

WRITTEN QUESTION E-2254/08  
by Cornelis Visser (PPE-DE)  
to the Commission

Subject: Discriminatory nationality-based rules of the Belgian Swimming Federation

The Royal Belgian Swimming Federation (Fédération Royale Belge de Natation) adopted new rules, with effect from 1 March 2008, excluding from championships all swimmers, both children and adults, who live and train in Belgium and have competition licences with Belgian clubs but are not Belgian nationals. (The Federation's changes of rules are: ASR 02.1, SRZW 03.7, BKZWJ 09.5, SRMA 04.7 and BKZWJ 09.1).

These changes to the rules have three significant consequences. Swimmers in Belgium who are not Belgian nationals:

1. since the Belgian Youth Championships from 27 to 29 July 2007, have no longer had any right to championship titles;
2. since the Belgian Youth Championships in July 2007, have no longer received medals for a place on the winners' dais;
3. as from 2008, can no longer be recognised as Belgian record-holders if they break Belgian swimming records.

These rules affect many children, many of whom have lived and trained here for years and who compete in national, federal or regional competitions for their Belgian clubs.

The Treaty on European Union prohibits discrimination on grounds of nationality and upholds non-discrimination as a general principle. EU citizens who live in a different EU Member State have a right to equal treatment (see Article 12 of the Treaty on European Union).

In the new EU Treaty, the EU is empowered to take measures in the field of sport relating to cross-border matters. Article 149 includes the following clause: 'developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.'

1. Does the Commission agree that the Belgian Swimming Federation discriminates on grounds of nationality in the General Sports Regulations and subsequent rules?
2. Does the Commission consider this discrimination justified?
3. Does the Commission consider this discrimination justified for children aged under 18?
4. If not, what can the Commission do to eliminate this discrimination?
5. Does the Lisbon Treaty constitute the legal basis for eliminating this discrimination?
6. If so, can the Commission take action soon, i.e. before the Belgian Championships of 1-4 and 10-12 May 2008?