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THE EU LAW AND SPORTS

The European Union and sport: the unresolved issue of specificity

Prof. Avv. Jacopo Tognon

TABLE OF CONTENTS

- THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS
- THE EUROPEAN UNION AND SPORT: THE POLICIES
- EU AND SPORT: JURIDICAL BASIS
- THE EUROPEAN UNION, SPORT AND FUNDING: WHY ERASMUS + ?
- THE EUROPEAN UNION AND SPORT: ERASMUS + THE NEW FRONTIER
- THE EUROPEAN UNION AND SPORT: ERASMUS+, POLITICALLY RELEVANT DOCUMENTS

THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS

Sport in the Community is not a traditional subject, but it is of current interest.

Sport has been the subject of numerous rulings of the Court of Justice inasmuch as an economically important activity

Chronology of recent years and recommended for good reading!

- **15 December 1995: Bosman sentence; leading case on the free movement of workers;**
- **2 October 1997:** first citation of importance for sport with Declaration n. 29 attached to the Treaty of Amsterdam;
- **20-23 May 1999:** first European Conference on sport in Athens;
- **11-12 December 1999:** on the occasion of the European Council of Helsinki, the Commission presents the Report on Sport

THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS

- **7-9 December 2000**: in response to a request made by the European Council of Santa Maria de Feira in June 2000, the European Council of Nice inserts its declaration on sport: the first reference to specificity;
- **6 February 2003**: the European Parliament and the Council adopt a decision declaring 2004 the European Year of Education through Sport;
- **5 May 2003**: the Council, on the occasion of a meeting of European Ministers of Culture and Youth, makes a declaration on the "social value of sport for young people";

THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS

- **20-21 June 2003**: the draft Constitutional Treaty is presented to the European Council in Thessaloniki. In the project a clear reference appears to the phenomenon of sport and its social and educational function in art. III-182, while Article. 16 includes sport among the areas in which the EU can act to support and coordinate activities;
- **29 October 2004**: the Treaty will then be undersigned in Rome but approval will never occur as it has not been ratified by all the Member States (in particular, France and the Netherlands);
- **2004**: is the European Year of education through sport;

THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS

- **29 March 2007:** European Parliament Resolution on the future of professional football in Europe
- **11 July 2007:** Commission White Paper on Sport. Official position of the institution on the sports phenomenon: social role, economic impact governance and organization, Action Plan De Coubertin
- **13 December 2007:** Signing of the Treaty of Lisbon, which introduces a new Article. 124A (now art. 165 in the consolidated TFEU version) on the specific nature of sport: entry into force of the Treaty on December 3, 2009

THE EUROPEAN UNION AND SPORT: IMPORTANT ACTS

- **18 January 2011**: Communication from the Commission ‘Developing a European dimension of sport’
- **From 1 January 2014** the Erasmus + Sport was instituted (Reg. EU n. 1288/2013)
- **24 January 2014**: Commission report to the European Parliament, Council, Economic and Social Committee and the Committee of the Regions on the implementation of the EU Work Plan for Sport 2011/2014

THE EUROPEAN UNION AND SPORT: THE POLICIES

Social role: education and training, health and participation, social inclusion, intercultural dialogue, «dual career»

Economic dimension: media and copyright, competition law, state aid, free movement of sports workers

Integrity: anti-doping, good governance, match fixing, transfer of players (minors in particular) and relations with the agents

THE EUROPEAN UNION AND SPORT: THE POLICIES

More recommended reading, the Commission documents on sport:

- 1 Guidelines on physical activity of 27-28 November 2008
- 2 Guidelines on the dual career of 28 September 2012
- 3 Council Recommendation of 26 November 2013 on transverse promotion of healthy physical activity to the various sectors.

EU AND SPORT: JURIDICAL BASIS

THE REFERENCE STANDARD: Art. 165 of the TFUE (and art. 6, letter e)!
The Union contributes to the promotion of European profiles of sport, taking account of its specificity, its structures (founded on volunteering) and its social and educational function.

PRIORITY IS THE BASE AND NOT THE PEAK OF THE PYRAMID!
(GRASSROOTS)

The action of the EU...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.

EU AND SPORT: JURIDICAL BASIS

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonization of the laws and regulations of the Member States.

The Council, on a proposal from the Commission, shall adopt recommendations.

Direct competence ex art. 5 TEU

- 1) principle of conferral
- 2) the principle of subsidiarity
- 3) the principle of proportionality

EU AND SPORT: JURIDICAL BASIS

EU Regulation n. 1288/2013 of the PE and Council of the 11 December 2013: introduction of Erasmus +, the EU program for education, training, youth and sport.

After preparatory operations and special events up to 2013, from 1 January 2014 it created a new line of action on sport with major funding and particular reference to sport practiced as a hobby.

Definition of dual career: high-level sports training associated with general education or work.

Definition of grassroots sport: sports organized and practiced locally by amateur sportsmen and sport for all.

EU AND SPORT: JURIDICAL BASIS

Article 16 of the Regulation: the Programme shall focus in particular on grassroots sport and shall pursue the following 3 specific objectives:

- a)** tackle cross-border threats to the integrity of sport, such as doping, match-fixing and violence, as well as all kinds of intolerance and discrimination;
- b)** promote and support good governance in sport and dual careers of athletes;
- c)** promote voluntary activities in sport, together with social inclusion, equal opportunities and awareness of the importance of health-enhancing physical activity through increased participation in, and equal access to, sport for all.

THE EUROPEAN UNION, SPORT AND FUNDING: WHY ERASMUS + ?

The additional new competences of the EU have led to the creation of a new support action relating to sport.

The program focuses on transnational projects aimed at supporting amateur sports and addressing cross-border challenges such as match-fixing, doping, violence and racism, as well as promoting good governance, gender equality, social inclusion and physical activity for all

The 2 actions below are eligible for finance:

- 1) collaborative partnerships in the sports sector
- 2) non-profit sporting events at the European level

The budget available for 2017 should be approx. € 32.000.000, of which the 85% for the first line of action and the rest for the second.

THE EUROPEAN UNION AND SPORT: ERASMUS + THE NEW FRONTIER

The European Commission together with the EACEA Agency have the task of selecting the projects according to the award criteria that determine a specific classification

There is an assessment grid that includes a score for each of these parameters:

- Relevance of the project
- Quality of implementation of the project
- Quality of the project team and the cooperation agreements (only for line 1)
- Impact and dissemination

Concretely, a large number of projects that meet the above parameters is eligible for finance.

THE EUROPEAN UNION AND SPORT: ERASMUS+, POLITICALLY RELEVANT DOCUMENTS

Summary of the relevant documents:

- 2007 White Paper
- 2011 Commission Communication on Sport
- EU Work Plan for sport 2011/2014
- EU Work Plan for sport 2014 +
- EU Strategies (disability, gender equality)
- EU Physical Activity Guidelines
- UN Convention on the Rights of Persons with Disabilities (art. 30)

Without overlooking of course the most important one: ERASMUS + Guide with particular attention to the specific part related to the sport!

In the sport context Erasmus + can be an opportunity also for clubs to increase and develop in the social area, including education and formation of young players

THANK YOU FOR YOUR ATTENTION

jacopo.tognon@unipd.it

jacopotognon@avvocatitognon.com