

EOC

Liaison Office at the European Union



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

November 2008

MONTHLY REPORT NOVEMBER 2008

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Sport

News from the Institutions

1st European Sport Forum and informal Sports Ministers' meeting

Following the Sports Directors' meeting in Versailles on 30 and 31 October 2008, the European Sport Forum organised by the European Commission (EC) took place for the first time from 26 to 28 November in parallel with the informal Sports Ministers' meeting in Biarritz. 160 representatives of national, European and international sports organisations took part in the Sport Forum.

Three focal subjects were dealt with:

1. Implementation of the White Paper on Sport

- a) Overview of the implementation of the "*Pierre de Coubertin*" Action Plan by Mr Mairesse, Director (Directorate-General Education and Culture of the European Commission)
- b) Report on the current situation of negotiations in the context of the social dialogue in football
- c) Presentation of the results of a study on sports training centres

2. Support for grassroots sport in Europe

During the discussion, the high level of dependence of organised sport in

Europe on revenues from state lottery income became apparent. The President of European Lotteries, Winfried Wortmann, said that sport in Europe receives at least € 2.5 billion each year. In this connection, various sports representatives advocated the maintenance of tax concessions for sports organisations as well as the maintenance of state gambling monopolies. There was general agreement that sport for all would remain dependent on state support measures for the foreseeable future.

3. The specificity and autonomy of sport

Patrick Hickey (EOC President) pointed out that while sport does not wish to operate entirely outside a legal framework, the strict application of European law to rules of a purely sporting nature seriously calls the legal security of sports organisations into question. In this connection, he referred to the negative effects of the Meca–Medina judgement by the European Court of Justice.

Hickey was backed by the Minister of Sport of Luxembourg, Jeannot Krecké, who expressed his clear support for maintaining the autonomy of sports and called for clear guidelines for the application of EU law to sport.

At the informal Sports Ministers' meeting, sport was represented by the following individuals: Jacques Rogge (IOC President), Patrick Hickey (EOC

President), Sepp Blatter (FIFA President), Michel Platini (UEFA President), Patrick Bauman (FIBA President), Bernard Lapasset (IRB President) and Guy Drut (IOC Member).

Ján Figel' (European Commissioner for Education, Training, Culture and Youth) and Pierre Mairesse represented the EC vis-à-vis the 27 European Ministers responsible for sport.

The Ministers adopted a joint declaration at the end of their meeting, recognising the principles of the subsidiarity, autonomy and self-regulation in sport. In addition, they expressed their willingness to strengthen dialogue between the European institutions and representatives of sport and the Olympic Movement at international and European level.

In addition, the EC was called upon to present a clearer legal framework for applying EU law to sport. In so doing, the Ministers were complying with a joint request by organised sport and the European Parliament.



[http://ue2008.fr/webdav/site/PFUE/shared/import/1127_Ministerielle_Sports/1128_final_state
ment_%20EN.pdf](http://ue2008.fr/webdav/site/PFUE/shared/import/1127_Ministerielle_Sports/1128_final_state_ment_%20EN.pdf)

2nd Commission – Health – EU Physical Activity Guidelines

The European Commission (EC) published in November the so-called *EU Physical Activity Guidelines*, which redaction was foreseen in 2007 by the action plan "*Pierre de Coubertin*" (action 1).

The guidelines have been drafted by an Expert Group (consisting of 22 independent experts) which has been appointed by the EU Working Group on Sport & Health (consisting of representatives of the Member States). Considered subjects are the policy areas sport, health and education, as well as transport, environment, urban planning, public safety, working environment and services for senior citizens. The guidelines also introduce quality criteria in order to increase the potential for effective policy implementation and give examples of good practice.

The European Commission recalls that the Physical Activity Guidelines will not become a binding document. They should be perceived mainly as a source of inspiration for Member States, regional and local authorities, sport organisations, civil society organisations and other relevant actors to define and implement policies which would make it easier for Europeans to be physically active as part of their daily lives.

The draft guidelines were discussed at the Sport Directors meeting in Versailles as well as presented to the Sports Ministers at their meeting in Biarritz.

Furthermore, the guidelines will be on the agenda of the Health Council of the upcoming Czech Presidency.



http://ec.europa.eu/sport/news/news682_en.htm

3rd Betting and gambling: exchange on legal framework and national policies

On 1 December, the Competitiveness Council of the European Union for the first time organised an exchange of views on the legal framework and the national policies in the EU member states, concerning gambling and betting. In the framework of the discussions, the French Presidency brought forward a report which recalls the big diversity of models for the national organisation of gambling and betting.

As regards content the essential problems are targeted: protection of public order, fight against addiction, protection of minors, consumer protection, tools to combat gambling regarded as illegal and taxation. Concerning the development of online gambling, six Member states have chosen to forbid it, while others have introduced specific regulations. This detail is interesting insofar as the European Parliament is simultaneously working on a report on the integrity of online gambling (Rapporteur: Schaldemose) which will be voted on in the plenum of the European Parliament probably in February 2009.

The report finally specifies that *“Exchanges could also be conducted with*

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sporting bodies, to examine the potential for fraud and cheating in betting and possible solutions”.

The proceedings should be extended to the upcoming presidencies of the EU in 2009 (Czech Republic and Sweden).

4th Reduced VAT rate for horses: infringement proceedings

The European Commission (EC) has decided to refer the Netherlands to the European Court of Justice for applying a reduced VAT rate to horses, and in particular race horses. At the same time, the Commission formally requested Austria, France, Germany and Luxembourg to amend their legislation with regard to similar measures. If these Member States fail to comply with the reasoned opinion within two months, the Commission may also refer them to the Court.

Background: The Netherlands apply a reduced VAT rate of 6% to the supply of certain live animals, in particular horses. Only a limited list of supplies of goods and services may be subject to reduced rates of VAT (Annex III of the VAT Directive). Included in that list are foodstuffs for human and animal consumption as well as live animals, seeds, plants and ingredients normally intended for use in the preparation of foodstuffs. Supply of horses is not included.

The EC sent a reasoned opinion to the Netherlands in October 2007. As the Netherlands has not amended its legislation within the time limit laid down, the EC has decided to refer the matter to the Court of Justice.

Austria which applies a rate of 10%, Germany of 7%, Luxembourg of 3% and France of 2.1% or 5.5% (depending whether the buyer qualifies as a taxable person or not) do not agree with the Commission's analysis. Therefore the Commission decided to send reasoned opinions to these Member States, too.



http://ec.europa.eu/taxation_customs/common/infringements/infringement_cases/index_en.htm

Legal Questions

5th Europe-wide protection of pay-TV services

In October, the European Commission (EC) published its second report on the implementation of the Directive 98/84/EC on conditional-access services which regulates the EU-wide protection of pay-TV.

According to the report, the implementations of the Directive and the efforts to combat piracy against conditional-access systems have varied according to Member State.

New services like video on demand, mobile TV and online streaming use conditional-access systems to restrict access to paying customers and are

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protected by the Directive. In contrast, the protection does not apply to e.g. the copyright or exclusive broadcasting rights for sporting events. This is one reason why e.g. persons holding rights to sport events are interested in being covered by the Directive. For extending the protection to such fields, more information is required, says the report.

The original aim of the Directive, which was to establish an internal market in conditional-access services all over Europe, has not been achieved yet because right holders naturally try to maximise revenue by selling the rights for each territory individually. So far, cross-border markets have developed hardly. As many EU citizens abroad often do not have access to services from home, the EC will now gather information on potential cross-border markets for the distribution of TV programmes and films.

In order to improve the implementation of the Directive in all Member States, the EC has established a group of Member State experts.

Conclusion: The Europe-wide protection against conditional access piracy stays important, particularly for the sport, being dependent on revenues of TV broadcasting and other media. Especially the development of the protection of copyright and exclusive broadcasting rights for sporting events is to be tackled further. The EU Office will report on any progress.



http://ec.europa.eu/internal_market/media/docs/elecpay/593_en.pdf

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General Policy

6th The working program of the European Commission 2009

On 5 November, the European Commission (EC) presented its Legislative and Work Programme for 2009. First and foremost, it included initiatives launched to overcome the financial crisis and to draft EU measures to combat the economic downturn. President José Manuel Barroso announced that the EC would occupy itself primarily with issues *“of immediate concern to citizens”* in 2009, which, as well as the financial crisis, would include above all climate change, migration and development.

The work programme, comprising 12 strategic initiatives, 37 priority initiatives, 33 simplification proposals and 20 projects to withdraw pending proposals, sets priorities in four key areas. These areas are growth and jobs, climate change and sustainable development in Europe, citizens and Europe as well as Europe as a world partner. They range from subjects such as reforms to overcome the economic and financial crisis and specific measures to support the citizens as consumers, to reforming trans-Atlantic relations with the new US administration or the European Neighbourhood Policy.

In the EC’s legislative work, the promotion of simpler and better legal framework conditions that avoid unnecessary administrative burdens will remain a clear priority in 2009.

In addition, the Council, the European Parliament and the EC will agree inter-institutional communication priorities for the first time in 2009 in the context of the joint declaration on Communicating Europe in Partnership.



http://ec.europa.eu/atwork/programmes/index_en.htm

7th Commission reshuffles senior managers

On 3 December, the European Commission has taken, upon a proposal from President Barroso and Vice-President Kallas, a number of decisions in order to implement its mobility policy for senior staff.

They deal with the mobility of senior managers at Director-General or equivalent level who have reached, or will soon reach, five years or more in their present job. Further decisions on senior management mobility will be taken in 2009.

Mr. Jan TRUSZCZYNSKI, currently Deputy Director-General in DG ELARG (Enlargement), is transferred to the vacant function of Deputy Director-General in DG EAC (Education and Culture), which is also concerned with sport matters, as of 1 July 2009.



<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1881&format=HTML&aged=0&language=EN&guiLanguage=en>

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Miscellaneous

8th European Year of Volunteering 2011

Since many areas of European society only function because there are people who do voluntary service for the general public, many European NGOs, including the EU-Office and the ENGSO (European Non-Governmental Sport Organisations) are calling on the European institutions to declare 2011 to be the European Year of Volunteering. A platform of various NGOs, including sports organisations, has formed in Brussels in order to raise awareness of voluntary commitment in Europe. It is actively promoting these efforts for 2011. A meeting of this platform took place on 3 December 2008 for an exchange of information with Risto Raivio, representative of the European Commission. He reported that there is political agreement for this initiative within the European Parliament, Council and Commission. He has been given the task of drawing up a concept for the year. With regard to the time frame, Mr Raivio expressed the reservation that 2011 would involve a very tight schedule for such a measure and proposed concentrating on 2013. Since many organisations have already been mobilised for 2011, however, the platform representatives prefer 2011. A definite decision as to whether the European Year of Volunteering will be called in 2011 or 2013 is to be made in the first quarter of 2009.