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**IMPACT ASSESSMENT**

**Accompanying the**

**WHITE PAPER ON SPORT**

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## 1. PROCEDURAL ISSUES

### 1.1. Leading service

Directorate-General for Education and Culture, Sport Unit.

### 1.2. Reference in Commission Catalogue for 2007

The White Paper on Sport is not listed in the Commission Legislative and Work Programme for 2007, but appears as an item in the Catalogue of legislative and non-legislative planning.

### 1.3. Timetable

The following timetable indicates the roadmap for the proposed EU White Paper on Sport, from the first reflection process to the presentation to the public:

Action	Target date
Consultations with the Sport Movement – "The EU & Sport: Matching Expectations": conferences, high-level meetings, bilateral consultations	May 2005 – March 2007
Reflection at services level	January – March 2006
Sport Directors meeting – Vienna	29-30 April 2006
Inter-service work (regular meetings)	16 May 2006 – April 2007
Sport Directors meeting – Naantali	5-6 October 2006
Discussion in the College	22 November 2006
Ministerial Conference – Brussels	28 November 2006
Sport Directors meeting – Bonn	1-2 February 2007
On-line consultation	6 February – 4 April 2007
Meeting of Member State Working Group on the White Paper	7 March 2007
Sport Ministers meeting – Stuttgart	12-13 March 2007
Drafting of White Paper (political document, staff working document, annexes, Impact Assessment)	Late January – April 2007
Steering Group meeting on Impact Assessment	27 March 2007
Impact Assessment Board meeting	2 May 2007
Inter-Service-Consultation	10 May 2007 - 4 June 2007
White Paper adoption by the Commission	10 July 2007
Sport Directors meeting – Portugal	12-14 July 2007
Conference with the sport movement	8-9 October 2007
Sport Ministers meeting – Lisbon	25 October 2007

### 1.4. The Impact Assessment Board

The draft of this Impact Assessment was submitted to the Impact Assessment Board on 4 April 2007 and was discussed with DG EAC at a Board meeting on 2 May. In its opinion, the

Board advised DG EAC to review and clarify certain sections of the Impact Assessment report in particular in order to take account of the need to prioritise problems for the purpose of this document and to identify the EU value added for the proposals made in the White Paper for solving the problems, including a better illustration of new measures proposed in this policy initiative. In addition, the Board recommended a clarification of the implications of the proposals for the administrative burden. In response to this process, DG EAC has revised this Impact Assessment report in an effort to reflect the Board's comments.

### **1.5. Legal context of the proposed initiative**

The EU does not have a specific legal competence for sport enshrined in the Treaty. However, sport is an area to which many of the EC Treaty provisions directly or indirectly apply. The sport sector is therefore not excluded from the application of EU law. Insofar as sport is an economic activity, it is subject to the full application of the EU Internal Market and competition provisions. In addition, Treaty provisions, such as those relating to EU citizenship, equal treatment or non-discrimination, directly apply to sport. Moreover, sport increasingly interacts with other European policies and their underlying legal framework in a number of areas, e.g. health, education, employment, economics, environment.

Judgements by the European Courts and several Commission decisions have recognised some of the sport sector's specificities on a case-by-case basis and provided thereby some guidance on the application of EU law to sport.

The European Council's Nice Declaration of 2000, a non-legally binding instrument, is the current existing text that provides orientation for addressing the specific characteristics of sport at EU level.

The Constitutional Treaty, signed but not ratified by all EU Member States, includes sport among the "areas of supporting, coordinating or complementary action" (article I-17), focussing on the need to protect and promote the educational and social role of sport (article III-282). Although it is not in force and therefore without legal value, it can be considered as a consensus among stakeholders to see certain sport issues addressed at EU level.

### **1.6. Inter-service work**

In light of the sport sector's multi-faceted dimensions, any Community initiative on sport requires a strong collegial approach. The Directorate General for Education and Culture has therefore ensured close cooperation with all concerned Commission services at different levels and at all stages of the preparatory process for the proposed initiative. The involvement of 17 Directorates-General in this inter-service work confirms the horizontal nature of sport.

This exchange of views before the official Inter-Service Consultation has allowed for progress in many areas and alignment of positions on more sensitive topics. Matters falling in the competence areas of the Directorates-General for Competition, for the Internal Market and for Employment and Social Affairs have been co-drafted with these services. An inter-service Steering Group has been set up for this Impact Assessment and met on 27 March 2007. The newly established Commission Inter-Service Group "Sport" (which had three informal meetings in May 2006, July 2006 and January 2007 and one formal meeting on 7 May 2007) will accompany the implementation of the initiative once it has been adopted.

## **2. INTRODUCTION TO THE IMPACT ASSESSMENT REPORT**

### **2.1. Purpose**

This impact assessment report aims at outlining the main considerations for a Commission initiative in the field of sport (problems, objectives, possible social, economic and environmental impacts) and, in line with subsidiarity and proportionality requirements, at explaining the options for an appropriate instrument to address the societal role of sport in the EU, its economic dimension and its specific organisational features. The report points to expectations from stakeholders and the need for a political initiative on the one hand, and the expected contribution to the EU general policy objectives and the positive impact on sport on the other.

### **2.2. Structure**

This impact assessment report firstly analyses why a policy action in the field of sport is considered necessary and looks at the underlying motives for an initiative at EU level.

In a second step, the report addresses what the initiative is aiming to achieve in terms of contribution to overall EU policy objectives and in regard to reflecting the specific characteristics of sport in societal, economic and organisational terms within different EU policies, programmes and actions. Furthermore, the report explains the need for improved structures for cooperation and dialogue on sport at EU level.

The fifth and sixth chapters will discuss and compare the existing policy options for the initiative, including the 'no policy change' scenario, and look into possible impacts for addressing the main problems identified.

The question whether the Union has the competence and is better placed to act (subsidiarity principle) as well as the proportionality of the preferred option and its added value will be outlined in chapter eight. The report will then refer to the main evidence-base used for preparing the initiative.

The tenth chapter identifies possible budgetary implications and human resources needs for implementing the proposals made in the planned initiative. The last chapter concerns the monitoring and evaluation when implementing the proposed initiative.

### **2.3. Main sources of evidence and information**

Information for the impact assessment on the proposed political initiative is based on in-house knowledge (consultations, conferences, expert meetings, working groups) along with existing studies (e.g. studies commissioned by DG EAC on sport and education, the Independent European Sport Review 2006<sup>1</sup>), reports (e.g. EP reports; EOC, FIA & Herbert Smith report on "Rules of the Game"<sup>2</sup>) and surveys (e.g. Eurobarometer), which have enabled the Commission to identify where the main interests and concerns lie and how to focus possible future actions at EU level. It builds on the results of an extensive phase of political cooperation, broad

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<sup>1</sup> [http://www.independentfootballreview.com/doc/Full\\_Report\\_EN.pdf](http://www.independentfootballreview.com/doc/Full_Report_EN.pdf)

<sup>2</sup> EOC [European Olympic Committee]; FIA [Fédération Internationale de l'Automobile] & Herbert Smith (Hrsg.) (2001): The Rules of the Game. Europe's first conference on the Governance of Sport, 26 & 27 February 2001; Conference Report & Conclusions, Brussels.



public consultation and dialogue on sport at EU level, involving the Commission, the European Parliament and governmental and non-governmental sport stakeholders in Europe (see chapter 9 for details).

The European Council's Nice Declaration brings further evidence on the topics to be covered. The success of the European Year of Education through Sport (2004) provided strong evidence for the important social and educational values of sport and on the usefulness of more coordinated approaches initiated at EU level. It should also be noted that the inclusion of sport in the Constitutional Treaty was the result of a long and intense debate between all concerned actors and gives further orientation on those sport issues which stakeholders wish to see addressed at EU level.

There are concrete calls by stakeholders for action at EU level on a significant range of areas which seek to better promote sport in European and also national policy-making without, however, leading to increased interference in the management of the affairs of sports governing bodies. EU Member States, at Ministers' and at working levels, have further identified their priorities for the core areas of the planned political initiative in the recent past (see section 3.2.3).

#### **2.4. Current and recent Community expenditure on sport**

The Community does not have a specific budget line for sport. Possibilities to obtain financial support by the Commission for projects related to sport are therefore limited. However, sport-related projects and actions are sometimes eligible in the framework of existing EU programmes and funds, such as in the fields of education, youth, citizenship, health, equal opportunities, etc. or in relation to such themes, under the European Regional Development Fund and the European Social Fund. In 2004, projects and actions relating to sport and education were financed within the European Year of Education through Sport (EYES 2004), which was based on Article 149 EC. Targeted actions during major sporting events have been exceptionally financed in the recent past, when amendments to the 2005 and to the 2007 EU budget were adopted by the EP to fund activities connected with the Almería Mediterranean Games 2005 and the Jaca 2007 European Youth Olympic Festival.

### **3. UNDERLYING MOTIVES AND PROBLEM DEFINITION FOR A COMMUNITY INITIATIVE ON SPORT ["WHY"]**

#### **3.1. Introduction**

The significance of sport for individual citizens and for society as a whole is widely acknowledged. Sport is a phenomenon totally integrated within the social, cultural, economic and political frameworks of the 27 Member States. To date, however, aspects of sport which are of interest to the European Union and its different policies and actions that have an impact on sport have not been clearly addressed within a comprehensive and more coordinated approach by the European Commission. The important social, educational, health-enhancing and citizenship functions that sport fulfils, sport's growing economic dimension, its specific organisational features and the challenges sport faces today in Europe should be made visible for the first time through an EU initiative on sport.

Before listing the main problems identified (section 3.3), the underlying motives for an EU initiative on sport are explained hereafter.

## 3.2. Underlying motives

### 3.2.1. *The EU's overall political priorities and the Commission's strategic goals*

The Commission has set itself medium- to long-term priorities in order to build a better and stronger Union for the benefit of all European citizens. Within its strategies the Commission has to use the potential of Europe, including the full range of EU and Member State policy instruments, to the fullest. In order to achieve its two major objectives of *prosperity* and *solidarity*, the Commission is striving for ambitious goals. It does so in particular through actions in the cross-cutting area of the *Lisbon strategy*, which is about reintegrating all economic structures in Europe to obtain tangible results for sustainable growth and high quality jobs in Europe, while at the same time reinforcing the *European social dimension* in the face of global challenges. The current emphasis is on political focus and the commitment to *meet citizens' expectations*. The EU therefore has to make efforts to ensure sound policies that are able to deliver in areas such as *education, research, social inclusion, social cohesion, fundamental rights, public health and sustainable development*.

In this context, the positive role that sport plays in European society and the growing economic importance of sport have so far not been addressed in a comprehensive way in EU policy making and therefore *the full potential of sport to help the Commission realise its strategic goals has remained unused*. It should be explored how the benefits of sport can contribute to the Union's social, economic and integration ambitions and to better reach out to EU citizens.

### 3.2.2. *Promotion of the characteristics of sport within EU policies*

The important role of sport in European society has been recognised in the European Council's *Amsterdam Declaration (1997)*, *Nice Declaration (2000)* and *Aarhus Declaration (2003)* which call on the Community to give consideration, under the various Treaty provisions, to the characteristics of amateur sport, to the social, educational and cultural functions inherent to sport as well as to the preservation of voluntary sport structures. The Nice Declaration points out that certain specific characteristics of sport, such as internal cohesion and solidarity, fair competition and the protection of the moral and material interests of sportsmen and –women, should be taken into account in EU policies.

The interaction between sport and EU law as well as the role of sport within EU policies, programmes and actions has not been addressed in a comprehensive manner and needs to be illustrated in order to give orientation on how to take into account the existing texts at EU level that relate to sport.

### 3.2.3. *Strong expectations by governmental and non-governmental sport stakeholders*

The Nice Declaration and the Constitutional Treaty in particular have raised hopes among stakeholders for more coordinated and effective EU action concerning the implementation of the principles and values enshrined in these texts.

The Commission is faced with *considerable expectations by governmental and non-governmental actors to better promote sport* and its specific characteristics in EU policies. Requests range from issues related to highly-professionalized sport to concerns at the grassroots level. These discussions on sport at EU level have also illustrated the need to *set priorities* for the EU's involvement with sport.

### 3.2.3.1. A clear political demand

EU Member States have repeatedly called on the Commission to enhance the visibility of sport in EU policy making and to address sport at EU level along the priorities identified by EU Sport Ministers within the Rolling Agenda for sport (social function of sport, sport and health, volunteering in sport, fight against doping, education and training in sport, economic dimension of sport), in full respect of subsidiarity. Since March 2006, when the idea of an EU initiative on sport was discussed for the first time among EU Sport Directors, Member States have been fully supportive of the process, formulated concrete proposals and issued political recommendations for an initiative on sport, most recently at the meetings of EU Sport Ministers in Brussels in November 2006 and in Stuttgart in March 2007 and in specific meetings at working level thereafter.

### 3.2.3.2. A variety of expectations by the sport movement

The Commission's regular dialogue with the sport movement has confirmed the horizontal impact of sport within various EU policy areas and its multi-faceted relations with the 'acquis communautaire'. The significant number, diversity and heterogeneity of sport stakeholders explain the variety of aspirations and why calls on the Commission to act have covered a large spectrum of different issues: they usually range from calls for more financial support for sporting activities and projects over the promotion of the social values inherent to sport and the need to tackle threats to sport, the protection of current sport structures and more legal certainty regarding the application of EU law to sport, to calls for a better recognition of the autonomy of sport at EU level. Sport stakeholders from the professional level to the grassroots have shown a keen interest in shaping the content of the EU initiative on sport within the public consultation process.

### 3.2.3.3. The concerns and needs of EU citizens

Sport, because of its local anchoring and social functions, is an area that directly concerns EU citizens, namely through their active or passive participation in sport or through their active involvement in the democratic structures of organised sport. Participation in sport has been subject to change and sport organisations point to the need to promote grassroots level sport structures (e.g. volunteering) and to ensure EU citizens' rights in the field of sport, e.g. non-discriminatory access to sport, equal opportunities in sport, better education, training and employment in and through sport, prevention of risks and threats related to sport. In view of the Commission's commitment to better meeting the aspirations of EU citizens, actions favouring the citizenship dimension of sport should be further identified.

### 3.2.4. *Complex cooperation and dialogue structures for sport at EU level*

Political cooperation on sport at EU level takes place in an informal framework, outside the formal Council structures. It is up to individual Presidencies to organise informal EU Sport Ministers and EU Sport Directors meetings. Expectations have continued to increase, inter alia because of the prospect of a specific Community competence for sport. Against this background the Commission is faced with a situation where it has to ensure that political cooperation on sport at EU level can take place in a structured and efficient manner. Cooperation tools could usefully be identified that allow for more progress and continuity in the debates within the current political and legal context.

The world of sport and its organisation in Europe is based on very complex structures, which is mirrored by a high number and different types of organisations and bodies active in the field of sport at various levels, from highly professionalized to the grassroots. Moreover, there is heterogeneity within the EU as regards the status of the actors in sport, their legal nature and the autonomy they enjoy as well as their financial and staff-related capacity to participate in a dialogue at EU level. Unlike in other sectors and due to the very nature of organised sport, European structures in sport are, generally, less well developed than sport structures at national and international levels. European sport, moreover, is not organised according to EU-27 but according to continental structures which usually have a wider membership.

Given the variety of protagonists in sport the Commission is therefore not only faced with manifold requests but also with the *challenge to ensure more efficiency and inclusiveness* regarding the cooperation and dialogue on sport at EU level.

### 3.2.5. *Lack of comparable information and data*

Giving sport a higher profile in national policies is a key interest for stakeholders in all EU Member States. Comparable data on sport are almost inexistent at EU level. In order to formulate responsible future sport policies and to take informed decisions at both national and European levels, sound, comparable and accurate information is needed in several sport-related areas.

Calls on the Commission to provide EU-wide information are manifold and cover *economic as well as social data needs* (e.g. economic impact, job creation, participation rates, time spent on sport in schools, volunteering). A prioritisation of the most needed data will have to be made.

### 3.2.6. *Momentum for an EU initiative on sport*

The public debate on European sport policy choices and governance in sport is currently high on the agenda, as the following examples show:

*EU Sport Ministers* unanimously welcomed the Commission's intention to launch a policy initiative on the role of sport in Europe, which could take the form of a White Paper, as a response to the Sport Ministers' wish to give sport a higher profile in European and national policy making.

The *European Parliament* has regularly dealt with the various challenges found in the sport sector. In the recent past the EP organised hearings on doping and on education in sport and adopted resolutions inter alia on sport and development. The EP's report on "Professional football in Europe", adopted on 29 March 2007, identifies specific courses for EU action aimed at addressing challenges inherent to the field of professional football (e.g. to better protect young players, the intensification of social dialogue to overcome the problem of legal uncertainty, to encourage education of young players, to examine the need for a cost-control system).

The *European Year of Education through Sport (EYES) 2004* has helped spread positive messages about the social and educational functions of sport in Europe and enhanced network building between sport organisations, educational institutions and public authorities, and thus generated expectations among actors in sport. The Commission needs to follow up on the results of the Year in line with the conclusions set out in the Commission's Communication

“The EU action in the field of Education through Sport: building on EYES 2004 achievements”.

The *Independent European Sport Review 2006*, a study initiated by the UK Minister for sport and financed by UEFA, also contributed to the current debate on governance in sport and has been strongly advocated by its authors throughout Europe. It makes concrete proposals for action in the field of European sport, to tackle challenges in professional football in particular.

For more than 30 years there have been rulings by the European Court of Justice and decisions by the Commission that clarify the application of EU law to sport. However, developments such as the commercialisation and professionalisation of sport have made the role of EU law increasingly prominent in the area of sport. This fact is also reflected in the number of *cases before the Community Courts and the Commission*. Court rulings and Commission decisions influence Europe’s sporting world and have led to increased calls for an EU initiative that takes stock and enhances knowledge of the current legal framework applicable to sport.

### **3.3. Main problems identified**

Europe is facing new social and economic realities, e.g. strain on Member States’ public finances, the dynamic drive for open markets towards a more integrated economy, increased mobility, changing labour markets and employment conditions. These changes in European society also directly or indirectly impact on sport and the traditional ways how sport operates at different levels (international, national, regional, local). These processes will constantly evolve and require reflection on the side of actors in sport how best to adapt to new realities. There are also certain developments inherent in the field of sport (e.g. increasing commercialisation and professionalisation of sport, stagnation of voluntary engagement in sport, emergence of new stakeholders in sport outside the traditional organisational structures, increasing recourse to litigation) as well as risks and threats related to sport (e.g. trafficking of young players, doping, violence, racism, corruption).

All these developments have resulted in new challenges to the way how sport functions in Europe. Some of these challenges occur at European level and call for European solutions, as has been repeatedly stressed by stakeholders.

Issues have been identified in three different areas that are considered relevant when addressing the role of sport in Europe: the societal role of sport, the economic dimension of sport, and the organisational features of sport. The relevant issues to be addressed within a more comprehensive EU approach to sport and the main challenges linked to them are listed hereafter:

#### *3.3.1. Issues relating to the societal role of sport*

- *Public health and physical activity* (e.g. lack of physical activity and the occurrence of overweight and obesity, cardio-vascular diseases and osteoarthritis with direct and indirect risks for society and individuals);
- *Fight against doping* (e.g. threat to individual and public health, to the principle of open and equal competition, and to the image of sport);

- *Education and training* (e.g. values conveyed through physical activity and sport are not sufficiently taken into account in the field of education, time spent on physical activity and sport in education is less than sub-optimal and could be improved at a reasonable cost, European training schemes are not adequately implemented to meet the high mobility in the sport sector, possible discriminations may occur due to quotas for locally trained players);
- *Volunteering in sport, active citizenship, and non-profit sport organisations* (e.g. new trends in sports participation, declining volunteer base for amateur sports clubs and shorter average period for a volunteer's involvement in a given club, financing of non-profit sport organisations, lack of EU-wide comparable data);
- *Social inclusion in and through sport* (e.g. discrimination of under-represented groups in access to sport activity; unused potentials of sport as an instrument to foster social cohesion and social inclusion; lack of EU-wide comparable data);
- *Fight against violence and racism in sport* (e.g. high level of violent and racist behaviour jeopardises sport's role as a contributor to the positive values conveyed through it and challenges the fundamental values of European integration);
- *Sport in its external dimension* (e.g. unused potential of sport to contribute to reaching the EU's objectives in regard to third countries, development policies in particular, and in cooperation with international organisations);
- *Sustainable development* (e.g. potential damage to the environment resulting from sport practice, sport facilities and sport events).

### 3.3.2. *Issues relating to the economic dimension of sport*

- *Macro economic impact of sport* (e.g. unused economic potential of sport to contribute to the Lisbon goals of sustainable growth and more and better jobs);
- *Economic evidence on sport* (e.g. under-estimated economic weight of sport in national and European policy-making due to a lack of a common EU-wide statistical definition of sport and of EU-wide comparable statistical data);
- *Public and private support to sport* (e.g. strain on Member States' budgets in combination with the fact that non-profit sport structures depend on public sector support; developments affecting the financing of grassroots sport; possible rationalisation of the rules and derogations regarding the application of certain VAT exemptions and reductions; major sponsorship deals can be found in professional sport, less so in grassroots sports);
- *Sport's contribution to regional development* (e.g. unused potential of sport as a tool for local and regional development, urban regeneration and rural development).

### 3.3.3. *Issues relating to the organisation of sport*

- *"European Sport Model"* (e.g. new socio-economic realities coupled with the emergence of new actors in sport result in challenges for the traditional European

model of sport, while specific traditions, values and specific characteristics of how sport in Europe is organised exist and deserve to be preserved);

- *Free movement and nationality questions in sport* (e.g. continued discriminations regarding the right to free movement in the field of sport in professional and amateur sports; open questions as to the specificities of individual sports and national champion titles);
- *Transfers* (e.g. absence of transfer rules puts challenges to the integrity of sport competitions; transfers of players give rise to concerns about the legality of the financial flows involved);
- *Players' agents* (e.g. reports on bad practices of players agents within a truly European market for players and in light of the rise in the level of players' salaries in some sports: corruption, money laundering and the exploitation of under-aged players damage the image of sport; different regulations in Member States);
- *Protection of minors* (e.g. continued trafficking of young players despite the existence of pertinent legal instruments);
- *Corruption, fraud and money laundering* (e.g. criminal offences with a cross-border, European dimension; in quickly developing and increasingly liberalised betting markets, a rise in illicit activities such as match-fixing);
- *Licensing systems for clubs* (e.g. lack of robust self-regulatory licensing systems for professional sports clubs at European and national levels that are compatible with EU competition and internal market provisions);
- *Media* (e.g. questions in regard to the redistribution of income of media rights between clubs and between professional and amateur sports and robust solidarity mechanisms; lack of acknowledgement that sport is a driving force for the emergence of new media and interactive television services);

Establishing a hierarchy of the problems and challenges for the purpose of this impact assessment is a challenging task given the wide and extremely varied context in which sport activities take place and the manifold expectations resulting from it. Nonetheless, in light of the considerations developed under point 3, the following problems can be identified as being the most pertinent ones to be addressed within an initiative on sport at EU level:

- a) The lack of legal certainty regarding the application of EU law to sport, articulated by almost all sport stakeholders.
- b) Governance issues relating mainly to professional sports, in particular illegal practices which seem to be wide-spread among players' agents, the weak protection of under-aged sportspersons, as well as the damaging effects of doping and of violence and racism in sport.
- c) The financing of sport and changes to the traditional ways how sport is funded at the grassroots level.
- d) The lack of data on the sport sector as a basis for policy making.

- e) The growing problem of overweight and obesity, which is to a large extent the result of a lack of physical activity.
- f) The limited integration of sport issues in education and training policies.

#### **4. OBJECTIVES THAT THE INITIATIVE INTENDS TO ACHIEVE ["WHAT"]**

##### **4.1. General objective**

The overall aim of this EU initiative is to give strategic orientation on the role of sport in Europe, to encourage debate on given problems, to promote sport in Europe by enhancing the visibility of sport in EU policy-making and by raising awareness about the needs and specificities of the sector. The initiative thus aims at responding to stakeholders' expectations in so far as they are realistic, proportionate and do not undermine the efficient application of EU law to sport. The initiative also seeks to identify the appropriate level of further action at EU level.

Given the diversity and large number of actors in sport and the heterogeneity of the sports sector, the initiative aims at adopting a comprehensive approach covering elements that concern key developments in the overall European sports-landscape. Such a consolidated approach has so far been missing.

Taking account of the underlying legal context for sport, the initiative seeks

- to ensure that sport contributes to the EU's policy goals and strategies (4.2.);
- to define concrete priority actions of an added European value in different areas relating to the societal role of sport, the economic dimension of sport and the specific organisation of sport in line with the challenges identified in chapter 3 (4.3.);
- to identify ongoing EU programmes and actions apt to promote sport (4.4.);
- to encourage ways of improving cooperation and dialogue on sport at EU level (4.5.).

The time-frame for implementing the proposed policy actions is short- to mid-term and covers a period of 5 years.

##### **4.2. Using sport's potential to contribute to the EU's overall policy goals**

The sport sector has the potential to contribute to the Commission's strategic policy agenda through several fields of actions and could thereby help achieve the EU's political ambitions and guiding principles in the following horizontal policy areas in a consistent way:

###### *4.2.1. The Lisbon Strategy*

The initiative should illustrate that sport can make a viable contribution in support of policies aimed at meeting the Lisbon goals in terms of sustainable growth and more and better jobs. The aim is to build on the growing economic importance of sport, namely in terms of GDP, and the powerful employment potential of sport, that through its spin-off effects can



positively impact on Europe's economies and labour markets. The initiative aims at identifying actions and policies apt to use this potential of sport. In this debate, the social value of sport, representing implicit economic benefits, must not be forgotten (e.g. added value of the voluntary sport sector; indirect impact through education, regional development and higher attractiveness of the EU).

#### *4.2.2. The EU Citizens agenda, Equal Opportunities for all, Social Integration and Social Cohesion*

Sport is one of the areas of human activity that most fascinate and bring together people, irrespective of age, race, gender, disability, and social origin. The sport movement has a strong traditional anchoring in Europe and is today one of the most significant social movements in the EU - from the grassroots to the top level, from sports with lesser resources to highly-professionalized spectator sports, from non-organised physical activity to organised sports. Sport is an area that has successfully proven that it can deliver in promoting solidarity, social tolerance and inclusion and to help youngsters to develop important life and employment skills. Sport plays a significant role in fostering social renewal and social cohesion through various schemes and projects at local, regional and national levels.

The proposed initiative should demonstrate through specific actions (e.g. in the fields of citizenship, youth, life-long learning, health, intercultural dialogue, free movement of citizens) that the sport sector is an excellent contribution to the EU Citizens agenda, a tool to help the Commission, through different policies, in bringing the EU closer to its citizens, and thus to further the integration and cohesion goals of the EU.

#### *4.2.3. The EU area of Freedom, Security and Justice*

Like other social activities, sport is not immune to criminal or anti-social abuses such as racism, violence, doping, corruption, fraud, money laundering or law breaches regarding young people. All of them challenge the fundamental values of European integration jeopardise the role of sport in society. Development and reinforcement of cooperation and coordination among all relevant actors in the sport area, not only law enforcement services, should contribute to prevent and combat criminal offences. Sport should become an increasingly important tool of crime prevention and socialisation of vulnerable groups. Identifying, within the proposed initiative, suitable measures within a multidisciplinary approach can help meet the EU's efforts to ensure fundamental rights and to provide citizens with a high level of safety.

#### *4.2.4. The EU's Public Health agenda*

The close interaction between sport and health lies within the notion of health-enhancing physical activity. The lack of physical activity and the occurrence of overweight in particular have become a major societal concern, because of both the risks for individuals and the impact on national health budgets. The key role and the potentials of the sport sector in supporting the EU's strategic ambitions in the field of public health, in particular the fight against overweight and obesity, should be increasingly exploited in areas such as public health and research and also through the youth, citizenship and life-long learning programmes. Moreover, networks and platforms to foster the cooperation between all concerned actors in their efforts to promote physical activity should be identified.

#### 4.2.5. *Sustainable Development*

Sporting activity, sport facilities and sport events have an impact on the environment. The "greening" of sport can be achieved through responsible environmental management of sport activities and thus contribute to the Sustainable Development goals. Public administrations, sport organisations and sport event organisers could help to ensure environmental sustainability when developing their policies and businesses.

#### 4.2.6. *The EU's external dimension*

Sport has an external dimension that could help the EU raise its external profile, to positively contribute to relations with third countries, including as an element of the EU's public diplomacy, and to deliver in external policy areas. The potential of sport to contribute to peace and development has already been recognised at international level. The proposed initiative should help to identify areas of the EU external policies and programmes where sport can play a role as a tool for promoting education, health, children's rights, anti-discrimination, social integration, or post-conflict reconstruction and environmental values. This will need coordination and synergies with other actors, e.g. international organisations, sports governing bodies, non-governmental organisations.

#### 4.2.7. *Democracy, transparency and accountability*

Democracy, transparency and accountability are important guiding principles for the Union today and crucial in order to deliver on EU citizens' expectations, including in the field of sport. Therefore, better communicating the important role of sport in societal and economic terms to decision makers at national and European level, on the one hand, and better explaining the Commission's dealing with sport in political and legal terms to sport stakeholders, on the other, should be envisaged within the planned initiative. The Commission can play a role in encouraging the sharing of best practice and clarifying issues around the application of EU law to sport, as well as in helping to develop a common set of principles for good governance in sport. It should do so in full respect of the autonomy and diversity of sports.

### **4.3. Addressing societal, economic and organisational challenges related to sport in Europe**

In line with the issues and challenges identified within the three core areas (societal, economic, organisational) in chapter 3, the initiative aims at

- illustrating that sporting activity fulfils important physical and health-enhancing, educational and social functions on the one hand, and that sport has a growing economic role to play in Europe on the other. To this end the initiative should identify those actions where an EU involvement is considered beneficial and of an added value (e.g. a more coordinated approach in the fight against doping; the exchange of information and best practices on volunteering in sport involving all concerned actors) and point out new measures (e.g. regular sport-related EU-wide information surveys; a study to assess the sport sector's contribution to the Lisbon Agenda) as compared to measures that seek to strengthen already existing and ongoing policies, programmes and actions at both national and European levels (see also point 4.4.).

- raising awareness about the fact that sport in Europe has special organisational features, single out relevant priority areas and identify ways to address these. To this end, the initiative should propose action in those areas where the Commission has the most evidence for a need to address issues at EU level, while considering that problems need to be tackled at all levels of governance. The initiative should thereby contribute to the political debate on sport in Europe.
- identifying appropriate levels and means to tackle major threats to the harmonious development of sport in Europe in all three core areas.

More specifically, with regard to the most significant problem areas identified under chapter 3, the initiative aims at

- a) *enhancing knowledge about the application of EU law to the sport sector, internal market and competition provisions in particular.* To this end, the initiative aims at increasing understanding of the case-law of the European Courts and the decisional practice of the Commission as it stands. The proposed initiative seeks to explain that the Commission cannot take a position on the general admissibility of certain types of sporting rules irrespective of the circumstances of every individual case, which are decisive for the legal assessment. The initiative aims, however, to illustrate the application of competition rules to sport on the basis of the case-law of Community courts and the Commission's decisional practice and to provide an overview of the established case-law in the field of the internal market that impacts e.g. on the financing of sport or the free movement of sports professionals. In this context, the initiative will also identify tools for improving the dialogue on sport at EU level (e.g. structured cooperation, social dialogue) in order to increase the chance that sensitive issues be solved in an amicable way before they are taken to court.
- b) *identifying the most pressing governance questions in sport that could usefully be addressed at EU level.* The negative effects of doping and of violent and racist behaviour on European sports, as well as the many problems caused by illegal practices which seem to be wide-spread with regard to players' agents and the weak protection of minors seem to be of particular relevance. The initiative aims at identifying ways to promote a more coordinated EU approach to fight doping and to raise awareness about the damaging effects of violence and racism in sport with solutions fostering cooperation at different levels. The initiative seeks to conduct an impact assessment with regard to players' agents and a reinforcement of the application of existing legislation regarding minors. In addition, the initiative should point out appropriate levels and structures to address identified challenges relating to free movement and nationality questions, transfers, licensing systems, criminality and media. These are partly new actions to be launched at EU level (e.g. studying the access of EU nationals to individual sport competitions), but partly also a reinforcement of existing policy tools (e.g. monitoring the implementation of the EU anti-money laundering legislation in the Member States with regard to the sport sector). Debate and exchange of best practices with concerned actors should be encouraged (e.g. a dialogue with sport organisations on self-regulatory licensing systems) as well as more efficient dialogue and cooperation structures

(e.g. establishment of European Social Dialogue Committees in the sport sector).

- c) *illustrating the key components that relate to the financing of sport* and that could usefully be addressed in an EU level framework, either through new actions (e.g. an EU-wide study on the public and private financing of grassroots sport and sport for all), or through political statements (e.g. the need to maintain existing policies of VAT reductions in the field of sport), or through a strengthened exchange of best practices within existing structures (e.g. EU working group on non-profit sport organisations);
- d) *identifying ways to promote the collection of comparable EU-wide data on sport* in order to have a sound basis for informed political decisions and to raise the profile of sport in national and EU policy making. The initiative seeks to support the development of a new European statistical method to measure the economic impact of the sport sector in a wider sense, building upon already existing initiatives at Member State level, as well as to identify a means to provide regular EU-wide non-economic information on sport;
- e) *raising awareness of the need to combine forces in order to use physical activity and sport in the fight against obesity*. To this end, and as a clear action of an EU added value that builds on already existing activities at Member State level, the initiative seeks to facilitate the debate with concerned actors in the field of health-enhancing physical activity. In parallel, existing EU programmes should be further mobilised (see also point 4.4.). Additional support to tackling the issue should be sought through the development of new EU guidelines with targets for physical activity;
- f) *further integration of sport issues in EU education and training policies and schemes*. In this area the initiative seeks above all to strengthen, reinforce and optimise existing EU policy tools in order to encourage support for sport and physical activity in the field of education and training. To this end, existing EU programmes should be mobilised (see also point 4.4.) and political statements issued. The initiative also seeks to introduce a limited number of new measures (e.g. the award of a European label to schools actively involved in supporting and promoting physical activities in a school environment).

#### **4.4. Identifying EU programmes and actions to financially support the sport sector**

Given the lack of a specific EU budget for sport, the initiative should identify EU programmes and actions that are suitable to fund sport-related activities. The objective is to mainstream sport in existing programmes (e.g. health, youth, citizenship, life-long learning, research) as well as future actions therein and, where appropriate, to include specific provisions on sport and physical activity. In addition the initiative seeks to indicate how financial assistance may be provided to sport-related projects within EU financial instruments (e.g. the Structural Funds, notably the European Regional Development Fund and the European Social Fund, instruments in the field of external relations and development cooperation, etc.) and ensure that the sport sector is taken into account within the funding possibilities provided by future European Years.

#### **4.5. Strengthening the dialogue and political cooperation structures for sport at EU level**

A better coordination between the protagonists of sport (e.g. sport governing bodies, Member State authorities, EU institutions) is necessary to help achieve some shared principles with regard to the promotion of sport in Europe – one that is true to its social role, while ensuring that its organisational aspects are in line with the EU's economic and legal order.

On the political side, an effective cooperation with Member States within the present informal setting should be envisaged through a more structured way of working – one that allows for the common definition of priorities and some reporting on progress to Sport Ministers. At the technical level, new EU actions that the initiative proposes result from problems identified by Member States themselves and build on existing but relatively recent cooperation structures (e.g. Working Group on “Sport & Health; Working Group “Sport & Economics”; Working Group “Non-Profit Sport Organisations”). The initiative seeks to further underpin and frame the work within these structures.

The Commission has an important role to play in contributing to the European debate on sport by providing a platform for dialogue with sport stakeholders. Wide consultation with “interested parties” is one of the Commission’s duties according to the Treaties. The proposed initiative aims at establishing an improved, well-structured and inclusive dialogue with the European actors in sport and to better address the challenges identified. (e.g. new networks, meeting formats, platforms and by establishing the social dialogue on sport). The initiative will have to take account of the different dimensions of sport and existing governance structures in sport.

### **5. MAIN POLICY OPTIONS AVAILABLE TO REACH THE OBJECTIVES ["HOW"]**

There are four policy options to address the role of sport in Europe within the current legal and political context. The first option is to take no action. Option 2 is to launch a consultation on the need for an EU initiative on sport. Options 3 and 4 both envisage actions that tackle the current challenges facing sport in Europe. Option 3 aims at addressing sport under a broad-based and comprehensive approach and by choosing a non-legally binding instrument, whereas option 4 would entail regulatory measures for specific problems based on different EC Treaty provisions combined with a better mainstreaming of sport in EU policies and programmes. The possible impacts of the option with regard to the objectives sought are described hereafter.

#### **5.1. Option 1: No action**

In view of the lack of a direct EU competence for sport, the option of "no action on sport at EU level" should be considered.

From a political point of view, choosing this option would mean that the potential of sport to contribute to the realisation of the EU's own objectives in relation to social, economic and integration goals would remain unexploited. This would be contradictory to the commitment to use Europe's full potential to achieve strategic policy goals. In addition, the lack of a coherent and comprehensive approach in a socially and economically important sector such as sport could give rise to criticism of the Commission for not being pro-active in an area where a clear demand for action exists.

Taking no action would mean to continue dealing with sport at EU level with the existing arrangements and instruments without a more consolidated policy approach. It would also mean that no action entailing a clear EU value added, such as the launching of studies and the initiation and promotion of European platforms and networks to further address risks, threats and challenges related to sport, and no measures to identify and mobilise suitable funding programmes and actions would be taken in support of a sector of European society that plays an important role in EU citizens' lives. As for the costs involved, although it is difficult to measure, no action may result in the continuation of missed opportunities to contribute to a decrease in discrimination, doping, violence, racism and corruption in sport. It may thus be detrimental to the image of the Commission in meeting citizens' expectations.

With regard to the key problems identified under chapter 3 of this Impact Assessment, taking no action would have the following consequences:

- a) Given the strong calls from stakeholders for more legal clarity, the Commission, by following this option, would miss the opportunity to enhance knowledge of the case-law of the Community Courts and the decisional practice of the Commission, in particular as regards the application of EU internal market rules and competition law to sport. Limited understanding of the impact of EU law on sport increases the risk of decisions taken by stakeholders in the field of sport that run counter to EU law, and therefore also the risk of infringement procedures and litigation before the Court.
- b) The opportunity to further address sport governance issues and to contribute to tackling challenges arising for instance from the weak protection of under-aged sportspersons as well as from serious threats to sport such as doping, violence and racism would be missed, with the result of a continuation of these harmful developments.
- c) Not addressing some major developments relating to the financing of sport would mean to ignore an important concern of both the grassroots sport sector and Member State sport authorities. For instance, the traditional ways of financing sport at national level face challenges that could usefully be further studied at EU level *inter alia* to ensure that future EU policies, that are likely to impact on the financing of grassroots sport can be developed while taking full account of a sector where information to date is scarce.
- d) Policy makers at national level would have to continue to take decisions in the field of sport without the availability of sound and comparable EU-wide data at hand, in the economic field in particular. No action would mean to ignore the support of EU Sport Ministers for an initiative to develop sport satellite accounts. Again, the opportunity to raise awareness about a sector which has an important weight in European society would be missed, with the risk that sport would continue not to receive the consideration it deserves in future political decisions.
- e) No action would also mean that despite the clearly identified need to tackle obesity in a global approach and at all levels, the important role played by physical activity and sport would not receive the attention it deserves within EU policies, thus reinforcing the risk of an approach to fight obesity that puts

the emphasis mainly on nutrition aspects and less so on physical activity, and the ultimate consequence of higher levels of obesity.

- f) Sport would continue to play an under-represented role within the EU's own education policies and training schemes because it would be more difficult to seize the opportunity to use the various components of the Life-Long-Learning Programme to tackle sport-related issues and to use sport as a pilot sector in the European Qualifications Framework and in the European Credit System for Vocational Education and Training.

In case no action is taken, cooperation and dialogue in the field of sport would continue within current structures and settings, which have proved to be unsatisfactory for many stakeholders who claim a voice and place in their dealings with the EU.

No action would finally mean not drawing any lesson from the repeated calls by governmental and non-governmental actors to better promote sport at EU level, and to raise the visibility of the social and economic potentials of sport. Option 1 would therefore not be suitable to tackle the challenges identified under point 3 and to reach the intended objectives outlined under point 4. It should therefore be discounted.

### **5.2. Option 2: Further consultations on the need for an initiative on sport (Green Paper)**

The Commission could consider further consulting on the need for an initiative by launching a Green Paper on sport in Europe. Green Papers are Commission documents which intend to stimulate discussion on given topics at European level. With a Green Paper the Commission consults stakeholders on specific proposals and seeks views on the ongoing challenges in a given area.

There is a fundamental reason why a Green Paper is not considered a viable option for an EU initiative on sport: the Commission's intensive dialogue with the European sport movement. This process led to consensus ahead of the Nice Declaration and Article III-282 of the Constitutional Treaty. In 2005 the Commission set up the consultation framework "The EU & Sport: Matching Expectations" and stepped up its efforts in consulting sport stakeholders.

The Commission therefore considers that another broad public consultation of sport stakeholders would not bring any added value to the already existing evidence material. It would, on the contrary, generate costs for duplication of efforts. The Commission would miss out on the present momentum to take action and give new impetus to the debate on sport within an EU setting. A Green Paper would be counter-productive to the objectives and a less efficient option to tackle the problems already identified. This option should therefore be discarded.

### **5.3. Option 3: Broad initiative on sport (White Paper or Communication)**

In contrast to no action and to further consultations, there is the option to take a comprehensive approach, considering sport in its different dimensions and focussing on non-regulatory topics. Up until now, sport has not been addressed by the EU in such a comprehensive and consolidated policy approach. Choosing this option would take account of the following factors:

- the appropriateness of a political response that respects the legal context, the subsidiarity and proportionality principles and the autonomy of sport;
- the fact that sport has a horizontal dimension which interacts with various EU policy areas – hence the need for a broad initiative that builds on a mix of soft-law and soft-policy instruments;
- the fact that the sport sector represents a plethora of organisations and structures – hence the need to cover sport in a wider sense.

A broad initiative could give rise to criticism by some stakeholders who wish to see the Community taking legal action in order to meet their particular interests in specific areas. Such arguments have to be weighed against the need for the Commission to respect Member States' responsibilities for sporting matters and the autonomy of sport. Within EU policy making this also means respecting the diversity and the heterogeneity of sport, as well as its solidarity links and sport's specific organisational features. In doing this, the Commission cannot focus on one single sport, e.g. football, or one level of sport, e.g. professional sport, but has to take a more comprehensive approach covering all levels and all sports. Moreover, wishing to address the interests and concerns of all sport stakeholders remains a challenging task, not least because the sport movement does not always speak with one voice.

A broad initiative would make it possible to address all the issues identified under chapter 3 through different actions at different levels. It would mean to initiate parallel actions entailing a clear EU value added, such as the launching of studies and the initiation and promotion of European platforms and networks to further address risks, threats and challenges related to sport, as well as measures to identify and mobilise suitable funding programmes and actions. By doing so, the Commission would give a clear signal of positive support for a sector directly impacting on EU citizens' lives.

Concerning the most significant problems referred to in chapter 3, the following scenario can most likely be expected:

- a) By enhancing knowledge of the case-law of the Community Courts and the decisional practice of the Commission, in particular as regards the application of EU internal market rules and competition law to sport, the initiative will contribute to a lower likelihood that sport organisations take decisions which give rise to infringement procedures and litigation before the Court. Furthermore, the preparations and debate within the Commission of a broad initiative on sport is likely to raise awareness in many other EU policy sectors about the need to take better account of sport issues when developing future regulatory proposals.
- b) By addressing the most pressing sport governance issues the initiative could contribute to tackling some of the harmful developments found in the field of European sport. The Commission would thus at least partly respond to strong calls from some stakeholders to take action in areas such as the fight against doping, violence and racism in sport, the activities of players' agents or the protection of minors. The impact of such actions must be considered in a realistic way: no regulatory measures are proposed at this stage. However, facilitating more coordinated EU approaches as requested by many stakeholders within already existing national and international networks and



structures, e.g. in the field of doping and with regard to fighting violence and racism, could be expected to have a positive impact in the medium to long term.

- c) Choosing a broad approach that further studies the financing of grassroots sport would be indirectly beneficial to this sector. In regard to future policy decisions at national and European levels it would help to raise awareness of the possible need to secure and foster certain sport funding structures and, for sport organisations, it would help to encourage reflection on the need to adapt their organisation structures to new economic realities.
- d) Furthering the development of EU-wide comparable quality data on sport would enable national and EU policy makers to take better informed decisions in the field of sport, since policy actions on sport need to be underpinned by a sound knowledge base. Concerning the wish of stakeholders to develop a European statistical method for measuring the economic impact of sport through Sport Satellite accounts, and the proposals to be made by the initiative in this respect, there may be future, though limited, costs involved (staff, budget). It is important to note that the initiative would not propose additional data collection, but to derive new information from already existing data sources at Member State level. A positive outcome and the benefits for the large economic sector which sport is can be expected to greatly outweigh potential costs.
- e) Opting for a broad EU initiative with targeted actions in the field of physical activity and sport would respond to the need to tackle public health concerns, such as obesity, in a global approach and at all levels. Such an action would for instance be complementary to measures already taken or ongoing at EU level in the fight against obesity, as for example commitments from members of the EU Platform on Diet, Physical Activity and Health and actions suggested in the White Paper "A Strategy for Europe on Nutrition, Overweight and Obesity related health issues".
- f) Choosing this option would also be in line with the Commission's wish to encourage support for sport and physical activity at school and at university within its various policy initiatives in the fields of education and training. Concerning the place of sport and physical activity within these policies, the initiative would cover the different components of the Life-Long-Learning Programme to tackle sport-related issues and to use sport as a pilot sector in the European Qualifications Framework and in the European Credit System for Vocational Education and Training. Positive impacts could be expected in terms of a direct contribution to more health-enhancing physical activity, especially among youngsters, thus with possible economic long-term effects on Member States' health budgets, and in terms of less obstacles to mobility in sport.

In respect of the current legal context, a broad initiative could usefully take the form of a White Paper on Sport or a Communication on Sport. These two instruments do not fundamentally differ with regard to their content. Both documents are "non-legislative" instruments under the Treaty and contain proposals for Community action in a specific area. A White Paper follows a consultation process at EU level. White Papers go a step further than

Green Papers: the problems have been identified based on a large consultation process and concrete policy options are proposed to pave the way for tackling issues at different levels.

Although not legally binding, the political value of a White Paper is high. It is likely to provide for better visibility and out-reach to EU citizens than a Communication in an area such as sport. Considering the Commission's wish to give political weight and visibility through its broad-based approach to sport, in the current legal context the choice of a White Paper seems more appropriate than the choice of a Communication.

Option 3 should be considered a realistic choice for an EU initiative addressing the role of sport in Europe.

#### **5.4. Option 4: Regulatory measures in selected areas combined with better mainstreaming of sport in EU policies and programmes**

In contrast to no action, further consultations and a “non-legislative” broad initiative on sport, the Commission could also decide to tackle specific problems in selected areas by means of regulatory or legislative proposals. In parallel, it could make an additional effort to mainstream sport into other EU policies and programmes.

With such an approach, the Commission could seek to respond to some stakeholders' interests, such as those pronounced for the field of professional football, by addressing key problems in a strong way. Such an approach would raise expectations that the Commission addresses issues in accordance with the EP report on professional football or the Independent European Sport Review 2006. The issues identified there include regulatory action in areas such as activities of players' agents, home-grown players' rules, free movement of sportspeople, release of players' for national teams, collective selling of media rights, cost control and licensing systems, protection of minors, sport betting activities, violence and racism in sport.

In line with the principle of subsidiarity and the autonomy of sport, the EU should take regulatory action only if the issues at hand cannot be resolved through self-regulation and if, by taking action, the EU could have a better impact to help the harmonious development of sport than other actors. Doubts therefore arise whether there is a need for a range of additional new EU legislation in the field of sport, as requested by some sport stakeholders. The choice of single (regulatory or legislative) actions would also carry the risk of not corresponding to the Commission's commitment to better regulation.

An approach based on individual regulatory measures mainly concerning professional sport would not be for the benefit of the entire sport sector. By choosing this option, the key concerns of the grassroots sport sector, in charge of providing sporting opportunities for society, would risk not to be sufficiently taken into account. In addition, although an initiative on sport in Europe cannot ignore the challenges for the most popular sport, which is football, it cannot focus on the concerns of one single sport if it does not want to ignore the diversity and richness of the sport sector.

By choosing targeted single regulatory measures only in the above areas, the EU would also miss the opportunity to better reach out to citizens through a broad-based approach and to send a signal in support of the citizen dimension of sport.

With regard to the proposed parallel mainstreaming of sport into existing policies, it should be noted that in the past efforts have already been made to this effect, but only with limited success. This has led the Commission to the conclusion that more could be done at EU level to ensure that sport is mainstreamed into EU policies and that EU programmes and actions have to be mobilised differently to take increasingly account of sport and its specific characteristics.

Choosing single regulatory measures in selected areas would bear the risk of only partly addressing the challenges identified under chapter 3:

- a) The Commission, by following this option, would disregard the opportunity to adopt a consolidated approach to sport and to enhance knowledge of the case law of the Community Courts and the decisional practice of the Commission, in particular as regards the application of EU internal market rules and competition law to sport. Hence, there would be a similar risk as referred to in the “no action” scenario. On the other hand, regulatory measures in certain selected areas would increase legal certainty for some of the problems identified and might better satisfy the concerns of some stakeholders (particularly in professional team sports) who seek exceptions to the applicability of EU law to the sport sector.
- b) By opting for regulatory measures the Commission would respond to strong calls by some stakeholders to take legal action with regard to some pressing sport governance issues. However, constraints exist upon the feasibility of far-reaching legislative actions in fields such as players’ agents or the protection of minors due to the limits set by the legal context. In the field of doping, responsibilities are distributed differently in EU Member States and bodies specialising in the fight against doping already exist at several levels. Any measure on the side of the EU would therefore by definition be limited and must be aimed at complementing that of other actors. Firstly, although many stakeholders consider a better EU-wide coordination in the fight against doping necessary, legislative action in this area does not currently seem to be on stakeholders' wish list. Secondly, in light of the variety of existing structures at national, European and international levels it is also unlikely that regulatory measures at EU level would bring an added value. Similarly in the fight against violence and racism in sport, solutions should be sought mainly by strengthening existing instruments, networks and initiatives at national, European and international levels.
- c) An EU legal action that would have an impact on the financing of sport (e.g. introduction of a special tax on sport betting as proposed by some stakeholders) would not seem appropriate at this stage. Much further studying (e.g. on the financial flows to the grassroots sport sector) and reflection would be needed on the practicability, usefulness and proportionality of any EU initiative in such an area where key competences lie with Member States and sport organisations. However, analysing the impact of EU policies within a Europe-wide study on the financing of sport would bear the advantage of launching a first debate in an EU setting on possible future needs for new approaches and solutions at different levels aimed at safeguarding the financing of the grassroots sport sector.

d)–f) In a similar way as in the “no action” scenario, choosing this option would also mean

- To take an approach that does not take account of the need for action at EU level aimed at promoting the economic potential of sport through the development of sound and EU-wide comparable data. The opportunity to give an EU impetus to evidence-based sport policies would be missed;
- To continue neglecting, within EU policies, the important role of physical activity and sport for addressing pressing public health problems, such as obesity;
- To miss the opportunity to stress within a comprehensive approach that sport needs a more visible place within the EU's own education and training policies.

It is considered that there are better means to reach the objectives of an EU initiative on sport. In respect of the principle of subsidiarity and the autonomy of sport, single (regulatory or legislative) actions appear to be less appropriate than a more comprehensive and flexible mix of "soft" instruments for addressing the above-mentioned challenges at different levels of governance.

## **5.5. The choice of a White Paper**

In light of the above considerations, the preferred option to address the role of sport in Europe in its different dimensions and within the current legal and political context is a broad initiative. A White Paper would be the preferred choice. The choice of a White Paper over a Communication is mainly a political choice related to the political "weight" and visibility which the Commission intends to give to an initiative in the field of sport.

A White Paper signals by definition that the Commission sees challenges (chapter 3), has objectives in respect of these (chapter 4) and that the Commission has considered in a consistent and systematic way whether and how to act on these (chapters 4 and 5.5.2.).

A White Paper would bring EU-level attention to the problems, would have the benefit of increasing awareness of the interaction of sport with other EU policy areas, would demonstrate cross-fertilisation between them, would involve all relevant stakeholders in the reflections about future actions and it would enshrine concrete proposals for actions for follow-up, and this without putting too strong a focus on a single dimension of sport, namely the economic dimension of professional sport. A White Paper on sport would take account of the solidarity links inherent in the way in which sport is organised in Europe - from the grassroots to the top, thus respecting one of the key characteristics of sport in Europe.

A White Paper would also constitute an appropriate response, with sufficient political weight and visibility, to the considerable expectations which exist among the Member States and sport stakeholders in this area. At the same time a White Paper, in such a consolidated approach, would have to take note of the need for a prioritisation of actions in light of the manifold problems and challenges.

### 5.5.1. *Main components of a White Paper*

By issuing a White Paper, the Commission sets out concrete ideas within an Action Plan ("Pierre de Coubertin") in order to tackle the problems and challenges identified in chapters 3 and aims at reaching the objectives as outlined in chapter 4. The Action Plan describes the proposed measures in the three core areas of the White Paper: the societal role of sport, its economic dimension and its specific organisation.

The White Paper "package" contains the following documents:

- The political document setting out the key ideas and providing the political messages;
- A Staff Working Document describing the background for the proposals made in the White Paper in more detail. This document will contain three annexes:
  - An explanatory document on the application of EC competition law in the field of sport;
  - An explanatory document on the application of Internal Market rules in the field of sport;
  - A report on consultations held by the Commission;
- The present Impact Assessment Report;
- A summary of the present Impact Assessment Report.

### 5.5.2. *Main proposals within the Action Plan*

The Action Plan addresses all the issues and challenges identified in section 3.3 for the three core sections of the White Paper. The specific activities foreseen in the Action Plan constitute a mix of instruments containing new measures while also building on existing policies and actions. They take the form of studies and surveys, platforms and networks, political cooperation and structured dialogue, recommendations and the mobilisation of programmes as well as other financial instruments.

Concerning the aforementioned priority areas, the following actions are proposed to address the main challenges:

- a) The lack of legal certainty regarding the application of EU law to sport:
  - How established EU law, namely the most relevant decisions of the Community Courts and the Commission, takes account of the specificities of the sport sector will be further outlined in Annexes on Sport and competition policy and on Sport and Internal Market issues, in particular regarding the interpretation and application to sport of:
    - EC competition rules;
    - EC provisions on the free movement of workers;

- EC provisions on the freedom to provide services and, to a limited extent, the freedom of establishment.
  - Studying certain aspects of the impact of EU policies on the sport sector will help the Commission to further clarify and, if necessary and appropriate, to adapt its approach to sport in the future. The Commission will, in particular, launch studies on
    - The voluntary sport sector;
    - The financing of grassroots sport (see also below);
    - Access to individual sport competitions for non-nationals.
  - The Commission will promote dialogue structures and networks to enhance the debate and to identify and exchange best practices with concerned actors at EU level on existing challenges for sport. This will inter alia contribute to achieving more legal certainty. Examples include
    - Combat discrimination in sport through political dialogue with Member States, recommendations and structured dialogue with sport stakeholders;
    - Set up a dialogue with sport organisations to promote self-regulatory licensing systems for clubs/teams;
    - Support and encourage efforts leading to the establishment of European Social Dialogue Committees in the sport sector.
- b) Governance issues relating mainly to professional sports, in particular the problems caused by illegal practices which seem to be wide-spread among players' agents, the weak protection of under-aged sportspersons, as well as the damaging effects of doping and of violence and racism in sport:
- The Commission will carry out an impact assessment to provide a clear vision of the activities of players' agents in the EU and an evaluation of different options for possible action at EU level;
  - The Commission will monitor the implementation of EU legislation relevant to the protection of minors in sport;
  - The Commission will facilitate a more coordinated EU approach in the fight against doping;
  - The Commission will support partnerships between training centres for law enforcement officers;
  - The Commission will strengthen the prevention and fight against violence and racism in sport, inter alia through the exchange of operational information and practical know-how between police services, between law enforcement services and with sport organisations, through analysing possibilities for new legal instruments or EU-wide standards and through encouraging the use of

existing EU programmes (e.g. DAPHNE III, Youth in Action, Europe for Citizens).

- c) The financing of sport and challenges facing the traditional ways how sport is funded at the grassroots level:
- The Commission will launch a study on the financing of grassroots sport and sport for all in EU Member States from both public and private sources;
  - The Commission will defend possibilities for reduced VAT rates for sport.
- d) The lack of data on the sport sector as a basis for policy making:
- The Commission, in close cooperation with EU Member States, will develop a European statistical method for measuring the economic impact of sport;
  - The Commission will launch a study to measure the sport sector's contribution to the Lisbon Agenda;
  - The Commission will issue regular sport-related EU surveys providing non-economic information and data;
  - The studies proposed in the action plan will provide additional evidence material.
- e) The growing problem of overweight, obesity, cardio-vascular diseases and osteoarthritis which is to a large extent the result of a lack of physical activity:
- The Commission, together with Member States, will develop new physical activity guidelines;
  - The Commission will set up a pluri-annual EU Health-Enhancing Physical Activity network and, if appropriate, smaller and more focused networks dealing with specific aspects of the topic;
  - The Commission will mobilise the EU Public Health Programme, Youth and Citizenship programmes, Life-Long Learning (LLL) Programme, 7th Framework Programme for Research and Technical Development (RTD).
- f) The limited integration of sport issues in education and training policies:
- Within the LLL-Programme, the Commission will promote participation in educational opportunities through sport;
  - The Commission will identify projects for the implementation of the European Qualification Framework (EQF) and the European Credit system for Vocational Education and Training (ECVET) in the sport sector;
  - The Commission will consider the introduction of the award of a European label to schools actively supporting physical activity;

- The Commission will complete the analysis of the compatibility of “home-grown-players rules” with Community law.

### 5.5.3. *Annexes to the White Paper*

The *Staff Working Document* annexed to the White Paper will provide the technical background for the political document by further analysing the issues at stake and by explaining the proposed solutions in a more detailed way.

The *Annex on Sport and EU Competition Rules* will address specific sport-related matters including those related to media rights under the EC antitrust and state aid rules falling within the field of competence of DG Competition. The *Annex on Sport and Internal Market Freedoms* will address specific matters falling within the remit of DG Internal Market and DG Employment and Social Affairs. Both documents will take stock of the established case-law of the European Courts and sport-related decisions by the Commission. They will not provide a generalised legal assessment of the conformity of certain types of sporting rules or practices with EU law, but a factual description of the current state of play. Both documents will aim at responding to stakeholders' wish for enhanced knowledge on the application of EU competition and internal market provisions to the activities of the sport sector and thus contribute to legal certainty as well as the clarification of the notion of "specificity of sport".

The *Annex on Consultations* will provide a detailed summary of the dialogue on sport organised at EU level during the past years. The document contains an overview on the results of the on-line consultation for an EU initiative on sport launched in the beginning of 2007.

## 5.6. **Expected wider social, economic, environmental and external impacts of a White Paper on Sport**

As outlined in sections 3 and 4, sport has social, economic, environmental and external dimensions. Although the impact of political actions and non-legislative proposals (as outlined in the Action Plan) is by definition limited, promoting these dimensions through specific actions foreseen in a White Paper on Sport is likely to have desirable positive impacts for the EU and its citizens in line with the intended objectives.

In contrast to the other options considered above, only the comprehensive and coherent approach of a White Paper has the potential of achieving positive impacts in all areas: social, economic, environmental and external.

### 5.6.1. *Social impact*

Through its comprehensive approach, the White Paper can be expected to increase the visibility of the crucial social functions of sport in both European and, to a lesser extent, also in national policy making.

In concrete terms, through its proposed actions the White Paper is likely to achieve that sport is better mainstreamed in other EU policy areas, such as health, youth, citizenship, education and training, employment, social inclusion and social integration, research, and regional development, and that this orientation is reflected at Member State level.

Another positive impact derives from the fact that the EU makes sound political statements in areas such as health, volunteering, inclusion and financing of sport. It thereby positions itself, paves the way for future policies and promotes the interests of the grassroots sport sector.



Any possible direct impact of the White Paper on tackling major threats to sport, such as doping, violent and racist behaviour and criminality, is rather limited and requires close cooperation with other actors. However, the White Paper can be expected to have an indirect impact by strengthening existing networks and promoting more coordinated approaches.

The proposed actions concerning the societal role of sport will make a positive contribution to the expectations of stakeholders to better implement the Council's Nice Declaration.

#### *5.6.2. Economic impact*

The White Paper is also expected to increase the visibility of sport within EU policy areas that relate to its economic dimension.

An important impact should result from the proposed action of promoting the provision of comparable statistical economic data on the sport sector. If in the future Member State and Community efforts to develop a common European statistical method to measure the economic impact of sport are implemented, national policy-makers will obtain an important tool to better design national sport policies, based on reliable figures. The expected costs will remain limited (see chapter 10).

Proposed actions relating to the funding of sport will not have any immediate impact on the economic situation of sport organisations. However, they will have the indirect effect of awareness-raising in European and national policy-making regarding the specific concerns and needs of the sport sector. They will also help the actors concerned to reflect on solutions covering public and private sources to secure the financing of the grassroots sport sector in the mid- to long-term.

Better coordinated approaches in the field of sport and health, as envisaged by the White Paper, will help to make increasingly visible the positive correlation between physical activity and reduced health care costs in EU Member States.

#### *5.6.3. Environmental impact*

In line with the Commission's mission to promote a high level of environmental protection the proposed actions in the White Paper are expected to achieve the following results: (1) A more responsible management of sporting activities, sport facilities and sport events through the encouragement to implement voluntary schemes like EMAS, the EU Eco-label and Green Public Procurement and (2) The Communication of environmental values to the society at large. The White Paper will seek to encourage sport organisations to set meaningful environmental goals to improve their environmental performance and promote environmental initiatives spearheaded by sport associations. On the financial side, if account is taken of sport within the "information and communication" part of the new Life+ programme the likeliness of implementation of the proposed actions by sport organisations will increase.

#### *5.6.4. Impact outside the EU*

Sport can make a positive contribution to further the realisation of development goals. This is recognised at international levels (e.g. UN Millennium Development Goals), through multilateral structures combining political dialogue and external assistance for sport-related projects, own assistance programmes by major international sport organisations and through the creation of non-governmental specialised networks.

At EU level, the European Parliament in 2005 adopted a resolution on development and sport. The Commission and FIFA have recently signed a Memorandum of Understanding to make football a tool for development in the ACP countries. Complementary or innovative actions with respect to already existing programmes and actions and the mainstreaming of sport-related actions in external assistance programmes are likely to have a positive impact in third countries, if the close cooperation with all actors (UN level, Member States' public authorities, sport federations and private organisations in international sport relations) can be assured. Sport is likely to increasingly help the dialogue with partner countries, as part of the EU's public diplomacy.

## 6. SUMMARY: COMPARISON OF THE DIFFERENT OPTIONS AND THEIR EXPECTED IMPACT

The following table compares the different options analysed above and their expected impact:

	<b>Option 1</b> <b>No action</b>	<b>Option 2</b> <b>Further consultations</b>	<b>Option 3</b> <b>Broad initiative</b> <b>White Paper Communication</b>		<b>Option 4</b> <b>Single measures</b>
<b>Cost efficiency</b>	Indirect costs of "no action" in several areas	Indirect costs of "duplication of efforts"	Limited to studies, conferences and operational costs	Limited to studies, conferences and operational costs	Depend on the proposed single actions
<b>Effectiveness</b>	n.a.	Duplication of efforts, broad public consultations already carried out	Effective means to have a broad approach to sport and to further take account of the Nice Declaration	Effective means to have a broad approach to sport and to further take account of the Nice Declaration, but less visibility and political weight than a White Paper	Effective only in single areas (e.g. players' agents); not a viable option to give sport a higher profile in EU policy making
<b>Coherence</b>	Incoherence in light of the political demand and stakeholders' expectations to have an initiative on sport	Incoherent approach (see effectiveness)	Coherent approach in light of past consultations and legal and political context	Coherent approach in light of past consultations and legal and political context, but not appropriate because of the need for maximum	Incoherent approach in light of the diversity of expectations. Not appropriate to cover interest of the grassroots sector and the citizens dimensions of

				visibility and outreach to citizens	sport
<b>Possible risks</b>	Deterioration of the existing situation; missed opportunity to reach out to citizens  Negative image / lack of credibility of the Commission ("passiveness")	Negative image of the Commission because of lack of progress and duplication of work	Too "soft" instrument in the view of some stakeholders with too little far-reaching proposals  Need for close cooperation within the Commission to ensure implementation of the proposed courses for action  Possible, although limited, budgetary and human resources constraints	Too "soft" instrument in the view of some stakeholders with too little far-reaching proposals  Need for close cooperation within the Commission to ensure implementation of the proposed courses for action  Possible, although limited, budgetary and human resources constraints	Missed opportunity for an EU-level statement on the important multi-faceted role of sport  Criticism by sport stakeholders and governments for having missed the opportunity to give sport a higher profile in EU policy making
<b>Overall assessment</b>	Not a viable option	Not a viable option	Right policy choice and best added value	Second best option	Will not lead to a comprehensive EU policy approach

## 7. ADDED VALUE OF COMMUNITY INVOLVEMENT

In view of the above assessment, the added value of Community involvement is analysed only for the selected option of a White Paper on Sport.

### 7.1. Subsidiarity of the proposal

In order to assess whether the EU can act in the field of sport and whether it is better placed than Member States to tackle the above problems it should be noted that the proposed initiative is first and foremost a political document which does not entail any regulatory proposals. While there is no specific EU competence for sport, the problems identified are directly linked to EU competence areas relating to the various topics that the initiative will address, ranging from health, education, youth or citizenship to competition and internal market rules.

The preferred option of a White Paper would improve cooperation between Member States in those areas where experience has demonstrated that progress in addressing or solving the problems cannot be sufficiently achieved by Member States alone and that the EU is well-placed to help achieving them through a set of non-regulatory instruments. EU activities are only proposed for those topics where there is a clear added value and a clear wish by Member States for the EU to act. The Action Plan therefore does not cover all issues put forward by sport stakeholders but makes a clear prioritisation, based on EU competences and the wishes of the Member States.

Questions of subsidiarity may have arisen with regard to Option 4, where concrete regulatory actions would have been proposed.

It is therefore considered that the White Paper does not raise problems regarding the principle of subsidiarity as far as the right to act is concerned. There is no interference with Member States' competences in the field of sport. The White Paper will not go beyond what is necessary to achieve the objectives of the Treaty.

As to the one proposal in the Action Plan that might lead to legislative action in the future, the proposed White Paper intends to carry out an Impact Assessment to provide a clear vision of the activities of players' agents in the EU and to assess different options for action or not at EU level. The proposed Impact Assessment is not, as such, a proposal for legislative action, although, if justified, it will consider legislative action among the possible options. Hence, it does not give rise to subsidiarity and proportionality concerns.

In the area of players' agents the Commission has received strong and almost unanimous demands from the sport movement and Member States to act in this area. In view of the scale of the perceived problems in this area and the cross-border nature of the activities of players' agents, it appears justified to conduct an Impact Assessment at EU level.

However, as already observed, the proposed Impact Assessment as such has no impact on the application of the principle of subsidiarity. This impact must be analysed in the proposed Impact Assessment on players' agents, and not in the present Impact Assessment on a White Paper on Sport.

## **7.2. Proportionality of the proposal**

Similarly, it is considered that the preferred option of a White Paper does not raise problems concerning the principle of proportionality since the actions proposed are mainly of a political, non-legal nature, aimed at giving strategic orientation and therefore will not be disproportionate.

Concerning the proposed Impact Assessment on players' agents, repeated calls from the sport movement and from Member States have been made on the EU to regulate in a proportionate way the activity of players' agents through an EU legislative initiative. Before considering possible action, the Commission will carry out an Impact Assessment. Thus, the proposed measure has no impact on the application of the principle of proportionality.

## **7.3. Complement, reinforcement to and/or synergies with other interventions**

For the first time, the White Paper will give an overview of all the different interventions of the Commission in the field of sport and of interactions of sport with other EU policies.

The initiative will constitute an added-value to existing initiatives in the field of sport, in that it will provide a complement to national policies and existing cooperation networks in the various areas of sport.

The proposed Impact Assessment on players' agents will allow a careful analysis of the situation before coming to any conclusion. It may also be noted that the ECJ in a judgement concerning the application of EC competition law in the field of players' agents has recognised as legitimate the objectives of professionalizing and moralising the activities of players' agents.

## **8. STAKEHOLDERS CONSULTATIONS AND EVIDENCE MATERIAL**

### **8.1. Dialogue with the European sport movement**

The Commission has a permanent dialogue with the European sport movement. Until 2003, the European Sport Forum gathered up to 300 delegates every year, including representatives of Member States' Governments, representatives of the sport movement – usually limited to European federations and European organisations – and occasional observers.

#### *8.1.1. Conferences "The EU & Sport: matching expectations"*

In 2005 the Commission decided to intensify its dialogue with the sport movement and to focus on more targeted discussions. This action was placed under the slogan "The EU & Sport: matching expectations" and has helped pave the way for the proposed White Paper, by focussing on concrete topics which stakeholders find important.

The first consultation conference was organised on 14-15 June 2005.<sup>3</sup> Three workshops were organised, focussing on "The Social Function of Sport", "Volunteering in Sport" and "The Fight against Doping". The second consultation conference was organised on 29-30 June 2006 in Brussels and placed under the heading: "The Role of Sport in Europe". Like the year before, reports from each workshop were prepared by external experts. Workshops looked at "The Societal Role of Sport"<sup>4</sup>, "The Economic Impact of Sport"<sup>5</sup> and "The Organisation of Sport"<sup>6</sup>. Thus, the three chapter headings of the planned White Paper were also the three main headings of the conference.

Meetings between European sport federations and the Commissioner responsible for sport took place in 2004, 2005 and again on 20 September 2006. This last meeting looked at the core elements of the planned initiative on sport, namely the governance of sport in Europe and the specific organisational features of sport.<sup>7</sup> Ahead of the main meeting, the Commission met separately with some smaller federations and federations with more limited financial capacities.

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<sup>3</sup> Workshop Reports: [http://ec.europa.eu/sport/sport-and/equal-opp/docs/workshop\\_report\\_en.pdf](http://ec.europa.eu/sport/sport-and/equal-opp/docs/workshop_report_en.pdf)

<sup>4</sup> Report from Workshop 1: [http://ec.europa.eu/sport/doc/societal\\_role\\_sport.pdf](http://ec.europa.eu/sport/doc/societal_role_sport.pdf)

<sup>5</sup> Report from Workshop 2: [http://ec.europa.eu/sport/doc/ws\\_economic\\_impact.pdf](http://ec.europa.eu/sport/doc/ws_economic_impact.pdf)

<sup>6</sup> Report from Workshop 3: [http://ec.europa.eu/sport/doc/organisation\\_sport\\_europe.pdf](http://ec.europa.eu/sport/doc/organisation_sport_europe.pdf)

<sup>7</sup> Report: [http://ec.europa.eu/sport/doc/figel\\_federations\\_Report\\_en.pdf](http://ec.europa.eu/sport/doc/figel_federations_Report_en.pdf)

### 8.1.2. *Bilateral consultations*

The Commission has always been prepared to receive sport organisations, including professional sports, amateur sports and all blends of "sport & culture" or "sport for all" organisations. In 2006 and 2007, the Commission has met bilaterally with a number of sport organisations to discuss issues related to the planned EU initiative on sport. In contrast with the multilateral meetings mentioned above, results have not been published as talks were confidential.

### 8.1.3. *On-line consultation*

An internet-based consultation targeting all interested organisations and individuals was launched on 7 February 2007 and remained open until 3 April 2007.<sup>8</sup> The website was based on the Interactive Policy-Making Tool and included a range of multiple-choice questions, as well as boxes with space for respondents to insert their own thoughts and ideas. The Commission has profited from its various conferences, and from conferences to which it was invited, to spread the word about this opportunity for stakeholders to make themselves heard. A detailed report on the outcome of the consultation will be annexed to the White Paper.

## **8.2. Consultations with EU Member States**

### 8.2.1. *EU Sport Ministers and EU Sport Directors meetings*

Every Presidency organises a meeting of Member State Sport Directors (high civil servants with direct access to their Ministers), and most Presidencies have organised an informal meeting of Member State Ministers in charge of Sport in recent years. Within the last two years, informal Ministerial meetings were organised by the Presidencies of Luxembourg, the United Kingdom and Germany. A Ministerial Conference was organised jointly by the Commission and the Finnish Presidency under the title "The EU & Sport: Matching Expectations" in Brussels on 27-28 November 2006.<sup>9</sup> At this conference, debates were transmitted live to TV screens in an adjacent room. Attendance was open not only to specific stakeholders but to all interested parties.

### 8.2.2. *Expert meetings*

In 2005 and 2006 a range of expert meetings with representatives of Member State governments were organised, most of which have been documented via internet publications. These meetings have focused on the fight against doping, equal opportunities, health, volunteering and the free movement of sportspeople. In some of these meetings experts from the sport movement and from the academic world also had the opportunity to participate.

### 8.2.3. *EU Working Groups "Sport & Health", "Sport & Economics", "Non-profit sport organisations"*

Following decisions by EU Member States under the British, Austrian and Finnish Presidencies to closer work together on issues of the Rolling Agenda for Sport of direct relevance for them, EU working groups have been set up on the issues of "Sport & Health"

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<sup>8</sup> Planned White Paper on Sport – Online consultation.  
<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=OnlineConsult2007&lang=en>

<sup>9</sup> Conclusions: [http://ec.europa.eu/sport/doc/ministerial\\_conclusions\\_en.pdf](http://ec.europa.eu/sport/doc/ministerial_conclusions_en.pdf)

(2005), "Sport & Economics" (2006) and "Non-profit sport organisations" (2007). Similarly, Ministers decided in Stuttgart (March 2007) to set up a Network of National Anti-Doping Agencies. This form of cooperation is not founded on EC law and the output is not binding. At least eight Member States participate in each Working Group. The work of these groups has been valuable for the preparation of the White Paper.

#### 8.2.4. *Member State Working Group "White Paper"*

An ad-hoc Working Group "White Paper", called for by EU Sport Ministers and convoked jointly by the German Presidency and the Commission, met on 7 March 2007 in Brussels. It concentrated on concrete, practical topics of interest to Member States which could be included in the White Paper.

### **8.3. Available studies, surveys, reports**

#### 8.3.1. *Independent studies carried out by the Commission*

Four consultancy studies were carried out in 2004 and published in January 2005, focussing on the issue of lifestyle change in relation to childhood and youth obesity<sup>10</sup>, the job creation potential of the sport sector<sup>11</sup>, the inter-cultural dialogue function of sport<sup>12</sup> and the problem of rapid career shift (the need for dual careers) among young top-level athletes<sup>13</sup>. The EU Working Group "Sport & Health" was set up as a response to some of these reports (see above). In January 2007 a contract was signed with INEUM and TAJ consultancies to conduct a survey of training centres for young athletes in Member States.

#### 8.3.2. *European surveys*

In connection with the European Commission's Year of Education through Sport (EYES 2004) two Eurobarometer surveys were conducted – one before the beginning of the Year<sup>14</sup>, the other towards its end.<sup>15</sup> They confirm the important role of sport in European society and the citizens' wish to better promote sport within the EU.

#### 8.3.3. *EP reports*

Since the mid-1990s, MEP's have regularly taken a strong interest in sport and urged the Commission to take action in this field. Within the past years, the EP has issued resolutions on "women and sport", "sport and development" and organised hearings on "doping in sport" and "education in sport". The support of the CULT Committee was crucial in obtaining funding for anti-doping projects (2000-2002) and in setting up the European Year of Education through Sport (EYES 2004). A variety of CULT documents testify to the Committee's expectations. Most recently, the EP adopted its "Report on the future of professional football in Europe"<sup>16</sup>. The Parliament's primary objectives are to tackle the alleged legal uncertainty surrounding football raised by some stakeholders, to provide an answer to

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<sup>10</sup> <http://ec.europa.eu/sport/documents/lotpaderborn.pdf>

<sup>11</sup> <http://ec.europa.eu/sport/documents/lotvocasport.pdf>

<sup>12</sup> <http://ec.europa.eu/sport/documents/lot3.pdf>

<sup>13</sup> <http://ec.europa.eu/sport/documents/lot1.pdf>

<sup>14</sup> [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_197\\_fr\\_summ.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_197_fr_summ.pdf)

<sup>15</sup> [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_213\\_summ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_213_summ_en.pdf)

<sup>16</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0100+0+DOC+XML+V0 //EN&language=EN>

negative evolutions (money laundering, fraud, match-fixing, etc.) and to stimulate a competitive balance.

#### 8.3.4. *Other evidence material*

In order to prepare the White Paper on Sport, the Commission has undertaken a screening exercise of the available independent, academic and journalistic literature in order to get more evidence on the topics to be identified for the initiative, such as the report on "Rules of the Game"<sup>17</sup>. Moreover, the Commission has received direct contributions from sport stakeholders (from both professional and amateur sport organisations and federations as well as from organised and non-organised sport) on the items they wished to see addressed in the different chapters of the White Paper. The Independent European Sport Review 2006 represents one contribution to the debate. It was launched at the initiative of the Governments of France, Germany, Spain and the United Kingdom and has been financed by UEFA. The report presented in 2006 by Mr José Luis Arnaut<sup>18</sup> analyses the current state of play in European football and contains a number of calls for the EU to take action in the field of professional football. This report is not a Commission document but testifies to some stakeholders' expectations from the EU.

## 9. FINANCIAL AND HUMAN RESOURCES

The "Pierre de Coubertin" Action Plan has been designed so as to keep the necessary financial and human resources for its implementation as limited as possible. The needs for human and administrative resources will be covered within the allocations granted to the managing services in the framework of the annual allocation procedure.

More precisely, the impact in terms of budgetary implications on existing budget lines (e.g. item 15 01 02 11 - Other management expenditure in support of Education and Culture, policy area) over a period of 5 years (2008-2012, the implementation period of the White Paper) can be estimated as follows:

- Studies and surveys: €1,950,000 (i.e. €390,000 per year on average);
- Platforms/networks and dialogue & cooperation structures: €900,000 (i.e. €180,000 per year on average).

The impact on human resources will be limited as most actions are related to areas which the Sport Unit in DG EAC is already dealing with. The implementation of actions which are completely new will require one additional person at AD level at this Unit throughout the 5-year implementation period.

Some additional sport-related activities may also occur at DG MARKT, JLS, EMPL and COMP, but in all cases these activities will take place in the context of existing sport-related work.

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<sup>17</sup> EOC [European Olympic Committee]; FIA [Fédération Internationale de l'Automobile] & Herbert Smith (Hrsg.) (2001): The Rules of the Game. Europe's first conference on the Governance of Sport, 26 & 27 February 2001. Conference Report & Conclusions. Brussels.

<sup>18</sup> [http://www.independentfootballreview.com/doc/Full\\_Report\\_EN.pdf](http://www.independentfootballreview.com/doc/Full_Report_EN.pdf)



## 10. MONITORING AND EVALUATION

The Commission will monitor the implementation of the "Pierre de Coubertin" Action Plan contained in the White Paper and intends to ensure the political follow-up by:

- Regularly reporting to EU Member States on the progress in each action area. The Commission will do so under each Presidency, starting in the second half of 2007, in the framework of the EU Sport Directors meetings;
- Reporting to the European Parliament on the experience gained when appropriate. The Commission will do so in the competent EP Committees, mainly the CULT Committee.

The Commission will monitor and report on progress by using the following indicators. This will allow Member States, the Parliament and the Commission to determine whether and to what extent the White Paper's objectives have been reached:

- (1) The availability of clear recommendations based on the studies and the impact assessment foreseen in the Action Plan;
- (2) The functioning of better structured and more efficient dialogue and networks on sport at EU level, as foreseen in the Action Plan. A Eurobarometer two years after the adoption of the White Paper will measure the satisfaction rate of sport stakeholders with regard to better cooperation and dialogue structures for sport at EU level. An EU sport platform (e.g. a sport forum), bringing together all relevant EU sport stakeholders, to be held the first time in 2008, will provide an opportunity to get direct feedback on progress in implementing the White Paper. The regular organisation of meetings of the existing EU Working Groups plus the establishment of new networks and the regular participation therein of a stable number of Member States and other relevant stakeholders will be sought. Progress on the establishment of Social Dialogue Committees for sport can be expected in the medium term.
- (3) Regular informal EU Sport Directors and EU Sport Ministers meetings. The objective is to arrive at a practice where each Member State holding the EU Presidency organises one Sport Directors and one Sport Ministers meeting and ensures continuity of the debates by closely coordinating its programmes for sport within the Troika and in cooperation with the Commission and by using a re-enforced Rolling Agenda for sport, setting common priorities and ensuring regular reporting to Sport Ministers.
- (4) Increased co-funding of sport-related projects within EU programmes, funds and actions. The work at inter-service level based on meetings of the Inter-Service Group "Sport" led by DG EAC will allow for a regular stocktaking of progress made in terms of mainstreaming sport into EU programmes, funds and actions and for identifying the needs for further improvement. A Eurobarometer two years after the adoption of the White Paper will measure the satisfaction rate of sport stakeholders with regard to better EU co-funding of sport-related projects.
- (5) The availability of sound and comparable EU-wide data which illustrate the economic dimension of sport in Europe. Statistical data based on a revised and broadened NACE approach should be available by mid-2009.