



**Swedish Presidency  
of the European Union**

### **Presidency Conclusions from the informal meeting of EU Sport Directors in Solna, 1–2 October 2009**

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The EU Sport Directors gathered in Solna on 1–2 October 2009 for an informal meeting convened by the Swedish Presidency of the European Union. The meeting was planned and implemented in close cooperation with the Swedish sports movement.

The meeting provided an opportunity for the Sport Directors to inform themselves about, and discuss current sport policy issues in the EU. Representatives of the European Commission, the Council of Europe, the World Anti-Doping Agency (WADA), the European Non-Governmental Sport Organisation (ENGSO) and the European Olympic Committees (EOC) were specially invited to the meeting.

#### **General sport policy developments in the EU**

Sport Directors:

Listened to the Commission's report on the developing EU policy framework for sport and the consequences for the sector if the Treaty of Lisbon enters into force. They noted the Commission's intention to achieve a sound and responsible common sport policy within the framework of the competences provided in the Treaty. A respectful and well-functioning dialogue with Member States, the sport sector and other stakeholders is particularly important in this respect.

Expressed the need for retaining the informal working structures for sport policy discussions in the EU after the possible entry into force of the Treaty of Lisbon.

#### **Sport and health**

Sport Directors:

Welcomed the Commission's report regarding the EU Physical Activity Guidelines and noted that there were several conceivable alternatives with regard to the possible processing of the guidelines in the Council.

Welcomed the Commission's report on the planned special Eurobarometer on sport and physical activity and looked forward to a detailed report from the Commission during the Spanish Presidency.

The Sport Directors noted the principle agreement between the WHO's health-enhancing physical activity (HEPA) network and the Commission, aimed at establishing a contact group between the network and the EU at the network's annual meeting in Bologna in November 2009.

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

Sport Directors:

Noted the Commission's progress report on the EU study on sport funding and emphasised the importance of a special analysis regarding the funding of grassroots sport. This is to ensure that grassroots sport can offer activities that are open to all citizens regardless of the individual's financial situation.

Appreciated the valuable discussions on core issues, such as sport funding and the integrity of sport.

Noted with interest the presentations on Swedish gaming legislation and the new draft French gaming legislation, particularly the introduction of a sport betting right aimed at a compensation to sport event organisers from the gaming companies that offer bets on sport competitions.

Discussed the issue of the integrity of sport inter alia noting that illegal gaming and an inefficient gaming market can damage the 'fair play' associated with sport competitions, which is the basis of all organised sports.

Invited the Commission to examine the possibilities of organising a meeting between relevant actors from the gaming industry, the sport sector and the Member States, aimed at discussing issues concerning sport funding and integrity, and efforts to combat gambling addiction.

### **Sport organised by the sport movement and voluntary work**

Sport Directors:

Welcomed the work in progress aimed at creating good conditions for voluntary work and non-profit member-based organisations in the EU. Non-profit making activities and structures based on voluntary activity are a fundamental condition for the provision of sport in the majority of Member States, but in some countries there is no such tradition. These differences in the EU must be taken into account and respected.

## **Education, training and professional qualifications**

Sport Directors:

Welcomed the fact that the EU Working Group on Education and Training in Sport has begun its activities.

Noted with interest the presentation from the European Athlete as Student Network (EAS) and emphasised the importance of all stakeholders taking responsibility for enabling sportsmen and sportswomen to combine higher education with elite training. These efforts could also help stimulate discussions in the Working Group on Education and Training.

## **Sport organisation**

Sport Directors:

Thanked the Commission for organising the Conference on licensing systems for club competitions, held in Brussels on 17–18 September 2009. A free and independent sport movement bears major responsibility for ensuring that financial doping, tax evasion or other financial irregularities do not occur in the sport sector. The Sport Directors noted with satisfaction that the Union of European Football Associations (UEFA) is carrying out active work in this area.

Thanked the Commission for the progress report on the EU study on sport agents and asked for a detailed report during the Spanish Presidency.

Also noted the state of play regarding the planned study on the access of non-nationals to individual sport competitions that the Commission intended to launch towards the end of 2009 in view of the complaints in this area.

## **The specific nature of sport**

Sport Directors:

Welcomed the presentations and discussion on the specific nature of sport from political, sport and legal viewpoints. The Member States and bodies responsible for the administration of justice are responsible for closely monitoring the sport-related reasons that lie behind sport regulation. As a free, independent popular movement, the sport sector has special responsibility for ensuring that this regulation is effective, proportional and necessary to protect the objectives that the regulation is intended to protect.

Agreed that sport is not “coal and steel”, and especially the non-profit, member-based, democratic sport sector has a structure that differs substantially from the business sector and labour market that Community law aims to regulate in first instance. The significance of the fact that the majority of European sports are non-profit making is not diminished by the reality of some sports involving a lot of money and of many sportsmen and sportswomen earning salaries that otherwise only occur at the very top of the business sector or cultural life.

Expressed the view that sport policy should be aimed at supporting and strengthening sound development and provide the sport sector with the best possible conditions for its activities. However, the increased freedom and independence that the sport sector should have requires increased responsibility, and there are areas in which a greater sense of responsibility is warranted. A sport sector that takes responsibility will have a greater chance of gaining acceptance for its regulatory framework within the framework of Community law. Particularly important responsibilities in this context include the sport sector's distribution of income, and the work of the sport sector to provide all children with the opportunity for sport on the child's terms and in line with the UN Convention on the Rights of the Child.

Appreciated the attempts to pursue the discussion on legal issues concerning sport on a theme-per-theme basis, and to seek possible solutions. The Commission's ambition to take into account the specific nature of sport within the margins of the underlying EU legal framework was particularly welcomed.

Noted that the Commission would not support any general exemptions from the Treaty's provisions regarding the sport sector, but that it was committed to continue the dialogue with the sport sector and the Member States to further clarify the legal conditions, area for area, for the sport sector.

Showed interest in the Commission's comments that the Treaty of Lisbon would make it easier to take the special nature of the sport sector into account, based on the sport provisions of the Treaty of Lisbon, should this enter into force.

Welcomed the German initiative to send out a questionnaire on sport and competition law, and said they looked forward to a presentation on the outcomes during the Spanish Presidency.

### **Anti-doping work**

Sport Directors:

Welcomed with great interest the intervention by the World Anti-Doping Agency (WADA), on the theme 'Play True: The Right to Compete in Clean Sport'. Considered it useful to have a thorough explanation of the rationale behind anti-doping rules in sport by highlighting the fundamental need for guaranteed quality in a clean competitive sport to safeguard trust in sport, both on the part of athletes and viewers.

Welcomed the European Commission's progress report on work in the field of anti-doping, the work done at the Informal Meeting of Sport Directors in Prague in April and the meeting of the EU Working Group on Anti-Doping in Brussels in June. They also welcomed the results of the EU Conference on Anti-Doping, which took place in Athens in May 2009. They noted with particular interest that the conference had been useful in terms of bringing Europe and WADA more closely together.

Noted that not only must the fight against doping in sport go on, but so must efforts to protect individuals' fundamental rights in Europe, including in the area of data protection and the right of sportsmen and sportswomen to compete in clean sport on equal terms with other athletes. Bearing this in mind, they reminded the European Commission of its commitment, at the Athens conference, to continuing the dialogue with WADA on issues that had been identified by the Article 29 Working Party in its second opinion on WADA's International Standard for the Protection of Privacy and Personal Information (ISPP), but that had not yet been resolved.

Took note of the report by the Chair of the Ad hoc European Committee for the World Anti-Doping Agency of the Council of Europe (CAHAMA) on its recent work. Welcomed the progress of the discussions with WADA on Anti-Doping and Data Protection issues, organised by the CAHAMA Expert Group on Anti-Doping and Data Protection which brings together the Council of Europe, the European Commission and WADA at expert level, and constitutes an informal platform for discussions with WADA regarding some important outstanding issues on data protection. They supported the work within this framework and considered this a good example of cooperation in line with Article 165 of the Treaty of Lisbon. They called on the institutions represented in this Expert Group to formulate an appropriate and practical mandate as a basis for its future work.

Reiterated their concern on reviewing the WADA statutes and welcomed the recent work done in the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), expressing their wish to see the process move on with a satisfactory outcome. Considered it important to involve all stakeholders, such as governments from other continents, in this work to build consensus.

Expressed their readiness to work together with European governments at the forthcoming Conference of Parties to the UNESCO International Convention on Doping in Sport in Paris. Considered that they were reluctant to reopen the ratification process by adopting the WADA International Standard on Data Protection and Privacy as an annex or appendix to the UNESCO Convention. Considered that a declaration of support to the Standard would be more appropriate. Considered it important that monitoring of the UNESCO Convention should be undertaken in cooperation with the monitoring of the Council of Europe Convention.

Welcomed the ratification of the UNESCO International Convention against Doping in Sport by more than 120 States around the world and encouraged all other States to follow this as soon as possible, and particularly States within the European Union and the Council of Europe.

Welcomed the report from the Swedish National Institute of Public Health and considered it alarming that several of the prohibited doping substances within sport are also misused outside of sport. In particular they took note of the information that anabolic steroids in combination with other drugs can cause serious problems both for the user and people surrounding the user.

They invited the EU Working Group on Anti-Doping to study the report in its future work.

### **Any other business**

The Sport Directors welcomed the opportunity to provide links for sport on the Commission's website that 19 Member States have made use of as a first step in the creation of an information network for the sport sector in the EU. The remaining eight Member States were urged to take part in this work.

The Sport Directors appreciated the presentation from the International Paralympic Committee (IPC) and the European Paralympic Committee (EPC) on the important work undertaken in the paralympic sports sector. The ongoing progress made in the development of sport's performance in the paralympic sector, increased support to sport for the disabled in general and the discussion on promoting sport activities for people with mental disabilities were particularly noted.

Spain provided information about its forthcoming Presidency and the preparations being made in cooperation with the other members of the Team Presidency, i.e. Belgium and Hungary. Spain's information included details about forthcoming meetings in the first half of 2010: an informal meeting of EU Sport Directors on 25–26 February in Barcelona, a European Sport Forum on 19–20 April in Madrid, an informal meeting of EU Ministers responsible for sport on 20–21 April in Madrid and a Sport Congress in Madrid on 3-5 June.