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**Dropping the Ball: Identity and EU Sports Policy\***

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“It all began in Hamburg, on a summer night in 1988, when the Dutch beat the German 2-1 in the semi-final of the European Championships. Back in Holland, the staid nation surprised itself: nine million Dutchmen, over 60% [sic] of the population, came out onto the streets to celebrate. Though a Tuesday night, it was the largest public gathering since the Liberation. ‘It feels as though we’ve won the War at last’, a former Resistance fighter said on TV.”<sup>1</sup>

## I. Introduction

The European Union’s rhetoric is seldom reflected in reality. Despite public statements claiming that the EU has a “rendez-vous with history”<sup>2</sup>, the elites seem more convinced that the populace. Both functionalist and neo-functional theories argue that the way to peace is through integration. By converting the government elites and epistemic communities to the cause of European unity, peace will follow. Both theories are very elitist. As a result, as observed by John Peet in the *Economist*, the people are being left behind.<sup>3</sup> In the words of Raymond Aron, a sympathetic critic of European unity efforts, ‘the name Europe distinguished a continent or a civilisation, not an economic or political unit.... The European idea is empty; it has neither the transcendence of Messianic ideologies nor the immanence of concrete patriotism. It was created by intellectuals, and that fact accounts at once for its genuine appeal to the mind and its feeble echo in the heart.’<sup>4</sup>

Over the past ten years, some more integrationist-minded member states, especially Germany and the Benelux<sup>5</sup> have argued for a democratizing of the integration process. Without a European identity, the people will not come on board, and without democratic support for such a project, European integration will wither. The goal is to bring EU decision-making closer to the average person and to foster a European identity. How does one manufacture, or perhaps more accurately, graft on a collective identity? Could the EU harness the passion and patriotism the public has for sports? A European

<sup>1</sup> Simon Kuper, *Football against the Enemy* (London: Orion, 1994), p. 4.

<sup>2</sup> Jacques Delors, President of the European Commission, *The New York Times* 16 December 1990.

<sup>3</sup> John Peet, “Europe’s Mid-Life Crisis”, *The Economist* 31 May 1997.

<sup>4</sup> Ernst Haas, *The Uniting of Europe* (Stanford: Stanford University Press, 1958), 28-29.

<sup>5</sup> Belgium, The Netherlands, and Luxembourg.

sports policy may reduce the democratic deficit and increase popular support for the EU by fostering the creation of myth and therefore of a European identity.

II. Problem: Many citizens of EU member states neither “feel” European nor understand the functioning of the EU.

In polls, only about 50 percent of EU citizens “feel European”. Of the European people, the elites are much more likely to identify themselves as European than non-elites.<sup>6</sup> According to a 2002 poll, 33 percent of European paid a lot of attention to sport compared to 20 percent who paid “a lot of attention” to the EU. Although more people paid “a little attention” to the EU (49 percent) than people paid to sport (35 percent) giving them almost identical totals for those who paid some attention to either the EU or sport (69 versus 68 percent respectively), more people felt passionately towards sport than they do EU. A major reason for people feeling “unEuropean” is that many EU citizens are confused by its complex governing process. Eurobarometer asks individuals to rate their self-perceived knowledge of the EU arguing,

Self-perceived knowledge about the European Union not only strongly correlates with the amount of attention people pay to news about the European Union, but more importantly, it is also a good predictor of people’s general stance towards the Union. Our analyses show that the more people feel they know about the European Union, the more likely it is that they would support it. This applies to all the standard indicators of support that are used in the Eurobarometer surveys. *In this regard, the finding that there are actually quite a few people that feel they know little about the European Union to a certain degree explains the relatively widespread indifference in the European Union among EU citizens [emphasis added].*<sup>7</sup>

Table 1<sup>8</sup> gives the average scores on perceived knowledge scale for various groups at the EU 15 level. The table demonstrates that the knowledge of the EU is directly related to education and/or direct interaction with EU laws for example in business.

GROUP	SCORE
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<sup>6</sup> Peet article from the Economist.

<sup>7</sup> Standard Eurobarometer 57, p. 12.

<sup>8</sup> Ibid., p. 15.

Opinion Leadership Index: ++	5.81
Managers	5.4
Educated up the age 20+	5.2
Opinion Leadership Index: +	4.9
Self-employed	4.88
Men	4.75
Students	4.67
Employees	4.61
Aged 40-54	4.53
Aged 25-39	4.40
<b>Average for EU 15</b>	<b>4.35</b>
Educated 16-19	4.28
Aged 15-24	4.24
Aged 55+	4.23
Retired	4.22
Opinion Leadership Index: -	4.09
Unemployed	4.09
Manual workers	4.04
Women	3.97
Educated to age 15 or younger	3.69
House persons	3.58
Opinion Leadership Index: --	3.20

On the bottom of the list are the very young, the very old, the unemployed, women, and manual workers. While the first three categories are people on the margins of society, women make up over 50 percent of the population, and manual workers make up about 30 percent of the population.<sup>9</sup> Women are much more likely to be unemployed than men.<sup>10</sup> At the top of the list are the educated and white collar workers. With this in

<sup>9</sup> I have not been able to get exact figures. According to the ILO, a quick survey of all the EU countries shows a figure of about 30 percent. See [www.ilo.org](http://www.ilo.org).

<sup>10</sup> See "Unemployment Rate by Gender 1995" in *Employment Now: New Employment Opportunities for Women*, [http://europa.eu.int/comm/employment\\_social/esf/en/public/sr\\_now/now2.htm](http://europa.eu.int/comm/employment_social/esf/en/public/sr_now/now2.htm).

mind, the lion's share of knowledge and familiarity with the EU comes from the work place, especially for those who have to deal with government or EU regulation. The unemployed, manual workers, and women, most of whom either stay at home (see "house persons" in the above index), have manual labor jobs including childcare, or are unemployed, have little interaction with the EU, and therefore know little about it and are indifferent to it.

EU citizenship polls bear this conclusion out. Those with the lowest familiarity with the term "citizen of the Union" are the unemployed and manual workers.

Table 2<sup>11</sup>

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<sup>11</sup> Gallup Europe, Flash Eurobarometer 133 "10 years of EU Citizenship: Results and Comments" September-October 2002,

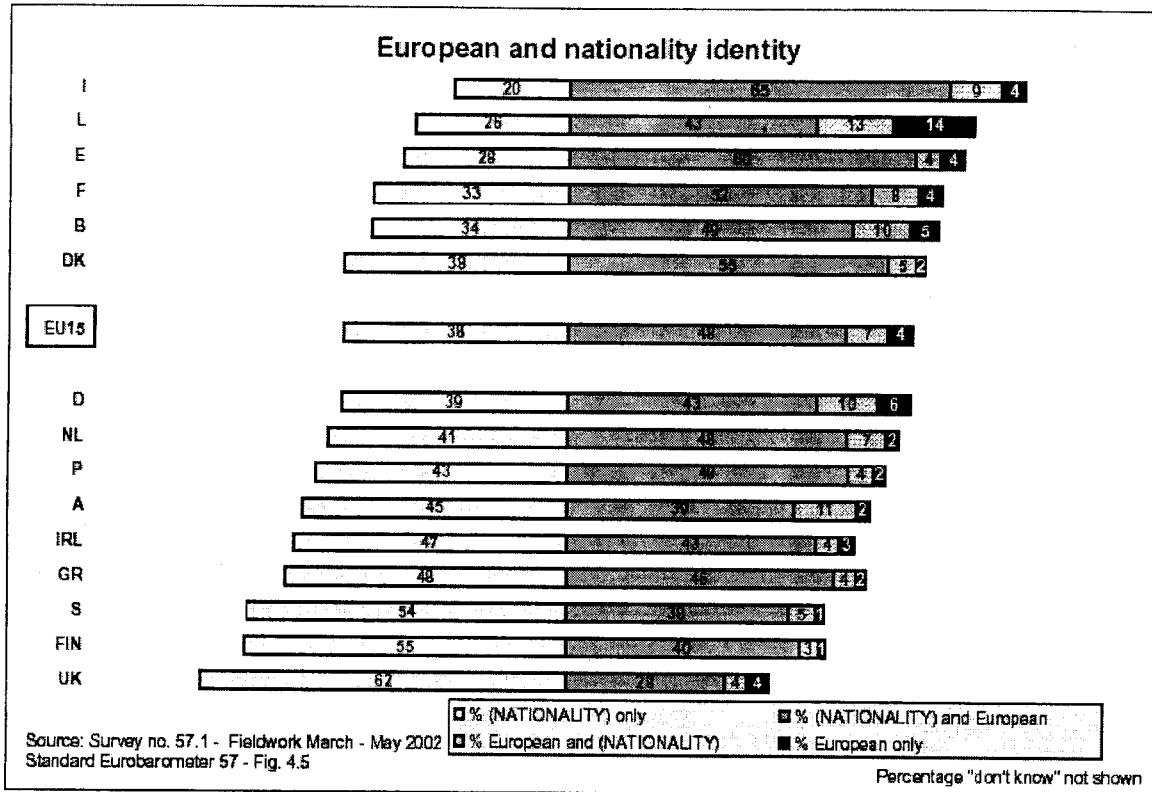
	Oui et sait ce qu'il signifie	Oui mais pas sûr de la signification	Non jamais entendu parler	BASE
	Yes and knows what it means	Yes but not sure what means	No, never heard the term	
UE 15	31%	37%	32%	7525
<b>SEXE - SEX</b>				
Hommes - Men	36%	34%	30%	3568
Femmes - Women	26%	40%	34%	3957
<b>AGE</b>				
15-24	22%	45%	34%	1057
25-39	33%	37%	30%	2213
40-54	33%	34%	33%	1860
55 & +	31%	36%	33%	2387
<b>EDUCATION</b>				
15 & -	22%	35%	43%	1916
16-20	29%	39%	31%	3340
21 & +	43%	36%	21%	2269
<b>PROFESSION - OCCUPATION</b>				
Indépendant - Self-employed.	45%	26%	30%	711
Employé - Employee	33%	40%	27%	2384
Ouvrier - Manual worker.	23%	36%	41%	999
Sans act.prof. - No prof.activ.	28%	38%	34%	3366
<b>HABITAT - LOCALITY TYPE</b>				
Métropoles - Metropolitan	31%	40%	29%	2016
Centres urbains - Urban zone	33%	36%	32%	2906
Zone rurale - Rural zone	27%	37%	36%	2603

### Feeling "European"

A major factor in getting popular support for European integration is the formation of a European identity. In general, the great majority of Europeans identify themselves first with their member state and second with Europe. See Table 3<sup>12</sup>

Table 3

<sup>12</sup> Eurobarometer 57, spring 2002, EU 15 report, p. 60.



The following two tables show how those polled feel proud to be their nationality (table 4<sup>13</sup>) and then European (table 5<sup>14</sup>) respectively:

Table 4

<sup>13</sup> Eurobarometer 57, spring 2002, EU 15 report, p. 61.

<sup>14</sup> Eurobarometer 57, spring 2002, EU 15 report, p. 62.

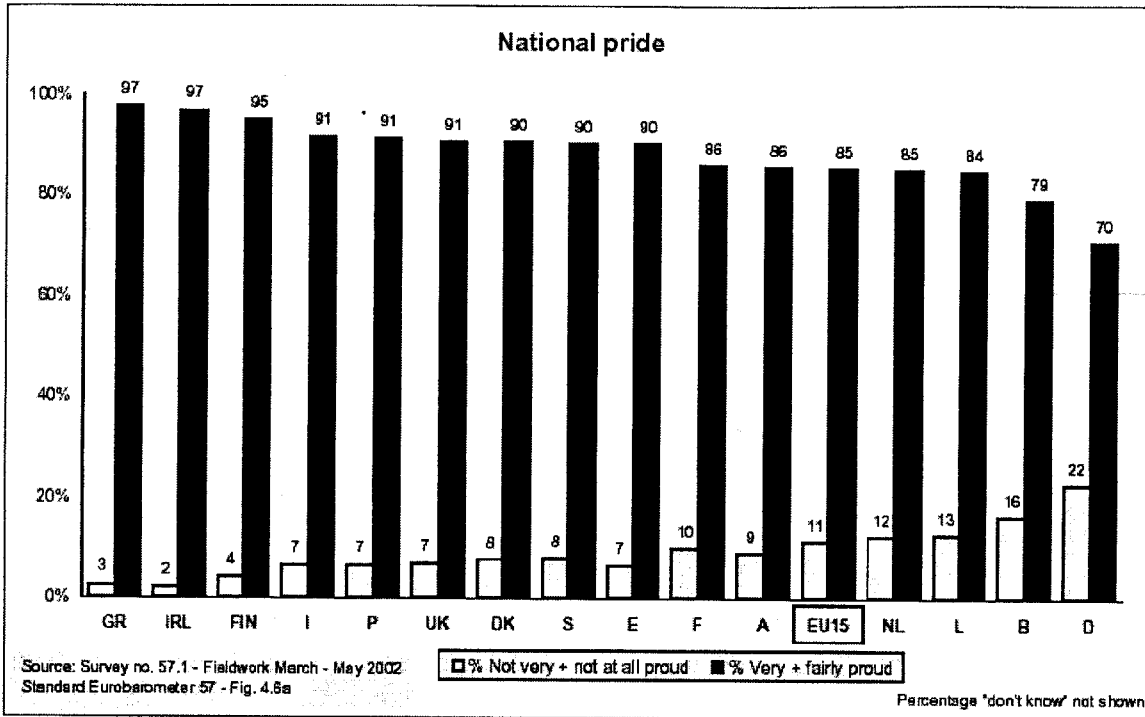
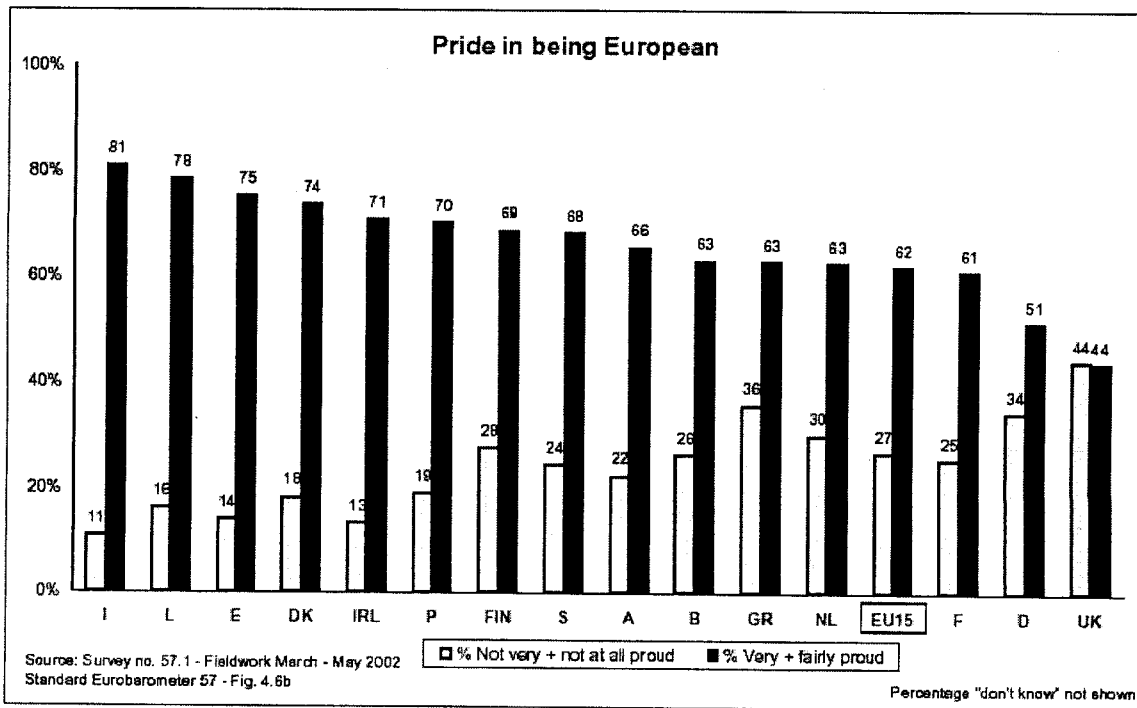


Table 5



### III. Lack of a European Myth



Why is the EU not successful in making a significant proportion of people feel European? Raymond Aron's quotation in the beginning of this paper is instructive: the idea of Europe is an intellectual idea and not an emotional feeling. There are no myths for people to rally behind. Lene Hansen, Michael C. Williams, Anthony Smith, Brigid Laffan, and Daniela Obradovic argue that the problem is a lack of myth.<sup>15</sup> Laffan points out that the

'European project' itself adds a new dimension to the politics of identity in the Member States and in the wider Europe. The dynamic of integration has implications for how different states and communities define themselves culturally, politically, and economically. The goal of a 'Europe without frontiers' changes the nature of borders a systems of inclusion and exclusion. Market regulation can threaten long-held traditions (the politics of local beer, cheese or snuff!) in different localities.<sup>16</sup>

Therefore, European integration challenges how people define themselves. One reaction to the European experiment has been the rise of the extreme right in all the EU member states and their universal opposition to EU membership as they see the EU as diluting their culture and identity.

Even if some people were willing to exchange one identity for another, being an intellectual idea framed in economic terms, there is little in the European project to rally people because there is no EU myth. As Obradovic explains:

Myth expresses and maintains social solidarity because it refers to values of belongingness and originality and a sense of shared collective identity and fate. Such a myth of origin as the ultimate source of legitimacy is missing from the European venture. No mythologein is powerfully operative within the Union, no one can win the consent of the entire Union population. The task of firmly and

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<sup>15</sup> See Lene Hansen and Michael C. Williams, "The Myths of Europe: Legitimacy, Community and the 'Crisis' of the EU" *Journal of Common Market Studies*, 37 (June 1999), Daniela Obradovic, "Policy Legitimacy and the European Union" in *Journal of Common Market Studies* 34 (June 1996), Anthony Smith, "National Identity and the Idea of European Unity" *International Affairs* 68 (1992), and Brigid Laffan, ""The Politics of Identity and Political Order in Europe" *Journal of Common Market Studies* 34 (March 1996).

<sup>16</sup> Laffan, 82-3.

indisputably establishing Union policy legitimacy therefore encounters serious theoretical difficulties.<sup>17</sup>

Anthony Smith argues that the problem is not just the absence of a European myth, but that the age of myth is over. The EU cannot fabricate such a myth because the public will view it as exactly that – a fabrication. Ultimately, this lack of identity creates a lack of legitimacy which exacerbates the democratic deficit. To quote David Michael Green, it puts the EU “at risk”.

#### IV. The Role of Sports in creating a feeling of “identity” and “mythos”

Sport may well be a solution to the EU’s problem creating a myth and a passion for the “soulless market”. Sport has long been used as a way to bring disparate groups of people in a society together and create feelings of national unity. Janet Lever in her study of soccer in Brazil concluded that “Sport contributes to national integration by giving people of different social classes, ethnicities, races, and religions something to share and use as a basis for their ritual solidarity.”<sup>18</sup> Many studies have been done on the integrative powers of sports in a variety of countries including Switzerland, France, Germany, England, China, and the former Soviet Union.<sup>19</sup> Sports is a way of organizing people and inspiring people in the same way as religion, nationalism, etc..

The European member states have very little in common except for democratic rule, free markets and Christianity. Considering the size of the sport industry in Europe, sport, if cultivated on a pan-European level could play a unifying role. 36 percent of the world sports trade occurs in the European Union, topped only by the United States at 42

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<sup>17</sup> Daniela Obradovic, “Policy Legitimacy and the European Union” in *Journal of Common Market Studies* 34 (June 1996), 191-2.

<sup>18</sup> Janet Lever, *Soccer madness* (Chicago: University of Chicago Press, 1983) as quoted in Jay J. Coakley, *Sport and Society: Issues and Controversies* (St. Louis: Times Mirror/Mosby College Publishing 1986), 25.

<sup>19</sup> See R. Albonico, “Modern university sport as a contributor to social integration” *International Review of Sport Sociology* 2 (1967): 155-162, M. Bouet, “Integrational functions of sport in the light of research based on questionnaires” *International Review of Sport Sociology* 4 (1969): 129-134, D. Brockman, “Sport as an integrating factor in the countryside” *International Review of Sport Sociology* 4 (1969): 151-170, D. Chu and J. Segrave, “Physical culture in the People’s Republic of China” *Journal of Sport Sociology* 2 (1979): 119-135, E. Dunning and K. Sheard, *Barbarians, Gentlemen and Players* (New York: New York University Press, 1979), N. I. Ponomaryov, *Sport and Society* (Moscow: Progress Publishers, 1981 and Chicago: Imported Publications, Inc., 1981) translated by J. Riordan.

percent.<sup>20</sup> Although some do not see sport as a political force, sports and politics have always been intertwined:

Many people believe that sport and politics should not mix. ... To insist on the purity of sports is to treat them as natural and unchangeable, and nothing could be further from the truth. Without rules to define access to decision making and authority – the stuff of politics – sports would not exist. A sport is defined, brought into being, by its rules. Sport is a method for administering play activity, a way to determine who should play and how they should play. Politics is also involved, because sport is play made public. An element of display, requiring a commonly understood code by which right conduct and superior performance can be judged and appreciated, is superimposed. This code does not emanate naturally from the activity itself but draws upon widespread assumptions about such things as the relationship between the body and social identity and the meaning of time and space. These assumption, in turn, are political because they bear the imprint of class, gender, and racial hierarchies.<sup>21</sup>

Richard Gruneau discusses the metamorphosis that sports under goes once it is bureaucratized. Taking a Weberian perspective, Wilson explains,

As sport is bureaucratized, it loses its attachment to specific substantive ends – its intrinsic gratification – and becomes important in its own right. Ironically, this then makes sport a deployable tool, available for use for a variety of different purposes, such as competition for educational resources, combating juvenile delinquency, enhancing military preparedness, boosting civic pride, and achieving diplomatic goals.<sup>22</sup>

Hylton and Totten argue that sport “policy community ranges from local to regional to national and even transnational.” Therefore, community sports development must take all these levels into consideration.<sup>23</sup> If knowledge of the EU is directly related to support of

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#### Notes

<sup>20</sup> “The Development and Prospects for Community Action in the Field of Sport”. Commission Staff Working Paper. 29 September 1998. Via [http://europa.eu.int/comm/sport/doc/ecom/doc\\_evol\\_en.pdf](http://europa.eu.int/comm/sport/doc/ecom/doc_evol_en.pdf)

<sup>21</sup> John Wilson, *Playing by the Rule: Sport, society and the State*, Detroit: Wayne State University, 1994), p. 13.

<sup>22</sup> See also Richard Gruneau, “Modernization and Hegemony: Two Views of Sport and Social Development” in *Not Just a Game* edited by Jean Harvey and Hart Cantelon, (Ottawa: University of Ottawa Press, 1988). Wilson, p. 18.

<sup>23</sup> Kevin Hylton and Mick Totten, “Community Sports Development” in *Sports Development: Policy, Process and Practice* edited by Kevin Hylton, Peter Bramham, Dave Jackson, and Mark Nesti, (London: Routledge, 2001), p. 90.

the EU, European level sports would be a way to inform those who feel the least comfortable, that is the traditional working classes whose jobs do not expose them to the workings of the single market, with the Union and another aspect of integration.

#### V. EU Sports Policy today

European sports policy is extremely complicated for several reasons. First, not all the member states have national sports policies; in the case of Germany, sports is mostly regulated by the Laender. The European Commission's DG X deals mostly with amateur or recreational sport rather than professional sport; and when it comes to anti-trust issues, the DG for competition policy takes over. Moreover, pan-European sports organizations such as UEFA, the United European Football Association, are older and more established than the EU. As a result, although European sport by definition crosses borders, there is no coordinated EU sports policy. This lack of a unifying governing force on sport means that the EU has not caught on to the power of sport to unify. Moreover, the imperfect integration in this field has actually spawned a great deal of negative publicity for the EU.

For example, policies such as the free movement of workers interfere with the way professional sports leagues in Europe have been run since their inception. The free flow of goods, people and capital has special applications to the sports world, and it is the duty of the sport institutions to work out compromises that allow professional sports to function under EU rules. Furthermore, the competition policy of the European Union questions the legality of countries giving subsidies to their athletes.<sup>24</sup> Certain restrictions are needed on the equipment used in Sport because of these restrictions' effects on the Sporting goods industry.<sup>25</sup> Policing athletic performance-enhancing drug use, known as "doping", in professional sports is also an area where the Union has stepped in for the

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<sup>24</sup> "Commission does not object to subsidies for French professional sports clubs." European Commission Press Release, 25 April 2001.

<sup>25</sup> "European Commission Staff Working Paper On Development of Sport", page 11.

member states<sup>26</sup>. The proposed network for the dissemination of information on sports in Europe did not become reality. Professional sports are a golden opportunity for the EU, but so far they have managed just to alienate and confuse the European citizenry.

The structure of professional sports in Europe resembles a pyramid. At the lowest level of this pyramid are the club teams themselves; teams owned by private interests and located in specific cities. An example of this type of team is the Manchester United, a private soccer team in Manchester, England. These teams are organized into regional leagues called Federations: "Regional federations form the next level; the clubs are usually members of these organizations. Their area of interest is limited to a region in which they are responsible for organizing regional championships or coordinating sport on a regional level." In the example of Manchester United, their regional federation is the English Premier League<sup>27</sup>. These regional leagues produce champions by their own tournament formats, and these regional leagues are organized under a national federation. The champions of the regional leagues play to determine a national champion. These national federations exist under a European federation, a league in which the national champions play to determine the best in all Europe. In the soccer example, all the national soccer champions play in the UEFA, the United Europe Football Association<sup>28</sup>. It is at this highest level that the EU has begun to take over for European sports federations. The Commission has begun to write new rules for the transfer of players; rules that have hitherto been decided by the federations themselves. The EU Commissioner for Competition summarizes the position of the Union, as he leaves open the possibility of the EU assuming control of the top level of this pyramid:

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<sup>26</sup> "Statement by the Sports Ministers of the European Union Member States pertaining to Sport Safety, the Fight against Doping and the Specific Function of Sport within the Context of Community Integration". Troika of Ministers in charge of sport: Documents from the Presidency. 11 December 2001.

<sup>27</sup> "Manchester United Club Page". ESPN Soccer.net.  
Via <http://www.soccer.net/england/clubs/manutd/>.

<sup>28</sup> "The European Model of Sport". Consultation Document of DG X. Via [http://europa.eu.int/comm/sport/doc/ecom/doc\\_consult\\_en.pdf](http://europa.eu.int/comm/sport/doc/ecom/doc_consult_en.pdf), page 2.

Traditionally, a single federation exists to regulate the affairs of a sport. In addition to their regulatory functions, federations are often active in the market for the organization of sporting events as well, either by laying down rules which its member associations or clubs are required to follow, or by organizing events directly themselves. While the existence of a single federation overseeing both regulatory and organizational aspects of a sport is common in Europe, however, other scenarios can be envisaged.<sup>29</sup>

Clearly, the application of the free employment zone conflicts with many of the principles in this structure of professional sport. Teams need to be able to sign players and develop them and know that if they invest in a player, the player would not be able to leave at any moment, citing the free employment zone, to contract with another employer (i.e. another team). Also, this would lead to an unfair sporting situation, as wealthier teams could outbid poorer teams without regard for their own internal development; the rich teams would benefit from the virtual auction block that the free employment zone had created, whereas the poorer teams would lose their home-grown talent. Before the European Union, if another club wanted to sign a player who had been developed and trained in one member state by another team, the club that wanted to sign the player would have to pay a transfer/development fee to the club that had trained the player. Also, in order to encourage sports in each individual country, certain club teams in certain countries were restricted by the government to only being allowed to carry a certain number of players from certain countries. For example, to encourage French youth soccer, minor league teams in France might be only allowed to carry four non-French players, insuring those budding French stars a place to play when they wanted to become professional. There are many small clubs in the member states, who make it their business to scout, train and develop young players, and then transfer them to larger clubs for a fee. Clearly, these practices are against the free employment zone of the EU and the EEA. This came to a head in the form of the Bosman case, which was brought to the ECJ in 1990, but not ruled on until 1995. The court returned a ruling in December of 1995:

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<sup>29</sup> "Mario Monti, European Commissioner for Competition Policy Sport and Competition, Excerpts of a speech given at a Commission-organized conference on sports Brussels." European Commission Press Release. 17 April 2000. Via [http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=SPEECH/00/152|0|RAPID&lg=EN](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=SPEECH/00/152|0|RAPID&lg=EN)

Article 48 of the EEC Treaty precludes the application of rules laid down by sporting associations, under which a professional football player who is a citizen of one Member State may not, on the expiry of his contract with a club, be employed by a club of another Member State unless the latter club has paid to the former club a transfer, training or development fee.

Article 48 of the EEC Treaty precludes the application of rules laid down by sporting associations under which, in matches in competitions which they organize, football clubs may field only a limited number of professional players who are citizens of other Member States.”<sup>30</sup>

Clearly, something was needed to reconcile the EU rules on employment mobility and the special needs of the current professional sports structure, as the president of European Soccer put it: “Sport cannot be allowed to be blindly subject to legal principles, rules or regulations which would endanger the fragile equilibrium that exists between the different sections of the football family.”<sup>31</sup> As a result of this ruling, the European Sport Forum met with FIFA, the international soccer federation that represents the players, and UEFA<sup>32</sup>. This could have been a shining example for the European people about the effectiveness of the EU; surely every soccer fan in Europe followed the debate with great interest. Instead of showcasing the efficiency of the EU, however, the issue quickly became muddy and confused, with the Commissioner of DG X publicly sniping at the leaders of the soccer organizations, and the member states disagreeing with one another over the exceptions to grant sports under the EU and EEA provisions. The commissioner for DG X described the international soccer organization, obviously extremely popular with the European citizenry, much as the NFL is in America, as a “cartel, by believing

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<sup>30</sup> “Sport and free movement: Bosman Case”. European Commission Key Files. Via <[http://europa.eu.int/comm/sport/key\\_files/circ/b\\_bosman\\_en.html](http://europa.eu.int/comm/sport/key_files/circ/b_bosman_en.html)>.

<sup>31</sup> “FIFA appeals for specificity of sport.” Agence France Presse. 6 December 2000. Via Lexis-Nexis.

<sup>32</sup> “Outcome of discussions between the Commission and FIFA/UEFA on FIFA Regulations on international football transfers.” European Commission Press Release. 3 June 2001. Via <[http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/01/314|0|RAPID&lg=EN](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/01/314|0|RAPID&lg=EN)>

they were above the laws of national governments.”<sup>33</sup>The commission even went as far as to threaten a prohibition decision against the soccer federations<sup>34</sup>. Clearly, to a citizenry that loves soccer and does not fully understand the provisions of European Union economic law, the loss of soccer due to a prohibition decision on something like this would be disastrous to the public perception of the European Union, and a complete waste of a golden opportunity to connect with the common citizen in an area of vital importance. Even after an agreement was reached newspaper coverage of the solution was almost nonexistent. This conflict extends beyond the world of soccer to other sports as well. None of the other sports that will be affected by the new system have entered into negotiations with the commission or have proposed an alternative transfer system for their respective sport. If this does not happen soon, the commission will be forced to act on their own to “protect and defend the treaties” by forcing the hand of these leagues. This is but one example of the conflict between EU sports policy and the EU and EEA economic policy. Several aspects of the EU competition policy have affected sports in unforeseen ways.

In order for athletes from the member states to be competitive in international competitions, they must be able to train full time as athletes from other countries do. This requires subsidies from the government to run state-sponsored training programs for these athletes. The government must take care of all costs for these athletes while they train. However, since the athletes are earning money at some competitions, just not enough to live in, and since these training centers do sometimes charge for their services to try and maintain financial solvency, these funds technically fall under the definition of a subsidy and are therefore illegal<sup>35</sup>. So far, the commission’s solution to this problem has been to force the member states to apply for individual exemptions each time they

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<sup>33</sup> “FIFA appeals for specificity of sport”, page 1.

<sup>34</sup> “Mrs. Viviane Reding Member of the European Commission responsible for Education and Culture Commission's investigation into FIFA's transfer rules Statement to European Parliament Strasbourg”. European Commission Press Release, 7 September 2000. Via <  
[http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=SPEECH/00/290|0|RAPID&lg=EN](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=SPEECH/00/290|0|RAPID&lg=EN)  
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<sup>35</sup> “Commission does not object to subsidies for French professional sports clubs.”



want to subsidize one of their training programs. Thus far, France is the only country who has bothered to do so. The Competition policy, citing the freedom to provide services anywhere in the Union, has come into conflict with the practice of Sports agents having to be certified by the league in which they operate. The way it currently stands, agents who are going to represent players must be approved by FIFA before being allowed to bargain with FIFA clubs. The commission, citing its role as “protector of the treaties”, has stepped in and delivered to FIFA a list of complaints<sup>36</sup>. These sorts of incidents alienate the EU citizenry; they love their professional sports and they do not understand why these new economic rules apply to and threaten their favorite form of entertainment. Perhaps the biggest problem that the Commission faces in applying the economic policy of the EU and EEA, because it is most dear to the citizens of Europe, is how to deal with geographical ticket distribution. A clear violation of the single market policy, authorities selling tickets to a particular event will give priority to a certain region that might follow that team more closely than other regions. For example, in a soccer match between Real Madrid (a Spanish soccer team based in Madrid) and Juventus (the best team in Holland), with the match being played in Madrid, fans from Holland would get a much better price on seat than those in Italy (because there is a Holland team playing, Dutch fans get a price discount compared to those who, judging by geography, have no interest in the game). Obviously, European citizens love this practice, as it makes tickets much cheaper to see their favorite teams play. However, the commission, in their role as “protector of the treaties”, has stepped in to end this practice, as it violates the single market policy.<sup>37</sup>

Outlined at the Lisbon meeting of the Troika of Ministers on Sport, the European Union Member States agreed to create sports information network to keep the citizenry informed:

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<sup>36</sup> “Commission closes investigations into FIFA rules on players' agents”. European Commission Press Release. 18 April 2001. Via [http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/02/585|0|RAPID&lg=EN&display=>](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/02/585|0|RAPID&lg=EN&display=>)

<sup>37</sup> “The Development and Prospects for Community Action in the Field of Sport”, page 11.

Recommend of a sport information network in the framework of the member countries of the European Union as an interactive support of relation between the sporting specifics of each country through the collection, treatment and selective diffusion of information regarding sports policies, regional and local development projects, sports infrastructures, fight against doping, legislation and opportunities of sports training and that allows also the ordinary citizen to the reflect on sports development strategies in the European Union.<sup>38</sup>

If this proposed sports information network had actually come into existence, then it would have solved quite a few problems caused by the beginning steps of sports integration. However, this proposed network is not mentioned again in any Commission or Presidency documents. Not only would it have given the Union a voice to match that of the anti-EU media in its negotiations with the soccer federations that brought the EU so much bad press, but it would keep the citizenry informed about what was going on in the world of Sports in the EU. This serves as another example of spillover as a result of initial integration that needs to be addressed. These problems can also be seen in one of the most visible of the Union's sport problems: the football transfer system.

The football transfer system is one of the most well-understood and well-known institutions in all of European sports. It is the process by which players can be bought, sold, and traded on the open market. The exciting, time-tested method of free-wheeling deals and long-term contracts violates the economic provisions of the treaties; the "work anywhere" clause "precludes the application of rules laid down by sport associations"<sup>39</sup>. Small market teams, who cannot afford the big stadiums or the luxurious television contracts, make most of their money by scouting, signing, developing, and eventually selling the rights to young players to the more profitable teams. This caught the attention of the EU in late 1999, and the two sides went into negotiations to try to bring the transfer system into closer line with the treaties<sup>40</sup>. Despite the opportunity to showcase the

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<sup>38</sup> "Conclusions of the Informal Council of Ministers of Sport of the European Union." Troika Sports Ministers. 10 May 2000.

Via <[http://europa.eu.int/comm/sport/doc/infor\\_meet/lisb\\_conclusions\\_20000510\\_en.pdf](http://europa.eu.int/comm/sport/doc/infor_meet/lisb_conclusions_20000510_en.pdf)>

<sup>39</sup> "Sport and free movement: Bosman Case". European Commission Key Files.

Via <[http://europa.eu.int/comm/sport/key\\_files/circ/b\\_bosman\\_en.html](http://europa.eu.int/comm/sport/key_files/circ/b_bosman_en.html)>.

<sup>40</sup> "Commission closes investigations into FIFA rules on players' agents". European Commission Press Release. 18 April 2001. Via

<[http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/02/585|0|RAPID&lg=EN&display=>](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/02/585|0|RAPID&lg=EN&display=>)>

efficiency and usefulness of the European Union, the negotiations ground on. The two sides, UEFA (United European Football Association) and FIFA (Something French) on the one hand, and the Commission, specifically the commissioners for sport and leisure (Viviane Reding, Luxembourg) and the commissioner for competition (Mario Monti, Italy), let the negotiations deteriorate into immature bickering and childish name-calling<sup>41</sup>. A prohibitive decision, which would have led to a temporary soccer stoppage in Europe, was threatened<sup>42</sup>. The soccer federations were angrily labeled a “cartel” by Reding, and the agreement that resulted was a half-baked, meet-you-at-the-middle solution that benefits neither side. Arsene Wenger, head of the powerhouse football team Arsenal, said the reforms could “ruin the game for fans” and labeled it a “bad thing”<sup>43</sup>. The system devised completely favors the team with the most money; players are compensated for their lack of a real “work anywhere” benefit by much more required money from the teams; if a team wants to force a player to play, they will have to pay much more for him<sup>44</sup>. This system has led to the “bottoming out” of football finances; by paying enormous sums of money for players, the football clubs cannot afford to compete with other teams. They both hurt themselves in the end awarding huge, unaffordable contracts to top players because they are competing with other teams to do so. This new problem, brought about by the half-baked transfer system, needs to be fixed, but EU competition law prevents any sort of revenue sharing or salary cap<sup>45</sup>. This has led to an enormous increase in ticket prices as clubs seek to maintain fiscal solvency in a world of new and senseless regulation<sup>46</sup>. Clearly the “specificity of sport” should be held above mindless application of the treaties.

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<sup>41</sup> “FIFA appeals for specificity of sport.” Agence France Presse. 6 December 2000. Via Lexis-Nexis.

<sup>42</sup> “Outcome of discussions between the Commission and FIFA/UEFA on FIFA Regulations on international football transfers.” European Commission Press Release. 3 June 2001. Via <[http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/01/314|0|RAPID&lg=EN](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/01/314|0|RAPID&lg=EN)>

<sup>43</sup> Football: Breaking Windows. Cross, John. *The Daily Mirror*; London (UK); Aug 30, 2002;

<sup>44</sup> Football's own goal: One toothless pact is not enough for Europe . *Financial Times*; London (UK); Nov 2, 2002;

<sup>45</sup> Football's own goal, page 2.

<sup>46</sup> “The Development and Prospects for Community Action in the Field of Sport”. Commission Staff Working Paper. 29 September 1998. Via <[http://europa.eu.int/comm/sport/doc/ecom/doc\\_evol\\_en.pdf](http://europa.eu.int/comm/sport/doc/ecom/doc_evol_en.pdf)>

This is also seen in the nationalistic FIFA quota requirements for members of European soccer teams. Currently, only three non-EU players are allowed on European professional soccer clubs. This has led to scandal, as players will obtain fraudulent passports from member states for the sole purpose of passing themselves off as dual citizens. In response to this, dual citizen players are being investigated and suspended.<sup>47</sup> This is in clear violation of the “work anywhere” clause, as these dual-citizen players, while citizens of the EU, are being discriminated against. Thus, the Union took steps to outlaw these minimum quotas, and to protect these citizens. However, these measures have not had the backing of the member states, most notably France. In order to get their World Cup teams as strong as possible, Member States want as many of their nationals on the top professional clubs as possible. Therefore, they place restrictions on the freedom of movement in the European leagues. The Member States who are less concerned about the success of their World Cup team do not care about citizens playing in competitive leagues, and they object to the quotas under EU law. In fact, “UEFA and FIFA are pinning their hopes on the ongoing revision of the EU's governing treaty. They want the introduction of a special protocol giving sport a special status. The federations' hopes were raised when EU leaders agreed at last month's summit meeting in Portugal that special account should be taken of 'the specific characteristics of sport in Europe and its social function in managing common policies.' Commission officials said the sentence had been written into the summit text at the insistence of France.” The sports ministers of the member states, however, disagree about the specificity of sport.

With this in-fighting and disagreement, the European Union loses a golden opportunity to connect with its citizens. Sports, while their main purpose in unification may be the manufacture of a common identity, they also provide functionalism which can spill-over into non-Sport areas. In fact, “co-operation among national police forces, well ahead of Europol, developed in the fight against hooliganism”<sup>48</sup> Sports can also take on a national character: “the mythical World Cup semifinal in Mexico (won 4-3 in extra time),

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<sup>47</sup> Scrapping Quotas Could End Passport Wrangle. Via: [http://www.fifa.com/reuters/01-02/2001-02-10\\_21855\\_E.html](http://www.fifa.com/reuters/01-02/2001-02-10_21855_E.html)

<sup>48</sup> European Football Cultures and their Integration: The ‘Short’ Twentieth Century. Missiroli, Antonio. Page 1.

the 1982 final in Spain [won 3-1 by Italy]; the way both teams played was seen as epitomizing their respective national strengths and weaknesses. The former was mainly perceived by Italians as a David vs. Goliath fight: as such, it imprinted on the collective memory of whole generations and is now reflected in books, plays, even movies. The latter crowned a tournament saga that eventually coincided with one of the rare moments of national identification and coming together of an otherwise highly fragmented country, one that precisely at that time stated claiming to be in the same economic league as France and Britain, if not Germany.”<sup>49</sup> Sports can have an impact on national pride, on national myth and on international cooperation. In this vein, the Union must reconsider the mindless application of the economic treaties, and give European Sport the specificity and the support it needs to survive. The EU has dropped the ball. By being too caught up in “leveling the playing field”, they are missing a golden opportunity to use sports to create a European myth.

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<sup>49</sup> Missiroli, page 11.