



Recognition of sport by the European Union



Introduction

Sport is not included in the Treaty of Rome, the Single European Act or the Maastricht Treaty. The European Union has a major influence on sports, however, for by virtue of the Single European Act governing the freedom of circulation of persons, goods and services there is a *de facto* regulation of the economic aspects of sport. The European Union originally favoured sport as a means of promotion, through image-building and strengthening of the European identity. In recent years; however, the approach to sport has changed: once an image-building factor, it now receives limited structural support. There is no legal basis in the Treaty of Rome or in the Treaty of Maastricht for fundamental support of sport by the European Union.

The current regulations

The European Union exerts its influence on the sports world through the economic aspects of sport. Sport is thus affected in following areas: free circulation of persons (cf. the Bosman case); abolition of transfer rules; hooliganism; abolition of restrictions on grounds of nationality for participation in sport competitions; "television without borders"; lotteries, betting and football pools; minimum age requirements for athletes; security standards for sport infrastructure; exclusive television rights and duration of contract; "official labels" on equipment; monopolies of federations and abuse of dominant position; ticketing; public funding of sport clubs; transportation of horses; transportation of weapons; environmental rules applying to sport infra-

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structure; free circulation of emblems and logos; ban on participation of sport teams (cf. the case of Nigeria).

Image- and identity-building

In addition to the indirect regulation of the sports world through economic channels, the European Union has used sport for its image- and identity-building qualities.

In 1987, the 12 National Olympic Committees of the then member states of the European Union were approached by Commission member Ripa di Meana, who asked them to participate in the 1988 Seoul Games as a unified European team.

The European Union heavily subsidized the opening ceremonies of the Sheffield Student Games, the XVI Olympic Winter Games in Albertville and the Games of the XXV Olympiad in Barcelona in 1992, in order to promote its own image.

From 1989 to 1992, the European Union tried to introduce the concept of "double identity" for the Olympic teams. The idea was for the European NOCs to have a national badge which also integrated the European logo on sports equipment and uniforms. The concept was rejected, however, by the National Olympic Committees. The European Union also sponsored various sports competitions called "European Union Championships" in the sports of sailing, swimming, weightlifting, etc.

Structural support

After this period of image-building, the European Union gradually engaged in a

more structure-oriented support of the sports movement. Subsidies were given for the organization of the European Youth Olympic Days, the development of disabled sport, a mass-participation sport project (the Eurathlon), research on doping in sport and support of the fight against doping.

Adaptation by the sports world

When the European Union asked them to participate in the Olympic Games as a unified team the NOCs, which rejected the idea, called for a dialogue with the European Union. They were well aware that the European Union had a major influence on their operations. The result was the first "cell meeting", held in 1987. Gradually, a more institutionalized discussion was organized through a yearly Forum, where the NOCs, sports confederations, International sport Federations (IFs) and the IOC engage in discussions with European Union representatives.

The European Olympic Committees (EOC), the IOC and the IFs created a Liaison Office with the European Union in Brussels in order to monitor EU legislation on a day-to-day basis rather than wait for the yearly Forum meetings. The Liaison Office publishes a monthly report on EU developments and activities for all its members and helps to define means of adaptation and lobbying strategies. The German Sports Confederation and NOC have established a German office in Brussels to study the influence of the European Union specifically on German sports.

Through all these links, the mutual ignorance which prevailed in 1987 eventually disappeared and a more positive

attitude developed on both sides. The sports movement ultimately realized that in order to improve its approach to and influence on EU legislation, a legal framework for sport must be written into the Maastricht Treaty.

A legal basis for sport

In 1994, the EOC and the European Non Governmental Sports Organization (ENGSO) decided to study jointly the possibility of requesting the inclusion of an article on sport in the Treaty.

Initially, most IFs, with the exception of UEFA, were reluctant or indifferent. However, after the Bosman judgement in late 1995, they soon rallied with other governing bodies.

During a joint meeting in Rome of the IOC, the EOC, ENGSO and the IFs in February 1996, a joint appeal was made for sport to be recognized in the Revised Treaty of Maastricht. At the same time, the Ministries of Sport of the EU member states were approached. There may be unanimous support for EU recognition from the sports movement, but opinions are more divided among governments.

Advantages and disadvantages

One of the advantages of including sport in the Revised Treaty is that, based on this legal framework, the European Union could raise a more substantial budget for structural support and could organize permanent, official links with the world of sport. The sports world would like the recognition

of sport to follow the same lines as the Maastricht Treaty article on culture (Article 128).

Article 128 provides in simple terms for two essential things:

- it forces the European Union to consider all the effects on culture of its legislation;

it provides the legal basis for the preservation of cultural heritage and identity.

The possible disadvantages of an article on sport include sports structures' loss of autonomy. This could be prevented, however, by introducing a subsidiary principle in the legislation. There is also a potential loss of identity.

There is indeed a natural conflict between the organizational structure of sport, which is essentially based on local identity and nationality, and the EU's desire to promote a supranational identity.

Sport deserves to be included

The sport movement has for a long time remained ignorant of the legislative developments within the European Union. It has sometimes been too conservative and inflexible in adapting to new European legislation.

The European Union has considered sports primarily as a way of promoting its own image and identity, yet it has failed to capitalize on the specificity of sport at the political level. Sport has a tremendous influence in the areas of education, health, and social integration. It is most probably one of the strongest social phenomena in the modern world. The sports world therefore deserves consideration by the political world for its social value.

Of course, the sports world must also respect EU legislation, which means that there is definitely a need for adaptation on both sides



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EL recognition of sport could take the form of an article in the Maastricht Treaty, a protocol, or a declaration by the Council of Ministers. Given the EU's difficulties in reaching consensus on the revised version of the Treaty, at this stage the sport movement should only request a declaration on sports. For, although it has a lesser legal character than an article or a protocol, a declaration would provide the needed institutional links between the European Union and the sport movement.

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