

# European Update

**May 2007**

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## **POLICY DEVELOPMENTS**

### **1 Meeting of the EU Sports Ministers**

An informal meeting of the European Sports Ministers was held in Stuttgart on 12 and 13 March. 26 EU Member States were represented at the meeting, with Commissioner Jan Figel attending on behalf of the European Commission.

The meeting discussed the potential of sports clubs as places for social integration and in particular training and certification opportunities. On the subject of anti-doping, the German Federal Ministry emphasised that a key aim of its presidency was to seek greater co-operation of national anti-doping organisations.

The meeting also addressed the economic impact of major sports events, such as the Football World Cup and the Olympic Games. It was agreed that better European data on the economic benefits of sport, especially employment benefits, were needed. This supports the viewpoint that CCPR expressed in its response to the White Paper Consultation and which will hopefully result in its realisation.

### **2 Professional football and security at games**

At a plenary session on the 28 and 29 March, the European Parliament discussed the report on the future of professional football in Europe and security at football matches.

The European Parliament has adopted the report 'The future of professional football in Europe' by rapporteur Ivo Belet, which calls for greater investment in youth, a better competitive balance and greater legal certainty. The report is the result of a year of intensive work in five committees of the EP.

The European Parliament recognised that professional football clubs need to respect the European rules with regard to competition, state aid and free movement of workers, but also that the specific character of sport demands a specific approach. The European Parliament also sought clarity of European law on sport and required clubs and football organisations to be aware of which aspects of football fall under European law.

In order to clarify the legal standing of sport and to prevent decisions being primarily determined by legal rulings, the Parliament now proposes to increase the dialogue between political and sporting bodies. For further information please visit:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2007-0036+0+DOC+XML+V0//EN>

Following lobbying by Austria, the Council has submitted a decision on 'security at soccer matches of international significance' which is intended to make football information points more efficient and professional. For further information please visit:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2007-0052+0+DOC+XML+V0//EN>

### 3 EC Competition: Doping penalties must be proportionate

In a significant judgment the European Court of Justice (ECJ) has criticised the application of the law in the Meca-Medina case. In the case of David Meca Medina and Ivor Majcen (two professional swimmers), the Court of First Instance (CFI) had confirmed the Commission's earlier decision that IOC Doping rules and practices do not infringe Article 81 or 82 of the EC Treaty. The CFI reiterated that such IOC rules are not intended to restrict competition and are solely enforced to combat doping – a purely sporting consideration. Although the CFI acknowledged that the rules may limit an athlete's freedom, it concluded that this limitation did not go beyond what is necessary to achieve the objective of combating doping.

The ECJ noted that sport will be subject to Community law **insofar as it constitutes an economic activity**. Instances of 'pure' sporting rules might be the offside rule, or the rule concerning the height of goal-posts, but the Court commented that other rules which appear to be matters solely of 'sporting consideration' do have an economic impact on the activities of professional sportsmen (who will either be employed or providers of services). If the sporting rule or activity falls within the scope of the EC Treaty, the rules governing that activity must therefore satisfy the requirements of the Treaty, including the requirements to ensure freedom of movement and establishment, freedom to provide services and the competition provisions.

The ECJ held that a sport must consider whether enforcing rules whose consequential effects are to restrict competition or threaten livelihoods, is necessary for ethical/sporting reasons. The ECJ took into account the fact that anti-doping rules are necessary to ensure that sport is fair and equitable. Thus, while the rules limited the swimmers' ability to earn money from their profession, they were held not to breach Article 81 as the limitation on freedom is inherent in the proper conduct of competitive sport.

This does not mean, however, that the regulatory bodies can impose whatever penalties they like in doping proceedings. Unjustified penalties resulting in unwarranted exclusions from sporting activities could conceivably be in breach of Article 81(1). The rules (and consequent penalties) must not, therefore, go beyond what is necessary to ensure the proper conduct of competitive sport. This comment is a new development in the application of community law to sport and will need to be looked at in greater depth by governing bodies.

In fact, Meca-Medina and Majcen failed in their appeal as the ban on nandralone was, in principle, justified to achieve the objective of the anti-doping rules. Furthermore, neither of the swimmers produced evidence to show that the two year suspension was excessive or disproportionate.

**What does this mean for you?** This decision is important in further clarifying the relationship between sport and European law. The result is that very few aspects of sporting activity are likely to be outside of the EC Treaty and, in particular, the competition rules. The Court has effectively held on this and previous occasions that sporting bodies have a type of 'conditional autonomy'; those rules truly necessary for the organisation of a particular sport will be sheltered from EC law even though they have economic effect but only insofar as the rules pursue a legitimate objective.

## FUNDING

### 4 Call for proposals - 'Youth in the world'

This funding call seeks to support projects promoting cooperation in the youth sector between EU member states and countries outside the immediate European region.

The aims of the funding programme are:

- to promote the exchange of experience and good practice in the field of youth and non-formal education;
- to contribute to the development of youth policies, youth work and the voluntary sector, as well as to capacity-building and leadership development for youth organisations/structures;
- to develop sustainable partnerships and networks between youth organisations.

Projects must deal with one of the following themes:

- 1 Strengthening of civil society, citizenship and democracy
- 2 Fight against racism and xenophobia
- 3 Inter-ethnic and inter-religious dialogue
- 4 Post-conflict resolution and reconstruction
- 5 The active role of women in society
- 6 Minority rights

Eligible applicants can be NGOs (with legal status) and must be located in the EU-27, Iceland, Lichtenstein, Norway or the EU-candidate countries. Co-financing may not be granted for more than 80 per cent of a project's total eligible expenses.

The maximum grant may not exceed €100 000 per project. Projects must start between 15 December 2007 and 15 February 2008 and they must have a minimum duration of 6 months and a maximum duration of 12 months.

## 5 Call for proposals for the European Year of Intercultural Dialogue 2008

The European Commission has launched a call for project proposals linked to the European Year of Intercultural Dialogue 2008 (co-financed up to 80 per cent). The total budget for this call amounts to €2.4 million for European projects.

Projects should raise the awareness of the objectives of the European Year of Intercultural Dialogue 2008, particularly (but not exclusively) those relating to young people.

An additional €3 million is available for co-financing projects with a strong European dimension at national and regional level, again promoting the objectives of the European Year of Intercultural Dialogue.

To be eligible for funding projects should focus on:

- European/intercultural dialogue
- Sustainability of the aims
- Innovative tools/methodologies
- Involvement of formal and informal educational activities
- Focus on young people.

The first deadline for handing in applications is 31 July 2007.

For further information:

Open Call for project proposals on European scale [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/c\\_078/c\\_07820070411en00180020.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/c_078/c_07820070411en00180020.pdf)

Restricted Call for project proposals on national and regional level [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/c\\_078/c\\_07820070411en00210022.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/c_078/c_07820070411en00210022.pdf)

## EVENTS

## 6 European Non-Governmental Sports Organisations General Assembly

The ENGSO General Assembly will be held in Helsinki from 4-6 May. As well as the formal proceedings, the GA will also discuss the development of ENGSO and provide an afternoon seminar focussed on EU affairs. The ENGSO Youth 'Future Leaders' conference will be held at the same time and delegates from the Amateur Swimming Association, Rugby Football Union and Youth Active will be attending.

**Further information:** a full report will be included in next month's European Update.