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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL  
AND THE EUROPEAN PARLIAMENT

THE EUROPEAN COMMUNITY

AND SPORT

CONTENTS

	<u>Page</u>
<u>SUMMARY</u>	
<u>THE BASIS FOR COMMUNITY ACTION ON SPORT</u>	2
<u>PART I: COMMUNITY MEASURES TO DATE</u>	
1. Sport and the internal market	4
2. Communication	4
3. Dialogue	4
<u>PART II: THE FUTURE</u>	
1. <u>PROPOSED ACTION</u>	7
1. A programme of communication	8
2. Youth schemes and exchanges of sportsmen and women	9
3. Training and recognition of qualifications	10
4. Action to combat doping	10
5. Sport for the disabled	11
2. <u>SETTING UP A CONSULTATIVE BODY</u>	11
1. Grounds	11
2. Objectives	12
3. Membership	12
<u>CONCLUSIONS</u>	14
<u>FINANCIAL STATEMENT</u>	15
<u>ANNEX I: SPORT IN THE COMMUNITY</u>	16
A. PUBLIC AUTHORITIES	16
B. SPORTS FEDERATIONS	16
C. THE NATIONAL OLYMPIC COMMITTEES AND THE INTERNATIONAL OLYMPIC COMMITTEE	17
<u>ANNEX II: THE COMMISSION OFFICES AND SPORT</u>	18

## SUMMARY

The completion of the internal market is having an impact on sport just as it is on other areas of economic life, so that sport is having to face up to questions which are fundamental to its future. Given the social and economic importance of sport in the European Community, the proposal is that the Commission should carry out a public information campaign to give the interests concerned a better grasp of the opportunities which the coming single market will offer them and where necessary help them adjust the rules governing sport in line with Community law as smoothly as possible.

The Commission must also use a specific programme of communication to enlist sport in the ongoing task of strengthening ordinary people's sense of belonging to the Community.

Sport must be borne in mind in the promotion of Community action on matters such as health, the environment, consumer protection, tourism, transport and education.

This communication, then, sets out to define a comprehensive line of conduct for the Commission to follow in its dealings with the world of sport.

Whatever happens, such a scheme must show proper regard for the principle of subsidiarity in relation both to the official authorities and to the organizations responsible for sport.

In conclusion, this paper is a response to Parliament's request for a Commission communication on sport.

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- 2 -

## 1. THE BASIS FOR COMMUNITY ACTION ON SPORT

Sport is one of the most important social phenomena to have emerged in European society this century. Although taking part in sport is primarily a leisure activity, the links between sport and the economy are becoming closer and closer. Sport and related activities account for 2.5% of world trade. The European Community cannot therefore ignore a sector of such social and economic importance.

The Treaty of Rome and the Single European Act do not confer any direct powers on the Community in relation to sport. Nevertheless, as both are put into effect, they have their impact on sport, especially as regards the free movement of individuals, goods and services.

The Court of Justice has given judgment in three cases laying down the links between European integration and sport.<sup>1</sup> In its view, the practice of sport "is subject to Community law [...] in so far as it constitutes an economic activity".

Sport, as an economic activity, then, must adapt to the frontier-free area which is now forming and must grasp all the opportunities it offers. The attainment of Community objectives will give sportsmen and women new opportunities in a frontier-free Europe.

It should be stressed, however, that Court judgments cannot under any circumstances be seen as warranting any action by the Community in relation to sport which disregarded the prerogatives of the relevant authorities.

In its relations with the world of sport, the Commission has always been concerned "to respect the independence of cooperative effort in general, and in sport in particular".<sup>2</sup>

Sport is, indeed, an ideal area in which to apply the principle of subsidiarity both horizontally (respecting the spheres of jurisdiction of the official sporting authorities) and vertically (respecting the spheres of jurisdiction of sports associations).

The Adomino report, the recommendations of which were ratified by the Milan European Council in 1985, was the spur to campaigns involving communication and raising public awareness of belonging to the Community by way of sport. Here again, the basis for Commission action on sport must be a proper regard for the existing structures: there can be no question of interfering in areas over which the sporting authorities have jurisdiction.

The Community's approach to sport, then, has so far always been by two parallel channels, treating it as an economic activity on the one hand, and as an activity with a high potential for public awareness-raising on the other.

1 Case 36/74 Walrave v UCI [1974] ECR 1405.

Case 13/76 Donà v Montero [1976] ECR 1333.

Case 222/86 Heylens v Unectef [1987] ECR 4097.

2 SEC(89)407/3, The Community and the 1992 Olympic Games.

- 3 -

Expectations and concerns voiced by representatives of the world of sport regarding the need for closer involvement in the preparation of measures affecting it and for fuller information on Community initiatives here have prompted the Commission to go further along this twofold path, widening its approach in keeping with guidelines set out by Parliament and the Member States' Ministers of Sport.

Parliament has for a long time taken an interest in the part played by sport in the process of establishing European citizenship.<sup>3</sup>

In adopting the Larive report on sport in the European Community and a People's Europe,<sup>4</sup> Parliament called on the Commission to develop a coherent sports policy and submit a communication on it.

It urged the Commission to ensure that the social aspects of sport, the repercussions of the single market and the need to raise public awareness were borne in mind.

On 11 April 1989 Parliament also adopted a resolution on the freedom of movement of professional footballers in the Community (EP Doc. A 2-415/88).

At two informal Council meetings, in Athens in 1988 and in Rome in December 1990, the Ministers for Sport stressed the importance of keeping sports authorities informed about the deadline coming up in 1993 and the need for a European Sports Forum.

Lastly, the European Council has repeatedly stressed the importance of defining European citizenship as a means of consolidating Political Union.<sup>5</sup> The Council also called for a stepping-up of Community action in certain social fields such as health, education, youth affairs, combating drugs and promoting cultural exchanges. Sport is a suitable framework in which to develop this type of action, given the impact which the practice of sport has in European society.

<sup>3</sup> Motion for a resolution by Mr Bernasconi on the role of sport in the European Community, European Parliament, Working document for the 1966-67 session, 7 March 1966, DOK 12.

<sup>4</sup> Larive report of 17 February 1988, EP Doc. A 2-282/88.

<sup>5</sup> SI(90)829, Conclusions of the Presidency.

- 4 -

PART I: COMMUNITY MEASURES TO DATE1. SPORT AND THE SINGLE MARKET(a) Commission action on sport in the internal market

The need for information is particularly apparent when it comes to the completion of the internal market. Leaders in the world of sport are now realizing what an impact the new frontier-free area will have on their sphere of interest and what opportunities it represents.

The European Community has already brought about practical changes in a number of areas of sport:

- certain exclusive rights given by sporting authorities to television stations have raised problems in relation to competition law. But sport depends on television rights for a substantial proportion of its resources;
- the directive of 21 December 1988 concerning the general recognition of higher-education diplomas is applicable to professional sport;
- the adoption of three directives by the Council, on a proposal from the Commission,<sup>6</sup> has had repercussions in the area of equestrian sport;
- professional footballers' right to freedom of movement was affirmed by the Court of Justice in 1976 in Donà-Mantero, a case which well illustrates the Commission's approach to a fundamental problem in the Community's most popular sport. The Commission was guided by the principle of compliance with Community law and at the same time by observance of the specific features of the sporting world. Dialogue with the sport's governing bodies yielded a pragmatic transitional agreement increasing the mobility of professional footballers. These principles were summed up in Annex 2 to the Report on Freedom of Movement for Professional Footballers.<sup>7</sup>

(b) Areas of sporting activity to be covered by Community legislation

Without prejudice to future developments, the impact of the internal market and the development of new Community policies on sport will be felt chiefly in the following areas:

<sup>6</sup> Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae; Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae; Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein.

<sup>7</sup> SEC(91)660.

-5-

- free movement of professional sportsmen and women;
- recognition of qualifications (trainers, managers, instructors, etc.);
- free movement of certain forms of sporting equipment (guns, racing horses, etc.);
- free movement for television sports broadcasts;
- national subsidies to professional sport;
- doping;
- safety in stadiums;
- standardization of stadiums, facilities and gear;
- applied research in sport;
- new technology;
- the environmental impact of sports.

The impact of the internal market and of Community policies in general on the sporting world will be amplified as a result of the growing economic importance of sport.<sup>8</sup>

The free movement of television broadcasts is a particularly eloquent illustration of the direct link between sport and the construction of Europe.

Current attitudes among sporting authorities in the Community are hampering free movement of television broadcasts and free competition. Several complaints are under scrutiny under the Treaty rules on competition (Articles 85 and 86) which are, of course, applicable to televised sport.

## 2. COMMUNICATION

The Commission's first step was to develop communication projects by associating itself with sporting fixtures of a Community type, such as the European Community Cycle Race, the European Yacht Race and the European Community Swimming Championships.

Since 1985, it has been associated with thirty or so events each year, but the figure rose to 57 in 1991.

The results have proved positive and have given rise to fresh expectations among the Community's citizens, as Eurobarometer No 33 of June 1990 showed. It emerged that 61.4% of citizens considered that the Commission should be involved in organizing sports activities. One outcome of the action taken so far has been to enable the ordinary citizen to associate the European flag and anthem with sporting fixtures. The Rome informal meeting of Sports Ministers took note of a Greek proposal for a feasibility study on a European Games.

The Commission will press ahead with its communication work, inter alia by ensuring there is a Community presence at the forthcoming Albertville and Barcelona Olympics, on the theme of a "frontier-free Community, open to the world".

<sup>8</sup> Private consumption related to sport accounts for between 1.1% and 3.5% of total consumption in the Member States. Source: Council of Europe, "

### 3. DIALOGUE

Since it started to take an interest in sport through the medium of a People's Europe, the Commission has been represented on the various forums in which sports authorities meet (the Delbecha Group of senior officials with responsibility for sport in the Community, the Council of Europe, the Association of National Olympic Committees in Europe, European non-governmental sports organizations, and others).

The Commission has been attentive to Council of Europe work on sport: much has been done there at meetings of Ministers for Sport and of the Sports Development Committee.

The Commission is invited to ministerial meetings and to that Committee, the aim being to substitute synergy for duplication. Council of Europe representatives likewise attend meetings on sporting matters at the Commission. And there are regular departmental exchanges of information.

Since 1988 there has been a joint committee of the Commission, the National Olympic Committees and sports governing bodies in the Member States.

The Community presence has helped to foster an awareness among sports authorities of the effects European integration has on sport. If sport is to fit smoothly into the Community context and gain by the opening of frontiers in 1993, it is vital that a channel for properly directed dialogue should be established between the Commission and sports authorities.

The Commission is approached by sporting circles both with requests for information about the repercussions of Community legislation on sport and with attempts to influence such decisions. There are some sports authorities, on the other hand, which dispute its right to be involved in the organization of sporting activity at all.

Both the Commission and the world of sport consequently need more information about each other.



-7-

PART II: THE FUTURE1. PROPOSED ACTION

The Commission must step up its activities on information and communication: they will aim to give the sporting world added value, over and above that given by national authorities, since sport has such an enormous influence on the social habits of Community citizens, and especially the younger generation.

The Commission is planning to promote the implementation of measures related to the social and educational impact of sport, highlighting the beneficial effects.

The following priorities are planned:

- using sport as a means of integrating migrants into their new environment and working with sports organizations to remove barriers to amateur involvement in competitions;
- having regard to sport as a means of better promoting Community action on matters such as health, the environment, consumer protection, tourism, transport and education;
- cooperating with sports organizations to combat violence; Community action here may concentrate on safety standards for stadiums.

- 8 -

The following will be the main broad lines:

### 1. A programme of communication

Sport as a social phenomenon affects a large proportion of the population (see Eurobarometer No 33, June 1990).

The Commission has used sport as a communications medium to great effect. But evaluation of action already taken has revealed the need to target the Community contribution more closely so as to avoid wasting resources.

The Commission must accordingly develop a policy on communication through sport in the form of patronage or financial support along the following principles:

- Community involvement in an event will never be given the appearance of any kind of sponsorship and will be clearly dissociated from any "commercial" presence there;
- events will be selected by reference to:
  - (a) their potential impact on the sense of belonging to the Community;
  - (b) the Community nature of the event (covering the territory of several Member States or involving teams from several Member States) and the image of the Community that they can project to the outside world;
  - (c) promotion of events involving representatives of all the Twelve;
  - (d) respect for the competence of sporting authorities in the organization of events;
- the Commission will not be involved with events where there is sponsorship that is incompatible with Community policies.

The Offices in the Community countries will have a major role to play in establishing this policy (see Annex 2).

-9-

## 2. Youth schemes and exchanges of sportsmen and women

(a) Implementation of Community exchange schemes such as Youth for Europe (which aims to involve young people, especially from deprived sections of society, in projects organized outside the normal schools and training set-up) has made the Commission aware that many young people have difficulty in gaining access to information about Community programmes of interest to them and are rarely motivated by them.

But these young people are often interested in sport; many of them belong to a club or association, either actively or as supporters.

Through cooperation with sporting circles, the Commission can improve the information available to young people about Community programmes.

(b) There are a number of good reasons for encouraging exchange schemes both for sportsmen and women and for managers, etc.:

- the opportunity for cultural enrichment through contact and exchange (programmes in other areas have been most successful);
- the valuable opportunity of developing a European awareness among the people and bodies involved;
- the possibility of improving results by pooling experience and techniques developed in different countries.

These programmes will proceed along three main lines:

- youth involvement in sporting events, training sessions and so on;
- exchanges between managers, referees/umpires, trainers, instructors, etc.);
- high-level sporting exchanges.

The objective should also be to give sport priority treatment under existing programmes.

-10-

### 3. Training and recognition of qualifications

The recognition of certificates in sporting matters is one of the main problems arising in connection with the internal market and freedom of movement.

There is a wide difference in the level of training given in the different Member States, particularly as regards trainers, stewards and managers. Moreover, there has been a great expansion in activity in these areas in recent years, with a high degree of mobility among professionals.

Sporting authorities have asked the Commission to undertake a study of this crucial question; that is now being done.

Universities with specialized sports departments are preparing to set up a European university sports network to promote exchange of teachers and students. The Commission is giving moral and financial support. The network is already being extended to non-university establishments.

### 4. Action to combat doping

Doping is one of the most serious threats to sport. The use of unethical substances and methods is a serious danger to public health.

On 3 December 1990 the Health Ministers accordingly passed a resolution calling on the Commission to prepare and distribute, in conjunction with the Member States, a European code of conduct on doping and to propose Community measures to combat the practice.

On 4 June 1991 the same Ministers, jointly with Ministers responsible for Sport, adopted a declaration calling on athletes and managers at the teams for the Albertville and Barcelona Olympic Games to refrain from any form of doping in pre-Games training and at the Games themselves.

- 11 -

Initially, Community action will be aimed at developing education and awareness. In preparing the code and in publicizing it afterwards, the Commission will take account of recommendations made in the Council of Europe Anti-Doping Convention to ensure that there is no duplication with work undertaken by other organizations.

## 5. Sport for the disabled

Sport occupies an importance place under the Community policy to assist the disabled, for up to 32 million people can thereby improve their integration into society.

Future action will be needed to step up the effort made by the Commission and Parliament to support sport for the disabled, replacing piecemeal initiatives by a broader-based general plan carried out by Commission departments.

This approach will reflect the specific structures of sports organized for the disabled. The Commission will help with the establishment of an appropriate European facility by national organizations dealing with sport for the disabled. It is considering the possibility of a Community presence at the Albertville and Barcelona Paralympic Games.

## 2. SETTING UP A CONSULTATIVE BODY

### 1. Grounds

There are so many sporting authorities in the Member States and responsibilities are so scattered that their relations with the Commission must be monitored more closely. An initial effort was made in 1988 when a joint committee (three meetings) and the Dalbeccha Group (directors of administrative departments responsible for sport, meeting twice) were set up as forums for dialogue with the Olympic movement and national public authorities respectively (cf. point 1.3).

Requests for information, dialogue and cooperation have been received from all sides - government departments, national Olympic committees, national and international federations and associations.

- 12 -

Given the importance of the role played by these organizations, the Commission organized a meeting in Brussels on 21 November 1990, attended by government departments, the twelve national Olympic committees and the four sports confederations in the Community countries. The need for a dialogue facility was raised on this occasion.

At the informal Rome meeting of Ministers for Sport on 17 December 1990, the Italian Presidency also recognized the need to establish a European sport forum with a consultative function where the Community, sports movements and the Member States could meet to discuss common problems.

## 2. Objectives

The objectives of this forum, which is designed as a "lightweight" facility for mutual information and dialogue between the Commission and sports governing bodies, will not be to deal with specific matters but rather:

- to keep sporting authorities informed on Community rules having an impact on sport;
- to keep the Commission informed by the sporting world so as to orientate its activities;
- to advise the Commission of areas where Community action on sport would be fruitful.

## 3. Membership

The forum is to ensure the broadest possible representation so that all sporting organizations in the Community can make their voice heard on questions of interest to them.

Membership could therefore be as follows:

- two representatives of each Member State;
- two representatives of non-governmental organizations (National Olympic Committee and sports federations) from each Member State;
- representatives of the Commission.

- 13 -

Observer status could be given to a representative of each of the following:

- the Council of Europe;
- the Association of European National Olympic Committees (AENOC);
- European non-governmental sports organizations (ENGSO).

The forum could also give ad hoc observer status to persons or representatives of organizations qualified to speak on specific subjects.

The forum would hold a full session at least once a year and could set up working parties on specific subjects.

The forum being a dialogue facility, its meetings would be run and organized by the Commission.

### CONCLUSIONS

Given the growing importance attached by Community citizens to sport, the economic impact and the beneficial influence on young people, the Commission feels it must develop specific activities and better integrate sport into Community policies.

The activities to be undertaken will have to be adjusted to existing structures and respect the principle of subsidiarity, which implies partnership between the Member States, private-sector sports organizations and the Community.

Community action will develop along three main lines:

- information for sporting authorities on the impact of the single market on sport and new opportunities offered, via a consultative body to be coordinated by the Commission;
- a communications policy to use sport as a means of heightening awareness of belonging to the Community;
- specific measures in areas where sport can give the Community a new dimension, such as support for the disabled and the establishment of exchange and training programmes on a Community scale.

The Commission will ensure that its relations between sporting authorities and its various departments are properly coordinated.

The Commission is requested to take note of this paper and to approve its transmission to the Council and Parliament.



- 15 -

FINANCIAL RECORD1. Budget items

Budget items: B3 - 3030 (Information - Specific activities)  
B3 - 3040 (Sporting events for the handicapped)  
B3 - 109 (Measures to support sporting events)

2. Description

Community action in relation to sport has a two-fold objective: first, to provide information on the impact of the internal market; second, in the political context of citizen's Europe, to promote social activities, notably for young people and the disabled, so as to create a sense of belonging to the Community.

3. Grounds

Sport is an important source of social stability and a perfect communications media, notably where young people are concerned, and the European Council and Parliament have accordingly requested the Commission to promote exchanges and other measures concerning youth, notably in relation to education and sport.

4. Financial impact

1991 ECU 1 365 000 (Information - Specific activities)  
ECU 150 000 (Sporting events for the handicapped)  
ECU 1 000 000 (Measures to support sporting events)

These amounts are included in the appropriations entered in Items B3 - 3030, B3 - 3040 and B3 - 109.

1992 ECU 2 500 000 (Information - Specific activities)  
ECU 500 000 (Sporting events for the handicapped)  
ECU 1 250 000 (Measures to support sporting events)

These amounts are included in the appropriations entered in Items B3 - 3030 and B3 - 3031 of the preliminary draft budget for 1992.

5. Impact on staff and administrative expenditure

None.

- 16 -

## A N N E X 1

SPORT IN THE COMMUNITY

In the Community countries, responsibilities for sport are shared between the public authorities, the National Olympic Committees and federations and associations along differing lines.

A. PUBLIC AUTHORITIES

(a) In every Member State there is a Government Department responsible for sport. There have been informal meetings of heads of department from seven Member States and the Commission (Delbecqha Group) at the initiative of Council Presidencies.

(b) Council of Europe: the Community Member States are involved in the Committee for the Development of Sport set up in 1977. The Commission attends with observer status whenever Community questions are under discussion and it has regard to Council of Europe experience whenever political or legislative initiatives are planned.

B. SPORTS FEDERATIONS

There is a wide range of associations and federations uniting clubs nationally. In national terms they are organized on a quite independent basis (Denmark, Germany, Netherlands, United Kingdom) or through the National Olympic Committee. Internationally, they are combined in European and national associations. They are responsible for the organization of their sport both nationally and internationally.

In the middle of the 1980s the aggregate membership of all these associations and federations within the Community was between 60 million and 80 million, which is to say between 20% and 25% of the population.

If all those persons pursuing some kind of physical exercise on an unorganized basis are added in, it can be estimated that 50% of the Community population is involved in a sporting activity.<sup>8</sup>

<sup>8</sup> Source: The sport structures in the European Twelve (Clearing House). See also the Bord report "Sport and the Community": Doc. 1-53/89, 2 April 1984.

- 17 -

C. THE NATIONAL OLYMPIC COMMITTEES AND THE INTERNATIONAL OLYMPIC COMMITTEE

National Olympic Committees are responsible for selecting and sending athletes to the Olympic Games. But in certain countries, they have further functions as well.

The International Olympic Committee combines the National Olympic Committees and runs the Olympic Games. Being the supreme Olympics authority, it enjoys wide authority in the sporting world.

A joint committee representing the National Olympic Committees, associations and federations and the Commission was set up in 1988 as a forum for dialogue between sporting organizations.

- 18 -

A N N E X I I

THE COMMISSION OFFICES AND SPORT

Commission measures to use sport as a communications media will extend throughout the Community. An effort will be made to concentrate on major events involving the largest possible number of Member States. The Offices in the Member States will have a key role to play in:

- informing the circles concerned of the Commission's policy on sport and promoting the organization of events with a Community dimension;
- proposing Community measures in relation to sport.

Their help will also be needed in carrying out activities and assessing their impact, as well as with more limited initiatives relating to a single country or region.