

GETTING INTO THE GAME

Under the Lisbon Treaty, the EU now has specific powers in the **sport sector**

Sport plays an important role in European society. With more than 700 000 clubs, sport is the most important sector for self-organised civil society in the EU. And obviously, countless people practise sport and physical activity outside organised structures. It's healthy, promotes integration and education, and reinforces positive values that are conducive to the development of the individual and of society as a whole. Through its professional and commercialised segments, sport makes an important contribution to European economic growth and jobs. But despite the importance of sport to Europe, the EU had no explicit jurisdiction over it until the entry into force of the Lisbon Treaty on 1 December 2009.

Over the years, the EU has gradually developed a policy approach to sport based on other competence areas in the Treaty. This allowed the institutions to deal directly or indirectly with sporting matters. The approach dates back to the 1984 Fontainebleau European Council and the Adonnino Report on "A People's Europe". At that time, the Community's policy focused on sport's potential to achieve "European goals" – as a tool to strengthen the image of Europe in the minds of its citizens. In 2000, the European Council adopted the Nice Declaration on Sport, which focused on the social importance of the sector and the need to preserve its special characteristics. In July 2007, the European Commission

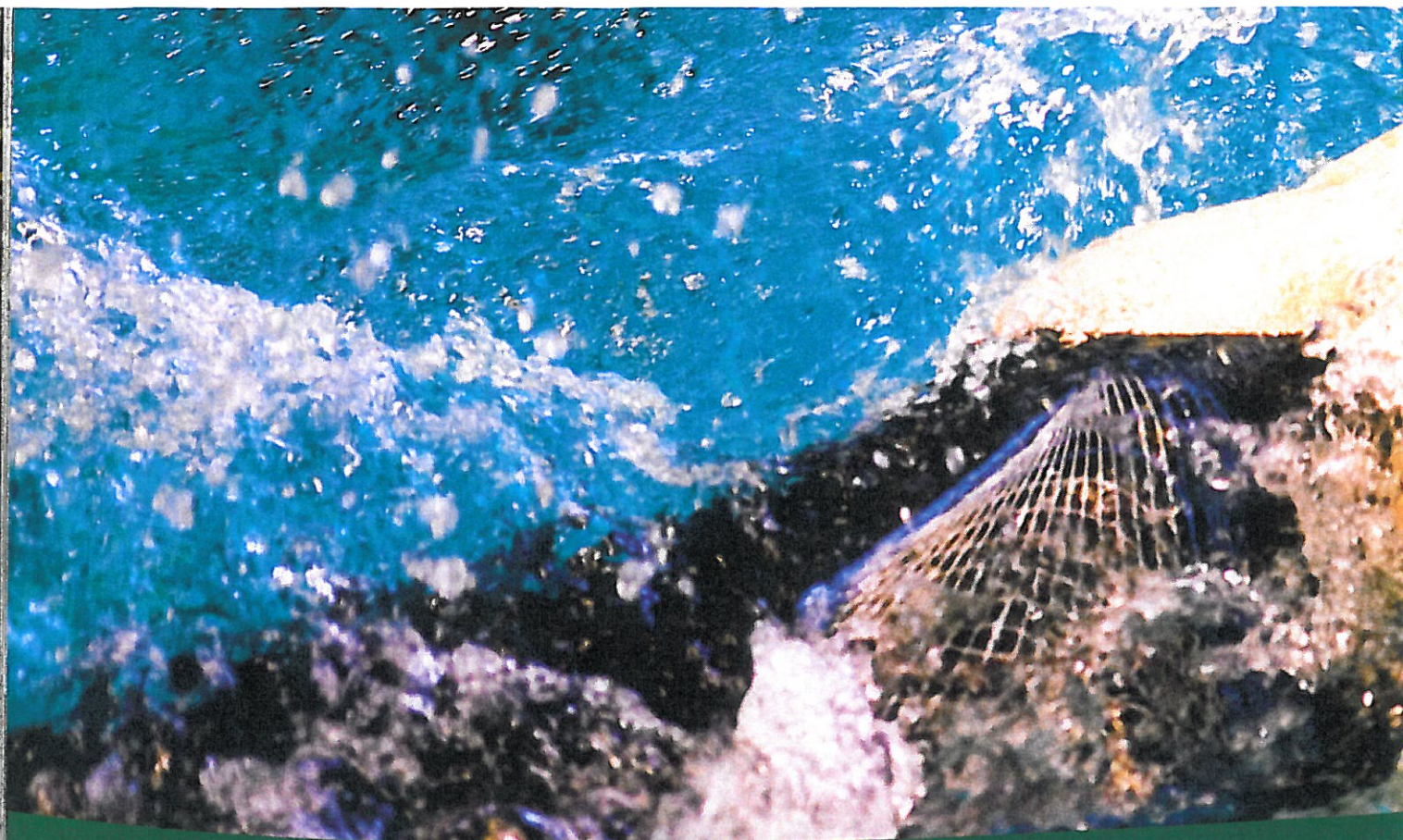
adopted the White Paper on Sport and at the end of the same year EU Member States signed the Lisbon Treaty, which included specific provisions on sport for the first time.

A new role

The Lisbon Treaty calls on the EU to promote European sporting issues, notably by taking account of sport's special nature, its structures based on voluntary activity and its social and educational functions. More specifically, EU action should be aimed at developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportspeople. The Treaty also calls on the EU and its Member States to foster cooperation with third countries and competent international organisations in the field of sport. The Treaty allows for the adoption of incentive measures (i.e. a programme) and of Council recommendations, but explicitly excludes any harmonisation of the laws and regulations of the Member States.

Despite the new policy approach, one thing hasn't changed: due to its cross-sectoral nature, sport will continue to be strongly influenced by other policy areas where the EU has supporting competence, notably health, culture, education, vocational training and youth. This is also true in areas where the EU has a shared competence with the Member States to legislate, notably the Internal Market, social policy, economic, social and territorial cohesion, justice and home affairs, research and development cooperation. Sport, in particular when it is carried out as an economic activity or related to governance aspects, is also subject to a policy area where the EU has an exclusive competence: the establishment of the





competition rules necessary for the functioning of the Internal Market. Finally, sport also continues to be subject to general principles enshrined in the Treaties such as those relating to non-discrimination.

What will change?

Starting this year, sport policy has become integrated into the formal structures at the EU Council of Ministers. A new Council Working Party on Sport has been set up to prepare the meetings of EU Sport Ministers in the Council. This is an important change because Council recommendations, resolutions or conclusions will carry more weight than the conclusions adopted in the past by Sport Ministers at their informal meetings.

It is the Commission's role to propose suitable action allowing for the achievement of the objectives outlined in the Treaty. The guiding principle for the Commission's policy response will be to ensure the EU added value of proposed actions and to meet the ultimate goal: to serve EU citizens. This will be a challenging task, partly because the Treaty text leaves room for interpretation and partly because many different stakeholders ranging from grassroots to sport's top tiers will wish to see their diverging interests reflected in the new EU approach.

Both the European Court of Justice and the Commission have acknowledged that sport is an economic sector unlike any other and has specific features that should be accounted for at EU level. But just because professional sports leagues need the freedom to make their own rules does not mean they are exempt

from EU law. After a structured dialogue with the sport sector, in particular its professional segments, the Commission has further clarified how specific sport-related policy can be addressed under EU law. The approach will be theme-by-theme, reflecting the diversity of the sport sector and addressing topics such as anti-doping, mobility and nationality, dual training, volunteering, professional-amateur sport relations and funding of sport. The EU recognises the autonomy of sport, but the EU as a legal space has fundamental rules which need to be respected also in the sport sector. For example, FIFA's proposed 6+5 rule on nationality of players would, if applied within the EU, disregard one of the most fundamental Treaty provisions: the prohibition of direct discrimination based on nationality.

Next steps

As a basis for the implementation of the Lisbon Treaty in the field of sport, the Commission intends to adopt a Communication on sport in the summer of 2010. The Commission is currently consulting with stakeholders to find a balanced approach and to fine-tune the topics to be included in its Communication. The new approach will be based on the experience gained with implementing the White Paper on Sport and should further develop areas such as the implementation of the EU Physical Activity Guidelines or the application of the European Qualifications Framework in the field of sport. The Communication will also have to take account of developments that require EU-level debate or action because they endanger the fairness and openness of competitions, for example questions relating to integrity and ethics in sport including match-fixing and doping.



The Treaty notion of “incentive measures” for sport can be expected to translate into a Commission proposal for an EU Sport Programme. This will be the first of its kind. Through the transfer of knowledge, formation of networks, exchange of best practices, better coordination, or mobility of some categories of professional staff, the sport programme should promote good governance and foster sport’s social, health and educational functions.

In view of the diversity of the sport sector, a key condition for a successful implementation of the sport provisions in the new Treaty will be continued coordination with other EU policy areas (e.g. health, education), programmes (e.g. Lifelong Learning), funds (e.g. European Regional Development Fund) and actions (e.g. European Year of Volunteering).

Another condition will be the further enhancement of cooperation and dialogue structures in sport. Cooperation needs to continue within the informal structures that have been developed with the Member States over the past years. At the political level, this includes informal meetings of EU Sport Ministers and EU Sport Directors, as well as the work carried out in six thematic EU Working Groups (sport & health, anti-doping, sport & economics, non-profit sport organisations, education and training in sport, and social inclusion in and through sport).

On the external side, the EU will step up its cooperation with third countries and with competent international organisations in the field of sport, such as the International Olympic Committee, the World Anti-Doping Agency, the World Health Organisations and the Council of Europe.

The Commission is committed to using the opportunities provided by the Lisbon Treaty for giving sport a firm and permanent role on the EU agenda.