

European Update

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1 The White Paper on Sport

The European Commission published its long-awaited white paper on sport on 11 July 2007, with the grand title 'Action Plan Pierre de Coubertin'. The paper is available at:

<http://www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1066&format=HTML&aged=0&language=EN&guiLanguage=en>

The paper focuses on the key themes which were the subject of intense debate during its development, namely:

- The use of sport as a tool to promote good health, social cohesion and economic development;
- The 'specificity of sport' – i.e. why sport is unique - and the legal implications of this;
- A range of issues surrounding the governance of professional sport

Unfortunately, the final product is rather muted, lacking any legislative proposals or significant budget for delivery. In particular the paper fails to develop the concept of 'specificity' further and simply expresses support for current practice. Perhaps most disappointingly the paper seizes on sport's value as a tool for delivering social progress, whilst at the same time proposing to further regulate certain aspects of sport. Essentially the paper fails to recognise the need to support sport simply as a fundamental aspect of European culture.

Despite the limitations of the paper it does include a wide range of non-legislative proposals. Some of these reflect existing work within member states, including the UK, whilst others may open funding opportunities for CCPR members working in partnership with European bodies. Each of the proposed actions is listed below, and some analysis of what this may mean for members is given in italics.

A.1. Public health and physical activity

(1) Together with the Member States, develop new physical activity guidelines.

In the UK, the Chief Medical Officer's recommendations for physical activity are as follows: for adults, at least 30 minutes of moderate intensity physical activity on five or more days of the week; for children and young people, at least 60 minutes of moderate intensity physical activity each day.

The latter recommendation is supported by a government aspiration (in England) to provide for state school pupils a minimum of five hours sport and physical activity each week, including the existing two hours set aside within the curriculum.

(2) Support an EU Health-Enhancing Physical Activity network and, if appropriate, smaller and more focused networks dealing with specific aspects of the topic.

National governing bodies of sport are now developing expertise in this area and would be well placed to contribute to this forum if resourced to do so.

(3) Mobilise the 7th Framework Programme for Research and Technological Development (RTD), the EU Public Health Programme, the Youth and Citizenship programmes and the Life-Long Learning (LLL) Programme.

These programmes all have their own aims and objectives, and this action aims to raise the profile of physical activity within these. This may mitigate the paper's failure to identify new funds specifically to achieve its aims.

A.2. Fight against doping

(4) Support partnerships through training courses and networking between training centres for law enforcement officers.

(5) Facilitate a coordinated EU approach in the fight against doping, e.g. by supporting a network of national anti-doping organisations.

The fact that the EU recognises the need to combat doping in sport is welcomed. The extent to which these actions will contribute to effectively fighting doping remains to be seen.

A.3. Education and training

(6) Promote participation in educational opportunities through sport under the Lifelong Learning Programme (Comenius, Erasmus, Leonardo da Vinci, Grundtvig).

A.4. Volunteering in sport, active citizenship and non-profit sport organisations

(11) Support grassroots sport through the Europe for Citizens Programme.

(12) Encourage young people's volunteering in sport through the Youth in Action Programme.

A.5. Social inclusion in and through sport

(15) Mobilise the Progress, Lifelong Learning, Youth in Action and Europe for Citizens programmes as well as the European Social Fund, the European Regional Development Fund and the European Integration Fund to support actions promoting social inclusion and integration through sport and combating discrimination in sport.

Those national governing bodies or educational establishments seeking opportunities to engage with other European nations may wish to explore the programmes listed under A3 – A5. It must be remembered however that the purpose of these programmes is to achieve defined social objectives by using sport as the vehicle. Examples might be cultural exchanges based on sport.

A.6. Prevention of and fight against racism and violence in sport

(18) As regards racism and xenophobia, promote dialogue and exchange of best practices in the existing cooperation framework.

(19) Promote, in accordance with national and EU rules applicable, the exchange of operational information and practical know-how and experience on the prevention of violent and racist incidents between law enforcement services [sic] and with sport organisations.

(20) Analyse possibilities for new legal instruments and other EU-wide standards to prevent public disorder at sport events.

(21) Promote a multidisciplinary approach to preventing anti-social behaviour, with a special focus given to socio-educational actions such as fan-coaching (long-term work with supporters to develop a positive and non-violent attitude).

(22) Strengthen regular and structured cooperation among law enforcement services, sport organisations and other stakeholders.

(23) Encourage the use of the following programmes, to contribute to the prevention of and fight against violence and racism in sport: Youth in Action, Europe for Citizens, DAPHNE III, Fundamental Rights and Citizenship and Prevention and Fight against Crime.

(24) Organise a high level conference to discuss measures contributing to prevent and fight violence and racism in sport events with stakeholders.

The UK Government has already put in place a number of legislative measures to tackle the possibility of public disorder related to sports events. Further to this the governing bodies of sport have themselves developed appropriate good practice guidance and steward training. In particular many sports follow the guidance of the Football Licensing Authority, although not legally subject to it. The UK may therefore be able to showcase elements of good practice in this area, and would also require clear evidence that further legal instruments are required.

A.7. Sport in the Union's external relations

(25) Promote the use of sport as a tool in the EU's development policy.

(26) Include sport-related issues in policy dialogue and cooperation with partner countries when appropriate. Promote sport as an element of the EU's public diplomacy.

(27) Pay particular attention to the sport sector when implementing the recently presented Communication on circular migration and mobility partnerships with third countries.

(28) Pay particular attention to the sport sector when elaborating harmonised schemes for the admission of various categories of third country nationals for economic purposes on the basis of the 2005 Policy Plan on Legal Migration.

Paragraphs 27 & 28 are of interest given that the UK Government is currently revising its own immigration policy with regard to non-EU nationals. It is encouraging that the EU aims to take into account the needs of sport when addressing migration issues.

A.8. Sustainable development

(29) Encourage the participation of sport stakeholders in the Eco Management Audit Scheme (EMAS), Community Eco-Label Award schemes and green procurement, and promote these schemes during major sport events in cooperation with Member States, sport organisations and organisers.

(30) Promote green procurement in the political dialogue with Member States and other concerned parties.

(31) Raise awareness, through guidance developed in cooperation with relevant stakeholders (policy makers, SMEs, local communities), about the need to work together in partnership at the regional level to organise sport events in a sustainable way.

(32) Take sport into account in the new Life+ programme.

CCPR is currently developing a framework document to enable its own members to consider how they can reduce the environmental impact of their activities and will consult on this later this year.

B.1. Economic impact of sport

(33) Together with Member States, develop a European statistical method for measuring the economic impact of sport.

(34) Conduct specific sport-related surveys to provide non-economic information on sport.

(35) Launch a study to assess the sport sector's contribution to the Lisbon Agenda.

(36) Organise the exchange of best practices concerning the organisation of large sport events.

CCPR welcomes any actions which will increase levels of knowledge about the socio-economic impact of sport. The most recent economic analysis of sport in England found that, in 2003, sport-related economic activity (gross value added) was £13,531,000,000 and consumer expenditure on sport was £13,969,000,000.

Furthermore, sport-related employment in England increased from 304,000 in 1985 to 421,000 in 2003, an increase of 38 per cent. It is clear, therefore, that sport does have a key role to play in delivering the Lisbon agenda for jobs and growth.

B.2. Public support for sport

(37) Carry out a study on the financing of grassroots sport and sport for all in the Member States from both public and private sources, and on the impact of on-going changes in this area.

Again CCPR would welcome research with regard to various funding models across the EU and the impact of these.

(38) Defend the possibilities of reduced VAT rates for sport.

This appears to be a sound proposal, but its impact depends on its scope. For instance does the proposal relate to:

- the building of sports facilities
- paying to participate in sport
- the purchase of sports equipment
- all of the above

One anomaly faced in the UK is that sports facilities built on educational sites are not subject to VAT. However if these facilities are then opened to community use VAT is levied. This mitigates against community use of educational facilities, and the above proposal may remedy this.

C.1. Free movement and nationality

(39) Combat discrimination based on nationality in all sports through political dialogue, recommendations, structured dialogue with stakeholders and infringement procedures when appropriate.

(40) Launch a study on access to individual sport competitions for non-nationals.

CCPR supports all action to combat discrimination regarding access to sport. However CCPR welcomes the paper's acceptance of the need to:

- select national athletes for national team competitions
- limit the number of participants in a competition
- set deadlines for transfers of players in team sports

C.2 Players' agents

(41) Carry out an impact assessment to provide a clear overview of the activities of players' agents in the EU and an evaluation of whether action at EU level is necessary, which will also analyse the different possible options.

C.3. Protection of minors

(42) Continue to monitor the implementation of EU legislation, in particular the Directive on the Protection of Young People at Work.

(43) Propose to Member States and sport organisations to cooperate on the protection of the moral and physical integrity of young people through the dissemination of information on existing legislation, establishment of minimum standards and exchange of best practices.

The safeguarding of young people and other vulnerable groups is a priority issue for sporting organisations in the UK. The Child Protection in Sport Unit, based at the NSPCC provides support to national governing bodies in implementing their safeguarding policies.

C.4. Corruption, money-laundering and other financial crime

(44) Support public-private partnerships representative of sports interests and anti-corruption authorities, which would identify vulnerabilities to corruption in the sport sector and assist in the development of effective preventive and repressive strategies to counter such corruption.

(45) Continue to monitor the implementation of EU anti-money laundering legislation in the Member States with regard to the sport sector.

C.5. Licensing systems

(46) Establish a dialogue with sport organisations on self-regulatory licensing systems for clubs/teams.

(47) Starting with football, organise a conference with UEFA, EPFL, Fifpro, national associations and national leagues on existing licensing systems and best practices in this field.

The needs of each sport vary according to the sport's organisation, funding and competitive structure. Sports need to determine themselves whether licensing is appropriate, and if so, which model meets the sport's need.

C.6. Media

(48) Recommend to sport organisations to pay due attention to the creation and maintenance of solidarity mechanisms for an equitable redistribution of income between clubs and between professional and amateur sport.

In 1996, CCPR led the establishment of the Voluntary Code of Conduct for Sports Events. The Code provides for its signatories to reinvest at least 5% of the income from the sale of its broadcasting rights into grassroots sport. Many governing bodies of sport have also established charitable foundations which invest heavily in grassroots sport. For instance the Football Foundation is a unique partnership funded by The F.A. Premier League, The FA and the Government, and offers grants from £100 to £1 million to develop football at the grassroots.

D.1. Structured dialogue with sport stakeholders

(49) Provide for a more efficient dialogue structure on sport at EU level, including the organisation of an annual European Sport Forum and thematic discussions with targeted audiences, European sport stakeholders in particular.

(50) Promote greater European visibility at sporting events and support the further development of the European Capitals of Sport initiative.

D.2. Cooperation with Member States

(51) Propose to the Member States to strengthen political cooperation on sport through a reinforced Rolling Agenda, common priorities and regular reporting to EU Sport Ministers.

(52) Report on the implementation of the Action Plan through the mechanism of the Rolling Agenda.

D.3. Social dialogue

(53) Encourage efforts leading to the establishment of European Social Dialogue Committees in the sport sector, and support employers and employees in this respect.

Whilst the opportunity for further dialogue is welcome, sports organisations will need to be convinced that the EU wishes to seriously support sport as an essential element of European culture, rather than purely for its ability to support wider social objectives.

2 European Commission approves White Paper on Nutrition

This White Paper containing a range of proposals for dealing with food-related health problems of overweight and obesity was approved on 30 May. Key recommendations include promoting more nutritious food content and better labelling. Encouragingly, the White Paper also emphasises the benefits of physical activity and suggests this should be promoted through advertising and marketing campaigns by sports organisations. There is, however, no offer of funding for such campaigns.

3 Sports broadcasting and the media

The European Commission has recently reached two decisions of interest to sport and recreation organisations already exploiting their broadcast rights and those seeking new broadcast opportunities for their events.

Agreement on new Directive for Europe's audiovisual media

The new Audiovisual Media Services Without Frontiers Directive will allow the audiovisual sector to confront the profound changes it faces in accommodating both technological and market developments, and the changing viewing habits resulting from convergence. The Directive ensures that the modernised rules cover all audiovisual media services, regardless of the transmission technology used - from traditional TV broadcasts to emerging on-demand TV-like services. This should help the sector become more competitive in the future.

The modernised Directive remains fully based on the country of origin principle. It contains a procedure, based on European Court of Justice law, that allows Member States to take binding measures against broadcasters from other Member States that circumvent the target country's national rules.

Audiovisual producers will benefit from less detailed and more flexible advertising rules, opening up new attractive avenues of finance, and which should ultimately stimulate the content production sector. Citizens are also granted new rights by the modernised Directive. These includes the right to access extracts of important events for general new purposes,; improved access for people with visual or hearing disability to audiovisual media services; and clear rules on product placement, obliging broadcasters to inform consumers when it takes place.

The new Directive also reasserts key European values, requiring Member States to protect minors, to promote European works and independent audiovisual productions, and to prohibit content that would incite religious or racial hatred. It also explicitly encourages industry self-regulation and co-regulation see: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/138&format=HTML&aged=0&language=EN&guiLanguage=en>

The Directive is expected to enter into force before the end of 2007 and member states will be given 24 months to transpose the new provisions into national law, so that the modernised legal framework for audiovisual business will fully apply in 2009.

Mobile television decision

2008 has been identified as a crucial year for mobile TV take-up, with important sporting events such as the European Football Championship and the summer Olympics taking place. Consequently the EU has decided to back one single standard for services - DVB-H, to ensure that Europe remains competitive in this market.

Whilst this decision may be helpful for the EU as a whole it does present problems for the UK. DVB-H is dependent on the UHF band of the radio spectrum – which will not be free until the digital switch-over is complete in 2012.

4 Funding opportunity

Subject: YOUTH Call for thematic network projects

On 30 May 2007 the European Commission (EC) published a call for proposals for 'network projects'. The aim is to support youth exchange projects, youth initiatives and youth democracy projects with the following objectives:

- to establish links between projects tackling the same theme;
- to pool experiences in a specific thematic field;
- to increase the links between youth exchanges, youth initiatives and youth democracy projects;
- to evaluate, disseminate and exploit the results of the projects.

The projects must involve partners from at least ten different countries (applicant body included). The EU-budget for this call amounts to €1 million, with a maximum ratio of co-financing of 65%.

Projects must start between 1 January 2008 and 31 March 2008 and should run for at least six months and at most twelve months. Applications must be sent to the Education, Audiovisual and Culture Executive Agency by 1 September 2007 at the latest.

Additional information can be retrieved from the following website:

http://eacea.ec.europa.eu/youth/calls2007/action1/index_en.htm.

5 Sports betting – freedom of services

Complaints by a number of service-providers have led the European Commission to examine whether the obstacles to the free movement of services in the field of sports betting in three member states are compatible with Article 49 of the Treaty on the European Community.

On 27 June, the European Commission sent France and Sweden 'reasoned opinions', aimed at changing their legislation in the field of sports betting, thus entering the second phase of an infringement proceeding. In addition, the Commission has issued a letter of formal notice to Greece in connection with this matter.

The service-providers' concerns are primarily regarding the obligation to obtain a commercial privilege or state licence, even if the service provider holds a licence of another Member State in the proper form. In some cases, the restrictions also apply to the advertising of gambling.

In the view of the European Commission, these restrictions breach existing Community law and the Member States concerned have not shown that the measures are necessary, appropriate and non-discriminatory.

If the countries concerned fail to provide a satisfactory answer within two months, the European Commission will have the option of referring the case to the European Court of Justice.