



INTERNATIONAL
OLYMPIC
COMMITTEE

The President

Mr Ján Figel
Member of the European Commission
Berliament 10/38
Rue de la Loi 200
1049 Brussels
Belgium

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By fax only: +32 2 298 8088

Dear Mr Figel,

I am pleased to send to you enclosed the common position of the Olympic and European Sports Movement on the Commission consultation on the White Paper on sports. It contains a first document on general principles and another one on specific issues concerning football.

As you will note, our constituents, including all 203 National Olympic Committees and all International Federations, are pleading for an EU approach to sports that respects the autonomy of sports, whilst taking into account its specific characteristics.

We also plead for a support of sports by the EU in its existing fields of competence.

We would appreciate if this document, as well as the draft White Paper, could be discussed in a tripartite meeting between the EU Sports Ministers, the Commission and the Sports Movement.

We are at your disposal in this regard and are looking forward to hearing from you soon.

Best regards,

Jacques Rogge

Cc: Mr José Manuel Barroso, President of the European Commission
Dr Wolfgang Schäuble, Federal Minister of the Interior – German EU Presidency
EU Prime Ministers
Sports Ministers of the EU
Signatories of the Common Position



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White Paper on Sport

Joint statement by the:

International Olympic Committee – IOC

Association of the European Olympic Committees – EOC

Fédération Internationale de l'Automobile - FIA

International Basketball Federation – FIBA and its continental association – FIBA Europe

Fédération Internationale de Football Association – FIFA and its continental association -
UEFA

Association of Summer Olympic International Federations - ASOIF

Association of International Olympic Winter Sports Federations – AIOWF

General Association of International Sports Federations – GAISF

The Olympic and European sports movement welcomes the launch by the European Commission of a consultation on the white paper. With the social, economic and legal challenges of sports in the EU, it is vital to progress in the definition of sports in Europe and to promote its development and practice. Key in this approach is the subsidiarity of the approach to sports by the EU. The Olympic and European sports movement is not pleading for more EU competences in sport, but for an adequate use of the EU existing instruments whilst taking account of the specific characteristics of sport.

A united European sports movement: Art.III-282, European Constitution

This provision on sports has demonstrated the sports movement's unity in its request for cooperation with the EU. During the European Convention in 2003, representatives of sports organisations, Member States and EU institutions agreed on a text which was to provide sport for the first time with a legal basis in a European treaty.



Article III-282 of the subsequent European Constitution called upon the Union to:

“contribute to the promotion of European sporting issues, while taking into account the specific nature of sport, its structures based on voluntary activity and its social and educational function”.

Currently, the status of the European Constitution Treaty has still to be decided by the EU.

However, we consider Art.III-282 on sport to represent *the* point of reference which outlines future measures in sport on a Community level.

→ The White Paper on Sport should therefore refer prominently to Art.III-282 and suggest its consideration in the event that the Constitution debate is re-launched.

Autonomy of sport

The Nice Declaration by the European Council in 2000 stressed the autonomy of sports organisations and their right to organise themselves through appropriate associative structures.

The responsibility that sport has in society and the autonomy with which it regulates itself lead to its credibility and legitimacy. Autonomy thus means preserving the values of sport, the existing structures through which it has developed in Europe, i.e. federations and clubs, the integrity of the competitions, the role of volunteers, the education of young athletes, and the contribution to public health in all age groups.

Sports can play its unique role thanks to its autonomy and this role would be seriously compromised if sport governing bodies would be subject of public hand interference.

Autonomy is not a goal in itself but a fundamental necessity for sports organisations to accomplish their societal role.

→ The governance or organisation of sport does not fall within the EU's competence and the EU White Paper must avoid attempting to change that status.

Specificity

Sport is not only a matter of field of play, nor is it only an economic activity, as it has been considered at times by legislators and courts, particularly in Europe. Sport is a universal school of life, the only movement in society that can unite the world and create a global



village, even in times of war or other social conflicts. As it addresses the largest part of society - irrespective of race, religion or social class - the values it embodies go well beyond the field of play.

These values, which the sports movement promotes every day, are translated into its organisational structures, statutes and its functioning. They embody the specificity of sport.

Taking these specific characteristics of sport into account while applying EU law and policies represents the overall goal of the Nice Declaration by the European Council in 2000. To do so effectively, a permanent dialogue and a true partnership including the EU institutions, the sports movement and national governments is needed.

The comprehension of sport-specific aspects and their consideration must be based on mutual understanding of individual circumstances rather than rely on an inflexible catalogue of definitions.

As for culture, European sport is too diverse to be reduced to general classifications. The decision whether an application of EU law may take into account a specific dimension should therefore not be based on such a rigid framework.

→ EU law should take fully into account the specific characteristics of sport whenever applied to it.

Mainstreaming

Promoting the cross-sectoral role of sport in the various Community policies represents the main challenge for the EU Commission.

In governmental organisations on a regional or national level, the potential of sport in fields like health, integration, youth work or education is widely acknowledged. This potential has been demonstrated through successful European projects implemented by sports organisations.

→ The White Paper must underline the need to further strengthen the promotion of sport within the existing EU policies and programmes and shall propose concrete measures how the EU Commission intends to follow this goal.

White Paper on Sport in Europe

Statement by the:

Fédération Internationale de Football Association - FIFA

Union of European Football Associations - UEFA

The global and European football families welcome the launch by the European Commission of a consultation on the white paper.

Sport is a global phenomenon. The European sports movement and the model of sport in Europe are just one minority part of the global sports movement that the IOC and the global sports federations represent. Yet what happens in Europe can have a big impact on the rest of the world. In addition, football is only one sport of many and so we would also urge the Commission to take into account the views of the global and European sports movements.

In our view, the White Paper should address three key points: autonomy, legal security (and the specificity of sport) and key problems that manifest themselves through football.

Autonomy

The Nice Declaration by the European Council in 2000 stressed the specific characteristics of sport, the autonomy of sports organisations and their right to organise themselves through appropriate associative structures. We welcome Commissioner Figel's decision to take this Declaration as the starting point for the white paper.

We acknowledge that this autonomy and specificity is recognised by the EU on the basis of a democratic and transparent method of operation and are constantly working to improve our governance and structures.

However, the Amsterdam and Nice Declarations of the European Council have been, to date, ineffective – the specific characteristics of sport are not sufficiently taken into

account, and the governing bodies' capacity to act is continually eroded, especially by the courts.

For this reason we believe that a proper articulation and set of principles of the specificity of sport would protect the autonomy of sport as well as ensuring legal security. The white paper should provide these instruments and recognition.

Clarification of content of specificity leads to legal security

Taking the specific characteristics of sport into account while applying EU law and policies represents the overall goal of the Nice Declaration by the European Council in 2000. Therefore, we think that the key challenge in the white paper is for the Commission to articulate and set out principles explaining how the special nature of sport can be protected in the framework of the EU legal order and to explain this by reference to some of the key issues facing sport today (using the most appropriate instruments).

Chapter Three of the Independent European Sport Review 2006 provides a detailed and motivated description of the legal specificity of sport, with a special focus on professional team sports. We believe that this legal definition should be considered as the main starting point for the Commission as regards professional football.

In terms of priorities we would highlight the following:

- Sports justice system (notably following the recent *Meca-Medina* case but also other upcoming cases) including recourse to properly-constituted arbitration panels
- Measures to ensure the training capacity of clubs, encourage the local training of young talent and to improve competitive balance in competitions
- Rules relating to the selection and make-up of national teams
- Systems for club licenses and appraising the management of licensed clubs
- Central marketing (in line with the existing Commission decisions)
- Transfer system (in line with the existing settlement between FIFA, UEFA and the Commission dated March 2001)
- Measures aimed at controlling betting and its influence on matches and competitions

- Regulation of players' and clubs' agents
- Measures against the multiple ownership/control of clubs

The fact that in football the élite commercial end is high profile and has strong interest groups should not negatively affect the democratic, self-governing nature of the overall structure and model of sport in Europe. The fact that this model and structure exist is well-documented and established through various decisions and publications of the European political and sporting institutions. There is no need to repeat the detail of the key features of it here. Those key features include:

- a structure mainly run by volunteers
- 99% of its clubs and organisations operate on a non-profit, voluntary basis
- an open pyramid structure
- a democratic, self-governing structure at all levels, incorporating proper consultation procedures for the various stakeholders/interest groups at the élite end of the pyramid
- promotion and relegation between competitions, not closed leagues
- financial and other types of solidarity from élite to grassroots sport based on a solidarity system (as opposed to a charity system)
- a commitment to national, regional and local identity
- for certain sports, central marketing of rights and a consequent solidarity system
- sports governing bodies which are responsible for all of the above points and for keeping together the different categories of sport, be they economic / financial (elite through to amateur sport), gender (men and women) or age (children, youth and adults), thus developing the sport as a whole

This model produces enormous benefits for the EU and its member states: integration, education, training, health, participation, and so on.

Co-operation in the fight against criminal activities around football

In addition to the key issues facing European sport today of dealing with legal (in)security and preserving autonomy, there are a series of other societal issues which are linked to, or somehow highly visible through football, including:

- Violence
- Corruption

- Money-laundering
- Trafficking/smuggling of minors
- Stadia and security
- Illegal betting
- Xenophobia, racism and other forms of discrimination
- Match-fixing
- Doping

Such issues can not be specifically dealt with by sports associations alone, since resolving them requires co-operation with the political and public authorities and police forces.

Conclusion

The European Council has expressed its views and provided concrete proposals for action in the Nice Declaration and again more recently. The European Parliament has expressed its views and provided concrete proposals for action through the Pack Report and, specifically as regards professional football, via the recent Belet Report. Both institutions have arrived at very similar conclusions having followed very different and independent processes. Both institutions have outlined concrete measures and actions which can be taken and put into practice to protect European sport.

Now, with the White Paper, it is the turn of the European Commission to express its views and to provide concrete proposals for action to give life to these beliefs and recommendations of the European Council, the European Parliament and the global and European football families.