

# EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

**2007/2261(INI)**

12.2.2008

## **DRAFT OPINION**

of the Committee on Legal Affairs

for the Committee on Culture and Education

on the White Paper on sport  
(2007/2261(INI))

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## SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Points out that, although the existing Treaty does not contain provisions conferring specific competence for sport, sport is not excluded from the scope of Community law, and is covered more specifically in terms of the ban on discrimination (Article 12 of the Treaty), free movement of workers (Article 39), freedom of establishment and freedom to provide services (Articles 43 and 49) and the competition rules (Articles 81 to 87); further points out that the provisions on employment and social policy also have an impact on sport;
2. Considers that, in view of the unique characteristics of sport, the Commission should consider, after consulting the various interests concerned and Parliament, the adoption of interpretative guidelines designed to clarify the whole question of the relationship between Community law and "sporting rules" that do not fall within the remit of that law and the area to which that law applies, in particular the demarcation between those aspects of the organisation of sport which are subject to that law and those rules which are not, having regard also to the principles of subsidiarity and proportionality, and bearing in mind that sporting rules concerning questions of purely sporting interest and having as such nothing to do with economic activity do not fall within the scope of the Treaty; points out that such rules, which relate to the particular nature and context of sporting events, are inherent in the organisation and proper conduct of sporting competition and cannot be regarded as constituting a restriction on the Community rules on free movement of workers and freedom to provide services;
3. Takes the view that simply relying on the Court of Justice to rule in the last resort produces an unsatisfactory case-by-case approach, and a lack of legal certainty, especially since the reasoning in the case-law is not invariably clear or consistent, as witness the line of cases from *Walrave*<sup>1</sup> to *Meca-Medina*<sup>2</sup>;
4. Draws attention to the fact that, with the growth of on-line gaming and the Commission's efforts to liberalise the sector, it is also necessary to ensure betting integrity and deal with the question of compliance with intellectual property rights in connection in particular with on-line gaming.

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<sup>1</sup> Case C-36/74 *Walrave and Koch v Association union cycliste internationale and Others* [1974] ECR 1405.

<sup>2</sup> Case C-519/04 P *Meca-Medina v Commission* [2006] ECR I-6991.