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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Developing the European Dimension in Sport**

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# **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

## **Developing the European Dimension in Sport**

### **1. INTRODUCTION**

EU-level cooperation and dialogue on sport have been greatly enhanced thanks to the 2007 White Paper on Sport<sup>1</sup>. Almost all actions in the accompanying "Pierre de Coubertin" Action Plan have been completed or are being implemented. The White Paper includes a description of the specificity of sport and the application of EU law in areas such as the Internal Market and competition to the sport sector. Through the implementation of the White Paper on Sport, the Commission has gathered useful evidence regarding themes to be addressed in the future. This Communication does not replace the White Paper but builds on its achievements.

In a number of areas, the White Paper remains an appropriate basis for EU-level activities in the field of sport. These areas include, for example, the promotion of voluntary activity in sport, the protection of minors, and environmental protection. The White Paper has also created a structured dialogue with sport stakeholders, including an annual EU Sport Forum, and has served as a basis for mainstreaming sport-related activities into relevant EU funds, programmes and initiatives. The fact that certain topics are not elaborated upon in this Communication does not imply that they are no longer priorities for the Commission, but rather that the White Paper remains a sufficient basis for addressing them in the coming years.

Different aspects of the sport sector are covered by different Treaty provisions, as explained in the White Paper. In addition, the Lisbon Treaty gives the EU a supporting, coordinating and supplementing competence for sport which calls for action to develop the European dimension in sport (Article 165 TFEU).

As the structure of the White Paper, based on three broad thematic chapters (the societal role of sport, the economic dimension of sport and the organisation of sport) and reflecting the Treaty provisions on sport, has been found useful by sport stakeholders and has become a widely accepted tool for framing EU-level activities and discussions, this structure is maintained in this Communication. Each chapter concludes with an illustrative, non-exhaustive list of possible issues for the Commission and the Member States to address within their respective spheres of competence.

#### **1.1. EU-wide public consultation**

While preparing this Communication, the Commission consulted with a wide range of stakeholders to identify key themes to be addressed at EU level, including consultations with Member States and key sport stakeholders (EU Sport Forum, bilateral consultations), an on-line consultation and an independent expert group<sup>2</sup>. It has also taken account of the results of

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<sup>1</sup> COM(2007) 391, 11.7.2007.

<sup>2</sup> The results of the public consultation have been published on the following website: [http://ec.europa.eu/sport/library/doc/a/100726\\_online\\_consultation\\_report.pdf](http://ec.europa.eu/sport/library/doc/a/100726_online_consultation_report.pdf)

a study on "The Lisbon Treaty and EU Sports Policy" commissioned by the European Parliament<sup>3</sup>.

Consultations with the Member States revealed a high level of consensus that the following topics should be priorities in the EU agenda for sport: health-enhancing physical activity; the fight against doping; education and training; voluntary activity and non-profit sport organisations; social inclusion in and through sport, including sport for people with disabilities and gender equality in sport; sustainable financing of grassroots sport; and good governance.

In addition to these issues, the non-governmental sport sector raised the following topics: participation levels in sport; the availability of sport and physical activity at all levels of education; recognition of voluntary activity; the fight against violence and discrimination; stable funding; and the need for support for networking and exchange of good practice at EU level.

## **1.2. The EU's added value in the field of sport**

The Commission respects the autonomy of sport governing structures as a fundamental principle relating to the organisation of sport. It also respects the competences of the Member States in this area, in line with the principle of subsidiarity. Nonetheless, implementation of the White Paper has confirmed that, in a number of areas, action at EU level can provide significant added value.

EU action aims at supporting Member States' actions and complementing them where appropriate to address challenges such as violence and intolerance linked to sport events, or the lack of comparable data on the EU sport sector as a basis for policy-making. At the same time, EU action can help address transnational challenges encountered by sport in Europe such as a coordinated approach to the challenge of doping, fraud and match-fixing or the activities of sports agents.

EU action also contributes to the overall goals of the Europe 2020 Strategy by improving employability and mobility, notably through actions promoting social inclusion in and through sport, education and training (including through the European Qualifications Framework) and European guidelines for physical activity.

In all of the areas elaborated in this Communication, EU action can serve to provide a platform for exchange and dialogue among sport stakeholders, spreading good practice and promoting the development of European networks in the field of sport. In parallel, EU action contributes to the dissemination of knowledge about EU law in the sport sector, thus ensuring greater legal certainty for European sport.

Currently, the Commission provides support for projects and networks in the field of sport either through sport-specific incentive measures, notably the Preparatory Actions in the field of sport, or through existing programmes in various relevant fields. These include life-long learning, public health, youth, citizenship, research and technological development, social inclusion, fight against racism, environmental protection and others.

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<sup>3</sup>

<http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=32471>

While the continuation of incentive measures in support of the actions identified in this Communication will be part of the discussions accompanying the preparation of the next Multiannual Financial Framework, the proposals in this document will be supported in the short term through ongoing and future Preparatory Actions and special events in the field of sport.

## **2. THE SOCIETAL ROLE OF SPORT**

Sport has a strong potential to contribute to smart, sustainable and inclusive growth and new jobs through its positive effects on social inclusion, education and training, and public health. It helps limit the rise in social security and health expenditure by improving the health and productivity of the population and by ensuring a higher quality of life through old age. It contributes to social cohesion by breaking down social barriers, and it improves the employability of the population through its impact on education and training. Voluntary activity in sport can contribute to employability, social inclusion as well as higher civic participation, especially among young people. On the other hand, sport is confronted with a number of threats from which athletes, particularly young athletes, and citizens need to be protected, such as doping, violence and intolerance.

### **2.1. Fight against doping**

Doping remains an important threat to sport. Use of doping substances by amateur athletes poses serious public health hazards and calls for preventive action, including in fitness centres. Doping prevention and doping sanctions remain within the remit of sport organisations and Member States. The Commission supports the fight against doping and the important role of the World Anti-Doping Agency (WADA), national anti-doping organisations (NADOs), accredited laboratories, the Council of Europe and UNESCO. The Commission welcomes the fact that NADOs are increasingly organised as independent bodies. It also encourages Member States to adopt and share national anti-doping action plans aimed at ensuring coordination among all relevant actors.

Many stakeholders call for a more active EU approach in the fight against doping, for example by joining, to the extent that the competences in this area entitle the Union to do so, the Anti-Doping Convention of the Council of Europe. There is a need to assess the implications of the competence conferred upon the Union in Article 165 TFEU in relation to the EU's representation in WADA's governing structures.

The Commission underscores the need for anti-doping rules and practices to comply with EU law in respecting fundamental rights and principles such as respect for private and family life, the protection of personal data, the right to a fair trial and the presumption of innocence. Any limitation on the exercise of these rights and freedoms must be provided for by law and respect the essence of those rights and the principle of proportionality.

The Commission encourages the existing trend across EU Member States to introduce criminal law provisions against trade in doping substances by organised networks, or to reinforce existing provisions.

### **2.2. Education, training and qualifications in sport**

Time spent on sport and physical activity in education could be improved at low cost both outside and inside the school curriculum. The quality of physical education programmes and

the qualifications of teachers involved remain a concern in a number of Member States. Cooperation between sport organisations and educational institutes is beneficial for both sectors and can be supported by universities.

Following the European Council's call in 2008 to address the question of "dual careers"<sup>4</sup>, the Commission emphasises the importance of ensuring that young high-level athletes are offered quality education in parallel to their sport training. Young athletes, in particular those coming from third countries to train and compete in Europe, face multiple risks linked to their vulnerability. The quality of sport training centres and their staff should be sufficiently high in order to safeguard the athletes' moral and educational development and professional interests.

Member States and the sport movement recognise the need for better-qualified staff in the sport sector. The high level of professionalism and diversity of professions in sport, combined with increasing mobility within the EU, underline the relevance of including sport-related qualifications in national qualification systems so that they can take advantage of referencing to the European Qualification Framework (EQF). More transparency is needed regarding the validation and recognition of qualifications gained by volunteers, as well as regarding qualifications required for regulated sport-related professions.

### **2.3. Prevention of and fight against violence and intolerance**

Spectator violence and disorder remain a Europe-wide phenomenon and there is a need for a European approach comprising measures designed to reduce the associated risks. In cooperation with the Council of Europe, EU action has so far focused on providing citizens with a high level of safety through policing at international football events. A wider approach covering also other sport disciplines, focused on prevention and law enforcement, will require stronger cooperation among the relevant stakeholders, such as police services, judicial authorities, sport organisations, supporters' organisations and public authorities.

As shown by a recent report of the EU Fundamental Rights Agency<sup>5</sup>, racism, xenophobia and other forms of intolerance continue to pose problems in European sport, including at amateur level. Member States are encouraged to ensure the full and effective transposition of Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law and to support activities targeted at fighting against these phenomena.

### **2.4. Enhancing health through sport**

Physical activity is one of the most important health determinants in modern society and can make a major contribution to the reduction of overweight and obesity and the prevention of a number of serious diseases. Sport constitutes a fundamental part of any public policy approach aiming at improving physical activity. In 2008, EU Sport Ministers informally endorsed EU Physical Activity Guidelines recommending how policies and practices at EU, national and local levels can be used to make it easier for citizens to be physically active as part of their daily lives. A number of Member States have used them as a basis for national policy initiatives.

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<sup>4</sup> European Council Declaration on Sport, December 2008.

<sup>5</sup> Racism, ethnic discrimination and exclusion of migrants and minorities in sport: comparative overview of the situation in the European Union (2010): [http://fra.europa.eu/fraWebsite/home/home\\_en.htm](http://fra.europa.eu/fraWebsite/home/home_en.htm)

Health and physical activity are so closely intertwined that enhancing physical activity is a key part of the 2007 White Paper "A Strategy for Europe on Nutrition, Overweight and Obesity related health issues"<sup>6</sup>. To implement this strategy, several Member States have shown willingness to invest in physical activity as a means to improve health, and various organisations have committed themselves to projects promoting exercise for better health.

There are large differences in physical activity levels and public approaches between Member States and the concept of health-enhancing physical activity (HEPA), covering a variety of sectors as diverse as sport, health, education, transport, urban planning, public safety and working environment, poses considerable challenges. Physical activity could be further encouraged in national educational systems from an early age. Transnational exchange of good practice to support the design and implementation of national physical activity guidelines has high EU added value and should be further developed.

## **2.5. Social inclusion in and through sport**

Persons with disabilities have the right to participate on an equal basis with others in sporting activities. The EU and its Member States have signed the UN Convention on the Rights of Persons with Disabilities, which includes the obligation to take appropriate measures to make these rights effective. It is important to ensure full implementation of the provisions of this Convention.

Women are under-represented in some areas of sport. In accordance with the Strategy for Equality between Women and Men 2010-2015, the Commission will encourage the mainstreaming of gender issues into sport-related activities.

Sport enables immigrants and the host society to interact in a positive way, thus furthering integration and inter-cultural dialogue. Sport has been increasingly included in specific programmes for immigrants, but national approaches differ considerably. Sport can also be a vehicle to promote social inclusion of minorities and other vulnerable or disadvantaged groups and contribute towards better understanding among communities, including in post-conflict regions.

<b>THE SOCIETAL ROLE OF SPORT</b>
<i>Fight against doping</i>
<ul style="list-style-type: none"><li>• <i>Commission:</i> propose a draft mandate for negotiations on EU accession to the Anti-Doping Convention of the Council of Europe.</li><li>• <i>Commission:</i> examine the most appropriate way to reinforce measures against trade in doping substances by organised networks, including if possible through criminal law.</li><li>• <i>Commission:</i> support transnational anti-doping networks, including networks focusing on preventive measures targeting amateur sport, sport for all and fitness.</li></ul>
<i>Education, training and qualifications in sport</i>
<ul style="list-style-type: none"><li>• <i>Commission:</i> support innovative initiatives under the Lifelong Learning Programme</li></ul>

<sup>6</sup> COM(2007) 279 final, 30.5.2007.

relating to physical activity at school.

- *Commission and Member States*: develop European guidelines on combined sports training and general education ("dual careers").
- *Commission and Member States*: support the inclusion of sport-related qualifications when implementing the European Qualifications Framework. In this context, promote the validation of non-formal and informal learning gained through activities such as voluntary activity in sport.

#### ***Prevention of and fight against violence and intolerance***

- *Commission and Member States*: develop and implement security arrangements and safety requirements for international sport events, including pan-European training and peer review projects for police officers regarding spectator violence.
- *Commission*: support activities aimed at fighting against racism, xenophobia, homophobia and related intolerance in sport.

#### ***Enhancing health through sport***

- *Commission and Member States*: based on the EU Physical Activity Guidelines, continue progress toward the establishment of national guidelines, including a review and coordination process, and consider proposing a Council Recommendation in this field.
- *Commission*: support transnational projects and networks in the area of health-enhancing physical activity.

#### ***Social inclusion in and through sport***

- *Commission and Member States*: develop and disseminate standards for accessibility of sport, leisure and recreation organisations, activities, events and venues through the European Disability Strategy.
- *Commission and Member States*: promote the participation of people with disabilities in European sporting events as well as the organisation of disability-specific events, in particular through supporting transnational projects and networks. In this context, support research related to specialised sport devices for persons with disabilities.
- *Commission*: support transnational projects promoting women's access to leadership positions in sport and access to sport for women in a disadvantaged position. In this context, include sport in the database and network of women in leadership positions.
- *Commission*: support transnational projects promoting social integration of vulnerable and disadvantaged groups through sport and related exchange of good practice.

### **3. THE ECONOMIC DIMENSION OF SPORT**

Sport represents a large and fast-growing sector of the economy and makes an important contribution to growth and jobs, with value added and employment effects exceeding average growth rates. Around 2% of global GDP is generated by the sport sector.<sup>7</sup> Major sport events and competitions provide strong potential for increased development of tourism in Europe. Sport is thus a contributor to the Europe 2020 strategy. Comparable data are needed as a basis for evidence-based policy-making. Notwithstanding the overall economic importance of sport, the vast majority of sporting activities takes place in non-profit structures based on voluntary activity. The sustainability of financing for such structures can be a cause for concern and financial solidarity between professional and grassroots sport should be reinforced.

#### **3.1. Evidence-based policy-making in the field of sport**

Policy-making to implement the sport provisions in the Lisbon Treaty needs a sound evidence base, including comparable EU-wide data on social and economic aspects of sport. The Commission is facilitating cooperation at EU level to measure the economic importance of sport through a Sport Satellite Account.<sup>8</sup> Enhanced cooperation for better knowledge of sport in the EU should involve academics, the sport industry, the sport movement and national and European public authorities.

#### **3.2. Sustainable financing of sport**

Exploitation of intellectual property rights in the area of sport, such as licensing of retransmission of sport events or merchandising, represents important sources of income for professional sports. Revenue derived from these sources is often partly redistributed to lower levels of the sports chain.

The Commission considers that, subject to full compliance with EU competition law and Internal Market rules, the effective protection of these sources of revenue is important in guaranteeing independent financing of sport activities in Europe. The licensing of sport media rights should respond to different market demands and cultural preferences while ensuring that Internal Market and competition law is respected.

The collective selling of media rights is a good example of financial solidarity and redistribution mechanisms within sports. Collective selling of media rights inherently restricts competition within the meaning of Article 101(1) TFEU. However, collective selling may bring about advantages which may outweigh the negative effects. Joint selling can therefore meet the criteria for an exemption under Article 101(3) TFEU if certain conditions are fulfilled. The Commission recommends sport associations to establish mechanisms for the collective selling of media rights to ensure adequate redistribution of revenues, in full compliance with EU competition law while maintaining the right of the public to information.

Gambling activities (including sport betting and lotteries) run by private operators or by the State directly or indirectly contribute to the financing of sport in all EU Member States. The contributions can include financial links between State-run lotteries and the sport movement,

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<sup>7</sup> World Economic Forum, Davos, 2009.

<sup>8</sup> A satellite account is a statistical framework to measure the economic importance of a specific industry (in this case, the sport sector) in the national economy. A Sport Satellite Account filters the National Accounts for sport-relevant activities to extract all sport-related value added.

fiscal contributions providing financing to sport, the exploitation of specific rights and sponsorship deals.

Sport stakeholders perceive challenges with regard to continued income streams from gambling activities into sport. Calls to ensure sustainable funding for sport from private and public sources and financial stability of the sport sector should be taken into account when further addressing the provision of gambling services in the Internal Market. Regulatory approaches vary among Member States in areas relating to intellectual property rights and gambling activities, in particular regarding the extent of property rights for the organisers of sport competitions in relation to the events they organise, as well as the issue of image rights in sport.

To better understand these issues, the Commission has launched an EU study on the funding of grassroots sport. The study should show the real importance of the different funding sources for grassroots sport, such as public subsidies (state, regional and local authorities), households' contributions, and contributions of voluntary activity, sponsorship, media revenue and revenue from the organisation of gambling services. The outcome of the study will inform decisions on whether any action is needed in this area, and of what kind.

### **3.3. Application of EU State aid rules to sport**

Sport is financed in various ways by public authorities in all EU Member States. Some measures, such as very small amounts of aid falling under the *de minimis* Regulation, may remain outside the scope of Article 107(1) TFEU. When the conditions set out in this Article are met, State aid is in principle incompatible with EU law, unless one of the derogations in Article 107 TFEU is applicable. Although State aid to sport is not covered as such by the General Block Exemption Regulation, it might fall under certain provisions of this Regulation, in which case it can be considered compatible without any need for prior notification to the Commission. Otherwise, a new aid needs to be notified in advance to the Commission pursuant to Article 108(3) TFEU and can only be awarded after the Commission has issued a favourable decision. There have only been a few decisions concerning State aid to sport and, as in other sectors in a similar situation, stakeholders have repeatedly called for further clarification regarding the financing of infrastructure and sport organisations.

### **3.4. Regional development and employability**

EU funds could be used for projects and actions in support of sustainable sport structures. For instance, in order to take full advantage of the value of sport as a tool for local and regional development, urban regeneration, rural development, employability, job creation and labour market integration, the Structural Funds can support investments in line with the priorities set in the Operational Programmes. Regional stakeholders (municipalities and regions) play a crucial role when it comes to sport funding and access to sport and should be increasingly involved in the related EU-level discussions.

## **THE ECONOMIC DIMENSION OF SPORT**

### ***Evidence-based policy-making in the field of sport***

- *Commission and Member States:* produce Satellite Accounts for Sport compatible with the agreed European definition.
- *Commission:* support a network of universities to promote innovative and evidence-based

<p>sport policies.</p> <ul style="list-style-type: none"> <li>• <i>Commission</i>: study the feasibility of establishing a sport monitoring function in the EU to analyse trends, collect data, interpret statistics, facilitate research, launch surveys and studies, and promote exchange of information.</li> </ul>
<p><b><i>Sustainable financing of sport</i></b></p> <ul style="list-style-type: none"> <li>• <i>Commission</i>: ensure that intellectual property rights that might arise in the coverage of sport events are taken into account in the implementation of the Digital Agenda initiative.</li> <li>• <i>Commission</i>: launch a study to analyse sport organisers' rights and image rights in sport from the perspective of the EU legal framework.</li> <li>• <i>Commission and Member States</i>: in cooperation with the sport movement, explore ways to strengthen financial solidarity mechanisms within sports while fully respecting EU competition rules.</li> <li>• <i>Commission and Member States</i>: based on the results of the EU study on the funding of grassroots sport, consider best practice among existing funding mechanisms for transparent and sustainable financing of sport.</li> </ul>
<p><b><i>Application of EU State aid rules to sport</i></b></p> <ul style="list-style-type: none"> <li>• <i>Commission</i>: monitor the application of State aid law in the field of sport and consider guidance if the number of sport-related State aid cases increases.</li> </ul>
<p><b><i>Regional development and employability</i></b></p> <ul style="list-style-type: none"> <li>• <i>Commission and Member States</i>: fully exploit the possibilities of the European Regional Development Fund to support sport infrastructure and sustainable activities in sport and outdoors as a tool for regional and rural development, and of the European Social Fund to strengthen the skills and employability of workers in the sport sector.</li> </ul>

## 4. THE ORGANISATION OF SPORT

### 4.1. Promotion of good governance in sport

Good governance in sport is a condition for the autonomy and self-regulation of sport organisations. While it is not possible to define a single model of governance in European sport across different disciplines and in view of various national differences, the Commission considers that there are inter-linked principles that underpin sport governance at European level, such as autonomy within the limits of the law, democracy, transparency and accountability in decision-making, and inclusiveness in the representation of interested stakeholders. Good governance in sport is a condition for addressing challenges regarding sport and the EU legal framework.

### 4.2. The specific nature of sport

The specific nature of sport, a legal concept established by the Court of Justice of the European Union which has already been taken into account by the EU institutions in various

circumstances and which was addressed in detail in the White Paper on Sport and the accompanying Staff Working Document, is now recognised by Article 165 TFEU. It encompasses all the characteristics that make sport special, such as for instance the interdependence between competing adversaries or the pyramid structure of open competitions. The concept of the specific nature of sport is taken into account when assessing whether sporting rules comply with the requirements of EU law (fundamental rights, free movement, prohibition of discrimination, competition, etc.).

Sporting rules normally concern the organisation and proper conduct of competitive sport. They are under the responsibility of sport organisations and must be compatible with EU law. In order to assess the compatibility of sporting rules with EU law, the Commission considers the legitimacy of the objectives pursued by the rules, whether any restrictive effects of those rules are inherent in the pursuit of the objectives and whether they are proportionate to them. Legitimate objectives pursued by sport organisations may relate, for example, to the fairness of sporting competitions, the uncertainty of results, the protection of athletes' health, the promotion of the recruitment and training of young athletes, financial stability of sport clubs/teams or a uniform and consistent exercise of a given sport (the "rules of the game").

Through its dialogue with sport stakeholders the Commission will continue its efforts to explain, on a theme-per-theme basis, the relation between EU law and sporting rules in professional and amateur sport. As requested by Member States and the sport movement in the consultation, the Commission is committed to supporting an appropriate interpretation of the concept of the specific nature of sport and will continue to provide guidance in this regard. Regarding the application of EU competition law, the Commission will continue to apply the procedure as foreseen in Regulation (EC) No 1/2003.

#### **4.3. Free movement and nationality of sportspeople**

The organisation of sport on a national basis is part of the traditional European approach to sport. While the Treaty prohibits discrimination based on nationality and enshrines the principle of free movement of workers, the Court of Justice has taken into account the need to preserve certain specific characteristics of sport in past rulings dealing with the composition of national teams or deadlines for transfer rules for players in team sport competitions.

In the area of professional sport, rules entailing direct discrimination (such as quotas of players on the basis of nationality) are not compatible with EU law. On the other hand, rules which are indirectly discriminatory (such as quotas for locally trained players), or which hinder free movement of workers (compensation for recruitment and training of young players), may be considered compatible if they pursue a legitimate objective and insofar as they are necessary and proportionate to the achievement of such an objective.

Based on Article 45 TFEU, the free movement rules apply only to workers and professional players in the framework of an economic activity. However, the free movement rules apply also to amateur sport as the Commission considers that following a combined reading of Articles 18, 21 and 165 TFEU, the general EU principle of prohibition of any discrimination on grounds of nationality applies to sport for all EU citizens who have used their right to free movement, including those exercising an amateur sport activity.

The Commission has launched a study to assess the implications of the Treaty provisions on non-discrimination on grounds of nationality in individual sports. Guidance on free movement is provided in a Staff Working Document accompanying this Communication. Additional

guidance can be found in the Communication from the Commission on "Reaffirming the free movement of workers: rights and major developments", adopted on 13 July 2010<sup>9</sup>.

#### **4.4. Transfer rules and the activities of sport agents**

After discussions with the Commission in 2001 in the context of an antitrust case, a set of rules was included in the FIFA Regulations on the Status and Transfer of Players. Transfers of players regularly come to public attention because of concerns about the legality of the acts and about transparency of financial flows involved. The Commission considers that the time has come for an overall evaluation of transfer rules in professional sport in Europe.

The independent study on sport agents carried out on behalf of the Commission in 2009 gives an overview of the activities of sport agents in the EU. The main problems identified are of an ethical nature, such as financial crime and exploitation of young players, thus threatening the fairness of sporting competitions and the integrity of sportspeople. The study also identifies discrepancies in the way the activity of agents is regulated by public authorities and private bodies in Europe.

#### **4.5. Integrity of sporting competitions**

In team sports, club licensing systems offer a valuable tool to ensure the integrity of competitions. They are also an effective way of promoting good governance and financial stability. The Commission welcomes the adoption of measures aimed at enhancing financial fair play in European football while recalling that such measures have to respect Internal Market and competition rules.

Match-fixing violates the ethics and integrity of sport. Whether related to influencing betting or to sporting objectives, it is a form of corruption and as such sanctioned by national criminal law. International criminal networks play a role in match-fixing associated with illicit betting. Due to the worldwide popularity of sport and the trans-frontier nature of betting activities, the problem often goes beyond the remit of national authorities. Sport stakeholders have been working with public and private betting companies to develop early warning systems and educational programmes, with mixed results. The Commission will cooperate with the Council of Europe in analysing the factors that could contribute to more effectively addressing the issue of match-fixing at national, European and international level. Integrity in sport is also one of the issues that will be addressed in the forthcoming Commission consultation on the provision of online gambling services in the EU.

#### **4.6. European social dialogue in the sport sector**

Social dialogue is a cornerstone of the European social model and gives employers, athletes and sport workers the opportunity to shape labour relations in the sport sector through an autonomous dialogue in the general EU legislative and institutional framework. A European social dialogue committee was launched in the sector of professional football in 2008. Work in this committee has progressed towards the establishment of minimal contractual requirements for football players.

In addition, several potential European social partner organisations have expressed their interest in creating a social dialogue committee for the whole sport and active leisure sector.

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<sup>9</sup> COM(2010) 373.

The Commission encourages this development and invites social partners to further consolidate representativeness at EU level. It will propose a test phase to facilitate the introduction of such dialogue.

<b>THE ORGANISATION OF SPORT</b>
<b><i>Promotion of good governance in sport</i></b>
<ul style="list-style-type: none"><li>• <i>Commission and Member States</i>: promote standards of sport governance through exchange of good practice and targeted support to specific initiatives.</li></ul>
<b><i>The specific nature of sport</i></b>
<ul style="list-style-type: none"><li>• <i>Commission</i>: provide assistance and guidance, on a theme-per-theme basis, relating to the application of the concept of the specific nature of sport.</li></ul>
<b><i>Free movement and nationality of sportspeople</i></b>
<ul style="list-style-type: none"><li>• <i>Commission</i>: issue guidance on how to reconcile the Treaty provisions on nationality with the organisation of competitions in individual sports on a national basis.</li><li>• <i>Commission</i>: assess the consequences of rules on home-grown players in team sports in 2012.</li></ul>
<b><i>Transfer rules and the activities of sport agents</i></b>
<ul style="list-style-type: none"><li>• <i>Commission</i>: launch a study on the economic and legal aspects of transfers of players and their impact on sport competitions. In this context, provide guidance on transfers of players in team sports.</li><li>• <i>Commission</i>: organise a conference to further explore possible ways for EU institutions and representatives of the sport movement (federations, leagues, clubs, players and agents) to improve the situation with regard to the activities of sports agents.</li></ul>
<b><i>European social dialogue in the sport sector</i></b>
<ul style="list-style-type: none"><li>• <i>Commission</i>: support social partners and sport organisations to create an EU-level social dialogue for the whole sport and leisure sector and to discuss new relevant items such as contractual stability, education and training, health and safety, employment and working conditions of minors, the role of agents or the fight against doping.</li></ul>

## **5. COOPERATION WITH THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS**

The Lisbon Treaty calls on the Union and the Member State to foster cooperation with third countries and the competent international organisations in the field of sport. In view of the continental organisation of sport and the renewed consensus on enlargement, cooperation with European third countries, in particular candidate countries and potential candidates, and the Council of Europe should be a priority.

### **COOPERATION WITH THIRD COUNTRIES AND INTERNATIONAL**

## **ORGANISATIONS**

- *Commission:* identify the scope for international cooperation in the field of sport with a focus on European third countries, in particular candidate countries and potential candidates, and the Council of Europe.

## **6. CONCLUSION**

In the Commission's view, the complexity of the proposals in the field of sport requires the continuation of informal cooperation structures between the Member States in order to ensure the continued exchange of good practice and dissemination of results. The Commission will continue to provide support for informal working groups in the field of sport which the Member States wish to continue or establish and which will continue to report to EU Sport Directors.

The European Parliament and the Council are invited to support the proposals made in this Communication on sport and to indicate their priorities for future activities.