The EU and sport: Indirect impact and direct policy

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Today’s session

• EU sport policy: What has the EU got to do with sport?

• Indirect EU sport policy

• EU sport policy since 2009
About myself: bringing EU politics and sport together

• MA in European Politics (Leeds, Bruges)
• PhD at Loughborough
  – The EU and the governance of football

• My research involves:
  – EU sport policy: www.sportandeu.com
  – The transformation of European football
Other things I do...
SO... EU SPORT POLICY?
Certainly, this was not evident for everyone.

‘What the bloody hell has the Common Market got to do with sport?’

Edward Grayson, QC
EU sport policy: Some basics

• EU institutions did not want to develop a sport policy because it is a matter for the Member States

• Sport is STILL a national competence in the EU
  – Countries preserve their national sport systems
  – Sport policies are very different in the Member States

• Recognition that EU can help to develop sport
  – Focus on grassroots sport / physical activity
  – Governance and integrity of sport
Court cases (1974-76) → EU low interest (1980s) → Structures at national level (1990s)


THE COMMON MARKET AND SPORT
The EU did not want to get involved in sport: Indirect sport policy

- Consequence of the professionalisation of sport
- Impact on sport governance and regulation is high
- Most cases affect football
- Origin in individual cases within sport
  - Starts in 1996 after Bosman
  - Delliège, Lehtonen, FIA, etc…
Indirect EU sports policy (I): Athletes and players market

- Freedom of movement for workers
  - Walrave & Koch vs. UCI (1974)
  - Donà vs. Mantero (1976)
  - JM Bosman vs. UEFA & FIFA (1995)
- Athletes protest against federations

- Consequences
  - Liberalisation of the market
  - New transfer systems
Indirect EU sports policy (II): The audiovisual market

- Liberalisation of TV market in Europe
- Decisions on selling of broadcasting rights
  - UCL, Bundesliga and Premier League cases
- New revenue streams in professional sport
- Conflict between clubs, leagues & federations
- Consequences
  - Change of dynamics at national level
  - Growth of professional leagues
  - Increased differentiation between markets and sports
Indirect EU sports policy (III): Governance of sport

- What is the role of federations?
- Increased conflicts between stakeholders
  - ENIC & FIA cases; Lehtonen Delliège
  - ISU, back to square one?
- Consequences
  - Debates about power and decisions
  - Pressure to update structures
  - Creation of WADA and CAS
  - Regulation that permeates at national level
  - Europeanisation of structures
Institutional consequences of network governance structures
They do not make things easy...
Part 1: Conclusion

- EU policies accelerated the commercialistion and professionalisation of sport in Europe
- Increased conflict between stakeholders at national and European level
- ‘Europeanisation’ of some structures
  - New identities and processes?
- Conflicting views of sport
  - Sport as business
  - Sport as culture
DIRECT EU SPORT POLICY
Definition A: Sport as business

Definition B: Sport as socio-cultural
Direct EU sport policy: Article 165 TFEU

• ‘The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function’

(Article 165.1 TFEU)
What should be done?

• ‘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’

(Article 165.2 TFEU)
Preparatory actions (2009-2013): Projects

- Promoting HEPA
- Promoting education and training in sport
- Promoting gender equality in sport
- Fight against doping
- Promoting volunteering in sport
- Promoting social inclusion in and through sport
- Promoting and disseminating good governance

See information [here](#)
Some examples of projects from [2012](#) and [2013](#). Networks in [action](#).
Studies and conferences

- Towards a knowledge based sports policy
- Dissemination of best practice
- Topics have included
  - Discrimination in individual sport competitions
  - Contribution of sport to economic growth
  - Legislation of sport agents
  - Home-grown players
  - Sport monitoring function
  - Legal and economic analysis of transfers

More information on the Commission’s website with a list of studies to download
A Council working agenda

- Sport Ministers and experts of member states
- Commission heavily involved, but losing power?
- Specific areas of priority
- But, how influential can it be?
  - Recommendations seem to be main output
  - Engagement in external bodies (WADA, CoE)
  - Harmonisation is precluded by Art. 165 TFEU…
    … unless Member States agree by unanimity
### Sporting priorities of the EP, Council and Commission

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<td><strong>The societal role of sport</strong></td>
<td><strong>Integrity of sport</strong></td>
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<td>- fight against doping</td>
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<td>- education, training and qualifications in sport</td>
<td>- fight against match-fixing</td>
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<td>- prevention of and fight against violence and intolerance</td>
<td>- promotion of good governance</td>
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<td>- health-enhancing physical activity</td>
<td><strong>social values of sport</strong></td>
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<td>- social inclusion in and through sport</td>
<td>- health</td>
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<td>- voluntary activity in sport</td>
<td>- social inclusion</td>
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<td>- cooperation with third countries and organisations</td>
<td>- education</td>
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<td>- sustainable development in and through sport</td>
<td>- volunteering</td>
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| **The economic dimension of sport** | **economic aspects of sport** |
| - evidence-based policy-making in sport | - sustainable financing of grassroots sports |
| - sustainable financing of sport | - evidence-based policy making in sport |
| - application of EU State aid rules to sport |  |
| - regional development and employability |  |

| **The organisation of sport** | EP Report on Developing the European Dimension of Sport |
| - good governance in sport | **Developing European Identity though sport by** |
| - the specific nature of sport | - expanding existing programmes |
| - free movement and nationality of sportspeople | - further measures such as: |
| - transfer-rules and activities of sport agents, integrity of sporting competitions, including match-fixing, corruption, money-laundering and other forms of corruption |   - organising an annual ‘European Day of Sports’ |
| - European social dialogue in the sport sector |   - the launch of mobility programme for amateur coaches and athletes |
| - protection of minors |   - suggesting that the European flag should be featured more prominently at major international sporting events |
| - licensing system of clubs |  |
| - media and intellectual property rights |  |
EU work plan for sport priorities
How is this implemented?

• Clear focus on sport for all, participation and the EU ‘added value’
• Very limited legislative appetite, if at all
• Studies, conferences and events
  – EU Sport Forum
• Council & working groups recommendations
  – HEPA, Dual careers, good governance
  – Really implemented?
• European Week of Sport
• And… ERASMUS+
The big flagship programme: Erasmus+

- What is Erasmus+?
- When? 2014-2020
- How much money for sport? c. €34m per year
- What for?
  - Transnational projects
  - Non-commercial sport events
  - Strengthening the evidence base in sport policy
  - Capacity building
  - Dialogue with stakeholders
The Commission strikes back...
Conclusion

• EU sport policy developing slowly
  – Focus on sport for all and participation
• Engagement with sport stakeholders
• Accepting the ‘specificity’ of sport, but never giving up legal oversight of the sector
• Governments still in charge
• Key priorities: Physical activity, protection/education of athletes, social integration, governance
Thanks!

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