



European Economic and Social Committee

SOC/413
Developing the European
Dimension in sport

Brussels, 26 October 2011

OPINION

of the

European Economic and Social Committee

on the

**Communication from the Commission to the European Parliament, the Council, the European
Economic and Social Committee and the Committee of the Regions**

Developing the European Dimension in Sport

COM(2011) 12 final

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On 18 January 2011, acting under Article 165 of the Treaty on the Functioning of the European Union, the European Commission decided to consult the European Economic and Social Committee on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Developing the European Dimension in Sport
COM(2011) 12 final.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 28 September 2011.

At its 475th plenary session, held on 26 and 27 October 2011 (meeting of 26 October), the European Economic and Social Committee adopted the following opinion by 27 votes to 2 with 8 abstentions.

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1. Conclusions and recommendations

- 1.1 The EESC wishes to highlight its great interest in, and commitment to, developing the European dimension in sport. It is vital to ensure continuity for sports development policies in the EU, working together with Member States and with due regard for the subsidiarity principle, the scope for this being limited by the powers conferred under the Treaty.
- 1.2 Sport makes an undeniable contribution to promoting physical and mental health and to developing values such as discipline and team spirit, which in turn promote social integration. Participating in sport plays a key role in preventing a vast array of diseases. Health problems are directly linked to low levels of physical activity. Sport helps improve the quality of people's lives and their life expectancy and also makes the European economy more productive and competitive. The EESC calls for participation in sport to be promoted and for EU action to be taken to achieve this.
- 1.3 The EESC acknowledges the problem of doping in sports. Discussions must take place at both EU and Member State levels on how to combat this social blight. Doping can jeopardise sportsmen and sportswomen's health, especially in the ranks of young amateurs, as well as being damaging to genuine competition in sport.

- 1.4 The Commission's stance on the practice and development of sport in education, as the EESC has previously recommended¹, is to be welcomed. The Committee reiterates the need to improve sports centres, changing rooms and other infrastructures, to enable people to participate in sports in good conditions and at an affordable price.
- 1.5 It is of particular concern to the EESC that sportsmen and women receive a decent education. Too often, young people drop out of school to pursue their sporting ambitions. In line with the principle of pursuing a dual career, they must be given the opportunity to start and develop a career in sports without leaving school. This principle is also important given the need for those concerned to enter labour markets equipped with the necessary skills once their sporting careers are over. For this to happen, sports coaches should also be trained to instil the right values in the young people they are training.
- 1.6 Violence in sport is deplorable and requires resolute action to eradicate it, through both policing and appropriate criminal legislation. The EU can and must act as coordinator for Member State initiatives, with a view to improving the exchange of information on the most effective ways to act.
- 1.7 The EESC considers that particular attention should be paid to the most disadvantaged groups in sport, such as people with disabilities and the elderly. Such individuals have the right to participate in sporting activities, on an equal basis. The Committee recalls that the EU is signatory to the United Nations Convention on the Rights of Persons with Disabilities: Member States must ensure that this convention is properly implemented.
- 1.8 The Committee reiterates its 2008 call² for particular attention to be paid to the representation of women in sport and for gender equality be mainstreamed in this area.
- 1.9 The EESC wishes to highlight the role played by not-for-profit sports associations in promoting sporting activities. It is essential that these organisations be supported, either through the provision of appropriate financial resources or by encouraging voluntary activity.
- 1.10 Active cooperation between professional and not-for-profit organisations is also required, because the sport's future depends on it. The EESC considers it a priority to find sustainable forms of financing to make such cooperation viable.
- 1.11 The Committee is particularly concerned at the growth of the illegal and unregulated betting and lotteries sector, where there is a clear lack of regulation and appropriate sanctions. It is worth highlighting the potential importance of this state-run or state-licensed sector for funding sport by investing revenue in upgrading sports facilities. Dialogue should be established between Member States in order to find the models that best reflect the EU's

¹ EESC opinion on "The White Paper on Sport", OJ C 151, 17.06.2008.

² Idem.

principles. Regulating the betting and lotteries market in sport is crucial for ensuring genuine competition and transparency in sport.

- 1.12 The EESC acknowledges the difficulties facing the EU in regulating the betting market. The rules of the internal market and competition should be fully respected, whilst showing due regard for the subsidiarity principle. The Committee urges the Commission to follow this matter closely and to establish a guiding framework for regulating this market on the basis of these principles and of the potentially valuable information to emerge from the consultation procedure currently under way³.

2. General comments

2.1 Introduction

- 2.1.1 On 18 January 2011, the European Commission issued a communication on Developing the European Dimension in Sport, which reviews the results of the White Paper on Sport. In accordance with Article 165 TFEU, the Council of the European Union established an action plan based on working groups, aimed at achieving the objectives set.

- 2.1.2 The importance of sport is universally acknowledged, not only by the Member States but also by all those involved in the sector. Sport's added value for society is undeniable. The benefits it provides for health, social integration and the economy in the EU demonstrate the need for cooperation and the development of joint strategies. The EU is the most appropriate level for steering Member States towards achieving good results in this area.

- 2.1.3 The importance of the European dimension in sport is clear, in terms of both funding programmes and specific measures in this sector and developing specific platforms for dialogue and the exchange of information.

- 2.1.4 The 2012 Olympic Games, which will be held in London, represent an opportunity to develop the European dimension in sport at a number of levels, in respect of organisational monitoring and coordination models and the outcome of dialogue between the different stakeholders involved.

2.2 Objectives and content of the proposal

- 2.2.1 The entry into force of the new Treaty has seen a new power conferred on the EU in the field of sport. To date, the European dimension in sport has developed indirectly, through the powers conferred on the EU in social affairs, education and health and, even more indirectly, in relation to the principles of the internal market and competition law.

³ COM(2011) 12 final, p. 10.

2.2.2 Despite these limitations, it has always been recognised that it would be in Member States' best interest to cooperate on sports development issues. The EU has now become an appropriate authority for implementing this policy.

2.2.3 The communication attempts to identify the requirements and scale of the European dimension in sport. It identifies the most relevant issues and those most appropriate for EU-level action. To this end, public consultation has been held with the various stakeholders in order to determine the priority areas to work on. Three important areas emerged, namely:

- the social function of sport;
- the economic dimension of sport; and
- organisational aspects of sport.

Within these areas, the most important aspects were pinpointed.

2.2.4 The communication under consideration endeavours to develop/build on the White Paper, taking account of what has been done since its publication and, of course, with the entry into force of the new Treaty (and the relevant Article 165 TFEU), to use the powers that have been conferred on the EU.

3. **Specific comments**

3.1 **Health**

3.1.1 The EESC acknowledges that taking part in sport improves people's physical and mental health in general and has a direct and positive influence on productivity at work and on quality of life, since it is an important means of combating increasingly sedentary lifestyles.

3.1.2 Sport helps prevent and combat obesity and a number of serious diseases, especially cardiovascular disease. Sport therefore provides additional economic benefits by lowering healthcare and social security costs.

3.1.3 Sport also has a key role to play in the social integration and well-being of the elderly. It not only helps combat disease, but also promotes greater solidarity between the generations.

3.2 **The fight against doping**

3.2.1 Combating doping is of the particular importance. Protecting the physical welfare of sportsmen and women and genuine competition in sport requires action coordinated at all levels, not only between the 27 Member States and their national bodies, but also at international level. The closer cooperation and understanding is between all parties as regards the best forms of action, the more successful such action will be.

3.2.2 One particularly important aspect is the fight against doping, not only in professional sports, but in amateur sports too.

3.2.3 Robust action that is coordinated between Member States for regulating and monitoring the sale of substances used in doping is crucial, and the EESC therefore endorses the Commission's intention to propose a draft mandate to sign up to the Council of Europe's Anti-Doping Convention.

3.3 **Education, training and qualifications in sport**

3.3.1 Physical activity in schools is the first step towards instilling in our youngest children the sporting values they will retain throughout their lives. Measures aimed at implementing good sporting practice in the education system and improving the necessary infrastructure have the Committee's full support.

3.3.2 The EESC agrees with the European Commission's position recognising the importance of a dual career in the education and training of athletes.

3.3.3 The EESC also endorses the initiatives under the Lifelong Learning Programme, which it considers to be an essential strategy for inculcating good sporting values.

3.3.4 Proper qualifications for sports trainers and trainees is another key factor for preserving sporting values. The Committee shares the Commission's desire for sports qualifications to be included in national qualifications schemes, to ensure they are reflected in the European Qualifications Framework (EQF).

3.3.5 Voluntary work in sport, carried out mainly in local sports clubs, is of considerable value to society as a whole. Often, however, not-for-profit voluntary sports organisations do not receive appropriate public recognition and are nowadays facing major challenges. The EESC wishes to point out that the Commission communication fails to take sufficient account of the importance of voluntary work in sport and consequently calls on the Commission to take the necessary steps to further promote the culture of voluntary work in this sphere. In particular, the qualifications and training of volunteers and the acquisition and recognition of their knowledge and skills should be encouraged with greater determination at European level. The Commission should also monitor this process and avoid any unintended detrimental consequences for not-for-profit sports organisations when drafting European legislation.

3.4 **Combating violence in sport**

3.4.1 The EESC welcomes the Commission's initiative to develop and implement training measures relating to violence in sport, which targets both spectators and the police.

- 3.4.2 Training spectators is also something that starts in the earliest schooldays. The values and practice of sport should be given priority over unhealthy competition.
- 3.4.3 Violence in sport is a serious problem that is rife throughout Europe. Violence is frequently associated with racism, xenophobia, homophobia and other similar forms of intolerance. Any measures taken must aim to combat these phenomena, which run totally counter to sporting values.
- 3.4.4 Information should be permanently monitored and there should be continuous cooperation between the bodies responsible for the well-being of spectators, especially with a view to preventing offences committed by previously identified risk groups, primarily at international sporting events.

3.5 **Social inclusion in and through sport**

- 3.5.1 Everyone, including people with disabilities and the elderly, must have access to sporting venues as a participant and not just as a spectator. Public support for achieving this aim is of the utmost importance.
- 3.5.2 Little research has been carried out into the sporting activities of people with disabilities with a view to enabling them to take part in all sports. The EESC supports the Commission's initiative on this matter.
- 3.5.3 The EU and the Member States' signing of the United Nations Convention on the Rights of Persons with Disabilities means that the necessary measures must be adopted in order to comply with the Convention. The EESC calls on the Commission to check the measures adopted by the Member States in this area.
- 3.5.4 Gender equality in sport must be guaranteed, since women are under-represented in a number of sports. The EESC supports initiatives aimed at ensuring respect for the principle of gender equality and equal opportunities. It agrees, therefore, with the inclusion of the 'sport' category in the database on women in leadership positions.
- 3.5.5 Sport can be a means to foster integration and dialogue between different cultures and can promote a spirit of European citizenship. It is worth highlighting sport's potential for bringing together disadvantaged and vulnerable groups. The EESC fully agrees with the need to support programmes intended to boost social integration through sport. NGOs play a key role in this area, and this should be encouraged.
- 3.5.6 Ever-increasing numbers of sportsmen and sportswomen are migrating from one country to another. For the host countries, integrating these individuals and their families is one way of promoting the host countries' cultural and social values. The EESC supports the Member

States' and the Commission's efforts to create legislative incentives to host, settle and ensure non-discriminatory treatment for people in this situation.

3.6 **The economic dimension of sport**

- 3.6.1 The EESC recognises the economic growth of sport. This sector accounts for around 2% of the EU's total GDP. The sports market contributes to employability and to growth rates. Many sports organisations have become limited companies, but a great many remain not-for-profit bodies. Relations between these two types of organisation need to be established or further developed in order to make them financially sustainable.
- 3.6.2 The private sector has an important social role to play in the development of sport, both directly through specific contributions and through sponsorship.
- 3.6.3 The EESC recognises and supports the creation of a Sport Satellite Account. To be able to adopt the most appropriate policies, reliable data will be needed on the amounts generated by sport. The greater the cooperation and information that is in place, the easier it will be to draw up the most sensible policies.
- 3.6.4 The communication under consideration attaches great importance to the exploitation of property rights that organisers hold over their sports events, as well as of their intellectual property rights. The EESC endorses this emphasis. Selling television rights and merchandising does account for a large part of these sports organisations' income. More account should be taken of sports organisations' rights in EU legislation. Organisers of sports events should have the right to ask for a fair return for any form of use of their events whatever the economic value involved.
- 3.6.5 The EESC shares the communication's legal analysis of the potential breach of competition rules arising from the collective selling of rights. Nevertheless, recognition that joint selling can meet the criteria for an exemption under Article 101(3) TFEU is to be welcomed and the EESC acknowledges that collective selling has undeniable advantages for sports organisations and that this selling should be carried out in such a way that it remains outside the scope of Article 101(1) TFEU.
- 3.6.6 Trade (and production) in sports goods and clothes and other associated products is a business worth billions of euros in Europe as well. Through advertising and sponsorship, the sector is one of the biggest sources of funding in sport. Numerous studies carried out at the request of European organisations have revealed that there are many shortcomings linked to the working conditions in the global manufacturing chain for sports products, which may weaken the ethical credibility of the whole sports movement. Sportspersons, the sports movement and businesses sponsoring sports events as well as cooperation partners should be required to monitor the production chain, and the working conditions associated with it, in a reliable and

transparent way (and develop ethical guidelines based on the international labour standards of the ILO).

- 3.6.7 The Committee notes that the state-run or state-licensed betting and lotteries market is extremely important to the financial sustainability of sporting activities. Tax revenues are considerable and indirectly help make the different levels of sports financially sustainable. Accordingly, online sports betting operators should allow sports event organisers, on a contractual basis, control over the types of betting offered and compensation for the use of their events as the basis for online sports betting.
- 3.6.8 Establishing a European sports lottery could make this market segment more attractive and would raise funds to finance the development of regional sports associations and sports training and education.
- 3.6.9 The EESC recognises the difficulties inherent in regulating this market and wishes to remind the Commission that on the basis of internal market principles and competition law, it is legally possible to promote measures that would bring transparency to this sector.
- 3.6.10 Corruption and organised crime groups are involved in the illegal betting market. These groups attempt, sometimes successfully, to manipulate results, which helps undermine genuine competition in sports, corrupt officials and players and distort the values of sport. The Committee urges the Commission and Member States to work towards harmonising legislation to combat these illegal practices.
- 3.6.11 The EESC welcomes the initiative to monitor the application of state aid legislation in the field of sport, in order to ensure full compliance with European legislation.
- 3.6.12 The Committee fully endorses exploiting the possibilities of the European Regional Development Fund to support sport infrastructure, since voluntary organisations need this support which boosts regional and rural development in the Member States.

3.7 **The organisation of sport**

- 3.7.1 There is a real need for European legislation applying to the sports sector to be clarified. The EESC welcomes the Commission's initiative to provide assistance and guidance on a case-by-case basis regarding the proper application of the concept of the "specific nature of sport".
- 3.7.2 The Committee fully shares the growing concern from the legal point of view at the activity of sports agents. The priority is to understand and study the impact of this type of activity on sports and training organisations and ensure that athletes are better protected.

- 3.7.3 A conference on the regular analysis of developing the European dimension in sport and its impact already has the support of the EESC, which would like to play an active role in such an event.
- 3.7.4 The EESC agrees with the Commission proposal that it is crucial to support and establish continuous dialogue between the social partners and sports organisations to explore and discuss sports-related issues, such as education and training, the protection of minors, health and safety, employment, working conditions and contract stability.

Brussels, 26 October 2011.

The President
of the
European Economic and Social Committee

Staffan Nilsson
