

**Position Paper on the draft report
on the White Paper on Sport (2007/2261(INI))**

The European Parliament presently debates a report on the White Paper on Sport which is based on the White Paper on Sport of the European Commission (COM(2007)0391).

The European sports movement (ENGSO, Finnish Sports Federation) follows very closely these debates as it might be impacted by this report and ensuing actions taken by the European Parliament and/ or European Commission.

About one third of the EU-population is organized in a sport club. About 60 % of the EU-population practice sport on a more or less regular basis. Thus, sport organizations represent the largest social movement in European societies. The important and multifaceted role of sport has been recognized by various documents of the European Union, most recently by the European Commission's White Paper on Sport and the Lisbon Treaty creating a legal basis for sport in article 149 (165).¹

The undersigned organizations welcome the European Parliaments initiative, particularly

Letter I. recognising the role of sport for the economy and regional development

Letter K. promoting the definition of sport as a service of general interest

Point 11. recognising the right to protect the intellectual property rights of sport organizations.

Furthermore, the following proposals for amendments are being forwarded. We hope, they do find your support.

¹ Other documents underlining the important role of sport (list not exhaustive):

- Declaration 29 on Sport annexed to the Treaty of Amsterdam
- European Council, Conclusions of the Presidency, Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies, annex IV, Nice , 7-10 December 2000.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
1. Motion for a European Parliament Resolution on the White Paper on Sport (2007/2261(INI)) The European Parliament,	New – having regard to article 149 of the Lisbon Treaty which refers to sport

Reason

The link to the reference of sport in the Lisbon Treaty is important to mention in the report.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
Letter A A. whereas sport is confronted with new threats and challenges, such as commercial pressure, the exploitation of young players and sportsmen and -women, doping, racism, violence, corruption and money laundering,	A. whereas sport plays a very important role in European societies, parts of competition sport are confronted with new threats and challenges, such as commercial pressure, the exploitation of young players and sportsmen and -women, doping, racism, violence, corruption and money laundering,

Reason

This generalization goes too far. The image of sport in public is distorted with the negative statement. Therefore, it is advisable to start with the positive impact of sport on society and afterwards tackle the problems.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Letter B</p> <p>B. whereas the role of sport in Europe must be given a strategic orientation by clarifying the application of Community law to sport, and whereas there must also be further sports-related action at EU level,</p>	<p>B. whereas the role of sport in Europe must be given a strategic orientation by clarifying the application of Community law to sport, whereas a case-by-case approach to deal with the specificity of sport is unsatisfactory from the perspective of sporting organizations which will entrench existing legal uncertainty, and whereas there must also be further sports-related action at EU level while respecting the autonomy, specificity and self-regulation of sport organizations.</p>

Reason

Sport organizations are confronted with legal uncertainty with regards to the applicability of the EU-body of law. Studies and seminars – tailored and targeted to sport organizations – would substantially increase the so much sought legal certainty for sport organizations.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Letter J</p> <p>J. whereas sport organisations have many sources of income, including club fees and ticket sales, advertising and sponsorship, media rights, re-distribution of income within the sports federations, merchandising, public support, etc.,</p>	<p>J. whereas sport organisations have many sources of income, including such as club fees and ticket sales, advertising and sponsorship, media rights, re-distribution of income within the sports federations, merchandising, public support, etc., with revenues generated by state-owned or state-licensed lotteries and gambling operators being by far the largest source of income in many EU Member States</p>

Reason

In most of the Member States the income of sport organizations is primarily dependent on revenues generated by state-owned or state-licensed lotteries and gambling operators.. I.e. the Finnish Sport Federation, the umbrella organization of Finnish sports, receives 98% of its income from the Finnish gambling monopoly. In France this figure amounts to about 90%, in Austria to about 70%. Therefore, when talking about sources of income of sport organizations the importance of funding from national lotteries has to be highlighted, as it is indispensable to many national sports organisations.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Letter L</p> <p>L. whereas competition law and internal market provisions apply to sport, in so far as it constitutes an economic activity, and whereas sport is also subject to other aspects of EU law, such as the prohibition of discrimination on grounds of nationality and equality between men and women in employment,</p>	<p>L. while competition law and internal market provisions apply to sport, in so far as it constitutes an economic activity, and whereas sport is also subject to other aspects of EU law, such as the prohibition of discrimination on grounds of nationality and equality between men and women in employment, there are certain instances, in view of the specific characteristics of sport, where limited and proportionate restrictions on free movement may be appropriate, useful and necessary in order to promote sport in Member States;</p>

Reason

Due to the specificity of sport some exceptions can be made to the principle of free movement. Some exceptions have been recognized by the European Court of Justice.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p>New</p> <p>Letter Q</p> <p>Q. whereas the White Paper refers many times to the mainstreaming of sport within the European funding programmes, and whereas the Union shall also take sport aspects into account in its action in particular in order to respect the autonomy, specificity and self-regulation of sport organizations and to promote sport at European level.</p>

Reason

The mainstreaming of sport is of utmost importance. Although there is no direct competence of the Commission in the field of sport, sport is impacted by many other EU-policies. Therefore, sport should be mainstreamed both in EU-policies and EU-funding streams to promote the European dimension of sport.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	New Letter R R. whereas the Commission has decided to make health-enhancing physical activity a cornerstone of its sport related activities;

Reason

As sport and health are so closely related, the Parliament's report has to make a reference to it and call on the Commission to get active in this field.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	New Letter S S. whereas the Council of Europe demonstrates an innovative and effective dialogue with the sports movement in Europe bringing together governmental and non-governmental sport stakeholders in its meetings.

Reason

The communication and information flow between governmental and non-governmental sport stakeholders should be improved by inviting representatives from the non-governmental sport movement to (governmental) EU-meetings like the EU sport minister, sport directors or the Commission's working group meetings. For instance, in the sport minister meetings of the Council of Europe representatives of the non-governmental sport movement are always invited.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 4</p> <p>4. Recommends that Member States make more effective use of the potential of sport to create jobs and promote economic growth and revitalisation, particularly in disadvantaged areas;</p>	<p>4. Recommends that Member States make more effective use of the potential of sport to create jobs and promote economic growth and revitalisation, particularly in disadvantaged areas, and that Member States and the European Union support sport accordingly through existing EU-funding programmes.</p>

Reason

The important role of sport for society and the economy is recognized. Therefore, public support to sport should be allocated accordingly.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 10</p> <p>10. Calls on the Commission and Member States to recognise sport officially in the new reforming Treaty in order to establish a consistent future European policy in this sector;</p>	<p>10. Calls on the Commission and Member States to recognise sport officially in the new reforming Treaty in order to establish a consistent future European policy in this sector enabling the Commission to promote and complement – but not to regulate – the actions of Member States and sport organisations.</p>

Reason

The European Commission shall promote – but not regulate – sport.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 12</p> <p>12. Voices its concern at the possible deregulation of the market in gambling and lotteries, since state-run or state-licensed gambling or lottery services will be harmed by competition and will restrict their support mainly to amateur sport;</p>	<p>12. Voices its concern at the possible deregulation of the market in gambling and lotteries, since state-run or state-licensed gambling or lottery services will be harmed by competition and will restrict their support mainly to amateur sport;</p> <p>Strongly supports state-owned or state-licensed lotteries and gambling operators - which are based on imperative requirements in the general interest, including control of a fundamentally undesirable activity, prevention of compulsive gambling and maintenance of public order, and pursue such objectives in compliance with European law as established in the case law of the European Court of Justice - and considers it appropriate to use the profits derived through such lotteries for purposes that are in the public interest, including sport.²</p>

Reason

The financing of sport through state-owned or state-licensed lotteries and gambling operators is of utmost importance. The abolition of gambling monopolies and the liberalization of the gambling market threaten the existence of the European model of sport and sport organizations.

² Please see also: Draft opinion of the Committee of the Regions on The White Paper on Sport, EDUC-IV-017, Point 50.)

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 14</p> <p>14. Agrees with the Commission that most challenges can be addressed through self-regulation respectful of good governance principles, provided that EU law is respected, and calls on the Commission to take measures wherever it deems them appropriate;</p>	<p>14. Agrees with the Commission that most challenges shall be addressed through self-regulation respectful of good governance principles, provided that EU law is respected, and calls on the Commission to take measures wherever it deems them appropriate; respect the autonomy and self-regulation of sport organizations;</p>

Reason

The autonomy of sport organizations has been too little emphasized in the Commission's White Paper although it has been recognized by the Nice-declaration.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p>New</p> <p>14.1 feels that the specific characteristics of sport are fundamental and that the White Paper fails to take a clear position on this point of how to uphold this principle.³</p>

Reason

The specificity of sport has been recognized in various judgements of the Court of Justice and decisions of the Commission. Therefore, it is important to include the concept of the specificity of sport in the report.

³ Please see also: Draft opinion of the Committee of the Regions on The White Paper on Sport, EDUC-IV-017, Point 55.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 20</p> <p>20. Recommends that Member States establish a common practice in selling media rights, so as to prevent a situation in which only big associations benefit and recognises the importance of an equitable redistribution of income between sport clubs, including the smallest ones, and between professional and amateur sport;</p>	<p>20. Recommends that Member States establish a common practice in selling media rights, so as to prevent a situation in which only big associations benefit and recognises the importance of an equitable redistribution of income between sport clubs, including the smallest ones, and between professional and amateur sport;</p> <p>Recognizes that media rights are owned by sport organizations and sports intellectual property rights require the same protection as other media rights while a solidarity mechanism guarantees the redistribution of the income generated through the selling of media rights, and recognizes that the Commission and Member States must respect the self-regulation of sport organizations.</p>

Reason

The different ways to sell sport media rights shall not be harmonized at European level.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
<p>Point 21</p> <p>21. Takes the view that collective selling of rights can be important for the redistribution of income and can thus be a tool for achieving greater solidarity within sports;</p>	<p>21. Takes the view that collective selling of rights can be important for the redistribution of income and can thus be a tool for achieving greater solidarity within sports;</p>

Reason

Point 21 is redundant.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p data-bbox="826 293 887 322">New</p> <p data-bbox="826 360 938 389">Point 22</p> <p data-bbox="826 427 1385 797">22. Requests for the budget 2009 a special budgetline for pilot projects in the field of sport. Since a specific EU funding programme on sport would not be operational before 2011 – assuming the Lisbon Treaty is ratified by the 27 Member States – the Parliament acknowledges the necessity of starting the implementation process for the manifold actions mentioned in the Action Plan “Pierre de Coubertin”.</p>

Reason

To make the future EU funding programme on sport most successful, pilot projects should be funded before the funding programme will enter into force.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p data-bbox="826 1173 887 1202">New</p> <p data-bbox="826 1240 938 1270">Point 23</p> <p data-bbox="826 1308 1401 1476">23. urges the Commission to mainstream sport properly in existing EU policies and EU funding programmes and report on the progress of its mainstreaming several times a year.</p>

Reason

Sport is impacted by various EU-policies. Mainstreaming sport into EU-policies may avoid negative impacts on sport already at an early stage in the decision-making process.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p>New</p> <p>Point 24</p> <p>24. calls on the European Commission to promote a stronger involvement of the non-governmental sports movement in the dialogue between the Member States and the Commission by organizing governmental meetings together with the non-governmental sport movement like the ministerial or sport director meetings or the Commission's working group meetings.</p>

Reason

The communication and information flow could be considerably improved if the dialogue of the Commission would also involve non-governmental sport organizations (NGSO). For instance, NGSOs could also be invited to the EU sport ministers meeting as well as to various other meetings like the Commission's working groups. The Council of Europe is organizing such a dialogue involving governmental sport organizations and NGSO since many years. This would be a real innovation and development of the Commission's proposed structured dialogue.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	<p>New</p> <p>Point 25</p> <p>25. calls on the European Commission to create more legal certainty for sport organizations with regards to the applicability of EU-law by supporting studies and seminars on the concrete application of the „Acquis Communautaires“ on sport.</p>

Reason

Sport organizations are confronted with legal uncertainty with regards to the applicability of the EU-body of law. Studies and seminars – tailored and targeted to sport organizations – would substantially increase the so much sought legal certainty for sport organizations.

Draft Report on the White Paper on Sport 2007/2261(INI) of 26.11.2007	Amendment
	New Point 26 26. Calls on the Commission to develop and issue together with sport federations European guidelines on physical activity before the end of 2008.

Reason

As sport and health are so closely related, the Parliament's report has to make a reference to it and call on the Commission to get active in this field.