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EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying document to the
WHITE PAPER ON SPORT

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The Impact Assessment for the White Paper on Sport explains the main motives and the process that led to the decision by the Commission to prepare a White Paper on Sport. The decision was based on a combination of in-house knowledge, extensive consultations with governmental and non-governmental stakeholders and a review of existing reports and studies¹, which enabled the Commission to identify priorities for a political initiative in the field of sport. The analysis confirmed that there is a significant range of expectations placed on the EU to better take into account the specific characteristics of sport in its policy making² while respecting the autonomy of sport, and that there are different areas where EU action in the field of sport could bring added value to existing measures at national level. It also confirmed that the potential of sport in the social and economic fields could be used better to help the EU achieve its strategic goals.

The current legislative framework does not give the EU a specific legal competence for sport. It is, however, an area to which many EC Treaty provisions apply and which has therefore also been subject to judgements by the European Courts and decisions by the Commission. The complex European sport landscape with its multi-faceted dimensions interacts with a considerable number of EU policies and is facing new social and economic realities and challenges, a fact which has so far not been addressed in a comprehensive manner through an EU-level initiative. Thus any response to stakeholders' expectations for an EU initiative has to be based on a holistic policy approach taking into account the underlying legal context on the one hand and the need to respect the autonomy of sport and subsidiarity requirements on the other. Any such initiative naturally requires close cooperation among all Commission services concerned.

With this in mind, the Impact Assessment outlines the main considerations for a Commission initiative in the field of sport by explaining the underlying motives, identifying the key problems and describing the main objectives. The key problems could be identified in relation to three core areas, namely the societal role of sport, the economic dimension of sport and the organisation of sport. They are presented in the form of a list of issues and the main challenges identified with regard to these issue. In view of the large number of issues to be addressed within a comprehensive approach to sport, six priority problems are identified for the purpose of the Impact Assessment which mirror major concerns expressed by stakeholders:

- a) The lack of legal certainty regarding the application of EU law to sport;
- 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 racism and violence in sport;
- c) The financing of sport and challenges facing the traditional ways how sport has been funded at grassroots level;

¹ or a detailed summary of consultations carried out during the past years with both governmental and non-governmental stakeholders, see Annex III of the Commission Staff Working Document accompanying the White Paper.

² s laid down in the European Council's Nice Declaration of 2000.

- d) The lack of data on the sport sector as a basis for policy making;
- e) The growing problem of overweight, obesity, cardio-vascular disease and osteoarthritis 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.

The report illustrates that an EU initiative on sport should aim at giving strategic orientation on the role of sport in Europe, to encourage debate on given problems and to enhance the visibility of the sector in EU policy-making. The report states that the initiative is seeking to illustrate, recognise and promote within EU policy-making the specific societal, economic and organisational characteristics of sport. Another objective is to better mainstream sport into existing and planned EU programmes and actions and to identify how financial assistance may be provided to sport-related projects within EU financial instruments. The Impact Assessment also identifies the objective of better dialogue and political cooperation structures for sport at EU level.

Four different options to address the role of sport in Europe within the current legal and political context emerge from the impact analysis:

- Option 1 is to take no action and would lead to a continuation of the current arrangements in the field of sport;
- Option 2 is to launch further consultations on the need for an EU initiative on sport by choosing the tool of a Green Paper;
- Option 3 is to address sport through a broad, comprehensive initiative taking the form of a non-legally binding instrument, namely a White Paper or a Communication;
- Option 4 entails regulatory measures for specific problems combined with better mainstreaming of sport in EU policies and programmes.

Through its analysis of the possible impacts, the effectiveness, cost efficiency, coherence and possible risks of proposed actions in the six priority areas the report comes to the conclusion that option 1 (no EU action) would not meet the demands of stakeholders and may result in the continuation of missed opportunities to address current challenges in the field of sport. In light of the comprehensive consultations already carried out during the past years, the report does not see any added value in a continuation of the consultation process (option 2). The report considers that regulatory or legislative proposals in a range of areas, as proposed under option 4, would carry the risk of not respecting the principle of subsidiarity and the autonomy of sport and would not take into account sport's multi-faceted dimensions.

The option of a White Paper is the one which corresponds best to the objectives set out and is also the most cost-effective alternative. Through an action plan setting out concrete measures for the key topics identified, it pools the most effective actions at different levels while respecting the autonomy of sport and the division of competences for sport in Europe. It is the option which best responds to the wish to give political weight and visibility to an initiative on sport at EU level within the current legal framework.