
EU sport policy

An overview



IN-DEPTH ANALYSIS

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This paper describes the emergence of an EU sport policy, emphasising the developments since the entry into force of the Lisbon Treaty in 2009. Focus is placed on EU action within the limits of the legal basis granted by the Treaties. Following an overview of key policy documents, tools and structures, a few examples are presented to illustrate how the policy is evolving. Special attention is given to the issue of the integrity of sport.

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EXECUTIVE SUMMARY

Sport has a significant impact on the European Union (EU)'s economy and society, and its importance is growing. Sport-related employment has been estimated at 7.38 million people, equivalent to 3.51% of total EU employment, and the share of sport-related gross value added, at €294 billion (2.98% of total EU gross value added).

With the entry into force of the Lisbon Treaty in 2009, the European Union acquired a specific competence for sport for the first time (in the Treaty on the Functioning of the European Union – TFEU), receiving a clear mandate to build up and implement an EU-coordinated sport policy supported by a specific budget line, and to develop cooperation with international bodies in the area of sport.

However, EU scope for intervention in sport, as enshrined in the Treaty, has limits. The supporting competence which has been conferred upon the Union implies that it can only intervene to support, coordinate or complement sport policy measures taken by its Member States. This rules out the adoption of European sport legislation or any other legally binding measure. EU scope for action is further limited by the need to take into account the specific nature of sport and to respect the autonomy of sport's governing structures. These two principles, deeply intertwined and vigorously defended by the sport movement, are subject to different interpretations and remain a sensitive issue in relations between the EU and sport stakeholders.

Against this background, the EU has turned to 'soft' policy-making instruments, including dialogue, political cooperation, establishment of guidelines or recommendations and provision of funding in support of sport-related objectives. Funding is an important policy tool in itself. For this reason, the introduction of a dedicated budget line for sport, in which the European Parliament played an important role, is of great significance. In the period 2014-20, around €265 million will be available under the Erasmus+ sport chapter to tackle threats to the integrity of sport, intolerance and discrimination; promote good governance, dual careers of athletes, voluntary activities, social inclusion, equal opportunities and health-enhancing physical activity. All these priorities correspond to key fields of EU activity in sport.

Since many competences in the field of sport lie with Member States, the possibility to add value is necessary to justify EU action. Areas identified for action include, for instance, the lack of comparable data on the EU sport sector or transnational challenges encountered by sport such as doping or match-fixing. There, however, the EU must reckon with other actors, such as the Council of Europe, which has been active for almost 40 years in the field of sport and is also at the origin of key binding instruments.

Direct EU responsibility for sport is recent, and it is still too early to gauge the impact of EU soft policy-making in sport, especially since some of its outcomes and concrete expressions still need to be implemented. EU cooperation structures, in contrast, have already been subjected to an evaluation in 2014, in the context of the assessment report on the implementation of the first EU Work Plan for Sport. While welcoming a strengthening of cooperation on sport and the improvement of political coordination at EU level, the report pointed to desirable changes, notably regarding the structures for dialogue with stakeholders.

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1 Emergence of an EU sport policy

1.1 Background

Until the entry into force in 2009 of the Lisbon Treaty, the European Union (EU) had no direct responsibility for sport, meaning that it could not operate or finance a specific EU policy in this area. This is not to say, however, that there was no interaction between the EU and the sports world, quite the contrary. For one thing, EU competences in areas such as the single market and competition policy, and its policies and funding programmes in fields closely related to sport like education, health, youth or social inclusion, have had,¹ and still have, a significant impact on sport. In addition, the EU approach to sport has been shaped by various rulings of the European Court of Justice (ECJ), which, as a result of the growing economic significance and commercialisation of professional sport, has had to deal increasingly² with sport-related cases.

It is precisely the most famous one, the *Bosman case*³ (see box), that, according to experts,⁴ pushed sport higher on the European agenda, insofar as it urged a clarification of EU involvement in sport regulation. In fact, in the late 1990s to early 2000s, political statements and initiatives⁵ followed one another at a steady pace, preparing the ground for building a coherent policy approach towards sport at EU level.

The Bosman ruling (1995)

Brought about by Belgian football player Jean-Marc Bosman, this landmark ruling by the ECJ concerns the free movement of workers within the European Union. It had major repercussions for the world of professional football, giving players in the EU the possibility to move to another club at the end of their contract, with no transfer fee being required. It also banned restrictions on foreign EU players signed by European clubs. The Court decision led to an overhaul of the players' transfer system in Europe.

1.2 Kick-off

The White Paper on Sport⁶ published by the European Commission in 2007 was the EU's first 'comprehensive' initiative in this field. It aimed inter alia at providing strategic orientation on the role of sport in Europe, encouraging debate on specific issues and enhancing the visibility of sport in EU policy-making. The accompanying 'Pierre de Coubertin' Action Plan⁷ translated these general objectives into concrete proposals and put forward a number of actions to be implemented or supported by the Commission within three broad chapters referring to major dimensions of sport: its role in society, its economic aspects and its organisation.

¹ As confirmed e.g. by the EC study '[The impact of European Community activities on sport](#)' (1994).

² The first sport-related case brought to the ECJ was the [Walrave and Koch case](#) (1974), in which two Dutch nationals challenged a nationality-based rule of the International Cycling Union as discriminatory.

³ [Judgment](#) of the Court of 15 December 1995, Case C-415/93.

⁴ Borja García, '[From regulation to governance and representation: agenda-setting and the EU's involvement in sport](#)', in *Entertainment and Sports Law Journal*, July 2007.

⁵ Including the [Declaration on Sport annexed to the Treaty of Amsterdam](#) (1997); the European Commission staff working paper on 'The Development and Prospects for Community Action in the Field of Sport' (1998); the [Helsinki Report on sport](#) (1999); the Nice '[Declaration on the specific characteristics of sport](#)' (2000), as well as events such as the [European Year of Education through Sport](#) (2004).

⁶ European Commission, White Paper on Sport, [COM\(2007\)391 final](#).

⁷ Commission Staff Working Document, Action Plan 'Pierre de Coubertin', accompanying document to the White Paper on Sport, [SEC\(2007\) 934 final](#).

The White Paper laid the foundations for the development of an EU policy for sport, creating a structured dialogue with sport stakeholders, offering a basis for mainstreaming sport-related activities into relevant EU funds, programmes and initiatives, and paving the way for a strengthened political cooperation with and between Member States. It anticipated the role that the EU would play following the entry into force of the TFEU, which granted sport a legal basis.

For the EU, which only has the competences conferred upon it by its Treaties,⁸ this move was of great significance. The TFEU gave the Union a clear mandate to build up and implement an EU-coordinated sport policy, supported by a specific budget, and to develop cooperation with international bodies in the area of sport.

In its communication on 'Developing the European dimension in sport'⁹ (2011), the first policy document issued after the entry into force of the TFEU, the Commission set out its ideas on how this new EU competence could be put into practice. Building on the White Paper, it identified areas for cooperation at EU level, insisting in particular on the added value the Union could bring to help address, for example, the lack of comparable data on the EU sport sector as a basis for policy-making or transnational challenges such as doping, match-fixing or the activities of sports agents.

The subsequent EU Work Plans for Sport 2011-14¹⁰ and 2014-17¹¹ adopted by the Council of the EU further clarified the role to be played by the Union and its Member States.

The European Parliament, backing these developments through different resolutions,¹² played an important role in the emergence of a dedicated budget for sport policy.

1.3 Limits to EU action in sport

Limits to EU intervention in sport are two-fold. First, the competence attributed to the EU since 2009 under Article 6 of the Treaty on the Functioning of the EU (TFEU) is a supporting one. It means that the EU can only intervene to support, coordinate or complement sport policy measures taken by its Member States. Consequently, it has no legislative power and may not intervene in their exercise of this competence. Article 165 TFEU, which specifies the purposes of EU sport policy, makes this clear insofar as it only allows for incentive measures and recommendations, excluding explicitly any harmonisation of the laws and regulations of Member States. The task assigned to the EU is to 'contribute to the promotion of European sporting issues' and to 'develop the European dimension in sport', in particular through the promotion of fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and the protection of the physical and moral integrity of sportspeople. Secondly, EU scope for intervention is limited by the need to take into account the specific nature of sport and to respect the autonomy of sport's governing structures. These principles can be seen as two faces of the same coin (see box below).

⁸ Under the so-called '[principle of conferral](#)', which, together with the subsidiarity and proportionality principles, determines whether and how far the EU can act in a given policy area.

⁹ European Commission, Developing the European Dimension in Sport, [COM\(2011\) 12 final](#).

¹⁰ Resolution of the Council on a European Union Work Plan for Sport for 2011-2014, [OJ C 162](#), 1.6.2011.

¹¹ Resolution of the Council on the European Union Work Plan for Sport (2014-2017), [OJ C 183](#), 14.6.2014.

¹² See in particular the EP resolutions on the [White Paper on sport](#) (2008) and the [European dimension of sport](#) (2012).

The specificity of sport: a recognised, yet elusive concept

The term 'specificity of sport' refers to the long-lasting debate about the application of EU law requirements (such as competition, free movement, fundamental rights or prohibition of discrimination) to sport and the existence of a so-called '*sporting exception*', a legal concept established and developed through the rulings of the European Court of Justice and through decisional practice of the European Commission, notably as regards competition rules.

Basically, the 'specificity of sport' can be understood as the inherent characteristics of sport that set it apart from other economic and social activities and can 'justify a tailored application of European law and policies'¹³. It was recognised in the European Council's Declaration on the specific characteristics of sport,¹⁴ and further clarified in the 2007 White Paper on sport, according to which the specificity of European sport can be approached through two prisms, i.e. the *specificity of sporting activities and rules* (including the 'rules of the game' and selection criteria for sport competitions) and the *specificity of the sport structure* (i.e. a 'monopolistic'¹⁵ pyramid structure with a single national association per sport and Member State, operating under the umbrella of a single European and a single worldwide federation – see figure 1). However, the White Paper made clear that the recognition of this specificity cannot be construed so as to justify a blanket exemption from the application of EU law, and that assessment of the compatibility of sporting rules with EU law can only be made on a case-by-case basis.

Figure 1 - The pyramid structure of sport



Data source: European Commission, 1998 (adapted).

The concept of the specificity of sport is intrinsically linked to the governance of sport and the autonomy of sports governing bodies, which are traditionally in charge of regulating and organising 'their sport'. For this reason, sport federations and organisations, seeing the case-by-case approach adopted by the EU as a source of legal uncertainty for sport, have repeatedly advocated in favour of an explicit, more extensive and more systematic recognition of the specific nature of sport. They have therefore welcomed its inclusion in the Treaty¹⁶ and sought to provide guidance for its interpretation.¹⁷ Yet the debate on the specificity and autonomy of sport, which, from the sport authorities' point of view, is deeply intertwined with the question of the legitimacy of EU intervention in sport regulation and governance, is far from over. It seems that EU activities in this respect will be under close scrutiny in the years to come.¹⁸

¹³ Borja García, op.cit.

¹⁴ European Council, '[Declaration on the specific characteristics of sport](#)', op.cit.

¹⁵ Kienapfel et al., '[The application of articles 81 and 82 EC in the sport sector](#)', 2007.

¹⁶ See for instance the media release published in October 2007 on FIFA's website: '[Olympic and sporting movement satisfied with reference to specific nature of sport in EU reform treaty](#)'.

¹⁷ See for example the Union of European Football Associations (UEFA)'s '[position on Article 165 of the Lisbon Treaty](#)' (2010) or the '[Common position of the Olympic and Sports Movement on the implementation of the new Treaty on the Functioning of the European Union \(TFEU\) on sport](#)' (2010).

¹⁸ In 2011, the EU Office of the European Olympic Committees [drew attention](#) to the Commission activities related to good governance in sport and the establishment of the dedicated EU Expert Group, indicating that this could be considered as problematic as regards the autonomy of sports organisations. In October 2014, the German Football Federation [underlined](#) that the EU should bear in mind the limits of its competence as enshrined in Article 165 TFEU as well as the autonomy of sport when presenting policy recommendations.

2 Policy tools

As Article 165 TFEU rules out the adoption of European sport legislation or any other legally binding measure, the EU uses 'soft' policy-making instruments, such as dialogue, cooperation, funding for projects and networks, information provision through studies or surveys, consultations and events.

2.1 Cooperation at EU level

European cooperation on sport policy is guided by the three-year EU Work Plans on Sport, which invite Member States, the Presidencies of the Council and the Commission to work together on priority themes (the integrity of sport, its economic aspects and its role in society) and provide a framework for political coordination. The first Work Plan was established in 2011 to respond to the need for enhanced cooperation following inclusion of sport in the list of EU competences. After an overall positive assessment report on its implementation,¹⁹ it was swiftly followed by a second Work Plan, which will remain in force until 2017.

To support the implementation of the Work Plans, **expert groups** have been set up by the Commission. Each group, which includes experts nominated by the Member States willing to participate in its work, covers given areas related to sport policy and has its own work schedule with specific tasks to fulfil and outcomes to deliver ('deliverables'). Progress is regularly reported to the Council working structures.²⁰ Some of the results achieved within the expert groups serve as a basis for concrete policy outcomes, e.g. in the form of Council conclusions. The groups benefit from the Commission's expertise, logistical and secretarial support. The current five expert groups deal respectively with *match-fixing*; *good governance in sport* (protection of minors, promotion of good governance principles, gender equality); *economic dimension of sport* (economic benefits, legacy of major sport events, sustainable financing); *health-enhancing physical activity* and *human resource management in sport* (education, training, employment and volunteering).

Besides expert groups, other working methods and structures foreseen by the Work Plans include Council Presidency conferences, informal meetings of sports directors and ministers, Commission studies and conferences.

2.2 Cooperation at international level

The EU also engages in cooperation with competent international organisations in the field of education and sport, including the Council of Europe. One recent example is the 18 month long 'Pro Safe Sport'²¹ project aimed at promoting the physical and mental well-being of young athletes, which was managed by the Enlarged Partial Agreement on Sport of the Council of Europe (see box below) in cooperation with the European Commission and other stakeholders, and supported by an EU grant.

¹⁹ European Commission, Report on the implementation of the European Union Work Plan for Sport 2011-2014, [COM\(2014\) 22 final](#).

²⁰ The Working Party on Sport was [established](#) in February 2010. Ministers discussed sport policy in a formal Council setting for the first time in [May 2010](#). In [September 2010](#), the European Council officially incorporated sport policy in the "Education, youth and culture" configuration.

²¹ Council of Europe/European Union Joint programme '[Pro Safe Sport](#)'.

The Council of Europe and sport

Sport was included into the institutional framework of the Council of Europe (CoE) through the creation of the Steering Committee for the Development of Sport in 1976. That year was also marked by the adoption of the 'European Sport for All Charter'. Since then, numerous recommendations, declarations, resolutions and conventions have been adopted, including strategic documents such as the 'European Convention on Spectator Violence' (1985), the 'Anti-Doping Convention' (1989), the 'European Sport Charter' and the 'Code of Sports Ethics' (1992, revised in 2001).

In May 2007, the Council of Europe established the Enlarged Partial Agreement on Sport (EPAS), designed as a platform for intergovernmental sports cooperation between the public authorities of its member states, and for dialogue between these authorities and sports federations and NGOs making up its Consultative Committee. Currently, EPAS counts 36 member countries (including 17 EU Member States) and 28 partner organisations from the sports world. It has notably prepared the new Convention on the Manipulation of Sports Competitions (2014) and various recommendations adopted by the CoE's Committee of Ministers concerning the autonomy of the sports movement, sports ethics or the protection of young athletes from dangers linked to migration. EPAS also supports the organisation of the CoE's Conferences of Ministers responsible for Sport.

2.3 (Structured) dialogue with stakeholders

EU-level dialogue with the sport movement, which has been formalised by the White Paper on sport, takes several forms, the most visible one being the annual **EU Sport Forum** organised and financed by the European Commission. Giving the opportunity to debate topical sporting issues and to present EU-funded projects²² with a view to mutual learning, the Forum attracts representatives from international and European sport federations, the Olympic movement, European and national sport umbrella organisations and other sport-related organisations.

Other structured dialogue platforms organised by the Commission include the Expert Groups, in which sport stakeholders can request observer status; conferences and events on sport-related issues; and high-level meetings between the EU Commissioner in charge of sports and leading representatives of the sport movement.²³

In line with the resolution on the EU structured dialogue on sport²⁴ adopted by the Council of the EU in November 2010, leading representatives of the sports movement, the Council (including the expanded Presidencies trio), the European Commission, and the European Parliament regularly convene for an informal discussion, sometimes referred to as 'structured dialogue lunch', in the margins of the Education, Youth, Culture and Sport Council meeting. The agenda and the list of invited stakeholders are established by the Presidency in office.

Although not institutionalised, dialogue with sport stakeholders in the European Parliament takes place on a regular basis, for example in the framework of committee hearings or workshops on sport-related issues or informal exchanges of views within the Sport Intergroup.

²² See for example the [report](#) of the last edition, which took place on 1 and 2 December 2014 in Milan.

²³ One concrete outcome is for instance the three-year [cooperation agreement](#) between the European Commission and UEFA, signed on 14 October 2014.

²⁴ Council resolution on the EU structured dialogue on sport, [OJ C 322](#), 27.11.2010.

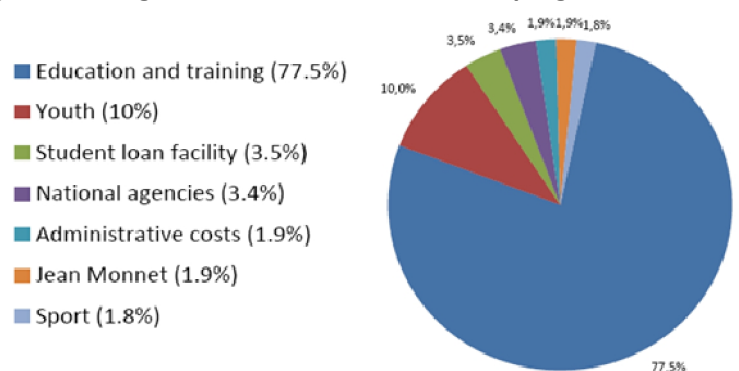
2.4 Support for projects and networks²⁵

From 2009, upon the initiative²⁶ of the European Parliament, funds were allocated for sport policy purposes under the so-called **preparatory actions**.²⁷ As the name suggests, preparatory actions are designed to prepare proposals with a view to the adoption of actions such as EU policies, legislation or programmes. In the case of sport, the objective was to prepare the implementation of the new competence conferred upon the EU by the Treaty and, in particular, the introduction of a dedicated EU funding programme. More specifically, these actions were aimed at testing the establishment, functioning and viability of suitable networks and good practices; developing better knowledge of the field of sport through studies, surveys, conferences and seminars in order to help identify future policy initiatives; and promoting greater European visibility at special sporting events. Between 2009 and 2013, 88 projects were funded with a budget of €37 million.²⁸

As intended, preparatory actions paved the way for a broader funding stream under the seven year **Erasmus+** programme,²⁹ set to last until 2020. It includes for the first time a dedicated budget line for sport, corresponding to 1.8% of its global budget, i.e. around €265 million over seven years.³⁰ These funds are intended³¹ to support collaborative partnerships; not-for-profit European sports events involving several countries; dialogue with relevant European stakeholders; studies, surveys or other forms of data collection to feed decision- and policy-making.

Collaborative partnerships are transnational projects put forward by non-profit organisations or public bodies, offering the opportunity to develop, transfer and/or implement innovative practices. They are meant in particular to support the implementation of EU recommendations, guidelines or policy strategies, as well as initiatives like the European Week of Sport, and can cover activities as varied as networking among stakeholders, awareness-raising actions on the added value of sport, collection of data through surveys or consultations, as well as conferences,

Figure 2 - Budget allocation of the Erasmus+ programme



Data source: European Commission, [Erasmus+ in detail](#).

²⁵ In this section, the focus is put on the development of a sport-specific funding programme. However, in the period 2014-20, sport-related projects can benefit from various other financing possibilities, including under other chapters of Erasmus+ (see for example the brochure [Funding for sport in the European Union](#), prepared by the European Olympic Committees EU office).

²⁶ European Parliament, [Resolution on the White Paper on Sport](#), 8 May 2008.

²⁷ [Preparatory actions](#) are defined in Article 54 (2) of the European Union Financial Regulation.

²⁸ European Commission, [Preparatory actions and special events 2009-2013](#), 2014.

²⁹ Regulation (EU) No 1288/2013 of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport, [OJ L 347](#), 20.12.2013.

³⁰ European Commission, 'Green light for Erasmus+: More than 4 million to get EU grants for skills and employability', [press release](#), 19 November 2013.

³¹ European Commission, ['Erasmus+ programme guide'](#), 14.11.2014, p.222.

seminars and other events. A particular focus is put on projects addressing **grassroots sports**.³²

In line with the philosophy underlying preparatory actions, the intention behind collaborative partnerships in sport is to support the testing and development of new project formats and new forms of transnational cooperation that are likely to inspire the development of larger scale initiatives supported with national or other European funding schemes.

The funding priorities of the Erasmus+ sports chapter have all been tested, to a greater or lesser extent, under the preparatory actions (see table 1). They cover most areas of EU activity in sport.

Table 1 - Priority themes under the preparatory actions (PA) and the Erasmus+ sports chapter

PA 2009	Health and physical activity; education and training; sport for disabled persons; gender equality
PA 2010	Fight against doping; social inclusion in and through sport; volunteering
PA 2011	Fight against violence and intolerance in sport; good governance
PA 2012	Fight against match-fixing; active ageing; sport at municipal level; cross-border grassroots sport competitions
PA 2013	Mobility for volunteers and staff; injury protection; traditional sports and games



Erasmus+ 2014-20	Threats to the integrity of sport; intolerance and discrimination; good governance; dual careers of athletes; voluntary activities, social inclusion, equal opportunities; health-enhancing physical activity
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Source: Author, based on European Commission, *preparatory actions 2009-2013; Erasmus+*.

Projects supported under the Erasmus+ programme in the field of sport currently include 44 collaborative partnerships and 10 non-for-profit European sport events (two of which have already come to an end).³³

Stakeholders' views

Stakeholders have welcomed the financial support provided by the Erasmus+ sport chapter, while underlining the importance of ensuring the **participation of grassroots level actors**. In a statement on EU funding for sport,³⁴ the European Non-Governmental Sports Organisation (ENGSO) underlined the need for adequate pre-financing, for EU funding without compulsory demands for private funding and for operational grants for organisations promoting grassroots level sports, active at European level, whose work programme is in line with the priorities of the sport chapter. It also recommended that small scale projects be included and that voluntary work be made eligible as a contribution in kind.

After consulting many stakeholders on the possibilities provided for grassroots sports, and

³² According to regulation (EU) No 1288/2013 establishing 'Erasmus+ (*op.cit.*)', 'grassroots sport means organised sport practised at local level by amateur sportspeople, and sport for all'.

³³ For more information about the amounts allocated and the project areas, see the [Erasmus+ selection results](#), and the [Erasmus+ project results database](#) (search by programme, action and action type). Data retrieved on 28 August 2015.

³⁴ ENGSO [Statement on the EU Funding for Sport](#). Position based on the proposal of the European Commission concerning the "Erasmus for all" Programme 2014/2020, 26 March 2012.

considering the limited number of grassroots clubs involved as partners in the selected projects of the first year of Erasmus+ Sports, the European Olympic Committees EU Office³⁵ proposed various changes to the implementation of the sports chapter to ensure wider participation of grassroots sports. It recommended in particular to support projects involving fewer partners and/or with smaller budgets, to allow volunteering as a source of own contribution to project budgets and to reduce administrative and financial burdens, e.g. by simplifying application and award procedures, given the limited financial and human resources of grassroots sports actors.

3 EU fields of activity in sport

EU-level activities cover a wide range of areas,³⁶ grouped into three broad thematic pillars, i.e. the societal role of sport, its economic dimension and its organisation, as identified in the White Paper.

The first pillar covers issues affecting citizens directly. Priorities include promoting participation in regular physical activity; fostering social inclusion, integration, gender equality through sport; encouraging greater participation in sport through physical education programmes in schools; fighting doping, racism and xenophobia; supporting dual careers for athletes (i.e. athletes' access to quality academic and professional education alongside their sports training).

The second one covers topics concerning the economic aspects of sport. Objectives include better monitoring and forecasting of sport data; identifying the economic potential of sport; supporting legislation in the areas of antitrust, merger control and state aid under European competition law; ensuring sustainable financing of sport at grassroots level; raising awareness of the socio-economic implications of sport-related media and safeguarding intellectual property rights.

The third and last pillar deals with the political and legal framework for the sport sector. Raising the standards of governance in the sports sector; fighting match-fixing and promoting the fair regulation of sport at all levels; ensuring the free movement of amateur and professional sportspeople in line with internal market principles; developing rules on the transfer of players preserving integrity and preventing exploitation, are among the priorities of this thematic strand.

All these priorities are broken down into different fields of action.

Table 2 - The three pillars of EU sport policy

Societal role of sport	Economic dimension	Organisation of sport
Health and participation	Sports statistics	Good governance
Social inclusion	Sustainable financing	Match-fixing
Education and training	Antitrust law	Free movement of sportspeople
Anti-doping	State aid	Transfers, sports agents
Dual careers	Media/ property rights	

Source: Author. Based on the European Commission's website on [sport](#).

³⁵ EOC EU Office, [Erasmus+ Sports Programme. Recommendations for future calls for proposals: How to ensure the participation of grassroots sports](#), January 2015.

³⁶ All information provided in this section is based on the Commission's website dedicated to [sport](#).

4 EU action in practice: some examples

4.1 Exercise for health: promoting physical activity

4.1.1 Background

Lack of physical activity, which the World Health Organisation (WHO) identifies as the fourth leading risk factor for global mortality,³⁷ not only has a significant impact on general health, but also considerable direct and indirect social and economic costs (due to health expenses, sick leave, etc.).

According to a recent study,³⁸ inactivity imposes economic costs exceeding €80 billion per year on EU Member States.





























As highlighted by the latest (2014) Eurobarometer survey³⁹ on sport and physical activity, confirming the results of largely comparable surveys carried out in 2002 and 2009, there are large disparities between Member States as regards physical activity levels, which are falling in some countries (see figure 3). This suggests a considerable potential for mutual learning through the exchange and spreading of good practices.

4.1.2 EU action

To support its Member States, the EU has sought to offer guidance in the development of their national strategies promoting exercise for health (often referred to as health-enhancing physical activity or HEPA) through the non-binding **EU Physical Activity Guidelines**,⁴⁰ whose development was foreseen in the White Paper on sport. Drafted by a group of 22 experts and confirmed by EU Sport Ministers (meeting informally in the absence of any Treaty-based sport competence) in November 2008, they advocate a cross-sectoral approach to HEPA promotion, covering sport, health, education, transport, urban planning, etc.

Following input from the Expert Group on sport, health and participation set up under the first EU Work Plan for Sport, the Council, in its conclusions on the promotion of HEPA of November 2012, invited the Commission to make a proposal for a Council recommendation, including a light monitoring framework to evaluate progress on the basis of selected indicators, such as the percentage of adults/children reaching the recommended levels of physical activity or the funding allocated specifically to HEPA promotion. The recommendation,⁴¹ which is the first ever dedicated

Figure 3 - Respondents who never exercise or play sport (in comparison to 2009)

 MT	75%	+37
 BG	78%	+20
 RO	60%	+11
 PT	64%	+9
 CY	54%	+8
 FR	42%	+8
 IE	34%	+8
 FI	15%	+8
 SK	41%	+6
 IT	60%	+5
 PL	52%	+3
 EU28	42%	+3
 UK	35%	+3
 BE	31%	+3
 SE	9%	+3
 LT	46%	+2
 ES	44%	+2
 NL	29%	+1
 SI	22%	=
 CZ	35%	-2
 DE	29%	-2
 AT	27%	-2
 LU	29%	-3
 DK	14%	-4
 LV	39%	-5
 EE	36%	-5
 EL	59%	-8
 HU	44%	-9
 HR	29%	

Data source: [Eurobarometer 412](#) March 2014.

³⁷ World Health Organisation, [10 facts on physical activity](#), updated in February 2014.

³⁸ International Sport & Culture Association, report on ['The economic cost of physical inactivity in Europe'](#), June 2015.

³⁹ European Commission, [Special Eurobarometer 412](#) 'Sport and physical activity', March 2014.

⁴⁰ [EU Physical Activity Guidelines](#), October 2008.

⁴¹ Council recommendation of 26 November 2013 on promoting health-enhancing physical activity across sectors, [OJ C 354](#), 4.12.2013.

to sport, was adopted by the Council in November 2013.

EU sport-related funding has been allocated to projects in the field of physical activity since 2009. In particular, 50%⁴² of the funding available under the first preparatory action was used to test nine EU-wide HEPA projects, which were presented during the EU Sport Forum 2011 as part of an exchange of learning and good practices (projects are expected to document their work so as to facilitate this exchange after they have ended, for example by making databases available).⁴³

4.1.3 Focus on the European Week of Sport

The European Week of Sport⁴⁴ is part of the EU response to the 'physical activity crisis'⁴⁵ last evidenced by the 2014 Eurobarometer survey, noting persisting high (and even slightly increasing) rates of physical inactivity in the EU. The idea of launching such an initiative originated in a European Parliament report on the European dimension in sport,⁴⁶ proposing to establish an annual European large-scale event to raise awareness on the role of sport and physical activity.

The first edition of the European Week of Sport takes place on 7-13 September 2015. It is an EU-wide initiative, led by the European Commission and implemented in a decentralised way at EU, national, regional and local levels, with the help of national coordinators and in partnership with sports organisations and stakeholders. It aims at encouraging more Europeans to engage in sport and physical activity, at raising awareness about the various benefits of both and at contributing to a change of habits. Promotion will be supported by a team of prominent sportspeople acting as ambassadors of the Week. The European Week of Sport is not meant as a one-off event. The intention is to organise it on annual basis, following a fixed calendar (second week of September), with an official opening, a flagship event and three to five focus days, each with a specific theme. Funding is available under Erasmus+.

4.2 Sport statistics: Measuring the economic importance of sport

4.2.1 Background

Comparable and sound information on the economic importance of sport in the EU is scarce.⁴⁷ Research on this issue has been carried out at various levels, notably at national level. However, as different definitions of sport and different measurement methodologies were used, results have generally not been comparable across countries.

Since 2006, EU-level work has been focused on the development of a common European statistical method⁴⁸ for measuring the economic impact of sport, as a basis

⁴² Kornbeck, Jacob, [The European Union, Sport Policy and Health Enhancing Physical Activity \(HEPA\): The case of exercise by prescription](#), in *Deutsche Zeitschrift für Sportmedizin*, 64 (2013) pp. 157-161.

⁴³ Kornbeck, Jacob, Play, not Therapy: the EU's role in promoting health-enhancing physical activity (HEPA), in Theeboom et al, EU-involvement in sport: between regulation and inspiration, VUB press, 2013, p.136.

⁴⁴ More detailed information is available on the European Commission's dedicated [website](#).

⁴⁵ Presentation of Susanne Hollmann, deputy head of the European Commission's sport unit, during a meeting with the EP Sport Intergroup on 30 June 2015.

⁴⁶ Committee on Culture and Education, [Report on the European Dimension on sport](#), 21 November 2011. Rapporteur: Santiago Fisas Aixelà.

⁴⁷ European Commission, [Sport satellite accounts: a European project, new results](#), July 2013, 6 p.

⁴⁸ The lack of a common methodology to measure the economic impact of sport implies that so far, EU-wide sport-specific statistical information has not been available through Eurostat.

for **sport satellite accounts (SSAs)** in Member States. Satellite accounts allow for direct observation of subjects, themes or sectors of the economy that do not appear as such in the national accounts⁴⁹ because they do not correspond to a specific statistically delineated economic activity.⁵⁰ Sport satellite accounts work as a ‘filter’, identifying, within the national accounts, all sport-related economic activities, for the most part concealed in broader categories (for example, sports clothing in the overall clothing figures),⁵¹ and putting them in a separate account while maintaining the overall national accounts structure. SSAs serve to demonstrate the structure and importance of the sport sector in the national economy.

4.2.2 EU action

Achievements include an agreement on the ‘Vilnius Definition of Sport’ (2007),⁵² defining sport statistically and in an economically meaningful way, and serving as a harmonised framework for the set-up of national sport satellite accounts.

Encouraged by the Commission’s Communication on sport, the EU Work Plan for Sport 2011-14 and by cooperation within the EU Expert Group on Sport Statistics established in 2011, which produced manuals on how to set up SSAs, a few EU Member States⁵³ have created their own sport satellite accounts, while others have started building up theirs. The final objective is to develop a harmonised European sport satellite account.

The EU project on satellite accounts allows for the first time international comparisons of the economic importance of sport.

A 2012 study on sport’s contribution to economic growth and employment in the EU,⁵⁴ commissioned by the European Commission, provided estimates of sports contribution to GDP and employment for each Member State and for the Union as a whole. The study used the Vilnius definition of sport and a methodology similar to setting up a sport satellite account for each of the Member States. It estimated that sport-related employment accounts, with 7.38 million people, for 3.51% of total EU employment, and that the share of sport-related gross value added (i.e. €294 billion) represents 2.98% of total EU gross value added.⁵⁵

Work carried out on measuring the economic significance of sport has to be seen in a wider context, with increasing demands by policy-makers, experts and sport stakeholders for more reliable and comparable data on sport. A 2013 study⁵⁶ exploring

⁴⁹ National accounts are defined, in the OECD [Glossary of statistical terms](#) (p. 348), as a ‘coherent, consistent and integrated set of macroeconomic accounts, balance sheets and tables based on internationally agreed concepts, definitions, classifications and accounting rules’, providing ‘a comprehensive accounting framework within which economic data can be compiled and presented in a format that is designed for purposes of economic analysis, decision-taking and policy-making’.

⁵⁰ Mulier Institute-led consortium, [Study on a possible sport monitoring function in the EU](#), final report, May 2013, 162 p.

⁵¹ Gratton, Chris, [Satellite Accounts for Sport: The European Project](#), in *Sport & Citizenship*, Journal 18, March 2012.

⁵² European Commission, Sport satellite accounts: a European project, new results, *op.cit.*

⁵³ Austria, Cyprus, Germany, the Netherlands, Poland and the United Kingdom.

⁵⁴ SportsEconAustria-led consortium, [Study on the Contribution of Sport to Economic Growth and Employment in the EU](#), final report, November 2012, 210 p.

⁵⁵ European Commission, The economic value of sport in the EU. Infographic released for the [EWoS 2015](#), based on the study on sport’s contribution to economic growth and employment in the EU.

⁵⁶ Mulier Institute-led consortium, *op.cit.*

the feasibility of creating 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, pointed to the absence of a single, easy-to-use overview of sport-related data and outcomes and recommended the creation of a website and a pocketbook on 'Sport in Europe'.

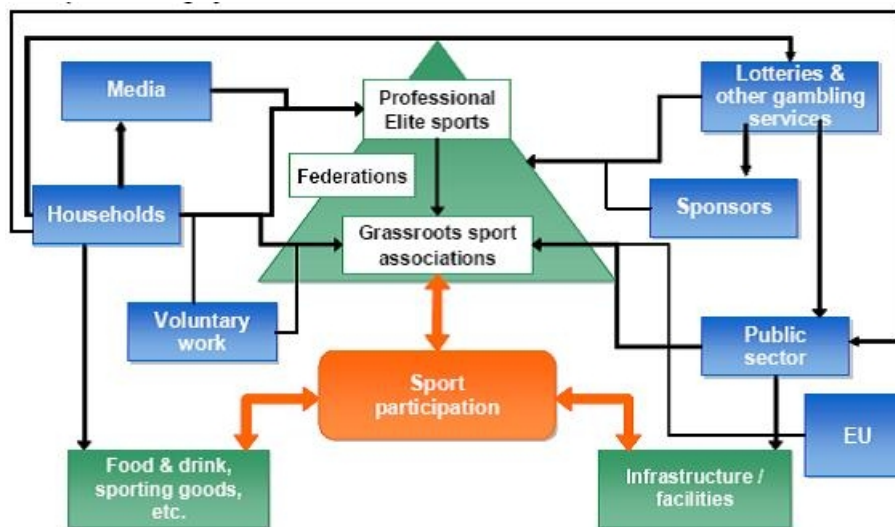
4.3 Preserving the integrity of sport

4.3.1 Integrity of sport: concept and context

The concept of the integrity of sport⁵⁷ may be understood in two different ways. It can refer to the values that sport conveys and embodies, such as fair play, solidarity or team spirit. It is also associated with the integrity of sports competitions, in the sense that these should remain impervious to outside influences or external elements that could cast doubts about the way sporting results have been achieved. The integrity of values and the integrity of sports competitions are often deeply intertwined, as illustrated by the issue of doping, which at the same time breaches the principle of fair-play and jeopardises the integrity of sporting competitions.

Article 165 TFEU assigns the EU a clear mission as regards the integrity of sport, stating that the Union shall promote 'fairness and openness in sporting competitions' and 'protect the physical and moral integrity of sportsmen and sportswomen'. Both aspects of the integrity concept are thus covered. Following on this, the integrity of sport has been given top priority in both EU Work Plans for Sport.

Figure 4 – The funding system of sport in Europe



Data source: Eurostrategies consortium, [Study on the funding of grassroots sports](#) (for the Commission), 2011.

Over time, sport as an economic activity has grown in significance and attracted powerful commercial actors, including media, sponsors, sporting and betting industries (see figure 4). Due to its growing economic importance, it has been faced with a series of high-profile difficulties in recent years, such as doping, match-fixing, corruption or

⁵⁷ Unless otherwise indicated, information in this section is based on Monte, Gianluca, *Transfers, licensing systems and players' agents: the EU as a gatekeeper of the integrity of sport competitions? In EU involvement in sport, between inspiration and regulation, op.cit., p.84.*

bribery.⁵⁸ The increasing amounts of money circulating in the sport sector and organisations⁵⁹ involved have prompted demands for good governance.⁶⁰

4.3.2 The fight against doping

Background

Doping represents a threat to sport in several respects. It constitutes a serious violation of its ethical values and of sporting principles such as fair play (doping is cheating). It tarnishes the public image of sport and endangers the health of sportsmen and women. Doping in professional sport has a long history, with high-profile cases regularly hitting the headlines.⁶¹ Its nature has evolved over time, from an isolated act performed by an individual sports person on the day of the competition to an organised practice at team level.⁶² Experts⁶³ see a correlation between increasing financial stakes and rewards in high-level sports and spreading of performance-enhancing substances and techniques, i.e. between the considerable amounts of money associated with winning in sports industry and the race for better performance at all costs.

Responsibility for fighting doping lies primarily with sports organisations and public authorities. The former are charged with conducting testing at their competitions and out-of-competition; providing education programmes; and sanctioning those who breach anti-doping rules, while the latter are responsible, among others, for facilitating doping controls and supporting national testing programmes; taking measures against manufacturing and trafficking; funding anti-doping education and research.⁶⁴

International cooperation in anti-doping matters was long limited to the Council of Europe, which was also at the origin of the first international legally-binding instrument in the field, the Anti-Doping Convention⁶⁵ (1989). Open to non-Member States of the Council of Europe, the convention promotes the national and international harmonisation of anti-doping measures and sets certain common standards and regulations, such as the creation of a national co-ordinating body.

⁵⁸ Geeraert et al., [AGGIS: The governance network of European football: introducing new governance approaches to steer football at the EU level](#), Play the Game, 10.01.2013.

⁵⁹ Owing to its social role and to the [positive values](#) it embodies, sport also receives significant funding from public authorities, which could tend to link their support to minimum standards of good governance.

⁶⁰ Mulier Institute-led consortium, *op.cit.*, p.30.

⁶¹ Proven doping cases include, for example, Canadian sprinter Ben Johnson, who tested positive for the steroid stanozolol in 1988; American track and field athlete Marion Jones, who admitted in 2007 to steroid use, and seven-time *Tour de France* winner Lance Armstrong, found guilty of doping in 2012. All were consequently stripped of their titles. Most recently, allegations of mass doping in athletics have been raised this summer by the German broadcaster ARD and the British *Sunday Times*. Experts' analysis of a leaked database of 12 000 official drug tests belonging to the International Association of Athletics Federations (IAAF) [suggested](#) that roughly a third of the athletes who won medals in endurance events at the Olympics and World Championships between 2001 and 2012 had suspicious blood values. The IAAF [rejected](#) the allegation of doping cover-up.

⁶² As highlighted by the Commission in its Communication 'Community support plan to combat doping in sport', [COM\(99\) 643](#) final.

⁶³ Baron et al, [Doping in sports and its spread to at-risk populations: an international review](#), in *World Psychiatry*, June 2007; 6(2): pp. 118–123.

⁶⁴ For more information, see the section '[Anti-doping Community](#)' on WADA's website.

⁶⁵ Council of Europe, [Anti-doping Convention](#), 16.11.1989.

The drive towards harmonisation of anti-doping efforts gained momentum in the aftermath of the 1998 Tour de France scandal,⁶⁶ with the creation of the **World Anti-Doping Agency** (WADA) and the development of the World Anti-Doping Code, which entered into force in 2004.

The World Anti-Doping Agency

The World Anti-Doping Agency (WADA), which is based in Montreal, was founded on 10 November 1999 in Lausanne under the initiative of the International Olympic Committee (IOC), with the aim of promoting and coordinating the fight against doping in sport internationally. Set up as a Swiss private law foundation, it is composed and funded equally by the sport movement and public authorities.

Besides scientific research, education and development of anti-doping capacities, WADA's main activities involve monitoring of the **World Anti-Doping Code (WADC)**, which harmonises anti-doping policies and rules within sport organisations and among public authorities all over the world. It also clarifies the role and responsibilities of stakeholders at all levels, from the athletes to the IOC, national and regional anti-doping agencies (NADOs/RADOs) and international federations. As the Code is a non-government document that applies only to members of sports organisations and is not legally binding for public authorities, governments signalled, by signing the Copenhagen Declaration on Anti-Doping in Sport, their intention to formally recognise and implement the Code through an international treaty which would provide the necessary legal framework. It took the form of the Unesco⁶⁷ International Convention against Doping in Sport, adopted in 2005.

The World Anti-Doping Code is designed to evolve as anti-doping develops, and has already been subject to two revisions since its entry into force in 2004. The review process for the 2015 Code started at the end of 2011. Following three phases of consultation, the revised Code was unanimously approved in November 2013 and came into force on 1 January 2015.⁶⁸

EU participation in WADA

Together with its Member States and the Council of Europe, the EU played an active part in WADA's creation in 1999, insisting on the Agency's independence, transparency and accountability. Initially, the European Community was represented within the Foundation Board, WADA's supreme decision-making body, by the President-in-office of the Council and a member of the European Commission, and a Community contribution to WADA's operating budget was envisaged as from 2002. However, considering that the legal and political conditions had not been met, the Commission announced in 2001 that the EU (as a body) would not participate in the future functioning or financing of WADA. Hence the EU is represented on the Board by Member States (currently Luxembourg, Malta and Belgium). EU Member States contribute individually to WADA's budget. Coordination of their financial commitments towards WADA takes place within the Council of Europe. It is also within this framework, more specifically in the CoE's ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), that the European continent's positions are coordinated prior to WADA meetings. The Agency is structured on a continental basis and the Council of Europe has two seats in its Foundation Board.

⁶⁶ In a raid during the *Tour de France*, French police found a large number of prohibited substances in a vehicle belonging to the cycling team Festina, whose director [admitted](#) a 'concerted' and controlled doping programme for the riders.

⁶⁷ Besides facilitating the development of the Convention, Unesco has established a 'Fund for the Elimination of Doping in Sport' (amounting to over US\$2.6 million), aimed to provide financial assistance to States Parties in order to help them develop or implement effective anti-doping programmes.

⁶⁸ WADA, [World Anti-Doping Code 2015](#).

EU action

The rationale for EU action in the field of doping clearly lies in the transnational nature of the issue. However, from the foregoing, it appears that other actors such as WADA, the Council of Europe, UNESCO and the individual EU Member States hold a prominent place in anti-doping policy worldwide. This raises the question as to where EU intervention might fit in this constellation.⁶⁹

EU action is guided by the need to foster **convergence** between the different approaches and coordinate the various actions taken to combat doping, identified by the European Parliament as early as 1998.⁷⁰ In the international context, the EU seeks to strengthen unity between its Member States and to speak with one voice in international fora, as indicated by initiatives such as the 2010 Council conclusions⁷¹ on the role of the EU in the international fight against doping, calling for a coordination of EU and Member State positions under the responsibility of the Presidency; the 2011 Council resolution aimed at implementing a new system for EU representation in WADA's Foundation Board;⁷² and the EU revisions to the World Anti-Doping Code, submitted in 2012 and prepared within the EU Expert Group on Anti-Doping set up under the Work Plan for Sport 2011-14. In the EU context, focus is put on the exchange of information and best practices, both as regards the law-enforcement and the health and prevention dimensions of the fight against doping.

Long aware of the importance of **education and prevention**,⁷³ and noting that anti-doping efforts have traditionally focused on the detection and deterrence of doping in elite sport, the EU has undertaken in the last few years to work on combating the growing problem of **doping in recreational sport**, where cooperation remains limited, both between EU Member States and internationally. In the conclusions⁷⁴ adopted by the Council on this issue in 2012, EU Member States agreed to various initiatives, including a study by the European Commission to increase knowledge and gather evidence of the phenomenon as a basis for policy-making, and the preparation, within the EU Expert Group on Anti-Doping, of a set of recommendations on fighting doping in recreational sport that can be applied at both EU and national level. In the same spirit as the EU Guidelines on Physical Activity (2008) and Dual Careers (2012), the non-binding recommendations presented at the end of 2013⁷⁵ by the Group aim to define good practice for decision makers at different levels (Council, national governments, NADOs, governing bodies of sports organisations, etc.).

⁶⁹ See Vermeersch, An, "[The European Union and the fight against doping in sport: on the field or on the sidelines?](#)" in *Entertainment and Sports Law Journal*, April 2006.

⁷⁰ See EP resolution on urgent measures to be taken against doping in sport, [OJ C 098](#), 09.04.1999. The EP adopted on 14 April 2005 another [resolution on combating doping in sport](#), calling on the European Commission to implement an effective and integrated policy in all fields relating to the fight against doping and to encourage cooperation between Member States.

⁷¹ [OJ C 324](#), 1.12.2010, building upon the Council conclusions on combating doping, [OJ C 356](#), 12.12.2000.

⁷² [OJ C 372](#), 20.12.2011.

⁷³ See for example the Resolution of the Council on a code of conduct against doping in sport, [OJ C 044](#), 19.02.1992.

⁷⁴ [OJ C 169](#), 15.6.2012.

⁷⁵ [EU Recommendations on Doping in Recreational Sport](#), sixth consolidated draft (*final*), November 2013.

Published in December 2014, the EC study on doping prevention⁷⁶ includes a series of policy recommendations suggesting, among other things, to work towards a better definition of the problem and to develop education programmes and campaigns on sport ethics, doping-associated risks for health and ways to improve performance without drugs.

Alongside these developments, funding has been provided, within the framework of the sport preparatory actions, to anti-doping projects. Outcomes include inter alia a network of best practice on anti-doping focused on the health and fitness sector; a Europe-wide network of anti-doping junior ambassadors and recommendations on how to influence behaviour relating to fitness doping.

4.3.3 *The fight against match-fixing*

Background

Match-fixing is a practice forming part of a broader phenomenon, the manipulation of sport competitions, defined by the Council of Europe as 'an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others'.⁷⁷ Whether motivated by sports bets or by sporting objectives (e.g. winning, qualifying for a competition), match-fixing violates the ethics and integrity of sport. Both categories of match-fixing have in common that they are subject to sporting sanctions by sport authorities as well as to civil and criminal sanctions in the Member States, because they are usually considered as a form of corruption or fraud.⁷⁸ However, the European landscape is not uniform in this respect.⁷⁹

The specificity of betting-fuelled match-fixing lies in its international dimension and global scale. Due to its trans-frontier nature and to the potential involvement of international criminal groups, the problem goes beyond the remit and capacities of national public authorities and sporting bodies alone. This has been illustrated, for example, by the results from the largest Europol investigation⁸⁰ into football match-fixing, highlighting the challenges associated with investigation and prosecution of such international cases involving suspects from various countries with different legal frameworks and definitions of match-fixing and betting fraud.

The manipulation of matches affects not only football, which ranks first in the number of uncovered cases, but many other sports such as cricket, basketball, volleyball,

⁷⁶ European Commission, [Study on Doping Prevention](#). A map of Legal, Regulatory and Prevention Practice Provisions in EU 28, 2014, 154 p.

⁷⁷ Council of Europe, [Convention on the Manipulation of Sports Competitions](#), 18 September 2014.

⁷⁸ Monte, Gianluca, *op.cit.*, p.95.

⁷⁹ [Match-fixing in sport - A mapping of criminal law provisions in EU 27](#), study carried out for the European Commission by KEA European Affairs, March 2012, 124 p.

⁸⁰ Involving Europol, Eurojust, Interpol, and police teams from 13 European countries, the [investigation](#), conducted between 2011 and 2013, has uncovered an extensive criminal network involved in widespread football match-fixing. It concerns more than 380 professional football matches and 425 suspects from more than 15 countries. Betting profits generated by this wide-scale fixing operation amounted to over €8 million, while corrupt payments to people involved in matches reached over €2 million.

wrestling, boxing, snooker, badminton or handball.⁸¹ Various factors have contributed to the spreading of the phenomenon, including the exponential growth of international and worldwide sporting events;⁸² greater commercialisation and media coverage of sport increasing the financial stakes associated with sporting results;⁸³ and the expansion of the sports betting market,⁸⁴ especially online.

EU action

The fight against match-fixing as a threat to the integrity of sport has been given first priority in the EU Work Plans for sport, along with anti-doping and the promotion of good governance, and a dedicated EU Expert Group has been set up on the matter.

Coordination and cooperation are again the cornerstones of EU action in the area. Evidence-gathering activities, which usually serve as a basis for action towards more convergence at EU level, include a study⁸⁵ aimed at determining how national criminal law provisions apply to match-fixing in EU Member States and identifying possible divergences or discrepancies. The European Commission envisages the drafting of a possible Recommendation on best practices in the prevention and combating of betting-related match-fixing, which should be discussed within the above-mentioned Expert Group. Promotion of the fight against match-fixing in the framework of EU dialogue with sport stakeholders, explicitly encouraged by the Council in its 2011 conclusions,⁸⁶ took concrete form with the Nicosia declaration⁸⁷ endorsed at the 2012 EU Sport Forum.

At international level, the EU has taken an active part in the preparation of the Council of Europe's **Convention on the Manipulation of Sports Competition** (see box). The Commission, mandated by the Council,⁸⁸ participated in the negotiations on behalf of the EU, and presented in March 2015 two proposals⁸⁹ for the EU's signature of the text. They are currently under examination in the competent Council bodies. This illustrates once

The Convention on the Manipulation of Sports Competitions

On 15 March 2012, the Council of Europe's Conference of Ministers Responsible for Sport invited the Enlarged Partial Agreement on Sport (EPAS) to launch the negotiations on an international legal instrument against the manipulation of sports results, notably match-fixing, in the form of a Convention. The text was opened for signature on 18 September 2014. It is the first legally binding tool to fight match-fixing. At the time of writing, 21 countries (of which 12 EU Member States) have signed the Convention, but only Norway has ratified it. For the Convention to come into force, five ratifications including at least three Member States of the CoE are required.

⁸¹ University Paris 1 Panthéon-Sorbonne & International Centre for Sport Security (ICSS), [Fighting against the manipulation of sports competitions](#), report, Part I, November 2014, 221 p.

⁸² University Paris 1 Panthéon-Sorbonne & International Centre for Sport Security (ICSS), [The threat to sport, the facts at a glance](#), infographic based on the above-mentioned report.

⁸³ Explanatory [report](#) of the CoE Convention *op.cit.*

⁸⁴ According to data from [H2 Gambling Capital](#) (March 2015), EU total Betting Gross Win amounted, in 2013, to €12,174.5 million (land based: €8,116.1 million, online: €4,058.4 million).

⁸⁵ Match-fixing in sport - A mapping of criminal law provisions in EU 27, *op.cit.*

⁸⁶ [OJ C 378](#), 23.12.2011.

⁸⁷ [Nicosia declaration on the fight against match-fixing](#), September 2012.

⁸⁸ [OJ L 170](#), 22.6.2013.

⁸⁹ One [proposal](#) relates to matters related to substantive criminal law and judicial co-operation in criminal matters, while the [other](#) concerns matters not related to substantive criminal law and judicial co-operation in criminal matters.

again the significance of cooperation between the EU and the Council of Europe in sport matters of global concern.

Again, besides those steps at political level, funding has been allocated, under the sport preparatory actions, to projects fighting match-fixing, in particular through education and prevention programmes.

Fighting corruption in sport: a constant concern for the European Parliament

The EP has regularly dealt with this issue, and touched upon the problem of match-fixing in its resolutions⁹⁰ related to the integrity of online gambling (2009) and to online gambling in the Internal Market (2011), as well as in its 2012 resolution on the European Dimension in Sport. In 2011, it adopted a written declaration on combating corruption in European sport, and in 2013, a resolution on match-fixing and corruption in sport. In June this year, the EP passed a resolution on recent revelations on high-level corruption cases in FIFA, the world football's governing body. Parliament has repeatedly called on sports organisations to adopt a zero-tolerance policy on corruption.

4.3.4 Promoting the good governance of sport

Background

As highlighted previously in the section dedicated to the specificity of sport, EU intervention in sports governance is a sensitive issue. It touches upon the recognised principle of sports governing bodies' autonomy, vigorously defended by those primarily concerned, but increasingly challenged by interventions from the courts, national governments and regulators, or commercial interests.⁹¹

EU action

The European Commission made clear, in its 2011 Communication on the European Dimension in Sport, that good governance in sport is a condition for the autonomy and self-regulation of sport organisations. Given that the supporting competence the EU enjoys in sport policy does not allow for a strong intervention in this respect, experts advocate a form of 'steering'.⁹² The approach taken by the EU, with the '**Recommendations on the Principles for Good Governance of Sport in the EU**',⁹³ seems to follow this path.

Prepared by the EU Expert Group on good governance and presented to the EU Council in October 2013, this initial set of recommendations seeks to outline overarching principles covering the whole sport movement (professional and amateur sport), such as democracy, transparency, accountability in decision-making and inclusiveness in the representation of interested parties. Building on data, facts and good practices drawn from the projects on good governance supported under the 2011 preparatory action, it

⁹⁰ [Resolution](#) of 10 March 2009 on the integrity of online gambling; [resolution](#) of 15 November 2011 on online gambling in the Internal Market; [resolution](#) of 2 February 2012 on the European dimension in sport; [declaration](#) of 9 June 2011 on combating corruption in European Sport; [resolution](#) of 14 March 2013 on match-fixing and corruption in sport; [resolution](#) of 11 June 2015 on recent revelations on high-level corruption cases in FIFA.

⁹¹ EU Expert Group on Good Governance, Recommendations for the [Principles for good governance of sport in the EU](#), September 2013, 30 p.

⁹² Geeraert, Arnout, [The role of the EU in better governance in international sports organisations](#), AGGIS, Play the Game, April 2013.

⁹³ EU Expert Group on Good Governance, Recommendations for the Principles for good governance of sport in the EU, *op.cit.*

presents standards of good governance applicable to all organisations, which can embrace them on a voluntary basis. The approach suggested is a gradual one, with a first phase of **education** and **information** of relevant sport bodies. It is proposed that the EU encourages compliance with the agreed principles, notably through the funding, under the Erasmus+ sport chapter, of projects promoting them. Monitoring activities are envisaged, and in the event of unsatisfactory application, the door is left open for stronger compliance measures. For example, EU and/or national funding could be made conditional on the observance of the agreed good governance principles.

Within the framework of the 2011 preparatory action in the field of sport, eight projects were selected, implemented, and concluded by the end of 2013. They covered issues as varied as the development of guidelines for international sports organisations, governance improvement through effective boards or supporter involvement, and the further development of a coordinated sport coaching network in Europe.

4.4 Lessons

Given the limits to EU action in sport as defined in the Treaty, some see EU role as an incentive, stimulating⁹⁴ or initiating⁹⁵ one. The examples detailed above tend to corroborate this view.

Indeed, the Union appears to seek to provide **guidance**, both to its Member States and to sport stakeholders. Evidence-gathering activities often take place as a first step, in order to assess how the issue at stake is being covered and dealt with at national level, and to determine whether discrepancies or disparities exist and whether EU action would add value. **Funding** appears as an important and systematic policy tool. It fulfils a double function. On the one hand, it allows for testing and support for good practices and networks. On the other hand, it contributes to strengthening evidence as a basis for sport policy-making. Indeed, EU funded projects are a source of data, facts and practices, which can inform work and political discussion on sport at EU level.

Issues of global concern like doping or match-fixing, which cannot be tackled by national authorities and sport governing bodies alone, justify and call for action by the EU, due to their transnational nature. However, the Union, whose responsibilities for sport are new, must reckon with other actors, such the **Council of Europe**, which has been active for almost 40 years in the field and is also at the origin of key binding instruments. Therefore, EU action is geared more towards convergence and unity between Member States, with a view to arriving at a coordinated position on the international scene.

5 Stocktaking and outlook

It is still too early to gauge the impact of EU soft policy-making in sport, especially since some of its outcomes and concrete expressions (e.g. the European Week of Sport or the recommendations on principles for good governance in sport) still need to be implemented. EU cooperation structures, tools and working methods, however, have already been subjected to an evaluation in the context of the report on the implementation of the first EU Work Plan for Sport.⁹⁶ This report drew upon the work

⁹⁴ Theeboom et al., *op.cit.*

⁹⁵ University Paris 1 Panthéon-Sorbonne & International Centre for Sport Security (ICSS), *op.cit.*, p.57.

⁹⁶ COM(2014) 22 final, *op.cit.*

of the Expert Groups, contributions from Member States and consultations with stakeholders. While welcoming a strengthening of cooperation, in particular between the EU and the sport movement, and the improvement of political coordination at EU level, it identified limitations to the working structures, pointing for instance to the non-homogeneous composition of the Expert Groups as regards representativeness and expertise, and the too high number of observers in some of them (which can be explained by the fact that access to these working groups is essential for sport stakeholders⁹⁷). The report also underlined that in view of the increasing number of sport actors willing to have their say in EU sport policy, leading an inclusive structured dialogue with stakeholders while ensuring effectiveness was a real challenge. Against this background, various improvements to the working structures have been proposed, including the creation of three 'Sport Strategy Groups' ('Sport and society'; 'Economic dimension'; 'Integrity of sport') composed of Member States and Commission representatives, to replace the Expert Groups; the set-up of dialogue platforms with sport stakeholders corresponding to these three Strategy Groups; other meeting arrangements to replace the structured dialogue lunch in the margins of the Council. These changes have not been implemented yet.

In the years to come, EU work will continue to focus on the development of recommendations and guiding principles, concerning inter alia the protection of young athletes or democracy and human rights in the context of the awarding procedure of major sport events to hosts,⁹⁸ and on the promotion of the existing ones. New instruments may include the so-called 'pledge boards',⁹⁹ where mainly sport organisations can voluntarily make public their commitment to certain issues, for instance good governance principles or gender equality targets.

The European Commission will shortly set up a High Level Group on sport diplomacy,¹⁰⁰ aimed to assess the value of sport in EU external policies, its contribution to the achievement of EU external political ambitions and its role in dialogue with third countries and regions as part of EU public diplomacy. The establishment of a High-Level Group on grassroots sports is also foreseen; it will evaluate the place and role of grassroots sport in European society, and especially in the promotion of positive values such as tolerance.¹⁰¹ The members of the group may be organisations active in the field of sport (federations, professional and grassroots sport associations, NGOs, universities, research institutes, civil society) or individuals.

⁹⁷ See [EU Institutions and EU Sport Policy](#) on the EU EOC website.

⁹⁸ This issue of sports and human rights has been addressed by the European Parliament in the context of a [joint hearing](#) of the Human Rights subcommittee and the Culture and Education committee (6 May 2015), highlighting the importance of human rights when choosing host countries for large sporting events like the Olympics and the World Cup. It was also debated during the June [plenary session](#) ahead of the Baku European Games, following an [oral question](#) to the Council.

⁹⁹ Resolution of the Council on the European Union Work Plan for Sport (2014-2017), *op.cit.*

¹⁰⁰ [Call for applications regarding a High Level Group on Sport Diplomacy](#), 2015.

¹⁰¹ [Call for applications regarding a High Level Group on Grassroots Sport](#), 2015.

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Sport is a field in which the EU's responsibilities are new. The Lisbon Treaty, which entered into force in December 2009, grants the Union a supporting competence, meaning that legally binding measures are excluded. EU scope for intervention is further limited by the need to take the specific nature of sport into account and to respect the autonomy of sport organisations, which are traditionally in charge of regulating and organising their sport. In policy-making, the EU thus relies on soft power, i.e. on dialogue and cooperation, as well as incentive measures, taking the form of financial support for projects and networks. If one had to sum up the EU approach in one word, 'guidance' would probably be the most appropriate. Concrete achievements so far include mainly policy recommendations and guiding principles addressed to Member States and sport stakeholders. In the international context, where the Council of Europe, long active in the field of sport, already plays a prominent role, the EU seeks to strengthen unity and foster convergence between its Member States, with a view to arriving at coordinated positions on transnational issues, including the fight against doping and match-fixing.

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