

## EUSP and Irish Presidency Seminar on Health Enhancing Physical Activity

On Monday 29 April, the EU Sports Platform co-hosted together with the Irish Presidency of the EU a Seminar on Health Enhancing Physical Activity (HEPA). The event was organised in view of the forthcoming Recommendation of the European Commission on HEPA.

Representatives of the EU Institutions and of the sport world came together to discuss the importance of physical activity and the plans at EU level in this field.

The Irish Presidency delivered the opening remarks and speakers included Ms. Susanne Hollmann from the Sport Unit of the European Commission and Mr. Seán Kelly, Member of the European Parliament. Ms. Hollmann talked about the plans of the European Commission with regard to improving the effectiveness of HEPA initiatives, including the upcoming Recommendation, which should be expected before the summer break, and the idea of a European Week of sport, to be discussed at a relevant conference in the first half of 2014 and with a view to holding the first Week in 2015. Mr. Kelly highlighted that the situation for sport at the EU level, from a regulatory point of view, has started to improve. Although the budget for sport is not very significant, Mr. Kelly proposed that in the context of the Horizon 2020 initiative, funding could be also given to research projects in physical activity.



Representing the sports side, Sarah Lewis (International Ski Federation), Cliff Collins (European Health and Fitness Association), Steve Griffiths (International Rugby Board), Agnieszka Krukowska (Special Olympics), Jacob Schouenborg (ISCA), Nick Pink (International Cricket Council) and Simon Morgan (Premier League) all delivered presentations showing practical examples of HEPA in their respective fields.

The seminar was concluded by a demonstration of Gaelic football.

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## State aid: European Commission opens formal investigation on Dutch football clubs, Spanish clubs also examined

On March 6, the European Commission opened an official investigation on public funding of five Dutch professional football clubs.

More specifically, the Commission wants to find whether measures of five municipalities in the Netherlands in favour of local professional football clubs comply with EU State aid rules.

None of those measures, taken in 2010 and 2011, were notified to the Commission, who was alerted by concerned citizens. The Commission also found that measures taken by a sixth municipality did not constitute State aid.

The opening of an in-depth investigation does not prejudge its outcome. It gives the Netherlands and all interested parties the opportunity to comment on the measures in question.

The investigation is conducted by the Directorate-General for Competition (DG COMP), which is headed by Spanish Commissioner Joaquín Almunia.

### Real Madrid also under examination

The Commission has also confirmed that it has taken an interest in several Spanish clubs, but only informally for the moment.

The spokesperson for Joaquin Almunia, Mr. Antonio Colombani, confirmed that a questionnaire had been sent to the Spanish government, covering mostly exemptions from social security contributions and taxes. The only club he confirmed to be involved in this investigation is Real Madrid, but Spanish press is also citing Valencia, Hércules and Elche.

The issue of state aid to sport will be discussed with representatives of the European Institutions at the next membership meeting of the EU Sport Platform on Wednesday 19 June.

Other topics on the agenda include an exchange of views with the Irish Presidency of the Council and a discussion on the latest Preparatory Actions in the field of sport.

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## **Michel Platini meets with EU Commission President José Manuel Barroso**

On April 8, UEFA President Michel Platini met with the President of the European Commission, Mr. José Manuel Barroso, to discuss the current challenges European football clubs have to face.

EURO 2020, third-party ownership of players, financial fair play, the fight against match-fixing, and international transfers were among the topics the two presidents discussed. Specific attention was given to the various measures that have been taken by UEFA in order to strengthen good governance of EU football, including the body's decision to hold the EURO 2020 in 13 countries around Europe.

## **Complaint lodged against UEFA FFP**

On May 6, Daniel Striani, a player agent registered with the Belgian Football Association, lodged a complaint with the European Commission against UEFA in order to challenge some provisions of the UEFA "Financial Fair Play" regulation (FFP), specifically, the restrictions of competition caused by the "Break-even rule" (article 57 of the FFP), asking the Commission to declare the rule null and void.

## **European Commission announces 2013 Preparatory Actions**

On April 26, the European Commission adopted the 2013 Preparatory Actions on "European Partnership on Sports".

Transnational projects (with partners from a minimum of five EU Member States) in three areas will be covered in this call for proposals:

- Strengthening of good governance and dual careers in sport through support for the mobility of volunteers, coaches, managers and staff of non-profit sport organisations.
- Protecting athletes, especially the youngest, from health and safety hazards by improving training and competition conditions.
- Promoting traditional European sports and games.

The main difference from last year is that the private 3rd party funding element is now optional (although projects with this element will receive additional award points).

A total budget of €2,650,000 is available this year and the deadline for submitting applications is 19 July. For more information, please take a look at the following link:

[http://ec.europa.eu/sport/preparatory\\_actions/eac-s03-2013\\_en.htm](http://ec.europa.eu/sport/preparatory_actions/eac-s03-2013_en.htm)

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## Conclusions of the latest meetings of the EU Expert Groups on Anti-doping and Education in sport

The **Expert Group on Anti-doping** and the **Expert Group on Education and Training** in sport held their most recent meetings in late January and the Commission has now published the reports of the discussions.

At its fourth meeting so far, the Anti-doping group discussed draft EU comments on the **revision of the World Anti-Doping Code** and the International Standards (this is the third EU contribution which has meanwhile been adopted by the EU Council and transmitted to WADA).

Under the heading of doping in recreational sport the Anti-doping group discussed the **preparation of draft EU recommendations on combating doping in recreational sport** as well as the Commission's plans for an external study on this issue.

The next meeting of the Anti-doping group will take place in September.

You can access the full report of the latest discussions at the following link:  
<http://ec.europa.eu/sport/library/documents/b24/xg-ad-201301-final-rpt.pdf>

The third meeting of the group on Education and Training in Sport discussed the state of play of the inclusion of **sport qualifications**, in particular non-formal sport qualifications and certificates delivered by sport organisations, in the National Qualification Frameworks of the Member States.

The Expert Group proposed to intensify contacts with international sport federations to align international qualifications with the national qualification frameworks and to promote cooperation between formal educational institutes and non-formal sport education providers.

The next meeting of the Education group will take place in June.

You can access the full report of the latest discussions at the following link:  
<http://ec.europa.eu/sport/library/documents/b24/xg-ets-201301-final-rpt.pdf>



## Conclusions of the latest meetings of the EU Expert Groups on Good Governance, Sport Health and Participation and Sport Statistics

The **Expert Group on Good Governance** held its 5<sup>th</sup> meeting in early April to discuss the topic of “**Supervision of sports agents and transfers of players, notably young players**”. The EU Sports Platform participated as an observer at this meeting.

At the meeting, FIFA presented its Transfer Matching System (TMS). The European Commission also presented the legal framework applicable to young workers in the EU and other measures for the protection of players in the context of international transfers.

The Group is expected to propose a follow-up to the Commission conference on sport agents and to the study on the economic and legal aspects of transfers of players by end-2013.

The next meeting of the group will take place on July 17-18. You can find a full report of the discussions at the following link:

<http://ec.europa.eu/sport/library/documents/b24/xg-gg-201304-final-rpt.pdf>

Two more expert groups published the reports of their latest meetings in the past two months. The group on **Sport, Health and Participation** had its fourth meeting,

which focused on two of the deliverables the group has undertaken, namely deliverable nr. 4 “Input for the next Eurobarometer on sport and physical activity” and deliverable nr. 5 “Proposals for future EU level work in the field of HEPA promotion”.

The next meeting of the group will take place on July 4 in Lisbon.

You can access the full report of the meeting at the following link:  
<http://ec.europa.eu/sport/library/documents/b24/xg-shp-201302-final-rpt.pdf>

Lastly, the **Expert Group on Sport Statistics** discussed the preparation of the Policy recommendations based on the study on a possible future sport monitoring function in the EU, including a progress report on national SSAs and proposals for future EU level work in the field of sport statistics.

This was the fourth meeting of the group and the next one will take place on July 1-2 in Mainz, Germany.

Please see at this link for the full report of the meeting:  
<http://ec.europa.eu/sport/library/documents/b24/xg-stat-201302-final-rpt.pdf>



## Dates for the Diary

*May 16<sup>th</sup>-17<sup>th</sup>*

Education, Youth and Sport Council

*May 27<sup>th</sup>-31<sup>st</sup>*

Sport Accord Convention (St. Petersburg)

*June 19<sup>th</sup>*

Next membership meeting of the EU Sports Platform

*June 20<sup>th</sup>*

Sport and Recreation Alliance, European Sport Summit 2013 (London)



June 20, 2013

Oval cricket ground – London

The Sport and Recreation Alliance has the pleasure to invite you to the EU Summit 2013 – Major events: Major opportunities.

The European Summit, hosted at the world famous Oval cricket ground, will bring together key policy-makers, sports administrators, journalists, lawyers and other stakeholders to untangle these issues.

The event will ask how, in the face of fierce global competition, European countries can still compete when it comes to hosting major sporting events?

**All the relevant info and booking forms can be found at the following link:**

<http://www.sportandrecreation.org.uk/events/current-events/eu-summit-2013-major-events-major-opportunities>

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## News in brief



### ***MEPs call for action on match-fixing***



On March 13, a cross-party group of MEPs, tabled a motion for resolution calling for EU-wide action on organised crime.



The EU Commissioner for Sport, Androulla Vassiliou, said that the EU is “determined to do all it can” to help sports bodies and law enforcement agencies to tackle the scourge of match-fixing and corruption in sport.



### ***EU Conference on Sport Financing***



In early March, the Irish Presidency of the Council of the EU organised a Conference on Sport Financing. This took place in Dublin, featuring representatives of the key sports organisations across Europe.

In his speech, Minister of State for Tourism and Sport Michael Ring TD highlighted the important role sport plays in “improving the health and wellbeing of our citizens and instilling a sense of place and belonging among those who play and those who follow sport.”

### ***Court of Justice of the European Union (CJEU) rules on discrimination in football***

On April 25, the CJEU ruled that homophobic statements by the “patron” of a professional football club may shift the burden of proof on to the club to prove that it does not have a discriminatory recruitment policy.

This ruling followed a complaint against SC Fotbal Club Steaua Bucureşti SA ('FC Steaua'), and Mr. Becali, who, presenting himself as being the ‘patron’ of that club, said that he would never hire a homosexual player.

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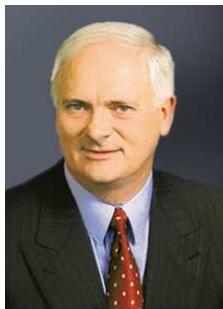
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## Parliamentary questions

Members of the European Parliament have the right to ask Parliamentary Questions to the European Commission on areas relating to European law, and sport is no exception.

Recent queries have included:

- The Commission’s plans against match-fixing and the involvement of criminals with sport from Petru Constantin Luhan (Romania);
- Members of the Socialists and Democrats Group (S&D) tabled an oral question at the plenary meeting of the European Parliament last March on the involvement of organised crime in European professional football and any possible plans of the Commission to fight it; The bad situation of a number of sport facilities in Lisbon and the available EU measures and plans for their rehabilitation from João Ferreira (Portugal);
- The Commission’s plans to position and market EU funding opportunities for sport from Hannu Takkula (Finland);
- The Commission’s conclusions after examining the case of fiscal aid granted to Belgian football clubs from Marc Tarabella (Belgium);
- What measures could be taken under the Commission’s action plan for online gambling in order to provide consumers with better protection in future in connection with the cross-border provision of services from Jürgen Creutzmann (Germany);
- What are the Commission’s proposals to tackle the different ways in which the profession of agents is regulated within the European Union from Marc Tarabella (Belgium).



## The Last Word: John Bruton Chairman of the EU Sports Platform

While for many people sport is a hobby, a way to keep fit or to spend time with friends, we mustn't forget that it also has a significant economic impact in Europe and is, in principle, subject to the same EU laws and regulations as other sectors of activity.

The European Institutions have, however, to a large extent recognised the specificity of sport, based on the social role it plays, in terms of health, volunteering, education, culture, integration and so on.

This means that sport can "ignore" EU law in some areas – such as discriminating against people based on their nationality to make national team selections – but it does not give sports association's carte blanche to breach the rules.

One area where the European Commission is increasingly looking at the actions of sports is competition law, in particular regarding compliance with the EU state aid rules. As highlighted at the beginning of this newsletter, earlier this year, it announced the opening of an in-depth investigation into financial aid given

by local authorities in the Netherlands to five professional football clubs, including PSV Eindhoven. A property deal between Real Madrid and Madrid City Council is also being looked at, amongst a number of other cases.

These cases all concern professional football but it is also important to consider the wider impact of increased scrutiny by DG Competition into the relationship between public authorities and professional sports, as well as any potential spill-over into amateur/grassroots sport.

This is something we will be discussing in detail at our next EU Sports Platform membership meeting, which is taking place on the afternoon of Wednesday 19 June.

A highly-qualified panel of speakers, including Mr. Wouter Pieke from DG Competition, MEP Ivo Belet and Ken Daly from Sidley Austin LLP, will give us their views on the potential impact of state aid rules on sport more broadly.

I hope to see you all there for what promises to be an informative and interesting discussion.