

## **Review of the Balance of Competences – Culture, Tourism and Sport**

### *Response from the Sport and Recreation Alliance*

#### Introduction

The Sport and Recreation Alliance is the national alliance of governing and representative bodies of sport and recreation in the UK. Our 320 members represent 150,000 clubs across the country and some 8 million regular participants. The Sport and Recreation Alliance exists to promote the role of sport and recreation in healthy and active lifestyles, to encourage a policy and regulatory environment in which sport from grassroots through to elite level can flourish, and to provide high quality services to help its members continually improve and progress.

The Alliance carries out a considerable amount of European policy work and over the years the Alliance has lead EU funded sports projects under the Preparatory Actions, chaired the Council's expert working group on sustainable financing of sport and engaged with Commission officials, MEP's and the UK Permanent Representation in Brussels on a variety of sports policy issues. The Alliance is also an active member of the European Olympic Committee Brussels Office (EOC EU office) and the European Non-Governmental Sports Organisation (ENGSO) who both have a permanent presence in Brussels.

#### Consultation questions

Given the particular remit of the Alliance, we will only be responding the specific and general questions relating to sport.

Sport Questions:

**1. To what extent should the EU be exercising its supporting competence for sport to add value at a European level?**

The EU should continue to develop its sports policy and support the growth and success of sport in Europe as much as possible, but only where it can provide a tangible European added value and not detract from efforts undertaken by Member States.

In order to fully implement a sports policy, there will be a specific EU sports budget for the first time from 2014 onwards (called ERASMUS+). The Alliance welcomes this development and feels that it is a necessary step in order for the EU to be able to add meaningful value in the field of sport.

At present, the EU seems to have struck a relatively good balance in terms of its supporting competence. Since it – quite rightly – does not have the authority to harmonise national legislation relating to sport, this competence manifests itself predominantly through political recommendations, studies, projects and conferences. While the effectiveness of these mechanisms certainly varies considerably, the EU has not (yet) imposed itself on the sector in the way that perhaps some may have feared following the introduction of the Lisbon Treaty in 2009.

In order to add value, the European Union's primary focus needs to be on transnational issues that are better tackled collectively than in isolation by Member States. Issues such as the fight against doping and match-fixing are examples where the EU can add value (although overlap with another international body - the Council of Europe - is a concern). Other unifying issues such as promoting participation in sport, championing the role of volunteers and mutual recognition of qualifications should also remain on the agenda.

## ***2. What value have you seen from the 2011-14 EU Work Plan on Sport, and what should be the EU priorities for sport in the future?***

The EU Work Plan on Sport for 2011-2014 has been supported by six Council expert groups which have worked well. Not only is the UK extremely well represented through its three chairmanships of these groups, but they have operated in a more effective manner than the previous incarnations of the groups. The fact that they are comprised of national experts in each specific policy means that the quality of the recommendations has been generally high. If the EU can start to implement some of these recommendations then the sport movement in Europe will be stronger for it.

However, there are a number of areas that the EU should focus on in order to maximise the effectiveness of its EU sport policy and ensure that it continues to fulfil its remit under Article 165:

### Project funding criteria and procedures

- Examine its processes for awarding and administering project funding, particularly in light of the forthcoming ERASMUS+ programme. At present, the application and auditing procedures are extremely bureaucratic. Moreover, by providing small budgets to multiple transnational projects the Alliance feels that the EU is not currently receiving sufficiently high quality projects. Focusing resources on fewer

projects and removing the need for them to have at least five Member States represented would be a more effective use of resources. Channelling funds to partners with proven track records for delivering projects will help to get better results for less money, while less resource will be absorbed on things such as travel and translation costs.

#### Engagement with grassroots organisations

- The EU should make a more concerted effort to enable grassroots organisations at national, regional and local level to engage in the development of sport in Europe. At present there is very little scope for them to be able to do this and it is only the largest organisations and stakeholders who are involved. This is perhaps indicative of a preoccupation at EU level in favour of professional – rather than grassroots – sport. This balance should be redressed. It is also worth noting that they should not be treated in isolation since they are interdependent not mutually exclusive.
- Given the importance of being able to establish European networks for delivering sports projects, the EU should facilitate an online portal or platform that could be used as a way of bringing smaller organisations in Europe together.

#### Mainstreaming of sport

- Focus on the mainstreaming of sport across the European Union. By increasing the visibility of sport across other policy areas and making sports projects eligible for other funding streams (e.g. Health, European Regional Development Funds) then the EU will be able to harness the positive impact of sport more effectively. Sport is a powerful public policy tool and should be used more frequently and across a broader range of fields moving forwards.

#### Specificity and autonomy of sport

- Ensure that the specific nature of sport remains a key consideration at EU level and that the sport movement is left with the requisite degree of autonomy to be able to organise itself effectively. These are two key principles that must be upheld moving forwards for an EU sport policy to remain viable. If sport is treated like any other policy field or activity without regard for its inherent nuances then the relationship between EU law and sport could become damaging for the European sports model. International Federation anti-doping rules, FIFA's Financial Fair Play regulations and UEFA's 'home-grown player' rules are examples of independent measures taken by sports bodies to improve their sports that should be considered in the context of the specificity and autonomy of sport.

#### Drive the agenda in key areas

- The EU can continue to play a role in advancing certain policy areas that affect sport. These should include areas such as: the promotion of sports property rights in relation to betting and online gambling; match-fixing and good governance; anti-doping; public health and participation in sport; and the mutual recognition of

qualifications. It should also continue to produce relevant studies that build the evidence base available for sports organisations in Europe and act as a conduit for bringing key stakeholders together. Furthermore, sport would benefit from the EU generally being more forward thinking and visionary in its work and less preoccupied with draconian arbitration of legislation.

General Questions:

***1. What evidence is there that EU action in the areas of Culture, Tourism and/or Sport benefits or disadvantages the UK?***

As set out above, there are a number of areas where the impact of the EU has – and can continue to be – positive for the sports movement in the UK and Europe. On the whole the Alliance would say that it generally benefits the UK, but there is certainly room for this situation to be further improved.

***2. Do you think the EU should do more, or less in relation to Culture, Tourism and Sport, and why?***

The Alliance would suggest that the current level of involvement is about right, but that existing work could be improved and become more effective (see Sport Question 2). While more can be done in certain areas (e.g. promoting participation or the recognition of sports property rights) there are areas where it should not delve any deeper (e.g. organisation of sports federations and competitions). It is difficult to provide a general, sweeping statement that the EU should do more, or less, but it is clear that its main priority should be to ensure the effectiveness and quality of its interventions.

***3. What are the benefits or disadvantages of directing funding through the EU rather than national arrangements?***

The primary benefit is that EU funding can be used to create new networks and deliver larger projects, but the main drawbacks revolve around the quality of delivery, value for money and the high levels of bureaucracy involved.

***4. Have you noticed any change in EU activity or emphasis since the 2009 Treaty of Lisbon and is this welcome?***

Yes – as set out above, since 2009 the EU has for the first time been granted a formal competence in the field of sport. The Alliance welcomes this development but it is clear that EU sport policy is still a work in progress.

***5. What other areas of EU competence or activity impact on your sector and how?***

A number of other areas regulated by the internal market also impact sport, such as taxation, free movement and anti-discrimination laws, competition and state aid rules, media rights and online gambling legislation.

There are also other indirect impacts from other areas of EU law that affect our sector and these often are unintended. Examples might include environmental regulations about pesticides for pitches or chemicals for painting boats, or indeed laws such as the Working at heights Directive which initially caused issues for some of our climbing and outdoor recreation bodies.

***6. What international bodies or arrangements are important to your sector beyond the EU?***

The Council of Europe; European and international sports federations; and global sporting bodies (e.g. World Anti-Doping Agency, International Olympic Committee).

***7. How could the EU co-ordinate its activity in these areas of competence to greater effect?***

Please see the response to Sport Question 2.

Conclusion

In conclusion, the EU now has a tangible impact on the organisation of sport in the UK and Europe. While it is fair to say that this influence is still evolving, much of it has been positive, although there are clearly areas which can be improved and refined moving forwards. This influence is wide reaching and the sports movement and national governments must be careful that this influence does not spill over and become something detrimental which hampers – rather than supports – sport in the UK and Europe. The EU must also remain mindful of the impact on sport of other policy areas regulated by the internal market.

Specifically, the Alliance welcomes the new ERASMUS+ funding programme and the work of the Council expert working groups. However, areas for improvement in the future would include: project funding criteria and procedures; engagement with grassroots organisations; mainstreaming of sport; specificity and autonomy of sport and driving the sports policy agenda in key areas.

The Sport and Recreation Alliance welcomes the opportunity to respond to this consultation, and would be happy to follow up on any issues that arise from this response.

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