

## ENGSO Statement on the Commission's Communication "Developing the European Dimension in Sport"

### SUMMARY

ENGSO welcomes the Commission's Communication "Developing the European Dimension in Sport" and the support it gives to many of the sport movement's priorities. However, it is a disappointment that the Commission is not taking any further steps in the area of volunteering. References to an EU funding programme for sport are lacking. While the inclusion of sport into structural funds is positive, ENGSO would have liked to see a wider reference to the mainstreaming of sport into other EU funding programmes. Cooperation with sports organisations will be of utmost importance in the implementation of the proposed actions.

#### *The societal role of sport:*

ENGSO highlights the importance of supporting educational initiatives in anti-doping and urges the Commission to ensure that legislative actions will not interfere with the autonomy of sport. Initiatives to increase physical activity at schools and the validation of non-formal and informal learning through volunteering are of utmost importance. Enhancing health through sport must remain a priority for the Commission. Promoting social inclusion and gender equality in sport as well as recognising the role of volunteers in this work is essential.

#### *The economic dimension of sport:*

Ensuring the sustainable financing of sport must be a priority. The Commission must acknowledge that a fair return for sport from gambling and betting activities is necessary, and it must defend the VAT exemptions granted to sport. The Commission's interpretation on the application of state aid rules should be clarified. EU-wide data on the social and economic aspects of sport, notably on volunteering, is needed.

#### *The organisation of sport:*

ENGSO supports promoting the principles of good governance, but this should mainly be the responsibility of the sports movement. A more detailed definition of the specific nature of sport is needed. Specificity should also be considered when discussing free movement and nationality of sports people; national federations must have the right to decide how to organise national competitions. Cooperation between the Commission, Member States, the sports movement and the Council of Europe is essential in order to promote the integrity of sport.



## 1. GENERAL REMARKS

The European Non-Governmental Sports Organisation ENGSO welcomes the Commission's Communication "Developing the European Dimension in Sport". ENGSO sees that most of the actions proposed are admissible, and can help the sports movement pursue its national as well as European goals.

However, ENGSO would like to point out some of the shortcomings of the Communication. It is a disappointment that the Commission is not taking any further steps in the area of volunteering. The reference to the White Paper is not ambitious enough. Especially in light of the European Year of Volunteering, the Commission could have indicated that it is willing to listen and to work in order to implement relevant recommendations that will be put forward either during the Year or following the evaluation of the Year. Moreover, there are no concrete actions to tackle the challenges related to the work of non-profit, volunteer-based sports organisations.

It is of utmost importance to have an EU funding programme for sport. References to a possible programme should have been more visible and substantial. A funding programme would make the EU's competence in the field of sport more tangible, and contribute to enhancing cooperation in sport in Europe. The budget of a sports programme should be sufficient in order to ensure the credibility of both the programme and the EU and in order to enable the full implementation of the sports provisions of article 165 TFEU.

ENGSO would have liked to see the mainstreaming of sport into other EU funding programmes referred to in the communication. ENGSO recognises that some actions to mainstream sports have already been taken by the Commission, and welcomes these positive steps. However, the work is nowhere near complete, and the results of the mainstreaming exercise remain fluctuating.

Mainstreaming is part of developing a European dimension in sport and of the implementation of the sports provisions of the Lisbon Treaty. Mainstreaming sport into other EU policy fields and programmes enables a true European added value in other sectors than sport, too, and thus it contributes to the implementation of the Europe 2020 strategy. By demonstrating to the European population that the EU supports a popular social movement such as sport could positively increase the legitimisation of EU among the citizens of Europe. Finally, mainstreaming of sport into other EU funding programmes is essential also in order to compensate for the decision not to implement an individual sports programme in 2012 and 2013.

Finally, ENGSO underlines that while most of the proposed actions are aimed at the Commission itself and, in some cases, to the Member States, it is necessary to underline the importance of cooperation with the sports movement. The autonomy of sports is one of the basic principles in European sports, and it can be best achieved when sports organisations are



included in the preparation of any actions planned on EU or national level that may have an impact on them.

## 2. DETAILED REMARKS

### 2.1 THE SOCIETAL ROLE OF SPORT

#### Fight against doping

ENGSO supports the EU's aim to join the Anti-Doping convention of the Council of Europe and the planned support for transnational anti-doping networks and preventive measures. In the field of prevention, ENGSO highlights the importance of supporting educational initiatives and close cooperation between NADO's and the national branch organisations for private fitness centres, not forgetting private centres which are working together with the NADO's to prevent doping. Regarding actions against trade in doping substances, ENGSO urges the Commission to take measures in order to ensure that any legislative action in the field will not interfere with the autonomy of sports organisations.

#### Education, training and qualifications in sport

ENGSO agrees with the Commission that increasing physical activity at schools is of utmost importance in order to promote healthy and active lifestyles from an early age. Schools are key stakeholders when it comes to developing a future "Generation Active". ENGSO recognises that the competence in the field of education lies with the Member States; nonetheless, a more ambitious approach to physical activity at schools would have been welcomed.

ENGSO also supports plans to promote the validation of non-formal and informal learning. Recognising the skills learned through voluntary activity can be an important factor for motivating people to become volunteers, among other issues.

#### Enhancing health through sport

While ENGSO welcomes the Commission's proposals in the field of sport and health, we would have expected some new moves or ideas for actions in the field. The Europe 2020 strategy emphasises competitiveness and growth which cannot be achieved without a wellbeing European population, and thus supports the important work done to promote health through sport across the board.



## Social inclusion in and through sport

ENGSO is unequivocally in favour of taking action to promote social inclusion in and through sport. While the inclusion of persons with disabilities, immigrants, different minorities, and vulnerable or disadvantaged groups is mentioned in the communication, ENGSO would like to highlight that the access to sport of people who are in risk of exclusion or poverty or are already excluded should be supported. Inclusion in society through sport can result in better employability and better health, which again contributes to achieving the goals set in the Europe 2020 strategy.

ENGSO also emphasises the need to continue actions to promote gender equality in sport. This covers not only the access of women into leadership positions in sport, but also the participation of girls and women in different sectors and roles within sport.

ENGSO would also like to remind that most of the initiatives in the field of social inclusion in sport are being run by volunteers. The general recognition of the work of volunteers when it comes to the potential of social inclusion in and through sport should be enhanced. Furthermore, support to actions in the field of social inclusion through and EU sport programme would support not only the actual sporting activities taking place in this framework, but also the volunteers which organise and run these activities.

## 2.2 THE ECONOMIC DIMENSION OF SPORT

### Evidence-based policy-making in the field of sport

ENGSO recognises the need for comparable EU-wide data on the social and economic aspects of sport. We would especially highlight the need to gather evidence on the economic value of the work done by volunteers in Europe; this data would demonstrate how crucial it is to maintain and support volunteer work, and how much European taxpayers would have to pay should the work be done by paid professionals.

Any data gathered to support decision-making should take into account the differences between national sports structures, and they should be based on sufficient samples and be scientifically valid.

### Sustainable financing of sport

Ensuring the sustainable financing of sport should be one of the Commission's and the Member States' top priorities in the coming years.



Funding channelled for sports through lotteries and sports betting is crucial for the viability of sports, notably grassroots sports. Nonetheless, deciding on the gambling systems on national level is not sufficiently recognised in the Communication. The Commission should also acknowledge that a fair return for sport from gambling and betting activities is necessary.

ENGSO is disappointed that the Value Added Tax is not mentioned in the Communication. In the White Paper on Sport in 2007, the Commission said they would defend sport related VAT exemptions. This said, Article 165 TFEU allows the EU to take into account the specific nature of sport; VAT exemptions in the field of sport should not need a robust defence. As the White Paper is to remain a valid document even after the Communication, ENGSO urges the Commission to stick to its position to defend VAT exemptions for sport. A general VAT exemption for voluntary sport organisations is paramount to support voluntary leadership and to avoid unnecessary administrative burdens for voluntary leaders.

As for intellectual property rights and collective selling of media rights, ENGSO considers the Commission's suggestions to be positive steps in the right direction. Solidarity mechanisms, where the funding trickles from the top to grassroots sports, are important. Deciding on solidarity mechanisms is up to sports organisations, and the Commission should concentrate on removing legal obstacles to these systems. However, income through solidarity mechanisms must not and cannot replace other funding mechanisms of sport, such as income from lotteries and sports betting.

## Application of EU State aid rules to sport

The Commission has reassured sport organisations that it has no plans to act on the issue of State Aid at present – it will only do so if a significant volume of new cases arise in the field of sport. However, if the Commission does choose to take action in the future it would be of concern to the sport movement, particularly where state money is used to invest in professional facilities (e.g. training academies).

ENGSO would have liked the Commission to be more specific when discussing state aid to sport. For example, some examples of what kind of state aid would be exempted from or would not be accepted under article 107 would be beneficial for the general understanding of this chapter, and clarify some of the anxieties experienced by sports organisations.

## Regional development and employability

ENGSO regards it as a very positive step forward that the Commission considers mainstreaming sport into the Structural Funds. This would allow the EU to move closer to sports clubs at a local or regional level, and provide for some more efficient image branding for the EU than an ordinary media campaign would ever do.



## 2.3 THE ORGANISATION OF SPORT

### Promotion of good governance in sport

ENGSO agrees that the principles of good governance should be strengthened in sports. However, establishing these principles and implementing them must be a responsibility of the sports movement.

### The specific nature of sport

A more detailed definition of the specific nature of sport is needed in order to increase legal certainty among sports actors. The Commission should seek for new approaches to the issue in addition to the existing case law. This should be done in close cooperation with the sports movement. The specific characteristics of structures based on voluntary activity must also be taken into account.

### Free movement and nationality of sportspeople

ENGSO agrees that, in principle, each Member State should give the citizens of another Member State the same right to participate in competitions and in other sports activities as its own citizens enjoy, both in amateur and professional sports. However, national federations must have the right to decide how to implement this and how to organise their competitions. It is important that, at a minimum, national championships that are used for the selection of national teams are protected from falling foul of this interpretation on discrimination on the grounds of nationality. The specific nature of sport must be considered when dealing with this subject.

### Integrity of sporting competitions

ENGSO supports all actions that ensure financial fair play in sports and the integrity of sports competitions. Cooperation between the Commission, Member States and the sports movement as well as the Council of Europe is essential in order to solve the problems. Exchange of information between public authorities and the law enforcement within the EU as well as with third countries should be developed further. The Commission should also encourage finding solutions within the sports movement to tackle these issues. In line with evidence-based policy-making in the field of sport, ENGSO would have welcomed a study on match fixing.



## 2.4 COOPERATION WITH THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS

ENGSO would like to underline the importance of cooperation and coordination with the Council of Europe in the prevention of spectator violence, integrity of sport, anti-doping measures and in other issues where both the EU and the Council of Europe are active.

ENGSO supports the interpretation of the Commission of the sports provisions of the Lisbon Treaty regarding cooperation with third countries. As European sport is not organised only within the EU, but covers the whole continent, developing a true European dimension in sport necessitates Europe-wide cooperation.

## 3. CONCLUSION

The implementation of the actions proposed in the Communication lies in the hands of the Commission and the Member States; however, cooperation with sports organisations remains essential. Therefore, ENGSO strongly supports continuing the work of the informal cooperation structures between the Member States, including the informal Working Groups chaired by the Commission.

The informal structures ensure that ENGSO and other sports organisations can also contribute to the sports agenda of the EU, and thus contribute to solving some of the challenges depicted in the Communication. ENGSO regards the informal structures as fundamental for an efficient exchange of opinions and best practices and dialogue between the sport movement, the EU and the Member States.

To conclude, the Communication contributes little to interpreting the competence given to the European Union in the field of sport by the Lisbon Treaty. The proposals of the Commission are often vague and lack ambition, and the text as such offers few new ideas for developing the European dimension in sport. Due to the ambiguity of some of the text, the impact of the Communication in the long run is difficult to predict.

None the less, ENGSO feels that the Communication does offer optimism and support for many of the sports movement's priorities. ENGSO encourages the Commission to take action to the extent it can, in the framework provided by the Communication and in line with the sport movement's wishes. With these remarks, ENGSO remains willing to contribute to the implementation of a European sports agenda and an active partner in a European structured dialogue on sport.

*Adopted by the ENGSO Executive Committee on 9 April 2011*