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

Committee on Culture and Education

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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

The European Parliament,

- having regard to the White Paper on Sport (COM(2007)0391),
 - having regard to the Helsinki report of December 1999 and the Nice Declaration of December 2000 on the specific characteristics of sport and its social function in Europe,
 - having regard to the UK Presidency's initiative in respect of European football which led to the drawing up of the 'Independent European Sport Review 2006',
 - having regard to the case law developed by the European Court of Justice, the Court of the First Instance and Commission decisions on issues relating to sport,
 - having regard to its resolutions of 13 June 1997 on the role of the European Union in the field of sport¹ and of 5 June 2003 on women and sport²,
 - having regard to its resolution of 29 March 2007 on the future of professional football in Europe,
 - having regard to its resolution of 13 November 2007 on the role of sport in education³,
 - having regard to its resolution of 14 April 2005 on doping in sport⁴,
 - having regard to the World Anti-Doping Code of 2003 and the imminent review of this Code,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on the Internal Market and Consumer Protection, the Committee on Legal Affairs and the Committee on Women's Rights and Gender Equality,
- A. whereas sport is confronted with new threats and challenges, such as commercial pressure, the exploitation of young players and sportsmen and -women, doping, racism, violence, corruption and money laundering,
- B. whereas the role of sport in Europe must be given a strategic orientation by clarifying the application of Community law to sport, and whereas there must also be further sports-

¹ OJ C 200, 30.6.1997, p. 252.

² OJ C 68 E, 18.3.2004, p. 605.

³ P6_TA-(2007)0503.

⁴ OJ C 33 E, 9.2.2006, p. 590.

related action at EU level,

- C. whereas a lack of physical exercise leads to an increase in cases of obesity and chronic conditions, such as cardio-vascular diseases and diabetes, and these consequences are a burden on health budgets of Member States,
- D. whereas doping undermines the principle of open and fair competition and puts sportsmen and -women under unreasonable pressure,
- E. whereas training systems for talented young sportsmen and -women should be open to all and must not lead to discrimination between EU citizens based on nationality,
- F. whereas all residents should have access to sport and the specific needs of some groups therefore need to be addressed, such as people with disabilities, immigrants and people from less privileged backgrounds,
- G. whereas sport is intended for all citizens, regardless of gender, race, age, disability, religion, sexual orientation and social or economic background and whereas the Commission has repeatedly condemned all manifestations of violence, racism and xenophobia,
- H. whereas the 2003 World Anti-Doping Code has succeeded in becoming a model for the harmonisation of national legislation worldwide and the forthcoming revision,
- I. whereas sport can contribute to the Lisbon objectives of growth and job creation and serve as a tool for local, regional and rural development, and whereas it can also have synergies with tourist development through the upgrading of infrastructures and the emergence of partnerships for financing sport and leisure facilities,
- J. whereas sport organisations have many sources of income, including club fees and ticket sales, advertising and sponsorship, media rights, re-distribution of income within the sports federations, merchandising, public support, etc.,
- K. whereas Member States have not clearly defined what sport is, and have not clarified whether or not it is a service of general interest which justifies financial benefits (for example tax relief),
- L. whereas competition law and internal market provisions apply to sport, in so far as it constitutes an economic activity, and whereas sport is also subject to other aspects of EU law, such as the prohibition of discrimination on grounds of nationality and equality between men and women in employment,
- M. whereas the development of a truly European market for sportsmen and -women and players and the rise in the level of their salaries in some sports have resulted in an increase in the activities of players' agents,
- N. whereas the sector's high degree of internationalisation has given corruption in the sport sector cross-border aspects and whereas corruption problems with a European dimension need to be tackled at European level,

- O. whereas licensing systems aim to ensure that all clubs respect the same basic rules on financial management and transparency and whereas they should be compatible with competition and the internal market provisions and should not go beyond what is necessary to achieve a legitimate objective relating to the proper organisation and conduct of sport,
- P. whereas television rights are the primary source of income for professional sport in Europe and, conversely, sport media rights are a decisive source of content for many media operators,

The societal role of sport

1. Calls on Member States, with a view to combating doping, to develop partnerships between law enforcement agencies, laboratories accredited by the World Anti-Doping Agency (WADA) and INTERPOL to exchange information about new doping substances and practices in a timely manner and in a secure environment;
2. Urges Member States to treat the trade in illegal doping substances in the same manner as the trade in illicit drugs and to adjust their national legislation accordingly;
3. Recommends that Member States recognise the need to provide ‘dual career’ training for young sportsmen and -women and to provide high quality local training centres to safeguard their moral, educational and professional interests;
4. Recommends that Member States make more effective use of the potential of sport to create jobs and promote economic growth and revitalisation, particularly in disadvantaged areas;
5. Calls on Member States progressively to adapt their sport infrastructure to take into account the needs of people with disabilities, especially children with disabilities, as regards access to such infrastructure;
6. Welcomes the Commission’s intention to introduce gender mainstreaming in all its sports-related activities, with a specific focus on access to sport for immigrant women and women from ethnic minorities, women's access to decision-making positions in sport and media coverage of women in sport;
7. Calls on Member States, in order to prevent and address cases of violence, racism and xenophobia in sports events, to encourage exchange of best practice and of operational information on risk-supporters among police services and the sports authorities;
8. Calls on the Commission and Member States, when addressing sport in the EU’s development policies, to create synergies with existing programmes of the United Nations, Member States, local authorities and private bodies;
9. Welcomes the Commission decision to promote green procurement in its political dialogue with Member States and other concerned parties;

10. Calls on the Commission and Member States to recognise sport officially in the new reforming Treaty in order to establish a consistent future European policy in this sector;

The economic dimension of sport

11. Calls on Member States to attach particular importance to respecting intellectual property rights relating to commercial communications, trademarks and image and media rights so as to protect the sport economy; points out that it is equally important to ensure that recipients are guaranteed the possibility of having distance access to sports events at cross-border level within the EU;
12. Voices its concern at the possible deregulation of the market in gambling and lotteries, since state-run or state-licensed gambling or lottery services will be harmed by competition and will restrict their support mainly to amateur sport;
13. Considers it important to recognise the specific nature of non-profit sport organisations and asserts that account must be taken in Community law of the difference between volunteer, non-profit organisations and profit-making enterprises;

The organisation of sport

14. Agrees with the Commission that most challenges can be addressed through self-regulation respectful of good governance principles, provided that EU law is respected, and calls on the Commission to take measures wherever it deems them appropriate;
15. Calls on Member States to ensure, through their national legislation, that any rule on the transfer of players respects EU law;
16. Calls on UEFA and FIFA to accept in their statutes the right to have recourse to ordinary courts, but recognises that the principle of self-regulation obtains and justifies the structures of the European sport model and the fundamental principles governing the organisation of sport competitions;
17. Takes the view that, owing to the large-scale movement of capital in the context of transfers, financial transactions should be conducted directly between the parties involved and agrees with the Commission proposal that, depending on the sport, the system could be run by the relevant European sport organisation, or by national information and verification systems in the Member States;
18. Condemns bad practices in the activities of some player representatives which have resulted in instances of corruption, money laundering and the exploitation of underage players and sportsmen and -women, and takes the view that such practices harm sport in general;
19. Supports public-private partnerships representative of sports interests and anti-corruption authorities, which will assist in the development of effective preventive and repressive strategies to counter such corruption;

20. Recommends that Member States establish a common practice in selling media rights, so as to prevent a situation in which only big associations benefit and recognises the importance of an equitable redistribution of income between sport clubs, including the smallest ones, and between professional and amateur sport;

21. Takes the view that collective selling of rights can be important for the redistribution of income and can thus be a tool for achieving greater solidarity within sports;

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22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of Member States and European and national sport federations.

EXPLANATORY STATEMENT

A. The societal role of sport

Sport constitutes an important social phenomenon and a public good. For many it is one of the most important forms of recreation, whether they take part in or watch sport.

The benefits we derive from sport may be transferred directly to our daily lives. These include a sense of responsibility, solidarity, tolerance, fair play, team spirit and respect for others. Sport promotes the active contribution of European citizens to society and helps foster active citizenship.

In general, lack of physical activity has an adverse effect on the health of European citizens, since it reinforces the occurrence of overweight, obesity and a number of chronic conditions such as cardio-vascular diseases and diabetes. These adverse consequences are a burden on the health budget and the general economy of Member States.

Today, sport is rightly subject to the application of the *acquis communautaire*. This means that the statutes of each federation must respect Community law. In a number of areas of sport European policies already have a considerable and growing impact. The Commission seeks to propose new Community actions relating to sport. For this reason, the new reforming Treaty must create the essential conditions so that the Commission can propose appropriate actions. To be sure, every action proposed by the Commission must be based on a social dialogue with the various stakeholders.

Today, practical proposals for further Community actions are centred around an action plan bearing the name of Pierre de Coubertin, the French baron who revived the Olympic Games in a spirit of fair play, peace and friendship between peoples. 'Sport is part of every man and woman's heritage and its absence can never be compensated for', said Pierre de Coubertin. The Pierre de Coubertin action plan contains 53 actions, which will be implemented or supported by the Commission.

The participation of European citizens in sports activities

All EU citizens must have access to sport, irrespective of gender, race, age, disability, religion and belief, sexual orientation and social or economic background.

As regards amateur sport, its recognition on the basis of non-profit sport clubs encourages the participation of citizens in society. Amateur sports take place mainly at school and university, but also in sport clubs. This is why we attribute pedagogical value to amateur sport. Member States should therefore aim to finance university sports institutes in order to develop specialised programmes in the field of sports research and to make progress in sports science.

In professional sport, on the other hand, the state should not act as a financial sponsor, but should rather establish the rules and ensure and monitor proper compliance with them. The State should also establish incentives and create the right conditions for the full development

of the 'industrial production of sport spectacles' within the framework of a free market economy.

In addition, particular care should be given to professional sportsmen and -women whose lives are not easy and whose professional careers are relatively short. We must bear in mind the exhausting training they have to undergo and their demanding schedule, which often is a burden on their health.

The incidence of violence in sports grounds and doping

Member States are responsible for preventing and addressing violence, racism and xenophobia at sports events. Exchanges of best practice and of operational information on risk-supporters among police services and sport authorities would be an important step in attaining this objective.

Tough competition demands maximum effort and discipline and is linked to the phenomenon of doping. Doping undermines the principle of open and fair competition. At European level, the fight against doping must take into account both a law-enforcement and a health and prevention dimension. In the fight against doping we must support the Commission's recommendation that the trade in illicit doping substances should be treated in the same manner as trade in illicit drugs. In addition, Member States must ensure that young sportsmen and -women are better informed and educated about doping substances, prescription medicines which may contain them and their health implications.

Finally, special attention must be given to the role of women in sport. The gender dimension must be integrated in all sports-related activities, with a specific focus on access to sport for immigrant women and women from ethnic minorities, women's access to decision-making positions in sport and media coverage of women in sport. Furthermore, women make a very important contribution in ensuring the access of persons with disabilities to all athletic activities. Vulnerable groups, such as persons with disabilities, should be protected and their access to sports activities facilitated by means of the creation of suitable infrastructures by Member States.

B. The economic dimension and sport

Sport is a fast-growing sector which can contribute to the Lisbon objectives on growth and job creation. According to a study presented during the Austrian Presidency in 2006, sport generated value-added of 407 billion euros in 2004, accounting for 3.7% of EU GDP and employment for 15 million people or 5.4% of the labour force.

However, the lack of a clear definition of the term sport in the 27 Member States has created an economic vacuum. For instance, Member States have not clearly defined the term sport, nor have they established whether or not it is a service of general interest so as to justify economic benefits, for example tax relief.

As a result, the development of a European statistical method for measuring the economic impact of sport as a basis for national statistical accounts for sport could lead in time to a European satellite account for sport. This might help us understand the various sectors on which sport has an economic impact, such as, for example, tourism, the construction industry

and employment.

Sport organisations have many sources of income, including club fees and ticket sales, advertising and sponsorship, media rights, re-distribution of income within the sport federations, merchandising, public support, etc. However, gambling and lotteries are also an important source of revenue, mainly for amateur sport. It is therefore important that the state monopoly be maintained in this sector in order to ensure the funding of sport and culture.

Another economic challenge which we should evaluate concerns non-profit sport organisations and the principal characteristics of the services provided by such organisations. The Commission has undertaken, jointly with the Member States, to define the basic challenges facing non-profit support organisations, given that there is a growing tendency to practice sport individually, rather than collectively and in an organised structure, which is resulting in a declining volunteer base for amateur sport clubs.

C. The organisation of sport

The political debate on sport in Europe often attributes considerable importance to the so-called 'European Sport Model'. Economic and social developments that are common to the majority of the Member States (increasing commercialism, challenges to public spending, increasing numbers of participants and stagnation in the number of voluntary workers) have resulted in new challenges for the organisation of sport in Europe.

The specificity of European sport can be approached through two prisms: (a) the specificity of sporting activities and of sporting rules; and (b) the specificity of the sport structure, including notably the autonomy and diversity of sport organisations, the organisation of sport on a national basis and the principle of a single federation per sport, etc.

The organisation of sport and of competitions on a national basis is part of the historical and cultural background of the European approach to sport, and corresponds to the wishes of European citizens. In particular, national teams play an essential role not only in terms of identity, but also to secure solidarity with grassroots sport.

Due to the very nature of organised sport, European sport structures are, as a rule, less well developed than sport structures at national and international levels. Moreover, European sport is generally organised according to continental structures, and not at EU-27 level.

Furthermore, the EU acknowledges the autonomy of sporting organisations and representative structures, such as the bodies organising professional championships. However, there must be minimum regulation at European level to ensure better and more effective coordination.

The Commission has stated its acceptance of limited and proportionate restrictions to the principle of free movement in particular as regards (a) the right to select national athletes for national team competitions; (b) the need to limit the number of participants from third countries in a competition; (c) the setting of deadlines for transfers of players in team sports.

Players' representatives (agents)

The development of a truly European market for players and the rise in the level of players'

salaries in some sports has resulted in an increase in the activities of players' agents whose services are used to negotiate and sign contracts.

However, the high degree of internationalisation of this specific sector has given corruption in sport a cross-border dimension, and problems of corruption with a European dimension need to be tackled at European level.

Negative phenomena in sport are very few compared to the benefits.

We must combat them jointly and highlight the added value of sport.

The media

Television rights are the primary source of income for professional sport in Europe.

Conversely, sport media rights are a decisive source of content for many media operators.

The European Parliament recommends that Member States adopt a common practice as regards the sale of media rights so as to ensure that big clubs are not the only ones to benefit and recognises the importance of an equitable redistribution of income between sport clubs, including the smallest ones, and between professional and amateur sport. Furthermore, collective selling can be important for the redistribution of income and can thus be a tool for achieving greater solidarity within sports.