in the case of the EURO, matches involving the relevant national team(s) are of major importance for society, whilst others may legitimately consider that ‘non-prime’ and ‘non-gala’ matches should also be included in the national list.” Moreover, the Court holds that “[...] although the categorisation of the World Cup and the EURO as events of major importance for society is liable to affect the price which FIFA and UEFA will obtain for the grant of the rights to broadcast those competitions, this **does not destroy the commercial value of those rights** because it does not oblige FIFA and UEFA to sell them on whatever conditions they can obtain.”

The CFEU conclusions:

The Court recognizes: “[...] although such a categorisation restricts freedom to provide services and freedom of establishment, that **restriction may be justified, since it is intended to protect the right to information and to ensure wide public access to television broadcasts of events of major importance for society.**” Therefore, “[...] the United Kingdom’s categorisation of all World Cup and EURO matches and Belgium’s categorisation of all World Cup matches as ‘events of major importance’ for their societies **are compatible with European Union law.**”

FIFA and UEFA have two months from the notification to bring an appeal of these judgments to the CJEU.

For more information:

The full text of the judgments:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=T-385/07>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=T-68/08>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=T-55/08>

The press release:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-02/cp110009en.pdf>

- ***Formula One Licensing challenged the use of “F1”***

The CFEU published a further judgment on sport regarding the case Formula One Licensing against the OHMI (Case T-10/09) on 17 February.

Formula One Licensing (FOL) opposed the application of registration of a figurative sign using the word and sign “F1” made by Racing-Live SAS. FOL argued that an international word mark and two national word marks for “F1” as well as a Community figurative mark already exist.

“In October 2008, OHIM rejected the opposition, stating that because of the obvious differences between the mark applied for, on the one hand, and those owned by Formula One Licensing, on the other, there was **no likelihood of confusion between them.**”



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The Court of First Instance of the EU followed the same reasoning and “[...] finds that **the degree of similarity** between, on the one hand, Formula One Licensing’s ‘F1’ word marks and, on the other, the figurative mark applied for – which, moreover, contains the word ‘LIVE’ – **is weak.**”

Therefore FOL cannot prevent the registration of the Community trade mark at stake.

For more information:

The full text of the judgment:
<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=T-10/09>

The press release:
<http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-02/cp110010en.pdf>

CJEU : Opinion of Advocate General Kokott published on “Premier League vs. QC Leisure” and “Karen Murphy” Cases

On 3 February 2011 General Advocate Juliane Kokott has released her opinion on the joint cases “Karen Murphy” (holder of a pub in the UK) and the “Football Association Premier League” (FAPL). This followed the public audition held at the European Court of Justice in October 2010 (see the Monthly Report from October 2010).

The FAPL “essentially grants its licensees the exclusive right to broadcast matches (of the Premier League) and exploit them economically within their respective broadcasting areas, generally the country in question”. In order to safeguard this exclusivity, “[...] each licensee is required to encrypt its satellite signal and to transmit it in encrypted form to subscribers within its assigned territory”. The program can therefore be decrypted with a decoder card.

First Advocate General Juliane Kokott explains that “the exclusivity rights in question have the effect of partitioning the internal market into quite separate national markets, something which **constitutes a serious impairment of the freedom to provide services.**” Moreover, “In the present cases, the live transmission of Premier League football matches is exploited, in particular, through the charge imposed for the decoder cards”. Advocate General Kokott takes the view in this connection that “the economic exploitation of the rights in question is not undermined by the use of foreign decoder cards, as the corresponding charges have been paid for those cards. Whilst those charges are not as high as the charges imposed in the United Kingdom, there is, according to the Advocate General, **no specific right to charge different prices for a work in each Member State.**”



The FAPL challenged the use of a Greek decoder card by Karen Murphy in its pub to show the live transmission of Premier League Football matches. Companies import decoder card in the UK from abroad and sell them at lower price than the ones bought in the UK.

Therefore the ban of using and selling decoder cards may constitute an alteration of the freedom to provide services. Moreover, according to the General Advocate, “[...] **territorial exclusivity agreements relating to transmission of**

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football matches are contrary to European Union law”.

The judgment of the CJEU is expected before summer 2011.

For more information:

The full text of the opinion:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=C-403/08>

The press release:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-02/cp110003en.pdf>

Funding programs and studies

EOC EU Office urges EU to improve funding conditions for sport projects

The EOC EU Office has recently published a position paper on the “Mainstreaming of Sport into EU Funding



Programmes”. The paper, which has been submitted to the EU institutions and national sport ministers, contains concrete proposals on how sport can be better integrated into existing programmes, such as Youth in Action, Lifelong Learning, Health or the Structural Funds. The document is supported by the partners of the office, representing national, European and international sport organisations, such as IOC, EOC, FIFA, ENGSO or DOSB. The overriding objective is to improve the conditions for the funding of sport related projects across Europe. Previously the White Paper on Sport (2007) called on the EU to improve the integration of sport into existing EU programmes. Despite the new legal basis, progress in this field seems to be rather limited. In fact, sport is now less present as a funding

priority in calls for proposals than some years ago. It is also worth mentioning that the Commission’s new Communication “Developing the European Dimension in Sport” does not contain a firm commitment in favour of mainstreaming sport into existing programmes. If sport is to make a substantial contribution in fields such as social integration, employment, education or health, as emphasized in the Communication, it must be adequately reflected in the existing funding programmes. For this reason, the EOC EU Office and its partners call on the Commission to put its commitments with regard to mainstreaming into practice.

The paper on mainstreaming is available on the website of the EOC EU Office under the following link:

http://www.euoffice.euolympic.org/cms/?p=248&s=eoc_news&eid=66&



A2B Meeting in Brussels

On 16 and 17 February 2011, the A2B project team met at the EOC EU Office in Brussels for the final study visit on dual career in Belgium and for a working conference on the project findings.

In a first round, Paul Wylleman from the Vrije Universiteit Brussel introduced the group to scientific research carried out as part of a project on elite sport and higher education funded by the Flemish government. Based on this, the University has elaborated a tailored student-athlete support system assuring student-athlete counselling, financial aid and early mental preparation for transition periods.

The second part of the meeting was dedicated to the evaluation of the final guidelines, the prime result of the A2B initiative



is to be presented to the EU Commission Working Group "Education and Training" end of March 2011. In this context, opportunities for follow-up actions have been raised with a consensus to implement concrete initiatives regarding dual career in given Member States. If the European Commission will provide any financial resources remains unclear at this stage.

ENGSO EU project "Creating a Level Playing Field" aims at promoting social inclusion through sports

Following the adoption of the "Manifesto on a Truly Inclusive Sport" by the ENGSO General Assembly in May 2010, ENGSO has launched a project "Creating a Level Playing Field" to help sport organisations and other actors implement the actions recommended in the manifesto.



The project aims at exchanging best practice examples on the inclusion of immigrants in sporting activities between sport organisations, public authorities and organisations working in the field of social inclusion and anti-discrimination. In addition, an analysis of the best practice examples will be done, hoping to identify the successful elements of these projects and how they could be transferred to other settings. A total

of ten partners are involved in the project, including the German Olympic Sports Confederation, the Finnish Sports Federation and the Norwegian Olympic and Paralympic Committee and Confederation of Sports.

The project was launched in Brussels at the EOC EU Office at the beginning of February, and will run until the end of April 2012. The project is supported by the European Union under the Preparatory Actions in the field of sport.



"Prescribing exercise rather than drugs?"

Researchers, EU officials as well as local and regional representatives met in Brussels on 22 February to discuss how to promote physical activity as a means to enhance health and wellbeing. Trying to be the trendsetter in practice-based innovation relating to public health, the Finnish region of Päijät-Häme hosted the international seminar „**Lifelong Physical Activity – Increased Happiness for All?**“

The White Paper on Sport, the Communication “Developing the European Dimension in Sport” as well as the EU Physical Activity Guidelines set up in 2008 underline the European Union’s competency in the field of sport and especially in relation to public health. Though “we need projects that make a European approach to public health real, we also need to build the bridges” to close the research-policy gap, said Kevin McCarthy of the European Commission’s directorate-general for research and innovation.

Harri Helajärvi, a top doctor of sports and exercise medicine at the Paavo Nurmi Centre in Turku, Finland, pointed out that **physical inactivity ranks 4th in leading risk factors for death** (WHO Global Health Report 2010) and that cost of health care increases more than Gross Domestic Product. “We need to market physical activity much more effectively. Our competitors are the sofa, the TV and the car. We need to make healthy lifestyles seem more tempting and we need PR people to enlighten hearts and minds. You need tax benefits and you need to **get all relevant parties on board**”.

“If you get a prescription it's easy to find a pharmacy and get the medicine. But if you are prescribed health-enhancing physical activity, then where do you go to get it?”

asked Vesa Harmaakorpi, professor of innovation at the Lappeenranta University of Technology and the Lahti School of Innovation. He presented one of the innovative approaches to promoting active lifestyles employed by the Finnish authorities: the so-called HEPA (Health-enhancing Physical Activity) scheme, which sees doctors prescribe exercise vouchers, redeemable throughout Finland, rather than drugs to patients in need of developing more active lifestyles.

Spending one million Euros on implementing HEPA generates approximately 4-5 million Euros of savings in healthcare costs further down the line.

“We're looking at moving beyond the pill to considering the way we live. Health is the top thematic priority in [EU research programme] FP7, but we need to do much better at integrating it across other policies,” the Commission official Kevin McCarthy added. Therefore “we won't actually focus on sport per se, because by keeping it at physical activity you can involve more DGs and policies.”

Other presented projects:

- HEAT (Health Economic Assessment Tool)
http://www.thepep.org/en/workplan/candw/candw_docs.htm
- AFRESH (Activity and Food for Regional Economies Supporting Health)
<http://www.agropolis.org/project-management/afresh.php>



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- IMPALA (Improving Infrastructures for Leisure-Time Physical Activity in the Local Arena)
<http://www.impala-eu.org/>
- PAKETTI
http://www.rakennerahastot.fi/rakennerahastot/tiedostot/hyvaeae_hanketoi_mintaa_EN/tasavertaisuus_PAKETTI_ENG_lores.pdf
- GOAL (Good Ageing in Lahti Region)
<http://www.aka.fi/Tiedostot/Tiedostot/Esitykset/KIF2010/Absetz%20SA%20KIF%202010.pdf>
- PAPA (Promoting Adolescent Physical Activity)
<http://www.projectpapa.org/>

"WILD" project draws to a close at European Parliament

The Women's International Leadership Development (WILD) Programme, successfully implemented by ENGSO in seven European countries since the beginning of 2010, came to an end at the 3rd European Training at the European Parliament in Strasbourg on 16-17 February.

MEP Jean-Luc Bennahmias (ALDE) encouraged the WILD participants to take the lead in promoting gender equality in sport, while Professor William Gasparini from the University of Strasbourg gave the participants an academic perspective to gender-based inequalities and discrimination in sport. Sonia Parayre, Deputy Executive Secretary of the Council of Europe's Enlarged Partial Agreement on Sport, outlined the Council of Europe's activities in promoting gender equality in sport.



Six women from each partner country were trained in personal and management skills for 14 months, and each had their learning experiences to share. "It was an important experience for me, because it gave me a lot, especially for my work. I discovered new goals to be realized and I reflected on my strengths and awareness, as I never have before", remarked Cinzia Sandulli from Italy.

The WILD Programme, consisting of three national trainings, three European trainings and mentoring, will run until the end of March, with some national trainings still outstanding. Inspired by the WILD Programme, a seminar for 60 women leaders will be organised in the Czech Republic in July. The WILD Programme is supported by the European Union.

More information about the WILD Programme:
www.wildsports.eu



At a glance/ Internal

Dates in March

- 03. CULT Committee meeting
- 08. Annual Partner Meeting EOC EU Office
- 09. MESGO (Executive Master in European Sport Governance) meeting in the EOC EU Office
- 10. Council Working Party on sport in Brussels
- 17-18. Commission Working Group Sport & Health on Cyprus
- 29-30. A2B Final Conference in Budapest

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