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Culture, Media and Sport
Committee

European Commission White Paper on Sport

Seventh Report of Session 2007–08

*Report, together with formal minutes, oral and
written evidence*

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The Culture, Media and Sport Committee

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1 Introduction

1. On 11 July 2007, the European Commission published a White Paper on Sport, describing it as “the first time that the Commission is addressing sport-related issues in a comprehensive manner”.¹

2. Since publication, the Commission has organised a conference on the White Paper, held on 8 and 9 October 2007, attended by representatives of European sporting federations, umbrella organisations for sport (both European and national), representatives of EU institutions and others.² The White Paper was also discussed at the Informal Council of Sport Ministers held in Lisbon on 25 October. Meanwhile, the White Paper has been considered by the European Parliament’s Culture and Education Committee, which agreed the text of a Report on 1 April 2008 for submission to the plenary in the form of a Motion for a Resolution.

3. The White Paper is a European Union document within the meaning set out in Standing Order No. 143 of this House, and it was accordingly considered by the House’s European Scrutiny Committee in October 2007.³ The European Scrutiny Committee concluded that it would keep the document under scrutiny pending consideration of a progress report by the Government; and it referred the White Paper to this Committee for an Opinion, using its powers under Standing Order No. 143(11). This Report provides the Opinion sought. It is also designed to inform the House as a whole; and we intend that it should provide a guide to the Government as it forms its stance on the White Paper. Our findings are based on oral evidence from representatives of sport at professional and community levels, written submissions, a discussion with Mr Jan Figel’, the European Commissioner for Education, Training, Culture and Youth, and a meeting with members of the European Parliament, mostly drawn from the Culture and Education Committee.⁴

2 Sport and the Treaties

4. At the time when the White Paper was prepared, the European Union had no competence for sport under the European Treaties. Indeed, the EU has until now engaged with sport principally through Declarations adopted when signing the Treaties of Amsterdam in 1997 and of Nice in 2000. The Treaty signed in Lisbon on 13 December 2007, however, includes a provision stating that

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

and that the action shall be aimed at

¹ Introduction to the White Paper

² A report of the conference is available as a link from <http://ec.europa.eu/sport>

³ 34th Report from the European Scrutiny Committee, Session 2006-07, HC 41-xxxiv, Chapter 3

⁴ Pål Schmitt MEP, Deputy Chair of the CULT Committee, Mary Honeyball MEP, Ivo Belet MEP and Neena Gill MEP (member of the EP Committee on Legal Affairs).

“developing the European dimension in sport, by promoting fairness and openness in sporting competitions and co-operation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen”.⁵

The effect of this Article is to introduce a “soft competence” for sport, enabling the EU institutions to support Member State activity by adopting “incentive measures” and “recommendations” but not to regulate or harmonise it. The Treaty has, in some ways, overtaken the White Paper. Indeed, at the conference on the White Paper organised by the Commission in October 2007, the Commission said that the White Paper and the “structured dialogue” should now be viewed largely as the preparatory work and structure for the entry into force of the Treaty Article on sport.⁶

5. The Football Association (FA) told us that it was encouraged by the new EU competence for sport, particularly as it left policy control to Member States;⁷ and the Central Council for Physical Recreation (CCPR), a representative body for sport and recreation in the UK, with a membership of over 260 sporting bodies, believed that it would “open up opportunities for sport”.⁸ The football Premier League agreed that its findings and recommendations would “provide a good framework for the development of the new EU competence for sport envisaged in the forthcoming Treaty”;⁹ but it urged us to keep under review the development of EU sport policy in the wake of the Treaty, particularly to examine the extent to which the White Paper’s core principles are upheld.¹⁰

3 The content of the White Paper

6. The White Paper consists of three policy discussions, on the social value of sport, the economic value of sport, and the organisation of sport. Various action points emerge from the discussions: together, these form the *Action Plan Pierre de Coubertin*, named after the founder of the modern Olympic movement. The Action Plan is attached to this Report as an Appendix. The White Paper is supported by a 40-page Impact Assessment and also by a Working Document which provides background information.

7. As a survey of sport, the contribution it can make to society, the support it may need, and its position within EU law, the White Paper and its associated documents are wide-ranging and an asset to policy-making. As the Government’s Explanatory Memorandum says, “the White Paper provides a valuable platform for exploring some of the key issues facing sport at the European level”.¹¹ The Central Council for Physical Recreation praised the White Paper for its contribution to debate on sport and told us that it contained “many positive actions” which should be carried forward by EU institutions, Member States and

⁵ Article 2(124), Lisbon Treaty

⁶ See Ev 19

⁷ Ev 13

⁸ Q 61

⁹ Ev 18

¹⁰ Ev 19

¹¹ Explanatory Memorandum paragraph 19.1

sporting bodies.¹² The objectives underlying the White Paper generally found favour with witnesses:¹³ the football Premier League said that it “broadly supported the scope, analysis and conclusions of the White Paper” and viewed its focus on the role of sport in society and the economic importance of sport in Europe as “correct”.¹⁴

8. It is important to distinguish between the White Paper and the Action Plan which it encompasses. Whereas the White Paper raises some controversial issues, chiefly in relation to the position of sport within EU law—we discuss some of these in paragraphs 20 to 42—the majority of action points in the Action Plan are not proposals for changes in policy but suggestions for establishing or maintaining dialogues and international networks, or carrying out evaluations and studies, or making better use of existing funding and development programmes, or merely taking sport into account in debates in related subject areas. Many of these suggestions provoked no serious criticism in evidence, and there appears to be little controversy about their potential benefits. We discuss some examples briefly below.

Using EU funding programmes

9. The lack of any competence for sport under existing EU Treaties prevents the establishment of any funding programme directed specifically at sport. However, there are a number of EU programmes which could, potentially, be of benefit. Some of these are identified by the Action Plan:

- The Public Health Programme 2007–13, under which the benefits of physical activity can be promoted and supported;
- *Youth in Action* and *Europe for Citizens* programmes, designed to foster co-operation between sporting organisations, schools and civil society;
- The *Leonardo da Vinci* programme, supporting vocational education and training;
- The *Erasmus* programme, which enables mobility between higher education institutions.

The Central Council for Physical Recreation pointed out that, as sport was not the explicit function of these programmes, it had been difficult for sports organisations to obtain funding through them, although it could be done.¹⁵ The Council’s Chair cited one example of the use of European funding to provide a new swimming pool in Tavistock in Devon, enabled not by a programme targeted at sport or public health but by one designed to stimulate tourism.¹⁶

10. Some sporting bodies already recognise the potential: the Chairman of the England and Wales Cricket Board (ECB) noted that certain programmes targeted at the promotion of

¹² See for example Mr MacDougall Q 63; also CCPR written submission Ev 35

¹³ Football Foundation Ev 45, Professional Players Federation Ev 48, Association of British Bookmakers and the Remote Gambling Association Ev 51

¹⁴ Ev 18

¹⁵ Ev 37

¹⁶ Q 61

social inclusion could be used to encourage participation by Asian ethnic communities in cricket, for instance by contributing to the costs of transport, insurance and safety compliance.¹⁷ The Football Foundation suggested that football was “a key sport” for advancing the principles which the White Paper was seeking to promote (such as fair play and respect for others); and it supported in particular the use of the Youth in Action programme as a way of working towards those goals.¹⁸

11. The ratification of the Lisbon Treaty by each EU Member State would permit the establishment of funding programmes directed specifically at sport. This should not blind sporting organisations to the opportunities for sport offered by programmes targeted primarily at other sectors, and the White Paper performs a useful service in reminding Member States in this respect. **We encourage Sport England and the Central Council for Physical Recreation to prompt national governing bodies to assess how they might make use of EU funding programmes targeted at sectors other than sport.**

Support for voluntary and non-professional sport

12. Central Government funding for sport, whether derived from EU sources or not, is only part of the support structure for sport in the UK. The White Paper’s Action Plan includes a commitment to carry out an independent study of the financing of grassroots sport in Member States from both public and private sources. The Central Council for Physical Recreation welcomed this initiative, as it may lead to a clearer recognition by Member State governments of the fragility of the support structure and the need to take it into account when considering changes to, for instance, tax systems.¹⁹

13. The Working Document which provides background to the White Paper notes that voluntary activity forms the basis for the organisation, administration and implementation of sporting activities in all EU Member States; and it states that “voluntary sport organisations provide the backbone of the entire sport structure”.²⁰ The Action Plan sets out five action points relating to voluntary and not-for-profit sport (Points 10–14), including a statement that the Commission will identify key challenges for non-profit sport organisations and a declaration that it will launch a study of volunteering in sport. The Central Council for Physical Recreation believes that efforts to promote voluntary non-profit sport organisations have the potential to benefit grassroots sport “enormously”.²¹ **We strongly welcome the acknowledgement by the Commission of the essential part played in sport by volunteers, and we support the proposals in the Action Plan to use programmes such as Europe for Citizens or Youth in Action to encourage volunteering in sport, particularly by young people.**

¹⁷ Q 12

¹⁸ Ev 46

¹⁹ Ev 35

²⁰ Working Document, paragraph 2.4.1

²¹ Ev 35

Fighting racism and violence at sporting events

14. The White Paper notes that violence at sporting events, particularly at football grounds, remains “a disturbing problem”.²² The Action Plan includes proposals to address the issue both at its source, by preventing the development of a culture of anti-social behaviour amongst fans, as well as when it does occur, by continuing the promotion of dialogue and exchange of best practice through existing frameworks (such as the Football against Racism in Europe network), and through the exchange of practical information and knowledge gained from experience by law enforcement agencies. The Football Supporters Federation said that it supported in principle the measures within the Action Plan regarding exchange of best practice and co-operation within the EU.²³ The Action Plan also proposes an analysis of “possibilities for new legal instruments and other EU-wide standards to prevent public disorder at sporting events”. The Government notes that any such instruments or standards “would require further detailed consideration and could only be supported where these met or exceeded existing UK requirements”.²⁴

Increasing levels of physical activity

15. The White Paper identifies the benefits of physical activity for public health and cites recommendations by the World Health Organisation (WHO) that adults and children should carry out “moderate physical activity” for a minimum of 30 minutes and 60 minutes per day respectively. The Action Plan proposes that the Commission should develop new guidelines before the end of 2008 for levels of physical activity. The associated Working Document suggests that such guidelines could go beyond those issued by the WHO and could recommend higher levels of activity or different levels for different age groups.²⁵

16. The Government and public health bodies in the UK already promote participation in sport and physical activity as a way of improving or maintaining health. The National Institute for Health and Clinical Excellence issues guidelines on physical activity for England and Wales;²⁶ the Department for Culture, Media and Sport and Sport England have a target to increase the number of adults participating in sport by two million by 2012;²⁷ and the new Public Service Agreement target for successful delivery of the Olympic Games and Paralympic Games in London in 2012 will include indicators for participation in sport by adults, children and young people. We also note the commitment to offer children aged up to 16 up to five hours of sport per week.²⁸

17. The Government, in its Explanatory Memorandum on the White Paper, notes that some Member States are “more advanced” than others in promoting physical activity, and

²² Paragraph 2.6

²³ Ev 57

²⁴ Government’s Explanatory Memorandum, paragraph 16.23

²⁵ Working Document paragraph 2.1

²⁶ See <http://www.nice.org.uk>

²⁷ See Q 383, oral evidence from Parliamentary Under-Secretary of State at DCMS on the London 2012 Games, HC 104-II, Session 2007–08

²⁸ Department for Children, Schools and Families press release 13 July 2007

it describes it as “unlikely” that guidelines drawn up by the EU will, in the first instance, be set at a level that exceeds existing UK levels.²⁹ Pál Schmitt, the Deputy Chair of the European Parliament’s Committee on Culture and Education, a former Olympic medallist in fencing, told us that levels of sporting activity among children in certain eastern European Member States were barely one or two hours per week and that facilities were severely underfunded. Although setting guidelines for physical activity is only the start of a process and does not in itself increase levels of activity, it was suggested that the establishment of guidelines, as proposed in the White Paper’s Action Plan, may assist in driving up levels of activity and standards of facilities in areas of the EU which are lagging behind.

Statistics

18. The Working Document supporting the White Paper describes sport as “a dynamic and fast-growing sector with an underestimated macro-economic impact”; but it observes that “at EU level, comprehensive and comparable statistics on sport are almost non-existent”.³⁰ The White Paper therefore argues that policy development for sport at an EU level needs to be underpinned by a sound knowledge base. The Commission cites research presented during the Austrian Presidency of the EU in 2006, suggesting that sport accounted for 3.7% of EU GDP in 2004 and employed 5.4% of the labour force.³¹ Research commissioned by Sport England and published in January 2008 suggests that sport-related economic activity in England generated £15.47 billion in 2005, an increase of almost 50% upon the figure for 2000 (£10.37 billion). The authors of the research calculated that £15.47 billion represented 1.7% of Gross Value Added in England in 2005.³²

19. The Commission plans to develop a statistical method for measuring the economic impact of sport, perhaps leading to production of a European satellite account for sport.³³ The Government notes the proposal “with interest” and sees some potential for it to “add value to the UK’s sport policy development”, although it has yet to reach a decision on how exactly it might do so.³⁴ The development of a common method for assessing the economic impact of sport in EU Member States may highlight the major contribution made by sport to national economies and may help to justify public funding for improved facilities and for hosting international sporting events.

Sport and EU law

20. Under EU law, sport is no different from any other activity which has an economic or social value: it is subject to legislation on (for instance) freedom of movement and on

²⁹ Para 16.10

³⁰ Working Document section 3, introduction and paragraph 3.1

³¹ See White Paper, section 3

³² See Sport England press release, 10 January 2008

³³ Defined by the Commission as “a specific data system which is based on the national accounts of a country but which does not form part of the national accounts” and as “an appropriate tool for measuring an economic sector which does not correspond with specific economic activities according to statistical classification systems”. See Working Document paragraph 3.1

³⁴ EM 17.2

competition. Yet sport operates according to rules which are drawn up by governing bodies rather than by Member States; and those rules may appear to be in conflict with that legislation. Eligibility to play in a national team may be restricted, for instance, to those who have British nationality or who were born in the UK, which might appear to contravene Article 39 of the Treaty establishing the European Community (the EC Treaty), on free movement of workers. Sports may operate separate competitions for women and for men, or may limit the number of participants in a competition: a strict interpretation of the Treaty might suggest that these infringed Articles 81 and 82, on internal market freedoms.

21. The Working Document supporting the White Paper contains an instructive account of the relationship between sport and EU law, with summaries of judgments by the European Court of Justice in landmark cases. We list two key cases below.

Walrave Koch (Case 36/74 ECJ)

Two Dutch nationals who participated in medium-distance cycling championships behind motorcycles as pacemakers questioned the rule of the Union Cycliste Internationale which required pacemakers in a national team to be of the same nationality as the “coureurs” or “stayers”.

The Court confirmed for the first time that the practice of sport is subject to Community law in so far as it constitutes an economic activity within the meaning of Article 2 of the Treaty; but it also found that the prohibition of discrimination based on nationality does not affect the composition of teams, in particular national teams, which is a question of purely sporting interest and not an economic activity.

Meca-Medina (Case 519/04 ECJ)

Two professional long distance swimmers challenged the compatibility with Articles 81 and 82 EC of the anti-doping rules adopted by the International Olympic Committee (IOC) and implemented by the swimming governing body Fédération Internationale de Natation (FINA). The two swimmers argued that the rules in question constituted a concerted practice between the IOC and accredited laboratories which was scientifically unfounded and could lead to the exclusion of innocent athletes from competition. They maintained that the rule restricted athletes’ economic freedoms and, under competition law, restricted the athletes’ rights under Articles 81 and 82 of the Treaty.

The Court confirmed that sport is subject to Community law only insofar as it constitutes an economic activity; but it explicitly held that the qualification of a rule as “purely sporting” was not sufficient to remove the athlete or the sports association adopting the rule in question from the scope of Articles 81 and 82 EC. The ECJ went on to describe the methodological approach that has to be applied to decide whether a given conduct falls within Articles 81 and/or 82.

Specificity

22. Essentially, the European Court of Justice has tended to confirm that sport is an activity which is subject to provisions on freedom of movement for workers and on the internal market, amongst others, but it has also recognised that sport has particular characteristics which may need to be taken into account when assessing the compatibility of practices with EU law. These characteristics—forming the “specificity” of sport—are, however, taken into account only on a case-by-case basis and have not led to a general exemption for sport from EU law, either explicitly in the Treaties or implicitly in guidance from the Commission.

23. In the consultation which preceded the publication of the White Paper, many argued strongly that the Treaties’ failure to provide a clear exemption for sport from some of their provisions led to uncertainty for governing bodies and an unstable base on which to organise sport. It was hoped, therefore, that the White Paper would include a clear statement either formalising an exemption for sport from certain Articles of the Treaty or providing reassurance in some other way that sport’s specificity would be recognised by the European courts.

24. The White Paper says that “in line with established case law, the specificity of sport will continue to be recognised, but it cannot be construed so as to justify a general exemption from the application of EU law”. It does confirm that any potentially anti-competitive effects of “organisational” rules in sport would be unlikely to breach anti-trust provisions of the Treaty provided that they can be shown to be both based on legitimate objectives and proportionate to them.³⁵ The Working Document is more forthcoming and provides a useful classification of types of sporting rules, distinguishing between those which would be unlikely to breach Articles 81 and 82 of the Treaty and those where there would be “a higher likelihood of problems concerning compliance”.³⁶

25. The absence of a proposal in the White Paper for a move away from assessment of the compatibility of sporting rules on a case-by-case basis has led to considerable disappointment.³⁷ The Central Council for Physical Recreation argued that sport should not be subject to all EU or national law with complete rigidity, and it believed that the White Paper had not defined the specificity of sport or assisted national governing bodies of sport by enabling them “to act in the secure knowledge that rule changes which they make for the good of sport could not be challenged under EU law”.³⁸ Others, such as the Rugby Football League, agreed,³⁹ and the British Olympic Association expressed disappointment that the White Paper had “not provided sport with the legal certainty it requires for the future”.⁴⁰ The report of the European Parliament’s Culture and Education Committee (as submitted to the plenary) similarly pressed the Commission “to have due respect for the specificity of sports, by not taking a case-by-case approach” and “to provide

³⁵ Paragraph 4.1

³⁶ Paragraph 3.4(b)

³⁷ CCPR, Ev 35; British Olympic Association Ev 55

³⁸ Ev 36

³⁹ The governing body for rugby league: Ev 43

⁴⁰ Ev 55

more legal certainty by creating clear guidelines on the applicability of European law to sports in Europe”.⁴¹

26. The football Premier League took a different line: it welcomed the Commission’s view that any necessary specificity for sport could and should be achieved through the existing legal framework, and it supported the Commission’s conclusion that calls for exemptions for sport from “the normal operations of EU law” were unrealistic and should be rejected.⁴² The Professional Players Federation agreed.⁴³ It said that the need for all European sportsmen and women to remain within the jurisdiction of the European Court of Justice was “essential”. It argued that the case law that had developed in the ECJ suggested that the courts were capable of recognising the special nature of sport when considering specific cases; and it believed that any suggestion that sport should be granted an exemption from European laws needed to be treated “very carefully”.⁴⁴

27. We asked the Commissioner whether there were any prospects of a stronger recognition in EU law of sport’s “specificity”. His reply suggested that this was unlikely, although there was a possibility that the Employment and Social Affairs Directorate-General might support an exemption from rules on free movement of workers to allow clubs to make specific provisions for “home-grown” players (which we discuss below at paragraphs 35–42). A decision from the Employment and Social Affairs Directorate-General is awaited.

28. We do believe that sport has distinctive characteristics which need to be taken into account in the application of EU law. The simplest way to achieve this would be to draw up a specific exemption from the application of EU law. In the absence of this, we believe that the White Paper should at least have provided a stronger statement, based upon principles set out in the supporting Working Document, on which types of general activity would and would not be likely to be seen by the European Court of Justice as being compliant with the Treaty. In the meantime, it should be recognised that the *Meca-Medina* ruling, confirming that economic activities in a sporting context do fall within the scope of Articles 81 and 82 of the EC Treaty, offers a welcome clarification and contributes to legal certainty.

Sports rights

29. Witnesses stressed the importance of intellectual property to sport, for instance through broadcasting rights. The Sports Rights Owners Coalition, representing national and international sports rights owners, observed that sports content formed “a significant part of the programming and other offerings of the traditional, new and emerging broadcast media as well as in ticketing and associated activities such as merchandising and sponsorship”.⁴⁵ The Rugby Football Union told us that television rights contributed about

⁴¹ Paragraph 3

⁴² Ev 19

⁴³ A national association for professional player associations

⁴⁴ Ev 48

⁴⁵ Ev 4

20% of its total revenue,⁴⁶ and the England and Wales Cricket Board (ECB) described in a previous inquiry how few sports were as reliant on broadcasting income as was cricket, which derived 80% of its income from its broadcasting contracts. That revenue funds the majority of its grassroots programmes.⁴⁷ The football Premier League pointed out that internet and broadcast piracy “is a genuine threat to the operation of sports organisations which rely on media rights to finance investment in their sports”.⁴⁸

30. The principle of collective selling of media rights, with a sport’s governing body negotiating deals with broadcasters on behalf of the sport on the basis that income would be redistributed throughout that sport, is widespread in the UK and elsewhere in Europe, with the notable exceptions of Italy and Spain. We were told that two Spanish football clubs—Real Madrid and Barcelona—had negotiated individual rights deals with broadcasters which would account for over 50% of the total television revenue for football in Spain.⁴⁹ The Football Supporters Federation also noted a “great disproportion” of income between larger and smaller football clubs in Italy.⁵⁰ Mr Scudamore, Chief Executive of the football Premier League, contrasted the collective selling of television rights for football in British nations—which leads to the redistribution of £124 million of Premier League revenues each year to the Football Foundation and to lower league and professional clubs—with the individual selling models used in Italy and Spain, which he saw as “divisive”.⁵¹ The Professional Players Federation voiced similar views;⁵² and the European Parliament Culture and Education Committee, in its report submitted to the plenary for adoption in May 2008, strongly endorsed collective selling linked to an “equitable redistribution of income”.⁵³

31. The Association of British Bookmakers and the Remote Gambling Association, however, warned in a joint submission that collective selling could be anti-competitive and could artificially inflate rights payments. They questioned whether collective selling had in fact generated “solidarity” benefits in either football or horseracing.⁵⁴

32. It is certainly possible to interpret collective selling as a restrictive practice and as being in breach of EU competition law; but the White Paper recognises the principle of collective selling and the power of the tool to benefit sport. It notes that “while joint selling of media rights raises competition concerns, the Commission has accepted it under certain conditions”, such as a requirement for the sale of rights in individual packages following an open and transparent tendering process, and restrictions on the duration of contracts.⁵⁵ The White Paper therefore recommends that sporting organisations “pay due attention to

⁴⁶ Q 8

⁴⁷ Ev 1, *Broadcasting Rights for Cricket*, First Report from the Committee, Session 2005–06, HC 720

⁴⁸ Ev 24

⁴⁹ Memorandum from Richard Corbett MEP, Ev 53. See also Q 31

⁵⁰ Ev 58

⁵¹ Q 31

⁵² Ev 50

⁵³ Paragraph 67

⁵⁴ Ev 52

⁵⁵ See Working Document paragraph 4.8

the creation and maintenance of solidarity mechanisms for an equitable redistribution of income between clubs and between professional and amateur sport”.

33. Some who submitted evidence to our inquiry (such as the CCPR and the Football Supporters Federation) nonetheless made it clear that they would have welcomed some form of comfort or clearer statement from the Commission endorsing the principle of collective selling.⁵⁶ When we asked the Commissioner whether the White Paper might not have made a clearer statement in favour of collective selling, he said that it was not for the Commission to voice a preference for either a collective or an individual model for selling sports rights; but he did say that he believed that leagues which received money from the sale of broadcasting rights should redistribute that income.

34. The Sports Rights Owners Coalition (SROC) expressed disappointment that the White Paper had “failed to address the key issues” on rights more widely and that the Action Plan did not include a set of actions related to intellectual property.⁵⁷ This view was shared by others, including the football Premier League, the FA, and the Professional Players Federation;⁵⁸ and the Central Council for Physical Recreation argued that a lack of protection for sports media and intellectual property rights “means a failure to safeguard funding for grassroots sport” and needs to be explored in more depth.⁵⁹ There is indeed no specific action point in the Action Plan on intellectual property, and the section on protection of sport-related intellectual property rights in the Working Document betrays no sign of any conscious attempt by the Commission to link policy on sports rights with some of the other EU initiatives on intellectual property identified by SROC. On the other hand, the White Paper clearly acknowledges the economic value of sports rights;⁶⁰ and the Action Plan’s proposed study of the sport sector’s direct and indirect contributions to the Lisbon Agenda will inevitably encompass the value of sports rights. **Intellectual property rights represent a large and increasing proportion of the income generated by sport. We share the view that it is disappointing that the White Paper does not give greater recognition to this, and we believe that it is therefore essential that sport has a seat at the table in all consultations and policy-making relating to intellectual property.**

Quotas

35. Article 18 of the EC Treaty establishes the right of every citizen of the Union to move and reside freely within territory of the Member States, and Article 12 prohibits discrimination on the grounds of nationality. The European Court of Justice has ruled that an EU national who legally resides in another Member State has the right to equal treatment in terms of “social advantages”, which are deemed to include access to sport.⁶¹ In a landmark ruling in 1974, however, the Court recognised an exception to the principle of free movement of sportsmen when there are reasons which are not of an economic nature,

⁵⁶ FSF Ev 58; CCPR Ev 36

⁵⁷ Ev 5. See also evidence from Premier League, Ev 24

⁵⁸ Ev 24, 15, 51

⁵⁹ Ev 36

⁶⁰ Section 3

⁶¹ Working Document paragraph 4.21

with particular reference to the selection of national teams.⁶² Subsequent rulings have confirmed the right of sports governing bodies, when selecting for a national team, to select only athletes or sportsmen and women holding that nationality.

36. The governing bodies for cricket, rugby union and rugby league told us that their prime concern is to ensure that there is a good supply of talented players for national sides, on which the sports depend as their principal source of revenue. The ECB told us that around 80% of the sport's income was derived from international cricket and that the success of the national team was therefore "crucial" to its vitality.⁶³ The RFU said that the national team "drives pretty much 90% of our total revenue".⁶⁴ Their fear is that the import of talent from overseas will reduce the opportunities for players eligible to play for the national side to develop, and they see the uncertainty about the validity within EU law of quotas of "home-grown" players as having an adverse effect upon national teams. Both the ECB and the RFU support the concept of quotas or requirements upon clubs to field a certain number of players eligible to play for the national side; and they looked to the White Paper for greater clarity on the compatibility of quotas with EU law on free movement of workers.⁶⁵

37. Several other submissions argued that sporting bodies should have the freedom to set quotas.⁶⁶ The Professional Players Federation described quotas as "a proportionate response to protecting the importance of national teams" if and when the percentage of non-domestic players in a sport's premier competition exceeded a certain level. But it argued that quotas had to be reinforced by action by professional leagues to promote home-grown talent, for instance by taking a long-term approach to competitive success, giving trainees regular first team experience rather than bringing in fully developed overseas players as a short-term solution.⁶⁷

38. Quotas are resisted by the football Premier League on the grounds that, by restricting opportunities for supremely talented overseas players to play in club matches, the quality of play (and consequently the skills of players eligible for the national side) could decrease. It is also argued that quotas for "locally-trained" players could simply act as an incentive for clubs to seek out ever younger players from overseas so that they can be trained and become "home-grown" by the time they are ready to begin their professional career.⁶⁸

39. The FA's written memorandum, submitted in November 2007, took a similar line against quotas, advocating instead efforts to invest in talent development opportunities at grassroots level and in the professional club system.⁶⁹ However, Lord Triesman, appointed as Chairman of the FA shortly before giving oral evidence to the Committee in February

⁶² *Walrave and Koch*, Case 36/74, 12 December 1974

⁶³ Ev 3

⁶⁴ Q 8

⁶⁵ Ev 1

⁶⁶ CCPR Ev 36, Richard Corbett MEP Ev 53, Football Supporters Federation Ev 59. See also European Parliament Culture and Education Committee Report (as submitted to plenary) paragraph 35

⁶⁷ Ev 50

⁶⁸ Ev 20–21

⁶⁹ Ev 14

2008, appeared to have an open mind on the subject. While recognising the “fundamentals” of development and training of young players, he favoured “a long, hard, cold look at the evidence” to assess whether there were enough people available in the pool of players qualified to play for England to allow the England team not just to qualify for top international competitions but to “do really well” in them.⁷⁰ His comments were made in the light of the England football team’s loss against Croatia on 21 November 2007 and its consequent failure to qualify for the final stages of the UEFA 2008 European Football Championship.

40. Much of the debate about quotas has centred on the approach taken by international governing bodies for football. In 2005, UEFA introduced rules for players in the club competitions which it organises (the European Champions’ League and the UEFA Cup). These rules presently require clubs to have at least six “locally trained” players in a full strength “List A” squad: at least three of those six players must be “club trained”,⁷¹ the remaining three may be either “club trained” or “association trained”⁷². A different rule has been proposed by Sepp Blatter, the President of FIFA, who has suggested that a team should have six players on the pitch qualified to play for the relevant national football association. The football Premier League told us that the Commission had confirmed that such a rule would be in clear breach of EU law.⁷³

41. The White Paper discusses the compatibility with EU law of quotas for clubs to field a certain number of locally-trained players. It concludes that “rules requiring that teams include a certain quota of locally trained players could be accepted as being compatible with the Treaty provisions on free movement of persons if they do not lead to any direct discrimination based on nationality”, although it warns that “the assessment of whether a sporting rule is compatible with EU competition law can only be made on a case-by-case basis”. This limited clarification was welcomed by some⁷⁴ but disappointed others.⁷⁵ The Action Plan included a commitment by the Commission to carry out an analysis of all aspects of the “complex issue” of access to individual competitions for non-nationals.⁷⁶ This study has now been completed and has been submitted to football organisations and clubs; the findings have not yet been released. The CCPR has expressed disappointment that the study has focused on football and has failed to take into account other sports affected, such as cricket and rugby in the UK and ice hockey, handball and basketball elsewhere in Europe.⁷⁷

42. Different governing bodies take different views on the merits of quotas. In a world where clubs rely upon success in competition to sustain their revenues and their visibility, we understand the pressures on them to attract and retain as much talent as possible,

⁷⁰ Q 39

⁷¹ A player registered with his current club for at least three seasons or 36 months

⁷² A player registered with a club affiliated to the same national association as his current club for at least three seasons or 36 months

⁷³ Ev 21. See also Q 42

⁷⁴ Richard Corbett MEP Ev 53

⁷⁵ RFU and ECB, Ev 2 and 3

⁷⁶ Action Point 40

⁷⁷ Ev 36

whether it originates from within or outside the UK. However, we also note a degree of public dissatisfaction with the preponderance of overseas players in Premier League football teams (and—to a lesser extent—Championship teams). It is difficult to know whether quotas of any kind would ultimately be beneficial or damaging: what works for one sport may not for another. Nonetheless, this is a matter for individual governing bodies to decide.⁷⁸ **We believe that governing bodies should be free to decide whether or not to introduce quotas for locally-trained players, and we regret that the White Paper, while making encouraging and welcome sounds about the compatibility with EU law of quotas for home-trained players, did not propose action to ensure the desired certainty, leaving only a precarious authority under ECJ case law.**

4 Conclusion

43. We greet the White Paper with mixed feelings. The scope of the White Paper is limited, necessarily so in the light of the EU's limited competence for sport. Within those constraints, it does a useful job of exploring scope for using existing networks and programmes to support participation in sport. There are elements that are constructive and well-intentioned and do not challenge Member States' sovereignty. The various proposals for studies and analyses, or to carry out research, may provide useful material to inform decision-making at national level. The White Paper has provoked discussion across Europe and, in doing so, is providing an opportunity for Member States and sports bodies to shape the Commission's thinking on all issues affecting sport as it prepares for the new competence for sport under the Reform Treaty, if it is indeed ratified.

44. We do not believe, however, that there is any necessity or justification for the Commission to take a more active role in driving the development of policy on sport. Nor are we fully confident that the Commission will adhere to its statement in the White Paper that the Commission acknowledges the autonomy of sporting organisations and representative structures (such as leagues). There was alarm in some quarters that the White Paper had not been more forthright in guaranteeing the autonomy of sporting bodies: the CCPR took issue with the statement in section 4 of the White Paper that governance is "mainly" the responsibility of sports governing bodies, arguing that sports bodies should be *entirely* responsible.⁷⁹ The British Olympic Association said that "the absence of a specific reference to the autonomy of sports organisations within the White Paper could, potentially, have far reaching implications for sports organisations".⁸⁰ The FA believes that the White Paper "missed the opportunity to recognise fully both the autonomy and specificity of sport as well as the central role and independence of the sports governing bodies in organising, regulating and promoting their respective sports".⁸¹ The football Premier League told us that the EU competence in sport should support and not replace national policies and practices.⁸²

⁷⁸ See Football Supporters Federation memorandum, Ev 59

⁷⁹ Ev 36. See also the Rugby Football League Ev 43

⁸⁰ Ev 55. The position taken by the British Olympic Association was supported by the Royal Yachting Association (evidence not printed)

⁸¹ Ev 14; see also memorandum from Chris Heaton-Harris MEP Ev 64

⁸² Ev 19

45. It was also suggested to us by Chris Heaton-Harris MEP, President of the Sports Intergroup of the European Parliament, that the actions, intentions and requests set out in the White Paper, the Action Plan and in reports from the European Parliament's Culture and Education Committee revealed "a significant accumulation of powers by the EU—in most cases the Commission—often at the expense of sports bodies or national authorities".⁸³ Richard Corbett MEP maintained, on the other hand, that it was valid for EU institutions to have a role in relation to sports policy, given that sport had to respect EU law; and he believed that the statement in the White Paper that most challenges in the sporting world could be addressed through self-regulation provided that EU law is respected was "the correct approach" and "should reassure those who worry about unnecessary interference in sports governance".⁸⁴

46. The Commissioner was keen to impress on us that the White Paper proposed neither regulation, harmonisation nor integration. He gave us assurances that he had no wish to impose a European Sports Directorate which would promote an EU-wide approach to sport. **The Government should hold the Commissioner to his assurances that the White Paper proposes neither regulation, harmonisation nor integration, and we believe that it is essential that national governing bodies of sport continue to have the freedom to decide for themselves how their sports should be run.**

47. While there may be useful and worthy proposals in the White Paper, they are best executed at a national level rather than at a European level. We agree strongly with the statement by the Government in its Explanatory Memorandum that any activity by the EU "must be underpinned by a clear commitment to the autonomy of sport and can be supported only where clear value is added to existing national policy".⁸⁵ **If the EU is to have a role in sport, it should be to identify possibilities for fruitful action by Member States, to be taken at their discretion. The limitations of that role should be acknowledged openly by Member States and EU institutions alike, as a guard against any sign of creeping regulation by EU institutions in the future.**

⁸³ Ev 65

⁸⁴ Ev 54

⁸⁵ Paragraph 15.3

Conclusions and recommendations

1. We encourage Sport England and the Central Council for Physical Recreation to prompt national governing bodies to assess how they might make use of EU funding programmes targeted at sectors other than sport. (Paragraph 11)
2. We strongly welcome the acknowledgement by the Commission of the essential part played in sport by volunteers, and we support the proposals in the Action Plan to use programmes such as Europe for Citizens or Youth in Action to encourage volunteering in sport, particularly by young people. (Paragraph 13)
3. We do believe that sport has distinctive characteristics which need to be taken into account in the application of EU law. The simplest way to achieve this would be to draw up a specific exemption from the application of EU law. In the absence of this, we believe that the White Paper should at least have provided a stronger statement, based upon principles set out in the supporting Working Document, on which types of general activity would and would not be likely to be seen by the European Court of Justice as being compliant with the Treaty. (Paragraph 28)
4. Intellectual property rights represent a large and increasing proportion of the income generated by sport. We share the view that it is disappointing that the White Paper does not give greater recognition to this, and we believe that it is therefore essential that sport has a seat at the table in all consultations and policy-making relating to intellectual property. (Paragraph 34)
5. We believe that governing bodies should be free to decide whether or not to introduce quotas for locally-trained players, and we regret that the White Paper, while making encouraging and welcome sounds about the compatibility with EU law of quotas for home-trained players, did not propose action to ensure the desired certainty, leaving only a precarious authority under ECJ case law. (Paragraph 42)
6. The Government should hold the Commissioner to his assurances that the White Paper proposes neither regulation, harmonisation nor integration, and we believe that it is essential that national governing bodies of sport continue to have the freedom to decide for themselves how their sports should be run. (Paragraph 46)
7. If the EU is to have a role in sport, it should be to identify possibilities for fruitful action by Member States, to be taken at their discretion. The limitations of that role should be acknowledged openly by Member States and EU institutions alike, as a guard against any sign of creeping regulation by EU institutions in the future. (Paragraph 47)

Appendix: The *Pierre de Coubertin* Action Plan

The White Paper on Sport contains a number of proposed actions to be implemented or supported by the Commission. These actions are brought together in the present Action Plan, named after Pierre de Coubertin. The Action Plan will guide the Commission in its sport-related activities during the coming years while fully taking into account and respecting the principle of subsidiarity and the autonomy of sport organisations.

A. The societal role of sport

A.1. Public health and physical activity

- 1) Together with the Member States, develop new physical activity guidelines.
- 2) Support an EU Health-Enhancing Physical Activity network and, if appropriate, smaller and more focused networks dealing with specific aspects of the topic.
- 3) Mobilise the 7th Framework Programme for Research and Technological Development (RTD), the EU Public Health Programme, the Youth and Citizenship programmes and the Life-Long Learning (LLL) Programme.

A.2. Fight against doping

- 4) Support partnerships through training courses and networking between training centres for law enforcement officers.
- 5) Facilitate a coordinated EU approach in the fight against doping, e.g. by supporting a network of national anti-doping organisations.

A.3. Education and training

- 6) Promote participation in educational opportunities through sport under the Lifelong Learning Programme (Comenius, Erasmus, Leonardo da Vinci, Grundtvig).
- 7) Identify projects for the implementation of the European Qualification Framework (EQF) and the European Credit System for Vocational Education and Training (ECVET) in the sport sector.
- 8) Introduce the award of a European label to schools actively supporting physical activities.
- 9) Complete the analysis of rules requiring that teams include a certain quota of locally trained players.

A.4. Volunteering in sport, active citizenship and non-profit sport organisations

- 10) Together with Member States, identify key challenges for non-profit sport organisations and the main characteristics of services provided by these organisations.

- 11) Support grassroots sport through the Europe for Citizens Programme.
- 12) Encourage young people's volunteering in sport through the Youth in Action Programme.
- 13) Develop the exchange of information and best practice on volunteering in sport.
- 14) Launch a study on volunteering in sport.

A.5. Social inclusion in and through sport

- 15) Mobilise the Progress, Lifelong Learning, Youth in Action and Europe for Citizens programmes as well as the European Social Fund, the European Regional Development Fund and the European Integration Fund to support actions promoting social inclusion and integration through sport and combating discrimination in sport.
- 16) In the Action Plan on the European Union Disability Strategy, take into account the importance of sport for disabled people and support Member State actions in this field.
- 17) In the framework of the Roadmap for Equality between Women and Men 2006-2010, encourage the mainstreaming of gender issues into sports-related activities, with a specific focus on access to sport for immigrant women and women from ethnic minorities, women's access to decision-making positions in sport and media coverage of women in sport.

A.6. Prevention of and fight against racism and violence in sport

- 18) As regards racism and xenophobia, promote dialogue and exchange of best practices in the existing cooperation framework.
- 19) Promote, in accordance with national and EU rules applicable, the exchange of operational information and practical know-how and experience on the prevention of violent and racist incidents between law enforcement services and with sport organisations.
- 20) Analyse possibilities for new legal instruments and other EU-wide standards to prevent public disorder at sport events.
- 21) Promote a multidisciplinary approach to preventing anti-social behaviour, with a special focus given to socio-educational actions such as fan-coaching (long-term work with supporters to develop a positive and non-violent attitude).
- 22) Strengthen regular and structured cooperation among law enforcement services, sport organisations and other stakeholders.
- 23) Encourage the use of the following programmes, to contribute to the prevention of and fight against violence and racism in sport: Youth in Action, Europe for Citizens, DAPHNE III, Fundamental Rights and Citizenship and Prevention and Fight against Crime.
- 24) Organise a high level conference to discuss measures contributing to prevent and fight violence and racism in sport events with stakeholders.

A.7. Sport in the Union's external relations

- 25) Promote the use of sport as a tool in the EU's development policy.
- 26) Include sport-related issues in policy dialogue and cooperation with partner countries when appropriate. Promote sport as an element of the EU's public diplomacy.
- 27) Pay particular attention to the sport sector when implementing the recently presented Communication on circular migration and mobility partnerships with third countries.
- 28) Pay particular attention to the sport sector when elaborating harmonised schemes for the admission of various categories of third country nationals for economic purposes on the basis of the 2005 Policy Plan on Legal Migration.

A.8. Sustainable development

- 29) Encourage the participation of sport stakeholders in the Eco Management Audit Scheme (EMAS), Community Eco-Label Award schemes and green procurement, and promote these schemes during major sport events in cooperation with Member States, sport organisations and organisers.
- 30) Promote green procurement in the political dialogue with Member States and other concerned parties.
- 31) Raise awareness, through guidance developed in cooperation with relevant stakeholders (policy makers, SMEs, local communities), about the need to work together in partnership at the regional level to organise sport events in a sustainable way.
- 32) Take sport into account in the new Life+ programme.

B. The economic dimension of sport

B.1. Economic impact of sport

- 33) Together with Member States, develop a European statistical method for measuring the economic impact of sport.
- 34) Conduct specific sport-related surveys to provide non-economic information on sport.
- 35) Launch a study to assess the sport sector's contribution to the Lisbon Agenda.
- 36) Organise the exchange of best practices concerning the organisation of large sport events.

B.2. Public support for sport

- 37) Carry out a study on the financing of grassroots sport and sport for all in the Member States from both public and private sources, and on the impact of on-going changes in this area.
- 38) Defend the possibilities of reduced VAT rates for sport.

C. The organisation of sport

C.1. Free movement and nationality

39) Combat discrimination based on nationality in all sports through political dialogue, recommendations, structured dialogue with stakeholders and infringement procedures when appropriate.

40) Launch a study on access to individual sport competitions for non-nationals.

C.2 Players' agents

41) Carry out an impact assessment to provide a clear overview of the activities of players' agents in the EU and an evaluation of whether action at EU level is necessary, which will also analyse the different possible options.

C.3. Protection of minors

42) Continue to monitor the implementation of EU legislation, in particular the Directive on the Protection of Young People at Work.

43) Propose to Member States and sport organisations to cooperate on the protection of the moral and physical integrity of young people through the dissemination of information on existing legislation, establishment of minimum standards and exchange of best practices.

C.4. Corruption, money-laundering and other financial crime

44) Support public-private partnerships representative of sports interests and anticorruption authorities, which would identify vulnerabilities to corruption in the sport sector and assist in the development of effective preventive and repressive strategies to counter such corruption.

45) Continue to monitor the implementation of EU anti-money laundering legislation in the Member States with regard to the sport sector.

C.5. Licensing systems

46) Establish a dialogue with sport organisations on self-regulatory licensing systems for clubs/teams.

47) Starting with football, organise a conference with UEFA, EPFL, Fifpro, national associations and national leagues on existing licensing systems and best practices in this field.

C.6. Media

48) Recommend to sport organisations to pay due attention to the creation and maintenance of solidarity mechanisms for an equitable redistribution of income between clubs and between professional and amateur sport.

D. Follow-up

D.1. Structured dialogue with sport stakeholders

49) Provide for a more efficient dialogue structure on sport at EU level, including the organisation of an annual European Sport Forum and thematic discussions with targeted audiences, European sport stakeholders in particular.

50) Promote greater European visibility at sporting events and support the further development of the European Capitals of Sport initiative.

D.2. Cooperation with Member States

51) Propose to the Member States to strengthen political cooperation on sport through a reinforced Rolling Agenda, common priorities and regular reporting to EU Sport Ministers.

52) Report on the implementation of the Action Plan through the mechanism of the Rolling Agenda.

D.3. Social dialogue

53) Encourage efforts leading to the establishment of European Social Dialogue Committees in the sport sector, and support employers and employees in this respect.

Formal Minutes

Thursday 8 May 2008

Members present:

Mr John Whittingdale, in the Chair

Philip Davies
Paul Farrelly
Alan Keen

Rosemary McKenna
Adam Price

Draft Report (European Commission White Paper on Sport), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 47 read and agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the *Pierre de Coubertin Action Plan* be appended to the Report.

Ordered, That the Chairman make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Tuesday 13 May at 10.15 a.m.]

Witnesses

Tuesday 19 February 2008

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Nick Bunting, Head of Public Affairs, and **Paul Vaughan**, Commercial Director, Rugby Football Union; **Giles Clarke**, Chairman, England and Wales Cricket Board, and **Nic Coward**, Chair, Sports Rights Owners Coalition Ev 6

Lord Triesman, Chairman, Football Association and **Richard Scudamore**, Chief Executive, Premier League Ev 25

Brigid Simmonds, Chair, and **James MacDougall**, European and International Officer, Central Council for Physical Recreation; and **Sue Tibballs**, Chief Executive, Women's Sport and Fitness Foundation Ev 38

List of written evidence

1	Rugby Football Union	Ev 1
2	England and Wales Cricket Board	Ev 2
3	Sports Rights Owners Coalition	Ev 4
4	The Football Association	Ev 13
5	The Premier League	Ev 18
6	Central Council for Physical Recreation	Ev 35
7	Rugby Football League	Ev 42
8	The Football Foundation	Ev 45
9	Professional Players' Federation	Ev 48
10	Association of British Bookmakers and the Remote Gambling Association	Ev 51
11	Richard Corbett MEP	Ev 52
12	British Olympic Association	Ev 55
13	Football Supporters' Federation	Ev 56
14	Youth Sport Trust	Ev 60
15	Chris Heaton-Harris MEP	Ev 64

List of unprinted evidence

The following memoranda have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives, and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

BSkyB

Cricket South Africa

Department for Culture, Media and Sport

Football DataCo

Football Supporters' Federation

Professional Golfers' Association of Europe

Royal Yachting Association

Sports Rights Owners Coalition

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2005–06

First Special Report	Maritime Heritage and Historic Ships: Replies to the Committee's Fourth Report of Session 2004-05	HC 358
First Report	Broadcasting Rights for Cricket	HC 720
Second Report	Analogue Switch-off	HC 650 I, II
Third Report	Preserving and Protecting our Heritage	HC 912 I, II, III
Fourth Report	Women's Football	HC 1357
Second Special Report	Women's Football: Replies to the Committee's Fourth Report of Session 2005–06	HC 1646

Session 2006–07

First Report	Work of the Committee in 2006	HC 234
Second Report	London 2012 Olympic Games and Paralympic Games: funding and legacy	HC 69 I, II
Third Report	Call TV quiz shows	HC 72
Fourth Report	Call TV quiz shows: Joint response from Ofcom and ICSTIS to the Committee's Third Report of Session 2006-07	HC 428
Fifth Report	New Media and the creative industries	HC 509 I, II
Sixth Report	Caring for our collections	HC 176 I, II
Seventh Report	Self-regulation of the press	HC 375
First Special Report	Self-regulation of the press: Replies to the Committee's Seventh Report of Session 2006–07	HC 1041

Session 2007–08

First Report	Public service content	HC 36 I, II
First Special Report	Public service content: Response from Ofcom to the Committee's First Report of Session 2007–08	HC 275
Second Report	Ticket touting	HC 202
Third Report	Work of the Committee in 2007	HC 234
Fourth Report	BBC Annual Report and Accounts 2006–07	HC 235
Fifth Report	On-course horserace betting	HC 37
Sixth Report	London 2012 Games: the next lap	HC 104 I, II

Oral evidence

Taken before the Culture, Media and Sport Committee on Tuesday 19 February 2008

Members present:

Mr John Whittingdale, in the Chair

Philip Davies
Mr Mike Hall
Alan Keen

Mr Adrian Sanders
Helen Southworth

Memorandum submitted by the Rugby Football Union

The Rugby Football Union (RFU) is the governing body for rugby union in England. The RFU has over 2,000 clubs and 3,000 schools in membership and a playing population in excess of 2.2 million.

The RFU is also a founder member of the International Rugby Board (IRB).

The RFU welcomes the Culture, Media and Sport Select Committee's decision to hold an inquiry into the European Commission's White Paper on Sport.

The White Paper covers a considerable number of policy issues. The RFU understands that the Central Council for Physical Recreation (CCPR) will be submitting a detailed response which will cover the full range of issues raised in the paper and we refer the Committee to this response.

There are two specific matters arising from the publication of the White Paper that the RFU itself would like to draw to the Committee's attention.

SAFEGUARDING THE NATIONAL TEAM

The RFU calls on the Commission to provide greater support for actions that national governing bodies can take to enhance and protect their national teams.

The RFU's objective is to develop and grow participation in the game from playground to Twickenham. Around 80% of the income of our sport derives from the international game; hence the success of our national team is crucial to the vitality of our sport. This means that the local development and training of players is our highest priority if we are to build successful national teams and develop long term investment in our sport.

This goal is being eroded by the influx of players from overseas, particularly following the recent Rugby World Cup in France, which has seen players joining all of the professional teams and many of the semi-professional teams. As we prepare for our future, it is vital that the issues we face surrounding the development of the national team are addressed.

There is clear evidence that the freedom of movement of players—and the lack of ability for sport to impose minimum quotas of home grown players—is affecting teams not only in England but across the home nations, Europe and other Unions around the world.

There have been significant problems within Scotland and Wales, domestically over the influx of players. There are concerns for the future being expressed across the tri-nations of Australia, South Africa and New Zealand over the drain of players to European teams.

But it is the health of the game in England that is the RFU's primary concern and the effect that the present legislation has on the standard of the national team.

As a governing body it is our duty to protect the health of the national team and the sport as a whole and to achieve this goal we need clarity around the legislation and the measures that are at our disposal.

The RFU notes that the Commission is sympathetic to some of these issues. The White Paper notes that sport has certain specific characteristics, including:

The specificity of the sport structure, including notably the autonomy and diversity of sport organisations, a pyramid structure of competitions from grassroots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport.

It also states that:

Rules requiring that teams include a certain quota of locally trained players could be accepted as being compatible with the Treaty provisions on free movement of persons if they do not lead to any direct discrimination based on nationality and if possible indirect discrimination effects resulting from them can be justified as being proportionate to a legitimate objective pursued, such as to enhance and protect the training and development of talented young players.

The White Paper also reiterates, however, the existing position that these issues are to be tested on a case by case approach.

In respect of the regulatory aspects of sport, the assessment whether a certain sporting rule is compatible with EU competition law can only be made on a case-by-case basis, as recently confirmed by the European Court of Justice in its Meca-Medina ruling. The Court provided a clarification regarding the impact of EU law on sporting rules. It dismissed the notion of “purely sporting rules” as irrelevant for the question of the applicability of EU competition rules to the sport sector.

As these extracts show, the White Paper recognises some of the issues surrounding the development of national teams, but the Commission has failed to tackle these concerns sufficiently to provide clarity to the issues.

While we recognise the White Paper is an early stage in the policy process, the RFU would welcome greater certainty and legal clarity surrounding measures to protect the standards of the national team as proposals on sports policy in the European Union move forward. We firmly believe that the specificity and autonomy of sport should be adhered to, in line with the principle of subsidiarity, such that each governing body has the right to set its own rules and regulations, and is independent from political interference into the governance and operation of its sport.

REPRESENTATION AND POLICY-MAKING APPROPRIATE TO ALL SPORTS

The RFU is concerned that the sport of rugby union, and indeed all sports, should be given effective representation in European policy making processes.

We note that the process of establishing a White Paper on Sport was heavily influenced by the Independent European Sport Review. This review was driven by the involvement and input of the football sector, which is not surprising given it was funded by UEFA. Even now, to view that paper on-line requires access to the following website address: www.independentfootballreview.com.

The RFU also notes the Commission’s intention to continue its ongoing study into the training of young sports men and women, which will provide input into the analysis of locally trained players, is also focused on football. The RFU hopes that this study will not repeat the mistakes of the Independent European Sport Review and that the Commission will review this subject by entering into a dialogue with all of the sports who have an interest in the policy environment that control the rules we can set on quotas for locally trained players.

Although rugby union may not have the same reach as football in Europe, it is important that the significance of rugby union, as well as other sports, is recognised.

The RFU would not support the establishment of a “European Sports Directorate” that sought to impose policies on our governing body. Such a scenario would be particularly damaging for rugby union given the status our sport has in many European countries.

We urge the Commission to recognise the importance of other sports, such as rugby union, to safeguard the specificity of each sport as well as sport as a whole.

The RFU hopes the Select Committee will review the White Paper in the context of the entire sporting sector, and that it would urge the European Commission to extend and improve the dialogue it is having with all sports.

January 2008

Memorandum submitted by the England and Wales Cricket Board

The England and Wales Cricket Board (ECB) is the governing body for cricket in England and Wales.

The ECB is also one of 97 national members of the International Cricket Council (ICC). Within Europe, the European Cricket Council (ECC) has 27 full national members and is awaiting the approval of Turkey as the 28th member nation of the European Cricket Council.

The ECB welcomes the Culture, Media and Sport Select Committee’s decision to hold an inquiry into the European Commission’s White Paper on Sport.

The White Paper covers a considerable number of policy issues. The ECB understands that the Central Council for Physical Recreation (CCPR) will be submitting a detailed response which will cover the full range of issues raised in the paper and we refer the Committee to this response.

There are two specific matters arising from the publication of the White Paper that the ECB itself would like to draw to the Committee's attention.

1. SAFEGUARDING THE NATIONAL TEAM

The ECB calls on the Commission to provide greater support for actions that national governing bodies can take to enhance and protect their national teams.

The ECB's objective is to develop the game from playground to test arena. Around 80% of the income of our sport derives from international cricket, hence the success of our national team is crucial to the vitality of our sport. This means that the local development and training of players is our highest priority if we are to build successful national teams and develop long term investment in our sport.

This goal is being eroded by the influx of players from overseas—a total of 80 played in England and Wales last season. As we prepare for our future, it is vital that the issues we face surrounding the development of the national team are addressed.

There is clear evidence that the freedom of movement of players—and the lack of ability for sport to impose minimum quotas of home grown players—is affecting teams not only in England and Wales but across the world.

There have been significant problems caused in South Africa and the West Indies and there are concerns for the future being expressed in both Australia and New Zealand.

Furthermore, the absence of any meaningful legitimate means of limiting unqualified cricketers is straining relationships with the South African and West Indies cricket boards who view the use of the Kolpak principles as a serious threat to their development of players. Such is the legitimate concern within South Africa that the chairman of their board recently made a dedicated personal visit to the UK to solicit the maximum support possible from ECB to correct a situation which is damaging to cricket in South Africa.

But it is the health of the game in England and Wales that is the ECB's primary concern and the effect that the present legislation has on the standard of the national team.

As a governing body it is our duty to protect the health of the national team and the sport as a whole and to achieve this goal we need clarity around the legislation and the measures that are at our disposal.

The ECB notes that the Commission is sympathetic to some of these issues. The White Paper notes that sport has certain specific characteristics, including:

The specificity of the sport structure, including notably the autonomy and diversity of sport organisations, a pyramid structure of competitions from grassroots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport.

It also states that:

Rules requiring that teams include a certain quota of locally trained players could be accepted as being compatible with the Treaty provisions on free movement of persons if they do not lead to any direct discrimination based on nationality and if possible indirect discrimination effects resulting from them can be justified as being proportionate to a legitimate objective pursued, such as to enhance and protect the training and development of talented young players.

The White Paper also reiterates however, the existing position that these issues are to be tested on a case by case approach.

In respect of the regulatory aspects of sport, the assessment whether a certain sporting rule is compatible with EU competition law can only be made on a case-by-case basis, as recently confirmed by the European Court of Justice in its Meca-Medina ruling. The Court provided a clarification regarding the impact of EU law on sporting rules. It dismissed the notion of "purely sporting rules" as irrelevant for the question of the applicability of EU competition rules to the sport sector.

As these extracts show, the White Paper recognises some of the issues surrounding the development of national teams, but the Commission has failed to tackle these concerns sufficiently to provide clarity to the issues.

While we recognise the White Paper is an early stage in the policy process, the ECB would welcome greater certainty and legal clarity surrounding measures to protect the standards of the national team as proposals on sports policy in the European Union move forward. We firmly believe that the specificity and autonomy of sport should be adhered to, in line with the principle of subsidiarity, such that each governing body has the right to set its own rules and regulations, and is independent from political interference into the governance and operation of its sport.

2. REPRESENTATION AND POLICY-MAKING APPROPRIATE TO ALL SPORTS

The ECB is concerned that the sport of cricket, and indeed all sports, should be given effective representation in European policy making processes.

We note that the process of establishing a White Paper on Sport was heavily influenced by the Independent European Sport Review. This review was driven by the involvement and input of the football sector, which is not surprising given it was funded by UEFA. Even now, to view that paper on-line requires access to the following website address: www.independentfootballreview.com.

The ECB also notes the Commission's intention to continue its ongoing study into the training of young sports men and women, which will provide input into the analysis of locally trained players, is also focused on football. The ECB hopes that this study will not repeat the mistakes of the Independent European Sport Review and that the Commission will review this subject by entering into a dialogue with all of the sports who have an interest in the policy environment that control the rules we can set on quotas for locally trained players.

Although cricket may not have the same reach as football in Europe, it is important that the significance of cricket, as well as other sports, is recognised.

The ECB would not support the establishment of a European Sports Directorate that sought to impose policies on our governing body. Such a scenario would be particularly damaging for cricket given the status our sport has in many European countries.

The ECB hopes the Select Committee will review the White Paper in the context of the entire sporting sector, and that it would urge the European Commission to extend and improve the dialogue it is having with all sports.

We urge the Commission to recognise the importance of other sports, such as cricket, to safeguard the specificity of each sport as well as sport as a whole.

February 2008

Memorandum submitted by the Sports Rights Owners Coalition

The Sports Rights Owners Coalition (SROC) is an informal group of major national, european and international sports rights owners.

The objective of SROC is to be the forum through which sports bodies can share information and experiences, and discuss key issues, particularly relating to market, legal and regulatory challenges and opportunities. I attach with this submission a one page summary of our membership and key objectives. [not printed]

Sports content plays a crucial role in the creative industries. Specifically, our content forms a significant part of the programming and other offerings of the traditional, new and emerging broadcast media as well as in ticketing and associated activities such as merchandising and sponsorship. The income secured by the rights owner from this sporting content is reinvested into sport at many levels.

Across the world, sport is recognised by Governments as being special; with the power to deliver considerable benefits to communities and society in many different ways.

Traditionally, sporting bodies have looked to Government for financial investment in its development at all levels. In the future, SROC expects sport to increasingly look to Governments for assistance in providing it with specific recognition and protection by the law from those who seek to ambush and prey on our events.

Such protection enhances the revenues sport has for reinvestment. These issues are starting to be recognised at national, EU and worldwide treaty level (for instance through the London Olympic and Paralympic Games Act 2005 and the WIPO Treaty relating to the Olympic logo).

To achieve our objectives, SROC looks to national governments, the EU and treaty organisations, including WTO and WIPO to:

- provide protection for sports bodies' names, logos and marks;
- outlaw ambush marketing, through the creation of a clear "association" right;
- outlaw unauthorised ticket touting;
- prevent the theft of broadcast footage of sports events by Internet pirates and others such as pubs;
- to ensure that there is clear protection for sports events fixtures and statistics; and
- to protect the integrity of sports and to ensure a fair return from betting on their events.

THE INDEPENDENT EUROPEAN REVIEW OF SPORT

The Independent European Review of Sport was initiated during UK's presidency of the Union.

SROC welcomes the detailed consideration that the Report gave to rights related issues in sport, and the associated recommendations directed toward both national governments and the European institutions. The Report addressed many of the issues we set out above and made strong recommendations for action.

These recommendations include: recognising that sporting organisations should be permitted to enter into collective agreements for the sale of sports rights; legislation to tackle ticket touting; the need for clear legal relationship between betting and sport; legislation to tackle ambush marketing; strong IP protection for sport; and ensuring news access arrangements do not harm the value of sports rights holders.

THE EUROPEAN WHITE PAPER ON SPORT

The European White Paper on Sport makes a welcome mention of the economic value of intellectual property rights to sport and to the overall health of the sport economy. To this end, while we welcome efforts by the European Commission's Sports Unit to raise awareness of the sports dimension of IP policies and regulatory initiatives, sport in general is still not considered among the principal Commission interlocutors on intellectual property issues. It is SROC's view that several of the current and planned EU legislative reviews and policy initiatives in the information society and intellectual property spheres have or will have a significant impact on the way sports rights are sold and protected after sale.

The White Paper has failed adequately to address the key issues.

The EU reviews and initiatives include:

- the EU Copyright Directive;
- the EU Satellite and Cable Directive;
- the implementation of the revised Audiovisual Media Services Directive;
- the revision of the IP Enforcement Directive;
- the Content Online (and related Mobile TV) initiatives;
- the revision of the "Communications Package"; and
- the review of the EU Conditional Access Directive.

Given the vital importance of rights protection to the operation of sports bodies, SROC regrets therefore that the White Paper does not include a specific set of actions related to intellectual property within the Pierre de Coubertin Action Plan.

This is critical for the reasons set out above, but in the EU context, particularly the facts that:

- European sport makes a significant contribution to overall EU GDP and is the originator of much of the content that now appeals to a global audience;
- the EU and international IP frameworks need reinforcing as copyrighted sports content is increasingly attractive to media & content companies and individual users, seeking to create new business models off the back of copyrighted content; the most significant threat of all is digital piracy.

We would urge the Select Committee to press the European Commission for a more systematic consideration of the sports sector as the Commission reviews existing IP legislation and future IP and other content-related proposals and that the forthcoming study on the economic impact of sport in the EU takes full account of the IP dimension in its assessment.

Attached with this letter is the submission that SROC made to the Consultation on the White Paper to demonstrate the range of issues that are faced by sports bodies that have a locus at the European level. [not printed]

BETTING AND INTEGRITY

A particular issue that has been raised, and perhaps the most significant omission from the White Paper, despite representations from SROC, is sports related betting integrity. It is evident that policy makers across the EU struggle to comprehend even the basic ideas relating to sport and betting. There are very divergent views across the EU in relation to betting—from prohibition, to state ownership, to market models.

Protecting sport from the potential corrupting influences of betting is a major issue for SROC members. They are also concerned to ensure a fair return for their sports from those using them as the key content for their betting businesses. At present, the lack of proper and effective policy and structures is allowing SROC to be ambushed, with no investment back into sport from this ever increasing commercial activity off the back of sports events, and no regulatory system in place to protect the sports.

The nature of the debate about sports betting has to change—it has to be brought to the fore, with openness on all sides. Betting on sports is at an all-time high, particularly as policy makers seek to come to terms with online sports betting and the patterns of gambling are starting to change dramatically.

Technological advances, innovation and new betting products have led to significant income for gambling businesses, with sports content playing a lead role. However, while there is no policy and regulatory framework at the EU-level for betting generally and sports betting specifically, the gambling economy is burgeoning, and sports' issues are not being addressed. The threat of match-fixing or the fixing of specific incidences in sports matches relating to the behaviour of individual athletes, as well as illegal betting cartels or syndicates, is on the rise, as many recent incidents have demonstrated, including countries with state monopolies. Since SROC submitted evidence to the Commission's White Paper consultation we have unfortunately seen further incidents of irregular betting activity in sports.

Protecting the integrity of sports events and competitions is inherently a national, and international issue that requires cooperation between all sports rights owners, legitimate betting operators and public institutions, national, EU and worldwide. It is a major, cross-border endeavour and a great deal more needs to be done by public authorities on a proactive rather than reactive basis. The same goes for the provision of a fair return back to the sport.

We believe there needs to be genuine cross-industry cooperation in a dialogue with the Commission on sports betting. This could lead to a statutory-based relationship between sports rights holders and betting organisations. The purpose for such a relationship would be to create an obligation for the betting companies to participate in integrity measures, as well as ensure a fair return for investment in the future of the sport.

The Independent European Sports Review recommended the introduction of such a relationship in law between sport and betting, at both a national and European level.

SROC is encouraged at the interest the British Government is taking in this issue and their support for greater regulatory protection for sport and the introduction of payments by betting operators for their use of sports content. We would also like to see greater action on this issue by the European Union and would ask the Committee to raise this issue in their meetings with Commission representatives.

SROC would be pleased to provide the Committee with further evidence on these issues and to give oral evidence if that were deemed helpful.

January 2008

Witnesses: **Mr Nick Bunting**, Head of Public Affairs, Rugby Football Union, **Mr Paul Vaughan**, Commercial Director, Rugby Football Union, **Mr Giles Clarke**, Chairman, England and Wales Cricket Board, and **Mr Nic Coward**, Chair, Sports Rights Owners Coalition.

Chairman: Good morning, everybody. This morning the Committee is having a run around the track or kickabout, or whatever other sporting metaphor you like, on the European Commission White Paper on Sport. The Committee has already visited Brussels to speak to the Commissioner and this morning we have the representatives of most of the major sporting bodies. I would like to begin by welcoming Nick Bunting and Paul Vaughan of the RFU, Giles Clarke of the England and Wales Cricket Board, and Nic Coward of the Sports Rights Owners Coalition. Adrian Sanders is going to start.

Q1 Mr Sanders: Or kick off! What will change as a result of the White Paper? What would happen to sport in Europe in the next five to ten years if there were to be no action taken by the EU?

Mr Clarke: Giles Clarke, Chairman of the England and Wales Cricket Board. Thank you for that question, Mr Sanders. We, as the two sports here, rugby and cricket, have rights under European law for collective selling of our TV sporting rights, in particular. That is an extremely important part of our sports model and structure and the policy of subsidiarity is essential for both cricket and rugby. We are not played in all the countries in the European Union. We need to be able to develop our national teams. Our national team is the key source of revenue for both of our sports. To do that—and we are different from other sports—we invest in our grass roots very heavily. Speaking for cricket, we

invest 23% of our income in our grass roots, and you will have seen our recent announcement to invest a further £14 million in over 2,000 amateur clubs. We are able to do that because we have collective selling rights and because of the policy of subsidiarity. Our concern with the White Paper is very much that this is “one-size-fits-all”: it is fundamentally addressed, in our judgment, at football, has very little to do with cricket. We were particularly concerned that the independent European Sport Review is to be found on a website called www.independentfootballreview.com and that has been put together by José Luis Arnaut. The analysis on home-grown players that is currently going on—the area of great concern to us—was drafted last week in Paris and it is only being sent out to football organisations. We have a grave concern in this area, that effectively this is a report where the word “football” should perhaps replace “sport” and therefore it is not affecting us.

Mr Coward: Could I also say thank you for inviting the Sports Rights Owners Coalition along to give evidence to you today. Just a quick word about us: we are a coalition of international and national sporting bodies, ranging from, in the rugby world, IRB and, closer to home, the Six Nations; Formula 1; all the world and European and regional bodies (FIFA and UEFA as well as the home organisations); the International Tennis Federation (the major grand slams, apart from the Americans); together with the ECB and the world governing

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body, the International Cricket Council. In answer to your question, our focus is very much a global perspective, because we believe that the issues which the EU should have been getting to grips with are the global challenges to the funding model for sport in Europe and around the world, and we think—in many senses, this is a missed opportunity—they have ducked some very big issues. Just to emphasise what Giles has said, we think the Independent European Sports Review did highlight some fundamentally important issues to the future funding of sport across Europe which, unfortunately, the White Paper has not picked up on. Certainly the coalition members believe that when Mr Arnaut says that collective selling is vitally important, he is right. The EU White Paper talks a little bit about it but we do not think enough. When he highlights the challenges of ambush marketing and counterfeiting, he is right. That is an issue which demands European-wide action. When he highlights, as well, the challenge of piracy to those very important rights Giles has mentioned, live broadcast rights, there is a very real and pressing need for all policy-makers at a European and global level to get to grips with, an issue which music and film have certainly had to get to grips with, but we have a live rights issue and, as peer-to-peer piracy takes hold, that is a very great threat. It is also a great threat when you combine it with the real value challenge of what we see as the potential Trojan horse of those who would seek to use the very important fundamental principle of access for news reporting as a way to get access to very valuable content for free, undermining what we say are the very valuable rights of sport which can then be used to fund their sports throughout the entire European model, the pyramid model which the European nations, all the sports you have before you today, adopt and adhere to. In answer to your question, we would see this as a way in which the European Commission should get to grips across all of its activities with these very important issues, instead of dwelling, we feel, on issues which are a little bit more worthy, perhaps important, but not getting to grips with some of the fundamental issues that we face.

Q2 Mr Sanders: Is there not a dichotomy here of, on the one hand, the European Union quite rightly looking at the commercial aspects of sport, which tend to transcend national boundaries, and, on the other hand, the ownership of sport and that unanswered question: Who does the sport belong to? Is it the spectator—who would like to have free access broadcasting rather than having to pay per view—or the sport itself? Would it not be better—here I do not think the ECB's position is very strong in terms of public support, when free access to live test cricket was taken away—and is there not a need for somebody to come in and protect the interests of those most interested in sport: the spectators?

Mr Clarke: Had we not, as you may recall from previous deliberations, received a far larger sum of money on the table rather than the very low sum we were offered by one terrestrial broadcaster, we would not have been able to have the significant

increases in participation that we have achieved over the last two years. We now have over 900,000 women and girls playing cricket, with the result that our women's team have retained the Ashes—which is more than our men's team managed to do—and I am sure the Committee would join with us in congratulating them.

Q3 Mr Sanders: I am very pleased. I do not think we can prove that point. I do not want to go back on old ground, but had that deal not been struck, as it was, before England had won the Ashes and had it been struck after England won the Ashes, you might have got more money from the terrestrial broadcasters.

Mr Clarke: I very much doubt it and the risk would have been far greater.

Mr Vaughan: On behalf of the Rugby Football Union, I would like to try to put the context of Europe and our sport—and it affects cricket as well—whereby football is ubiquitous across every country in Europe and we are playing in a game that is very limited in the number of countries that partake at the professional level. Everybody is aware of the Six Nations, which is European, but cricket is very limited in terms of opposition within Europe. We look at our funding models in terms of how we attract cash in. We are not an Olympic sport, so we get no benefit from that. Government support tends to be a little up and down. We are totally reliant on our own funds to fund the grass roots of the game. If you look at our game, have over 600,000 players playing in this country, of which about 500 are members of the Professional Rugby Association. It is really the scale of what we are talking about in terms of employment law or who generates the funds in order to put money back into the game. All of the money that the Rugby Football Union generates goes back into grass-roots development for growth. We would seek some clarity in the structure of law, whether it be in Europe or, indeed, here at home, in terms of what we can and cannot do. Sport is very much a hybrid, and we would like the opportunity to have a voice as well as football. That is a key point from our point of view.

Q4 Mr Sanders: It is interesting: you have not gone down the pay-per-view route at all, have you?

Mr Vaughan: We do. We have a mix.

Q5 Mr Sanders: Not for your internationals.

Mr Vaughan: The Six Nations is on the BBC; our autumn internationals are on Sky along with our professional league games. We have a mixed bag, thereby offering a mixed arrangement. Indeed, when Sky cover our autumn matches, we then have a BBC highlights package in addition to that. We do try to get broader coverage.

Q6 Mr Sanders: You protect the spectator in a way that cricket has abandoned the spectator.

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Mr Vaughan: I cannot answer that.

Mr Clarke: I do not accept that at all. The BBC did not bid for the rights. We could not possibly sell to the BBC if they did not bid. You cannot make somebody put a bid down who does not put one down.

Chairman: We have already had one inquiry on this, so I am not sure we need to go back over old ground.

Q7 Mr Sanders: Why should Europe be getting involved at all in the first place? What right is it for a Slovakian MEP to dictate what the Surrey County Cricket Club does?

Mr Clarke: I would be very delighted if the Committee were to focus in on the question of how we have a situation where English cricket cannot be allowed to manage its own affairs because, as you rightly state, a Slovakian handball player wished to play in the second division of the German handball league. That decision in the European court following a trade treaty known as the Cotonou Agreement, whose participants had little understanding of what the consequences would be—that was drawn by a certain group of lawyers to have a definite conclusion that it provided the right of free movement of labour from citizens of a country signing the Cotonou Agreement—is where our Kolpak problem, which you have correctly analysed, comes from. We would welcome clarity. We want clarity to manage our sport above all. There is no clarity in that area and we do not believe it is the purpose of a governing body to spend its time and money trying to establish legal test cases but, rather, with all due respect to yourselves, for the politicians to legislate and us to comply with the law.

Mr Coward: From the coalition's perspective, the EU is very much involved in all of the areas with which we are concerned already. Matters as diverse as the Audiovisual Media Services Directive—which I know the Committee have had a look at—all the way across to current debates around content online. All of those debates which are currently going on within the Commission and around Europe affect the value of the rights of the sporting organisations which they then sell in order to fund their sport at every level. The EU is involved. We must ensure that the sports case is made and heard. I repeat, this would have been an opportunity and is an opportunity, we would suggest to you, to make that case back, that sports rights are important for fundamental reasons for the future development of the sport and unless we are aware of these major threats and challenges and meet them there will be potentially grave consequences.

Q8 Chairman: When we were in Brussels, I came away with an impression that if the White Paper had any benefit it was to protect sport from the adverse impact of other bits of European legislation. Would you say that was a fair analysis of that?

Mr Bunting: Chairman, I would not. If you look at section 4 of the White Paper, it uses the word “mainly”: the governance is mainly the responsibility of sports governing bodies, whereas in fact it should be entirely the responsibility of sports

governing bodies within the context of EU and national law. I think that is very, very unclear in terms of its positioning. It cannot be suggesting, “It might be your responsibility in one area but we might want to determine and legislate in another area”. It is either all their responsibility or it is all the responsibility of the governing bodies.

Mr Vaughan: In terms of the importance of national teams from a cricket and a rugby perspective—in rugby that drives pretty much 90% of our total revenue—we cannot just treat sport as a pure economic activity. It does have other benefits, such as social, cultural and health benefits, that go along with it. We are very keen to support what we need to do in this country in terms of driving people into sport to keep fit and we have to fund that. We need protection in order to be able to drive the revenues in order to put back into the game. Television in our case contributes about 20% of our total revenue. We have been very careful not to take a total dominant position of one particular revenue stream and we continually look for ways in which we can diversify in order to spread the risk in case anything does go slightly wrong in the future. We would like to be able to continue to manage our own affairs.

Q9 Alan Keen: What is it that your organisation is most concerned about with the European White Paper? It appears that you are representing the people who want as much money from TV, radio and all the other sporting rights, but you have already expressed concern about the grass roots as well. Where does your organisation's interest really lie?

Mr Coward: The starting point is very much that which Giles and Paul and Nick have already articulated. The reason why sports governing bodies wish to create and market rights is that they can generate revenues which they can then utilise for best use for the sport at every level. That is their decision. That is what a sports governing body is there for. Whether it be international, regional or national, that is their function. In doing so, therefore, they are looking around the world and seeking to maximise the opportunities and also to see ahead, look at what the potential pitfalls are and try to address them, and try to make sure that policy-makers such as yourselves are very well aware of them so that the debate can be had and, hopefully, the best outcome achieved for all the benefits that sport brings. There is an all too fleeting reference to these very important issues in the White Paper, when we know and you know that there is an enormous amount of activity out there in relation to the rights debate across Europe. I have mentioned the Audiovisual Media Services Directive and I have mentioned the fact that we think, as you look at it here, in terms of its implementation in the United Kingdom as for every other Member State, you need to be very well aware that there is an attempt, as we see it, by global media organisations effectively to use what we believe in, the fundamental principle that there should be access for legitimate news reporting, but there is a real effort, a concerted attempt by major global international concerns, big media concerns, to use

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that right for their commercial gain at the expense of sport. We want to highlight that to you so that you can be aware, so that policy-makers/regulators can be aware. We feel it very strongly. That was our first issue. There is currently another debate, as I say, going on in Brussels at the moment about content online. What should be the model across Europe? This links into debates at WIPO level as well. What should be the debate around the world as to where sports rights sit? The music and film industry have been brilliant over a long period of time at making sure that policy-makers know they have a case and they have to listen to it. The key point of the coalition, to answer your question, is so that you know that sports rights are important—we have a case and we need it to be heard—and so that you understand across the incredible complexity of all this that, ultimately, we want the best for sport as I think you do too.

Q10 Helen Southworth: I would like to explore the issue of quotas and home-grown players a little more. In your submissions in relation to both cricket and rugby union you say you cannot impose conditions on home-grown players. Would you like to expand on that in view of the UEFA rules requiring football clubs participating in UEFA competitions to field a certain number of locally trained players, which has not been challenged?

Mr Vaughan: It is a very complicated area. We have just spent two years negotiating with premier clubs an arrangement whereby we are able to get release of professional players to play for the national side. The national sides comprise of players who have to come from somewhere. They usually start in schools and come up through the club system in order to be able to get to being professional. The way in which we have addressed this is that we have introduced what we call an England player qualifying scheme, which effectively is a compensation scheme to our professional clubs which gives them a certain amount of money in order to get the release that we need for training and playing. That immediately comes back to the point that says you cannot have a national side without English players. We would like to ensure that, as long as the qualification is right within the context of the International Rugby Board as well, whereby we do have residential qualifications already. You will have noticed a number of players over the years who have come through, starting with a Russian prince back in the twenties. but we have had a number of people from overseas playing for England. I think exactly the same in cricket has been going on for many, many years. We do not see the need to scour the globe for basically very young children to come to this country in order to be trained for the national side. We believe we have to get them from the whole development process within the country. That is what will drive the growth of the game in turn.

Mr Clarke: In cricket, we are making a major investment in the Chance to Shine programme which is to take cricket back into state schools, to provide state school children with the opportunity to play cricket at their local cricket clubs. It is

spearheaded by the governor of the Bank of England and it is the biggest initiative we have carried out. It has been immensely successful so far. We recognise that there is the free movement of people into this country and, indeed, out of it—after all, the best all-rounder in the Australian side, unfortunately, was born in Birmingham. As Paul quite rightly refers, our first overseas Englishman was Prince Ranjitsinhji, who was an Indian, in 1896, so there is a long tradition of that and I do not see anything that impinges on it but, for us, the issue is our ability to manage our own game. It seems to me very wrong that we as a national governing body should be spending our time trying to create expensive legal structures to enable us to encourage first-class counties to play more England-qualified players in order to avoid receiving litigation from somebody born outside the European Union who claims they are not being entitled to pursue their profession, which is for a short-lived period of time. We have to construct the most complex structures to enable us to encourage our clubs to play eight or nine England-qualified players. That, to me, is something we would be most encouraged if the Committee take a close look at.

Mr Bunting: There is a difference between the definitions of home-grown and locally trained. There are different reasons why you would do both. Home-grown players clearly comply with the international regulations of our international bodies and that can be on birth, ancestry or residency. Locally trained players to qualify for your professional sport is a different debate, and that is where you are looking to bring, sometimes quite young players, into your academy structure to play for your professional teams but they do not necessarily wish to play for the national side of the country in which they are playing through their academy structure, and they may qualify for another state in that context. There is clearly a difference between what a locally trained player means and what a home-grown player means and to bring in 12/13-year-olds into academies to play for your professional team with not an aspiration that they will then go on to play for the national side is a very different debate.

Q11 Helen Southworth: How important are coaches and referees in the process? What are you doing to develop a network across the country that will give pathways to talented players?

Mr Bunting: I know it is true for both cricket and rugby union that we support the United Kingdom Coaching Certificate structure, which is a national principle built around a national qualifications framework, where there are four levels of coaching and then the elite area above that. That enables coaches to have a pyramid structure, working from the youth game through into the adult game as they progress through their coaching qualifications and their CPD Programmes. Both sports employ dedicated coaching development officers who work with our coaching structures. For umpiring and refereeing there is a similar structure of support staff in both sports, of development officers who want to

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develop better, more consistent shall we say, referees and umpires for the future. There is a pyramid structure alongside that of playing, although with fewer numbers, for coaches and referees and umpires in both sports, and there is a clear development investment in those areas to improve the quality of the coaching. One of the areas of research that has been undertaken quite clearly demonstrates that the quality of the experience of young people from their coach is one of the prime motivations for them to stay in the sport and retain their enjoyment and interest in the sport going forward a participant.

Mr Clarke: We have announced, in our package that was announced two weeks ago, further funds for 10,000 new coaches. We announced yesterday morning, after the Ashes triumph, that all our women's team will be on central contracts—which has never happened before—to enable them during the eight months they do not play to coach girls around the country and, of course, provide role models for them. That has not previously happened and is a major objective of ours.

Q12 Helen Southworth: You mentioned, and it is fairly obvious really, that young people will start in schools—because that is where young people are. What do you want to see as part of this process from Department for Children, Schools and Families and from higher and further education about the development? What do they need to do and how can we build this in?

Mr Clarke: There is a very important point in the White Paper where it suggests that the PROGRESS programme, Lifelong Learning, Youth in Action and Europe for Citizens programmes support actions promoting social inclusion. Cricket is a major penetration in our Asian ethnic community and it is a very important part of bringing the communities together to play in more games. We would like to see a significant encouragement from the Department for Children, Schools and Families that they recognise that children have to be transported to and from clubs; they need to be able to make their way home safely; and that teachers by and large are not always in a position to do that. At the moment we rely entirely upon our ability to generate commercial income just to provide transportation and insurance. The insurance bills and the bills for complying with child safety are very, very significant. I do not know what it is in rugby's case but in cricket's case it is seven figures a year. We would like some further assistance in that area because that has to be for the benefit of children all around.

Mr Vaughan: Similar story, really.

Mr Bunting: DCSF have talked about the five-hour offering, moving up from a two-hour position, and one of our questions would be whether or not that is in curriculum time. It is interesting that we have a five-hour offering that is outside the curriculum, because unless that is built into the curriculum—and I know there are other issues within that—there are some issues there. We then need an integrated structure that enables young people to transition

from school to further education to higher education and those links to the clubs as well. We have a very sustainable club structure in both our sports and we need to look at how we develop that. It is only through young people enjoying their participation in sport that they will continue to do it. We already know there is a massive drop off post-16, which has not really changed over a number of years in terms of the number of people participating, and that is a key area that DCSF and also the White Paper can look at. If society is going to have the long-term societal benefits around health, social inclusion, crime reduction, people have to enjoy it. They will only continue to participate in physical activity and sport if they are enjoying themselves and it is only through that enjoyment that we will then gain the societal benefits going forward. If that could be more understood by DCSF and, also, the EU—that sport is about enjoyment and then through enjoyment many other benefits will be come out of it—we will make a massive step forward.

Mr Vaughan: In the context of size, on a quick, broad calculation we reckon that there are probably around 200 million people across Europe who participate in sport, of which only in the tens of thousands will play professionally. You must not lose sight of the people who partake and then become supporters and coaches and referees and all the rest of it in order to keep the whole thing moving.

Q13 Chairman: Coming back to the question of home-grown players, as I understand it you clearly want to have greater clarity as to what is permitted under EU rules but you would also like the Government to argue that sport should be able to operate some kind of home-grown player quotas or rules, unlike other activities across the Union. The FA appear to take a rather different view. They do not support home-grown. Indeed, when UEFA brought in their own rules, of the 52 members the only one which voted against was the FA. Does it not make it rather difficult for the Government to argue in Europe when the voice of sport does not appear to be united on this point?

Mr Clarke: We are very different. Our thorough argument is the policy of subsidiarity. What football needs and requires is quite different when you have major clubs owned by individuals often for their own commercial gains. Perfectly understandably. It is perfectly legal for them to do that. We are running a sport in which people are not proprietors of clubs for their personal gain. Consequently, we are looking at things completely differently. Our argument very much today has been that you cannot just generalise about sport. Sport is different. Each element of sport is different.

Mr Vaughan: Football is a ubiquitous sport: everybody is touched by it in some form or another. The basic drive generally is around the club system, in terms of the football Premier League. If you compare that to our sport, it is very much the reverse: the national side is the driver and the clubs feed into it. You could argue that is the case because professional rugby has only been in place for 11 years but, at the end of the day, it has a long way to

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go before it gets to that point where you are dealing in billions of money compared to tens of millions (in our case) in terms of, particularly, television revenues that dive back into the sport. We do not necessarily have entrepreneurs who are in it to make a lot of money: they are in it but they are not there looking for a massive return. We are in the game and the governing body is in the game of driving growth and maintaining people in and around it.

Q14 Chairman: Your point that you would prefer for the autonomy of national governing bodies to be recognised, for them to be left to run their own sports, I am sure would be shared across all sports. When we spoke to Commissioner Figel' he was at pains to assure us there was no intention to regulate or intervene; that this was all about co-operation and certainly the idea of a European sport directorate was out of the question. We were concerned that that might have been an argument pitched at a slightly more Euro-sceptic British committee rather than one he might have made to other nations. Are you relaxed about this? You do not see this as potentially the first step down a road which eventually leads to some kind of intervention and regulation from Europe.

Mr Bunting: There is already a sport team in the Commission. There is a head of sport, a deputy head of sport and a staff. On the basis that that is only growing, perhaps we might not concur with that assessment that the Commissioner gave.

Q15 Chairman: You do see this as potentially leading to ambitions for greater intervention in sport?

Mr Bunting: If you then look at the range of areas which the White Paper covers, you can see a number of areas in which the EU may wish to intervene from a European perspective, some of which we would welcome, as Nic has suggested from Sports Rights perspective, but I think there are other areas where we would need to tread carefully. We would hope and seek to be a consultee of the process, so that when the specificity of sport, should the Treaty be ratified, is determined, we ensure that it is about sport and not just about professional soccer.

Mr Coward: There is an issue which I think it is worth bringing to your attention—which is something which Continental Europeans cannot understand because it is not even part of their language but which the Independent European Sport Review did highlight as a concern for the future of all sport and the protection of sport and, indeed, the funding of sport—and that is: What is European national policy in relation to sports betting? If you move away from these shores you will find that even the language of sports betting falls away. I think we can forget quite how uniquely British or Anglo-Saxon the whole idea of sports betting, in the way that we understand it, is. You asked earlier on about the unity of sport as well. In terms of a unifying view across all sports—and I should highlight again that, of all the issues from the coalition perspective on which we are completely united, this is one of them as well—there does need

to be, now, an open, proper debate as to what the policy should be as to the relationship between sports betting and the sport and, effectively, who provides the content for that bet. There is a real pressing need for that. As I say, it was highlighted in the Arnaut Report; it had disappeared by the time it arrived at the White Paper. That is something which we think needs to be picked up now.

Mr Clarke: It is we, the individual sports, who have to invest the money to avoid corruption for which we receive zero recompense from the bookmakers or the gambling bodies at all. It does not seem remotely fair or a reasonable business model that you should take advantage of somebody else, make them pay for it and take the profit.

Chairman: I shall pass over to my in-house betting expert, Philip Davies.

Q16 Philip Davies: I am surprised, Mr Clarke, that you would not be interested in rooting out corruption if there was not any betting on it. I would have thought it was in the sport's interest and that they would want to root out corruption whether there was betting on it or not. Perhaps I could move on to you, Nic, because you raised in your submission that the most significant omission from the White Paper was sports-related betting integrity but your very next sentence is: "It is evident that policy-makers across the EU struggle to comprehend even the basic ideas relating to sport and betting." Given that is what you think, surely it is a relief that they are not wanting to intervene in the White Paper if they do not have even a basic grasp of the subject.

Mr Coward: That is the point I was making earlier. For an awful lot of policy-makers in Europe it is not something that is part of their culture, it is not something that is part of their language or upbringing. I think it is also true to say that a great many of the international sports bodies were blindsiding this issue and living in denial. They would admit this themselves. The experience most recently of world tennis is that they have to change their view. Cricket, as is well known, went through a similar experience some years ago, and now, as we are all aware, the Olympic movement is having to have regard to this and making its own moves. It is, as we say in that paper—and we stand by it—something which Arnaut highlighted and it is something which the White Paper does not address. We think it does have to be addressed. In terms of the challenges we are all facing—the challenges of a digital age, the challenges of our rights, sports rights, in a new environment—sports betting, a global endeavour, is something which has to be addressed globally. We think it starts best here and it starts best in Europe.

Q17 Philip Davies: It seems to me you are trying to have it both ways in this argument: you want to be left alone and to have autonomy and all the rest of it, but here, where it suits, you want the EU to stick its nose in. Is it not really the fact that this is something that sports organisations have been banging on about for years to absolutely no avail with the Government. The Government have made

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it abundantly clear on a number of occasions that they are not going to get involved in this, and so, because you have been knocking on a firmly closed door for so long, you have given up on the Government and now think, “Let’s try and by-pass the Government doing anything, we will go to the European Union.” Is that not really what all that is about?

Mr Coward: No, it is not what it is all about at all. I disagree with you. I made the point earlier on that the EU is heavily involved in all of these areas because it has effectively competence over the rights issues about which we are describing. The issue of what is the relationship between betting and sport is effectively a new economic endeavour. It is a new issue for Europe to get to grips with. Europe has to get to grips with many new economic endeavours, new economic relationships—whether it be when software comes in, whether CDs come in, whatever—and this is just another example. We are highlighting, however, the difficulty and the complexity of it for people in other nations to understand it. We assume a great deal of knowledge here in this country about this issue; others in Europe do not. From the sporting side, others in Europe and the rest of the world are now fully getting to grips with it and wanting to get involved in a debate which previously they would rather have avoided.

Q18 Philip Davies: You basically want bookmakers to pay for your sports. That is it, in a nutshell. It is nothing really about weeding out corruption and all this kind of thing. Basically you want bookmakers to pay more for horseracing and something to all the other sports. That is your agenda, is it not?

Mr Coward: It is wrong to describe it as bookmakers. It is betting operators around the world. In relation to the tennis example, they believe there are about 600 websites which are now offering, on a global basis, sports betting opportunities. None of those people offering that service to customers is paying a penny to the people on whose product they are relying and, just as importantly, none of them is taking a blind bit of notice about the impact of what they are doing on the integrity of the sport. That is wrong.

Q19 Philip Davies: Equally, bookmakers do a lot of advertising for your sports, do they not? If you open the *Racing Post* and look at all the opportunities for rugby union or cricket—bet on this: Who’s going to score the most runs in the first innings? Who’s going to score the first try? or whatever—there are pages of adverts in the paper. If people place a bet on, it might encourage them to watch the game they otherwise would not have watched, so bookmakers, by their activity, are promoting these sports. They are

encouraging people to watch these sports who otherwise would not have done, so surely they are doing you a favour. Why are you so hostile towards them?

Mr Coward: There is no hostility here but I think you are bringing down to a national or even parochial level what is a global debate. If a betting operator anywhere in the world wishes to or can enter into a sponsorship or marketing arrangement with any sport, and that sport wishes to engage in that relationship, well good luck to the two of them because that will serve their mutual interests. But that is completely different, totally different, from the relationship between a sport and someone who wants to offer a bet on them. There should be an environment around the world to ensure a fair return and the protection of the sport.

Q20 Chairman: To come back to broadcasting rights, both the ECB and the RFU have expressed the benefit to sport as a whole from the money that can be raised from the selling of rights and then redistributed through the sport. The EU has already intervened in this area. The reference in the White Paper to, “The Commission recommends to sport organisations to pay due attention to the creation and maintenance of solidarity mechanisms” some might feel is a rather feeble endorsement. Are you concerned that the White Paper perhaps does not give sufficient recognition to the fact that broadcasting rights should be redistributed to the general benefit rather than to the benefit of specific clubs?

Mr Vaughan: We are concerned. The paper also has reference to picking things up on a case-by-case basis. We are slightly concerned about things being picked off one by one over a longer period of time. I come back to the fact that if we were not able to drive about 20% of our revenue—of which last year we turned over just £100 million, much less than a number of major football clubs—we are the governing body for the whole game in England—and I am sure it goes the same across the borders into Scotland and Wales as well—and we have to protect our income in order to be able to invest in the future of the game, otherwise we will not have a game.

Q21 Chairman: And you do not feel that is sufficiently recognised at the moment.

Mr Vaughan: No. I come back to where I started before, which is really that other sports need a voice in the consultation period, I think.

Q22 Chairman: Presumably the ECB would take the same view.

Mr Clarke: Absolutely.

Chairman: In that case, that is all we have for you. Thank you.

Memorandum submitted by The Football Association

INTRODUCTION TO THE FA

1. The Football Association is the governing body for football in England. The FA takes the lead in providing a structure for football and is responsible for regulating, promoting and developing the game at every level, both on and off the field. The FA is a member association of both UEFA (Union of European Football Associations) and FIFA (Fédération Internationale de Football Association).

2. The FA is committed to making football accessible, enjoyable and safe for everyone, regardless of race, religion, gender, sexuality, background or ability. The FA runs 23 different England teams as well as 11 FA Competitions. We are also responsible for governing the game in areas such as disciplinary, compliance, refereeing, agents, financial matters and doping control.

Investment

3. The FA is a not-for-profit organisation and invests around £60 million back into English football every year. Of this total, £15 million per year is invested into improving facilities through the Football Foundation, a partnership with the Premier League and the Government. The FA supports and funds 51 County Football Associations and distributes almost £10 million to clubs through the FA Cup, with millions more through broadcast payments for live matches and highlights. The FA Trophy, FA Vase and Sunday Cup, FA competitions for the lower levels of the game, contribute an additional £1.1 million into the grassroots game.

Participation

4. Around six million adults and four million children play football in some format in England and there are 123,000 affiliated teams, over 2,000 sanctioned leagues and over 45,000 pitches. There are also now over 400,000 volunteers helping the game run smoothly. England now boasts over 100,000 FA-qualified coaches with around 700 holders of the UEFA A-Licence and over 80 with the highest qualification—the UEFA Pro Licence. There are more than 27,000 registered referees across the country and women’s football is the largest female and fastest growing sport in England with over 130,000 players at 9,600 clubs. It is also the number one female sport in the country.

THE WHITE PAPER ON SPORT

5. The FA welcomes the White Paper on Sport and the Pierre de Coubertin Action Plan focusing on sport’s societal role, economic dimension and organisation. We note the paper’s stated aims of strategic orientation on the role of sport in Europe, to illustrate the application of EU law to sport and to set out further sports-related action at EU level.

- We support the paper’s anti-corruption focus regarding agents, betting and ticket touting.
- The FA is committed to assisting the EU and UEFA to implement measures to reduce the risk of violence and is at the forefront of National Football Associations in preventing racism, sexism and child abuse.
- We agree with the importance of player development but do not agree with the concept of quotas.
- We believe that the important issue of specificity of sport is yet to be fully addressed and we believe sport must continue to be regulated by governing bodies with the guidance of the European Union rather than complicated and unenforceable European-wide legislation across the varying sports.

6. The FA has met with UEFA, the Central Council of Physical Recreation, the Department of Culture, Media and Sport and the Minister for Europe regarding the White Paper. We believe that there are a number of policies, systems and processes in place in English football which could and should be implemented across the EU area, and indeed the White Paper’s Pierre de Coubertin Action Plan includes initiatives which are already established in England. English football has recently taken many positive steps in the governance of the game, including agents, corruption and betting and The FA believes that other countries would benefit from the same measures which may need action at European (UEFA) level.

7. The FA is encouraged by the new “soft” competence in sport obtained by the European Commission which will follow the ratification of the European Union Reform Treaty. While this means that the Commission can create supporting and coordinating policies on sport to be approved by the European Council and Parliament, crucially member states are still in control of overall policy which we believe to be the appropriate authority.

KEY ISSUES IN THE EU WHITE PAPER ON SPORT FOR THE FA

Locally-trained Players

8. The White Paper states “The Commission intends to launch a study to analyse all aspects of the complex issue of access to individual competitions for non-nationals”. The FA welcomes the study on the training of young sportsmen and sportswomen in Europe in order to analyse the issue of locally-trained players. As the governing body of the game in England, the FA of course supports the concept of developing players who would be eligible to play for the national team. The Academy system, in place in England since 1999, exists to support that aim. The FA and the other English football authorities are committed to the adoption of a seamless development programme, and considerable funds have been put into the club-based Academies and Centres of Excellence.

9. The FA does not agree with the concept for a quota for “home-grown” players. We believe that adequate investment in development opportunities at the grass roots level, then into the professional club system, is the way to address any issues of home grown talent, rather than through regulating numbers at the senior competition level. We feel that a quota system would lead to the clubs with the largest resources identifying foreign talent from an even younger age. This would allow them to qualify as “home-grown” but not eligible to play for England, thereby defeating the stated object of this suggestion.

10. The FA has taken action on the issue of player development with the Premier League and Football League through the Lewis Review into the role of Academies and Centres of Excellence in developing young players. Titled “A Review of Young Player Development in Professional Football”, the review was commissioned by the three football bodies to find a structure to best produce outstanding young players in the future. The structure has now been agreed by the FA, Premier League and Football League.

11. Furthermore the FA is committed to a National Football Centre to house the medical and exercise science, coaching, video analysis and education departments, as well a training and preparation base for England teams. The process of planning and funding the National Football Centre is already taking place and will continue throughout 2008.

Ticket Touting

12. The FA is disappointed that the issue of ticket touting has not been addressed in the White Paper. Touting is often considered a front to money-laundering and corruption and can lead to violence inside and outside stadia. Legislation to restrict touting in English football has had a beneficial effect on the fans of the game. With fewer tickets to matches being hijacked by touting operations, there is more opportunity for fans to access tickets at face value prices. Furthermore, the match day experience for fans has improved markedly with the reduction in disturbance and intimidation that follows from the reduction in the number of touts around stadia. This has helped football move into the 21st century as a family-friendly activity, a shift encouraged and further developed by other measures from the football authorities. The FA is keen to assist with further discussions on Ticket Touting at the Council of Europe. On a national level we have suggested to the Committee in its previous inquiry that it recommends to Government that the current legislation governing touting at football matches and the London 2012 Olympic Games is extended to cover all events for which tickets are sold in the UK.

Specificity of Sport

13. While recognised in the EU Treaty and in EU case law, the White Paper refers to the application of competition law to sport as being on a case-by-case basis. The draft response by the European Parliament to the White Paper calls on UEFA and FIFA to accept in their statutes the right to have recourse to ordinary courts, but recognises that the principle of self-regulation obtains and justifies the structures of the European sport model and the fundamental principles governing the organisation of sport competitions. We agree with UEFA that the White Paper missed the opportunity to fully recognise both the autonomy and specificity of sport as well as the central role and independence of the sports governing bodies in organising, regulating and promoting their respective sports. Although the FA welcomes the reference to sport in the new EU Reform Treaty, there needs to be a clearer legal environment as regards the scope of regulatory discretion for sports governing bodies in sports-related matters. The FA would hope that the Committee look to analyse the EU Reform Treaty’s reference to sport and the ensuing effect on sport’s autonomy and specificity.

Agents

14. The FA welcomes the Commission’s impact assessment of agents, and its recognition of the importance, complexity and global reach of this important part of football. The FA will offer to exchange best-practice on agent-related issues, having recently introduced new and detailed agents’ regulations that were brought in following extensive consultation with representatives of the domestic and international football authorities, clubs, agents and players, as well as legal and tax authorities.

15. In drafting and implementing a new framework for the conduct of agency business in England, the FA has had to strike a balance between the need to bring additional transparency, clarity and regulatory certainty to this aspect of the football industry, with the need to recognise legal and commercial realities. It has also meant trying to find a proportionate and effective way of protecting the parties involved (in particular the players) in contractual negotiations that are often complex and multi-jurisdictional. In order to do this the FA has given, and will continue to give, very thorough consideration to the legal implications and impact of both domestic and Community law. The new regulations, which came into effect on 1 September 2007, include a range of measures to improve transparency and address potential conflicts of interest.

16. As part of the implementation process, the FA has invited industry representatives to provide ongoing feedback on the practical workings of the new regulations through a working party, and the FA would be happy to share any lessons learned from this group with the Commission. The FA feels it is well-placed to assist in this area and would certainly welcome the opportunity to contribute to the Commission's ongoing work.

Public-Private Partnerships to Counter Corruption

17. We would like more assistance in possible EU-wide anti-corruption legislation. We are encouraged that the Commission has pledged to monitor the implementation of EU anti-money laundering legislation in member states with regard to the sports sector.

18. The FA is also very keen to ensure that the regulatory system guarantees the protection of the integrity of the game from the corruption that can follow betting. Integrity is a vital foundation of all sporting competition and the fundamental reason that sports introduce rules and regulations. The FA is responsible for promoting and developing the game in England, including governing the game with consistency and integrity. The FA therefore has extensive rules and regulations with which participants in the English game are obliged to comply. Leagues, clubs, players, coaches, officials, supporters and all external stakeholders need to have confidence that the primary and paramount objective of every football match is that both the teams and individual players want to win, and that there are no external conflicting objectives (or even anything that might be seen as such, with suspicion and allegations just as easily undermining confidence).

19. The FA is proud of the reputation that football in England has for fair play and integrity. However, we are not complacent and recognise that events in Italy, Germany and other European countries could be replicated in Britain. It is therefore important that we take this issue seriously and look to further support from the DCMS, the Gambling Commission and the European Commission to tackle sports integrity.

20. The FA also brings to the attention of the Committee the conclusions of the recently published Independent European Sports Review, which recommended that national governments need to introduce measures that "secure the protection of intellectual property rights for sports and football fixtures lists" and "provide for appropriate corrective mechanisms to secure the financing of sport in general and football in particular in the event of a liberalised betting market".

Protecting sports media and intellectual property rights in order to safeguard funding for grassroots sport

21. The FA welcomes the White Paper's reference to the need for effective enforcement of intellectual property rights to preserve the health of the sport economy. As a not-for-profit organisation, the FA depends on effective IPR protection to prevent undermining the high value media rights for the FA Cup and England teams which in turn allows us to fund the rest of the sport, including its grassroots. We are working with Sports Rights Owners Coalition to combat unauthorised use of exclusive sports rights and hope for a clear regulatory framework to ensure the protection of these rights. We would refer the Committee to the Premier League submission to the inquiry which we support.

Prevention of Violence in Sport

22. The European Parliament's response to the White Paper highlights that member states are responsible for preventing and addressing violence, racism and xenophobia at sports events. Exchanges of best practice and of operational information on risk-supporters among police services and sport authorities would be an important step in attaining this objective.

23. The FA is seen by UEFA as experts in stadia security and is happy to share best-practice with the EU on a similar basis to the recent EU Violence in Sport Seminar. Following the stadium disasters that occurred in England in the 1980s, English football has totally transformed its football stadia and crowd management. The English model of stadium safety management, featuring club safety officers and teams of trained stewards, has been recognised by European Football's governing body UEFA as best practice. UEFA has recently delivered the first stages of an education programme on stadium safety management to the 53 national football associations of Europe and the FA was asked to assist UEFA in the delivery of this

education programme, highlighting the concept of stadium safety officers and trained stewards. The FA has also made presentations on this subject to many different national football associations across Europe, as part of our commitment to share knowledge and expertise with other countries across Europe.

24. English football has also co-operated very closely with foreign clubs and police forces, whenever our clubs or our national team play matches in Europe. Prior to every club match played abroad in UEFA competitions such as the UEFA Champions League or UEFA Cup, our clubs, together with their local police commander and an FA crowd control adviser, will make a safety and security planning visit to the stadium concerned and the two police forces will continue to exchange information via the British Consul. Similarly extensive planning arrangements are also undertaken by the FA and the UK Police prior to any match played abroad by the England team.

Social Inclusion

25. The FA has committed to tackle discrimination and promote equality for all under-represented groups and the FA has a national team of people working on equality issues. The FA is therefore encouraged by the Commission's suggestion to member states that the PROGRESS, Lifelong Learning, Youth in Action and Europe for Citizens programmes support actions promoting social inclusion through sport and combating discrimination in sport. Further to these programmes we would also look forward to potential funding streams specifically for pilot projects in sport. The FA also welcomes the suggestion that member states should consider the role of sports in the field of social inclusion, integration and equal opportunities as part of their programming of the European Social Fund and the European Regional Development Fund, and they are encouraged to promote action under the European Integration Fund.

Disability

26. The White Paper states that the Commission, in its Action Plan on the European Union Disability Strategy, will take into account the importance of sport for disabled people and will support member state actions in this field. Again, the FA is happy to assist and share expertise on the development of sport opportunities for disabled people. Currently there are over 21,000 people taking part in disability football in England and this number will continue to increase with the commitment to developing more opportunities by our federated structure. The FA is committed to helping make it easier for anyone with a disability to become involved in football as a player, coach, referee, administrator or fan and The FA's Disability Equality Advisory Group reports to the FA board.

Child Protection

27. The FA is encouraged by the White Paper's emphasis on the protection of minors and is happy to cooperate with the Commission's proposal on exchanging best-practice. Safeguarding children is high on the FA's agenda and we aim to have someone at every club in the country aware of safeguarding children, whether a League Academy or a Sunday morning park side. The FA works collaboratively to achieve this goal in partnership with all the football family. The FA is investing in the appointment of County FA welfare officers across the country to support the safeguarding children work in grassroots football and we have a rolling programme of Criminal Records Bureau checks to ensure that only the right people are accepted to work with children in football—to date 120,000 people have completed these checks. The FA is guided by legislation, best practice and the Sport England/National Society for the Prevention of Cruelty to Children (NSPCC), National Standards in Safeguarding and Protecting Children in Sport. The FA is committed to demonstrating the effectiveness of our working practices to safeguard children, by achieving all levels of these standards.

Equality

28. Point (17) of the Action Plan states that “in the framework of its Roadmap for Equality between Women and Men 2006-2010, the Commission will encourage the mainstreaming of gender issues into all its sports-related activities, with a specific focus on access to sport for immigrant women and women from ethnic minorities, women's access to decision-making positions in sport and media coverage of women in sport”. The FA is happy to share best-practice to assist the Commission's Action Plan with dedicated staff for women's and girls football throughout the country.

Racism and Xenophobia

29. The FA strongly supports the White Paper's focus on racist and xenophobic attitudes and looks forward to offering its experience on combating racism and xenophobia. The FA supports and funds Kick It Out, a campaign which works throughout the football, educational and community sectors to challenge racism and work for positive change. Internationally, Kick It Out plays a leading role in the Football

Against Racism in Europe (FARE) network, cited in the White Paper as well as an example of good practice by the European governing body UEFA, the world governing body FIFA, the Council of Europe, the European Commission, European parliamentarians and the British Council.

30. The FA's Race Equality Advisory Group, established in 2007 as part of the FA's constitutional reforms, reports to the FA Board and there have been structural review changes to increase diversity on the FA Council. The FA has also set up specific programmes working with traveller communities, refugee and asylum seekers including start up events such as taster sessions and tournaments run with Kick It Out, Street League and the BBC. The FA will also work with the European Commission to promote the exchange of operational information and practical know-how and experience on the prevention of violent and racist incidents between law enforcement services and with sport organisations.

Supporters

31. The FA takes supporters' issues seriously and is encouraged by the White Paper's reference to fan-coaching and anti-social behaviour. The FA funds and regularly meets the Football Supporters Federation to discuss fans' issues. The FA's new constitution approved in 2007 includes the nomination of a supporters' representative onto the FA Council for the first time.

32. The FA also jointly funds Supporters Direct (SD) with the Premier League through the Football Foundation and is keen to promote further the Supporters Trust movement, both domestically in England and internationally. The FA works closely with Supporters Direct, sponsoring their annual conference for example, and SD are represented on the FA's Football Regulatory Authority. We are encouraged by the White Paper's working document which highlights the work of Supporters' Direct and the European feasibility study and look forward to a European Supporters' Trust movement. The FA is happy to assist the Council of Europe with plans to implement the Supporter Charter.

Sport as a development tool

33. The White Paper promotes the use of sport as a tool in the EU's development policy. The FA has long championed the power of football on socio/economic/cultural issues, as illustrated by several examples:

Kickz

34. The Football Foundation manages Kickz, a partnership of the FA, Premier League and the Government which was born out of discussions between the Metropolitan Police and the football industry. Kickz takes place in the country's most disadvantaged areas in order to create safer, stronger and more respectful communities through the development of young people's potential. Using the hook of professional football clubs Kickz engages young people who traditionally may be more difficult to reach, and provides a positive environment to channel their energy through a programme including football coaching and workshops delivered by the police on issues such as the dangers of weapons. In the areas with the most established projects, police figures show that crime has dropped by an average of 27% at the times the sessions take place. Kickz is an official charity partner of Wembley National Stadium Limited, a fully-owned subsidiary of the FA.

FA HatTrick Programme

35. The FA HatTrick Programme, which was formed after securing a £4.5 million partnership with the Government and UEFA, has seen 19 Community Workers appointed across the nation as part of a three year regeneration scheme, using football to tackle a wide range of social problems.

The "Learning Zone" at Wembley Stadium

36. The "Learning Zone" at Wembley Stadium is a joint endeavour between Brent Council, The Department of Children, Schools and Families (DCSF) and Wembley Stadium. Wembley is the 150th new "Playing for Success" study support centre, and clubs have been working successfully in this area for over ten years. The "Learning Zone" provides a unique, innovative and inspirational learning environment for young people in the local area during out of school hours.

The FA International Development Programme

37. The FA's International Development Programme (IDP) has initiated projects in all regions of the world since 2000, ranging from goalkeeping courses to marketing, sports medicine, refereeing and administration workshops, each targeted at the specific needs of the region or country involved. Visits often include workshops combining football and HIV/AIDS awareness. The FA also holds annual international refereeing, fitness, sports medicine and coaching courses in England, attended by participants from all corners of the world.

Doping

38. The FA welcomes the White Paper's call for member states to join forces to fight against doping. Football is well aware that it needs to show its stakeholders at the professional game level, that it takes issues of cheating extremely seriously, and that it adopts a proper and responsible approach to social drug use. The issue of doping control is one where the twin roles of the FA as governing the game, and developing the game, come together. The FA operates the largest doping control programme in the UK with over 1600 drug tests per season conducted at all levels of English football. It is the largest out-of-competition drug testing programme in world football with random, no-notice out-of-competition drug tests conducted at clubs throughout the year, including the close season. The FA Programme is conducted in partnership with UK Sport, the UK National Anti-Doping Organisation. In addition, the FA continues to operate an out-of-competition social drugs testing programme, which goes beyond the scope of the World Anti-Doping Code.

39. The FA also operates the largest and most comprehensive drug and alcohol education and awareness programme in sport, which covers all players registered with professional clubs from the age of nine upwards. The programme educates players on the risks of using performance enhancing drugs, issues relating to the use of medication and supplements, and the risks in using social drugs and alcohol.

FA CONCLUSION

40. The White Paper heralds the European Commission's intention to begin creating a European sports policy and it is vital that Government and the FA are fully committed to helping mould it to best benefit English football during all the stages of the policy process. While we understand the need for sport to stay within EU law, the Commission should do its utmost to find a solution to safeguard the right of sport to self-determination.

41. The FA is concerned about key issues left outstanding from the White Paper on Sport such as the specificity of sport, sport's autonomy, the standing of sport within EU law, ticket touting, intellectual property rights and betting integrity.

42. The FA believes that there is no need for the EU to intervene unnecessarily in areas of sports governance, and we remain concerned about unintended but potentially detrimental effects of policy decisions on sport, at both European and national level.

43. However, we realise that there is a need for policy-makers at European and national levels to recognise and support the work which football authorities undertake. This work must be carried out in a supportive policy context, given its social, political, economic and cultural relevance across Europe. The FA will continue structured dialogue with the relevant European authorities and is encouraged that football is becoming recognised by decision-makers as a valuable policy tool in a number of areas such as education, health and social inclusion.

44. The FA is keen for greater clarity on the future of this debate—we believe the issues outlined in the White Paper are very important, not just to our core activities but also to the entire social fabric of Europe itself. We would be pleased to work with EU institutions and Member States as policies are formulated.

January 2008

Memorandum submitted by The Premier League

1. INTRODUCTION AND OVERVIEW

1.1 The Premier League organises the top division of English football, with the twenty clubs at any one time in the League being the shareholders. Each club considers itself to be a Premier League Club, and looks to the League to act as its trade association as well as its competition organiser and regulator. The competition comprises 380 games in a season, attracts in excess of 300,000 fans each match weekend (an increase of 60% in 15 years) with an average occupancy over the season of 92%. Media audiences are also buoyant both in the UK and internationally. Although the competition will always be the Premier League's principal concern, we are also committed to football solidarity and corporate social responsibility. Given our scale, it is inevitable that the European Commission's White Paper touches on many aspects of our sporting and commercial activities. We are grateful for the Commission's inclusive process in the preparation of the White Paper, and broadly support the scope, analysis and conclusions of the White Paper, and view its focus on the societal role of sport and the economic importance of sport in Europe as correct.

1.2 The Premier League welcomes the White Paper as a significant contribution to both the understanding and the future development of the relationship between sport in Europe and the European Union institutions and the body of EU law. Its findings and recommendations provide a good framework for the development of the new EU competence for sport envisaged in the forthcoming Treaty.

1.3 The conclusion that there is no justification for a single, one size fits all, regulatory structure for sport across Europe is particularly welcome. Throughout Europe different sports and competitions are organised in a number of different ways, arising from each sport's and each culture's different history and traditions. In recognising this, and in confirming the importance of the national dimension as the primary level for organising and administering sport, the White Paper establishes a firm foundation for the construction of European policy in this area. The general principle of subsidiarity is easy to apply in the world of sport, given that existing arrangements for virtually all sports lie primarily at the level of national governments and national sporting organisations. This established reality works well, reflecting the different characteristics of each nation in its approach to sport. We therefore welcome the White Paper's recognition that the European Union should respect subsidiarity, with the lead responsibilities for sport remaining with national sporting bodies and national governments.

1.4 The White Paper's conclusions on the specificity on sport are similarly well-founded. European Union jurisprudence has already established that EU law applies to the economic dimension of sport, primarily through the application of competition and free movement rules. We welcome the European Commission's view that any necessary specificity for sport can and should be achieved through the existing legal framework and that calls for exemptions for sport from the normal operation of EU law are unrealistic and should be rejected.

1.5 The Premier League considers that these strategic conclusions—about respecting the sheer variety of sports models throughout Europe, the need to respect subsidiarity, and the proper application of the specificity of sport within the law—should remain the *modus operandi* for EU policy on sport after the eventual adoption of the Lisbon Treaty. We believe that this was the drafters' intention in including sport in the Treaty in the category of "complementary competences". The new Article 149 explicitly rules out EU harmonisation measures but does create the possibility of European laws or framework laws to establish "incentive measures" and "recommendations". The Premier League would ask the Select Committee, in the exercise of its scrutiny function, to keep in review the emergence of EU sport policy in the wake of Treaty adoption, particularly to examine the extent to which the core White Paper principles are upheld. The EU complementary competence in sport should support and not replace national policies and practices.

1.6 The context in which the White Paper and its action plan are taken forward is now changing. At its October 2007 White Paper conference, the European Commission stated that the White Paper and the structured dialogue should now be viewed in large part as the preparatory work and structure for the entry into force of the Treaty Article on Sport. In moving forward, this dialogue with sport should include a wide range of voices, not just pan-European bodies, and should include those from national sports bodies, providing as they do the vast majority of sports activity in Europe.

1.7 We believe that the EU's future focus in sport should remain on the societal role of sport and the economic importance of sport in Europe.

The Premier League and Europe

1.8 The Premier League has an established interest in the development of European Union policies as they affect sport. The growing power of the European institutions means that all sports bodies will also have to engage with the European agenda.

1.9 Improved playing standards and investment in facilities have seen stadium attendances increase by over 60% in fifteen years alongside increases in the live television audience and in marketing income. Buoyant incomes have been re-invested: in stadium facilities, in playing squads and training standards, in wider communities and in grassroots football. This has improved playing standards and the watching experience even further, triggering further economic and sporting success.

1.10 As a result the Premier League has become much more than just the United Kingdom's most popular regular sporting competition. It has also become an important economic agent, with a significant impact on employment, GDP and national and local economies. A number of related industries have benefited from the Premier League's strength, including broadcasting, marketing and other communications industries, and the travel, tourism and hospitality industries. Premier League Clubs have become the social focus of many urban communities and are often the most prominent symbol of their cities in the UK and around the world.

1.11 The economic success of the Premier League generates significant taxation revenues for national and local government, giving the Government and local authorities a direct interest in the continued economic health of our competition. It is therefore important to bear in mind that, in considering the impact of the EU on sport, the relevant policies include employment, the internal market, economic development, trade, judicial and legal services, social inclusion, and regional policy as well as sport itself.

1.12 The Premier League would be keen to work with the UK Government, the Commission and other sports on the proposed economic impact study envisaged in the White Paper action plan in order that the full impact of sport on employment, GDP and national and local economies can be quantified.

1.13 Sporting and economic success are essential ingredients in the ability of the Premier League to have a strong Corporate Social Responsibility policy. Three years ago this policy was assessed as being worth in excess of £80 million a year (study published by Deloitte, 2005), making the Premier League proportionately one of the largest corporate donors in the UK, almost certainly unequalled by any sporting body in Europe. This year Deloitte assessed the current contribution as being in excess of £120 million.

1.14 As a result of the wide consultation undertaken by the Commission there is much to be welcomed in the White Paper. The following response to the White Paper explains where we think the Commission can strengthen the position of sport at a European level through the exercise of its existing competences—intellectual property protection, gambling integrity, and business transparency. We also explain why caution should be exercised on matters where European policy could foster perverse incentives through excessive regulation or new initiatives in areas as wide-ranging as locally-trained youth players or news access to sport.

2. THE SOCIETAL ROLE OF SPORT

2.1 The Premier League takes the view that increased sports participation can be an important factor in tackling European societal problems in relation to obesity and other health issues. Our experience shows that the power of football and sport more broadly can be used effectively to reach into communities and promote wider social and educational values. We therefore welcome the focus of the White Paper on the importance of grassroots sport, the value of participation and the social and educational role of sport.

2.2 The Premier League has a strong record of working with statutory bodies, the voluntary sector and commercial partners to promote health, education, equalities and social inclusion. Such work has included using the power of football to promote anti-racism (such as Kick It Out), engage with learning (such as our Playing for Success partnership with the Department for Children, Families and Schools), encourage volunteering (such as our work with the volunteering charity v) and combat anti-social behaviour (such as our Kickz programme in partnership with the police). Premier League Clubs also initiate localised projects to promote healthy lifestyles, for example the Everton “Healthy Bus” visits local schools, using the power of football to promote active lifestyles and improve attitudes to diet and exercise, an initiative which the Premier League intends to extend to all clubs in partnership with the Department of Health and Local Authorities. The Premier League also recognises the importance of relationships with supporter’s groups and we provide funding that is channeled to the Football Supporters Federation and Supporters Direct, the latter helping smaller clubs in lower leagues to organise themselves and secure better standards of governance and financial accountability, and longer-term to acquire a collective shareholding in their clubs on a not-for-profit basis for re-investment.

2.3 Effective anti-doping matters are important to the integrity of sport and the Premier League fully supports FIFA’s adoption of the World Anti-Doping Code.

Education and training, and locally-trained players

2.4 Premier League investment in youth academies overall is high and rising and the educational and vocational needs of academy scholars are taken very seriously by the Premier League and clubs. A recent Ofsted report (November 2007) said that Premier League Learning (PLL) “makes outstanding use of the sporting excellence framework to meet the needs of both learners and employers” and noted that the PLL framework “provides a very good progression route into higher education and to other career opportunities in both football and the wider sports industry. Increasing numbers of scholars now achieve professional status”. In addition, clubs run lifestyle management programmes to support and educate young players about lifestyle issues, financial and legal matters and responsible behaviour off the pitch.

2.5 There are few, if any, other leagues which spend more on talent development than the Premier League, and the protection and care of young sports people is paramount in the academy system. We have the most regulated youth programme in the world, with 134 youth rules and 22 safeguarding rules. Contrary to some assertions, we believe the academy system is providing a pool of talent for the national sides, demonstrated by the recent successes of the U17 and U21 England teams in the Euro and World competitions (the majority of players being sourced from PL academies). Approaching 90% of scholarship players in PL academies are from the British Isles. Clubs like Everton FC are leading the way playing in bringing on local talent such as Anichebe, Vaughan, Byrne, Hibbert and Rodwell (youngest ever player for Everton in Europe), who are all “home-grown”, local footballers.

2.6 The Premier League recognises that there is always scope to improve how youth development is delivered and is committed to working with other football stakeholders on this important area. Following the independent 2007 Lewis Review of youth development in football, we are working closely with our fellow stakeholders in the FA and Football League to improve youth development processes and implement the 64 Review recommendations, which include new age specific youth coaching awards (which have been introduced already and form an additional mandatory UEFA licensing requirement).

2.7 The Premier League notes the Commission’s proposal to conduct a study on locally-trained players and must highlight the risk that UEFA’s Home Grown player quota rule could engender perverse effects if it were extended beyond their own competitions. The Premier League believes it would lower standards, do

nothing to raise the quality of English players (it could even fall if the level of competition fell), and could even incentivise clubs to bring in foreign talent at ever younger ages, to ensure they are “home-grown” by the time they become established first team players. The English FA also recognise this failing.

2.8 Home-grown player rules could tilt the balance still further in favour of big European clubs who have the money and the high profile to be able to attract the world’s best 15–16-year-olds. Those that fail would continue to be eligible to play in the country they train in as home grown, but of course would not count as such if they were to return to their country of origin. Labour mobility laws in Europe mean that any quota could not discriminate against players from EU nations, or nations with mobility agreements with the EU—so in the case of the England team the UEFA definition of home-grown includes Cesc Fabregas, but not Owen Hargreaves.

2.9 The UEFA home-grown player rule is different from that suggested by the President of FIFA, who has proposed that a team should have six players on the pitch qualified to play for the relevant FA (i.e. for England in the case of the Premier League). This rule is clearly in breach of EU law, and European Commission spokespeople have confirmed this. As well as being illegal it would also undermine the quality of many Premier League sides. For example, Manchester United would find that players such as Giggs, Fletcher, O’Shea, Evans, van de Sar, Evra, Vidic, Ronaldo, Anderson, Saha, Park, Nani, Pique, Silvestre and Tevez would be eligible for just five places on the pitch. An unintended consequence of such a rule would be to weaken international sides which currently recruit from English football. Players such as Anichebe (Nigeria) or Giggs (Wales) who could have opted to play for England would come under heavy pressure to “beat the quota” by declaring that they were eligible for England and so be lost from the pool available to their first choice country.

2.10 In any event there is no evidence that home-grown player rules would improve the quality of the very best English footballers, those that make up the England squad. Replacing excellent non-English players with England-qualified players of lesser ability would reduce playing standards in the Premier League without improving the talent available to the England manager. There is no evidence whatsoever that fans of English football clubs feel disconnected from the players on the pitch because some of them are foreign-born. The diversity of the League and the widespread celebration of talent, regardless of its origins, are together one of the great strengths of English football.

Football disorder and strengthening the prevention of racism

2.11 The Premier League takes an active interest in the promotion of safe and successful football and particularly welcomes the Commission action points to: “exchange operational information and practical know-how on the prevention of violent and racist incidents”; to “strengthen regular and structured cooperation” among stakeholders; and to organise a “high level conference”. The Premier League has already offered its experiences and methods for tackling disorder domestically with the Commission.

2.12 The Racial Equality Standard was established by the Premier League and Kick It Out as a mechanism to encourage, promote and measure progress in diversity at clubs. Key areas for action covered by the standard include: ensuring the stadium and its environs are free of racism; increasing participation from ethnic minorities at every level of activity; setting up clear procedures to deal with racial discrimination and inequality, and; improving representation of people from ethnic minorities in the fields of administration and management. Eighteen clubs have achieved the preliminary level and four have reached the intermediate level and are now working towards the advanced stage.

2.13 Alongside working towards the Racial Equality Standard a number of our clubs have implemented very positive inclusion strategies. Blackburn Rovers’ Not Under Our Roof campaign, Villa in Harmony and Arsenal for Everyone are striking examples of how clubs have branded their own initiatives to stress their commitment in this area to the fans. Bolton Wanderers Football Club met with local community/faith leaders/council chiefs and formed the Unity in Diversity steering group to create cohesion within the borough through the power of football; regular meetings are held to set objectives and meet the needs of the various religious and community groups including Muslim, Hindu, Christian faiths and the Somalian community.

2.14 Premier League Clubs have developed very high standards of stadium safety, fan behaviour at matches and policing in recent decades in response to the tragic experiences of the 70s and 80s. It is of ongoing and serious concern to the Premier League that such standards are not uniformly adopted outside the UK.

2.15 More specifically, the Premier League notes the importance of information sharing amongst law enforcement services, for example we support the successful models such as the Anglo-Dutch policing approach. In terms of fan behaviour and racism we believe it is important to involve supporters in the solutions, target any legislation at individual perpetrators rather than groups and to learn from good practice exchanges already in place across Europe on racism. In relation to European fixtures we support the provision of clear travel and cultural information in easily accessible formats (Blackburn have produced very good materials and advice in the past); the systematic sharing of information related to previous matches between Clubs; and we cannot emphasise more that Clubs and local authorities should attend pre-planning meetings for all matches (this was introduced by the English FA on the return of English clubs to

Europe and has contributed greatly to successful operations). Finally, and crucially, agreed standards must be achieved, with stadia clearly failing to reach those standards treated accordingly with sanctions including reduced capacity and even refusal of licence to stage a particular fixture.

International Sport development

2.16 The Premier League attracts global TV audiences and it recognises the power of football to promote education, health, inter-cultural dialogue, development and peace. The Premier League recognises its responsibilities to its international fanbase and is committed to increasing enthusiasm for English top-flight football and investing in a number of sport development projects, including “Premier Skills”, a partnership with the British Council and football authorities abroad, which involves sharing coaching expertise in Egypt and developing English language skills, and will shortly be expanded to other African and Asian countries. The Premier League also supports the Magic Bus project in India which uses sport development to educate and inspire children in the slums of Mumbai, and will be working with Sport Relief in Kenya over the next three years. The Premier League is in addition a significant funder of the Government’s sport development programme overseas in the build up to London 2012, led by UK Sport.

2.17 We recognise that EU policy has a role to play in ensuring good regulation in international issues such as money laundering, player transfers and child welfare.

Sustainable development

2.18 The Premier League agrees that it is important to promote “environmentally sound management” in sport. In order to embed sustainability in the Premier League we have engaged the services of an environmental consultancy to advise our Clubs on best practice, and to produce a guide to best practice in sustainability in football. A seminar on the subject is currently being planned.

2.19 Clubs are working hard to ensure that they have a positive impact on their local environments, and are engaging in a range of constructive environmental initiatives and projects. These include wind turbines providing energy for stadia, recycled water for pitch watering, nature reserves at training grounds, the use of FSC paper products and comprehensive sustainable supply chain policies. The Premier League is also currently in discussion with our partners and sponsors about joint working in this area.

3. THE ECONOMIC DIMENSION OF SPORT

3.1 The economic importance of football is not fully understood nor appreciated by policy-makers. One common economic misconception is that commercial success and sporting values are not compatible. In fact the reverse is true—only by protecting and enhancing the quality and integrity of football competition can it become an economic success. Sporting values therefore are vital to commercial value, a belief which is central to the success of the Premier League.

3.2 Improved assessment by the EU could contribute to a better understanding of this importance, and assist football in its discussions with local authorities, national governments and European institutions, and we welcome the recommendation to undertake a study to assess the sport sector’s direct and indirect contributions to the Lisbon Agenda [see Introduction and Overview].

3.3 The Premier League particularly welcomes the acknowledgement that the “economic value of sports is linked to intellectual property rights”, and that intellectual property is crucial to the business model [see Media section for more detail]. However the Premier League is disappointed that no actions have been proposed to explore the intrinsic value of “sports rights” to the organisation of sport. This exclusion was illustrated by the European Commission’s surprising and disappointing omission of sport from their recent Content Online Communication (however sports rights owners will be able to contribute to the on-going process, including through the “Content Online Platform”).

Public support for grassroots sport

3.4 The Premier League recognises the importance of public support for grassroots sport and works closely with the UK Government on CSR programmes. The biggest single recipient of this good cause investment is the Football Foundation, a tripartite initiative bringing together the Premier League, the Football Association and the Government. Together with local authority, private sector and other matched funding streams, the Football Foundation has invested over £600 million since 2001 in grassroots football and in football-related social inclusion projects.

4. THE ORGANISATION OF SPORT

4.1 The Premier League welcomes the White Paper acknowledgment of the “autonomy of sporting organisations and representative structures (such as leagues)”. This recognises that sport is organised and administered primarily at the national level [see Introduction and Overview].

4.2 The Premier League believes that the European Union can have an impact on sport in the exercise of its other competences, such as competition law, intellectual property, and employment law. We accept that sport cannot be exempted from the general application of such laws but we would welcome an approach which seeks to ensure that sport’s particular circumstances are reflected in how such laws are applied. Whilst the EU should not intervene in the administration or governance of sport, there is scope for the EU, together with policy-makers at the national level, to seek to construct a supportive environment in which sport can thrive.

4.3 There is also scope for football to contribute to the wider social goals of local, national and European institutions, notably in education, health and social inclusion. The current European Informal Sports Ministers’ framework shows how trans-frontier issues which can affect sport can be taken forward, on issues such as doping, violence and racism. We see this framework, working with appropriate Council configurations and the European Commission, as being appropriate for developing strategies to deal with emerging trans-border issues such as the trafficking of young players, money laundering through sport, the protection of sports’ intellectual property rights and the very real and growing threat to sporting integrity posed by the poorly regulated betting industry.

Free movement

4.4 The Premier League is satisfied that existing restrictions to the free movement principle are adequate. In our view identification and training of high quality players is the best way to meet demands for high quality players for national teams, and consider that this approach is likely to be more successful, and fairer, than simplistic quotas [see education and training, and locally-trained players section for more detail].

Transfers

4.5 The Premier League respects the White Paper judgement that there is an important international dimension to the transfer of players. We note the Commission’s legitimate concerns about the transparency and legality of financial flows and would welcome the opportunity to be part of any future discussions in regard to achieving an “effective solution”.

Player’s Agents

4.6 The main focus for the regulation of agents should be at the level of national sports bodies, including co-operating to seek global solutions. The activities of agents are now a worldwide phenomenon and as such an EU-wide approach would not deal with the issue. National bodies, particularly those leagues and clubs with the greatest experience in dealing with agents, need to work in collaboration with FIFA to achieve an effective and sustainable outcome. Those football bodies will need, where appropriate, national, European and global institutions to ensure that football regulation and legal instruments are compatible in this area. The Premier League notes the Commission’s intention to carry out an impact assessment in this area and will contribute to that work if requested.

Protection of Minors

4.7 We have the most regulated youth programme in the world, with 134 youth rules and 22 safeguarding rules, supported by appropriate training schemes for staff and full compliance with criminal records checking requirements. The Premier League is proud to be at the forefront of UK child protection in sport policy and as such applies its rules, not just to the academy system, but to every part of each club which comes into contact with minors (from children involved in community schemes, to those attending matches, or those visiting the club shop). A three-pronged approach means that every member of club staff who deals with minors has specific training on child safeguarding, which is accredited by the Independent Safeguarding Authority, the independent statutory body set up by the then DfES in response to recommendation 19 of the Bichard Inquiry Report (as well as the standard CRB checking and reference double checking). In addition, each Premier League club has a designated safeguarding officer, which reports to the clubs children’s services officer. Finally, the “Safeguarding Policy and Procedures” which each PL club is required to produce are signed off by the relevant local safeguarding children board (comprising local authorities, health bodies, the police and others).

Corruption

4.8 The Premier League has introduced a number of measures in recent years to ensure the highest standards of governance are maintained and improved by its member clubs. These include the introduction of a Fit and Proper Person Test (recently extended to cover international offences and include owners and those with a stake in excess of 30% as well as directors and shadow directors), enhanced directors' reports and a directors' declaration of shareholding.

4.9 The standards required of a Premier League director go above and beyond UK company law with Premier League directors coming under rigorous scrutiny. Clubs are required to notify the Premier League of all ownership over 10% and any individual or company holding 10% or more of a member club has to relinquish all shares in any other club. In addition, regulations governing the activities of, and payments to, agents stipulate that a player, when joining a club or renegotiating a contract, must assume total responsibility for the payment of his agent.

4.10 We remain concerned at the threat to sporting integrity posed by rapid growth and change in the betting industry, and believe that the White Paper should have addressed this issue more thoroughly. The need to protect sporting integrity is quite separate from the European debate about betting companies, national monopolies and state lotteries, and so should be handled separately.

Licensing

4.11 The Premier League agrees that robust licensing systems for clubs at a national level can promote good governance. We would welcome consistency in systems across member states and welcome the opportunity to participate in the Commission's forthcoming conference on licensing and best practice. However, a single pan-European licensing system for football clubs is neither desirable nor necessary.

Media

4.12 EU institutions have a clear role in broadcast and intellectual property matters, and the Premier League would like to see the references to intellectual property and piracy in the White Paper on Sport built upon to ensure that the EU takes a stronger internal and external anti-online piracy/robust IP policy line.

4.13 Internet and broadcast piracy is a genuine threat to the operation of sports organisations which rely on media rights to finance investment in their sports, and we would like to see specific actions adopted in this area. Whilst recognising the growing interest in sport news we believe that access to the intellectual property of sports events should not serve to undermine the selling of sports rights and the solidarity mechanisms which sports rights markets produce. In common with many content-driven industries the Premier League believes the existing EU and international copyright framework supports the protection of sports rights and solidarity mechanisms.

4.14 The Premier League notes that the EU is currently undertaking or planning several legislative reviews and policy initiatives in the information society and intellectual property spheres that have or will have a significant impact on the way sports rights are sold and protected after sale. The Premier League, including through the Sports Rights Owners' Coalition (SROC), is engaged in several of these processes to ensure that sport's specific issues are fully taken into consideration. SROC has submitted a separate submission on these issues, which we commend to the Select Committee.

4.15 We would urge the Select Committee to press the European Commission for a more systematic consideration of the sports sector as the Commission reviews existing IP legislation and future IP and content-related proposals and that the forthcoming study on the economic impact of sport in the EU takes full account of the IP dimension in its assessment.

5. STRUCTURED AND SOCIAL DIALOGUE

5.1 The Premier League believes that European sport federations and umbrella organisations do not adequately reflect nor represent the diverse governance and operational structures which operate across Europe. For example, some sports in some countries have strong, central roles for a single, national federation. This is not true of football in England, where the Premier League and the Football League are powerful institutions in their own right, separate from the Football Association, although often working closely together on matters of shared interest. In addition, UEFA is not the governing body for football in Europe. Rather, it is the organiser of competitions that cover the entire UEFA area—notably the Champions League, the UEFA Cup and the European Nations Cup. It has never had responsibility to run national associations or leagues, nor should it have.

5.2 Therefore, we believe strongly that structured dialogue should not exclude prominent national voices, or expect "umbrella organisations" to speak with a unified voice on every sports issue, and as such the Premier League was pleased to attend the White Paper conference Brussels on 8 and 9 October 2007.

5.3 In terms of social dialogue the Premier League offers its expertise as an employer in any European social dialogue committees which are established within the sports sector, and is actively supporting the association of European Professional Football Leagues (EPFL) in the formal social dialogue process with the European Commission and FIFPro.

6. CONCLUSION

6.1 The White Paper represents an important and positive contribution to the development of policy affecting sport. We would like to see the progress made in the White Paper consolidated, with European engagement in sport at the professional and grassroots levels improved in the areas of:

- co-operation on doping;
- player trafficking (especially in the context of the need to protect young people);
- money laundering;
- strengthening copyright protection and taking action against the misuse of intellectual property rights, including the growth in trans-border ticket touting;
- co-operation and taking firm action to deal with racism and hooliganism; and
- introducing means to protect sporting integrity from the new challenges posed by the rapid growth in sport betting.

6.2 We recognise the value that the White Paper and its action plan will bring in preparation for the entry into force of the EU Treaty Article on sport and believe that they should form the basis of the guiding principles of the EU Treaty Article going forward. We believe a great deal of care must be taken to ensure that the future scope of EU involvement in sports policy continues to be defined by where it can add value to the actions of national sports bodies and Governments and where there is a clear need for cross-border dialogue and action.

January 2008

Witnesses: Lord Triesman, a Member of the House of Lords, Chairman, Football Association, and Mr Richard Scudamore, Chief Executive, Premier League, gave evidence.

Chairman: We will now move on to hear from the organisations representing football, and I welcome Lord Triesman, the new Chairman of the FA, and Richard Scudamore, the Chief Executive of the Premier League. Mike Hall is going to start.

but in the passions of the numbers of fans, perhaps make it such a dominant sport that that was always a risk for those writing the White Paper. It would have been quite interesting to see a White Paper written rather more broadly.

Q23 Mr Hall: Good morning. As a general question, before we get to the specifics, what do you think of this White Paper?

Lord Triesman: My first reading of it is that it is a broad expression of warm sentiment about things that can be done and it is perhaps not all that specific. In a way, I am slightly relieved by that, because I think most of the specifics that we need to attend to are specifics in particular sports. I do not say that to disparage the effort. There are some things, particularly about dealing with social inclusion, dealing with racism, dealing with xenophobia, which I think are well worth saying, absolutely well worth saying but, generally speaking, I suppose my inclination is to think that the internal running and regulation of sports is a very specific thing to each sport if it is to be got right and perhaps I should be pleased that it has not been too intrusive on those things.

Q25 Mr Hall: On the issue of specificity, why should the sport be considered differently as an activity in the application of European law? What is your take on that?

Lord Triesman: I do not wish to dominate this.

Q26 Mr Hall: Richard will get his moment in time.

Mr Scudamore: Will you come back and ask me the same questions?

Q27 Mr Hall: Feel free to jump in.

Mr Scudamore: I do not like to jump in when David is in full flow, but I would like to answer your opening question.

Q28 Mr Hall: Perhaps you would do that now.

Mr Scudamore: Okay. Broadly, we can see the merit in the White Paper. I think it was a difficult challenge to try to come up with a European Commission White Paper for sport because of the issues David has already touched upon. Clearly we believe sport is best organised at a national level. We believe in subsidiarity. Therefore coming up with a European White Paper for sport was always going to be a challenge. It has covered the issues. It has covered the topics. Whether it has got into some of them in great detail is arguable. It clearly is football oriented.

Q24 Mr Hall: One of criticisms of the White Paper is it is very football specific, is it not? It is almost a football White Paper rather than a sports White Paper. Do you accept that?

Lord Triesman: I think that is an accurate description of it. The overall scale of football, the volumes of throughput, not just in financial terms

19 February 2008 Lord Triesman and Mr Richard Scudamore

Its genesis, if you remember, was the Arnaut Report, and then there was the Belet Report, and they in some ways formed the thinking. The Arnaut report, particularly, was literally football only and at the very last mentioned the fact that it was supposed to apply to all sports, and you see this football emphasis coming through it. But that might also naturally be true because football is clearly one of the very few pan-European sports which applies to every country. There are not many sports, including rugby, cricket, and even horseracing, that would have a pan-European, most countries involved in it. We think it is broadly in the right direction, covers the right topic areas, but is low on some specific areas. It recognises the economic impact of sport, which is important, it recognises the societal impact of sport, which is important, and, therefore, as I say, we are broadly supportive of its outcomes.

Lord Triesman: To return, if I may, to the question about whether specificity is necessary when you set it alongside the general rules of commercial operation in the EU, we are very eager to ensure that there is a proper competitive balance maintained between those who compete together in football. Commercialisation, of itself, tends to concentrate wealth to too great an extent to be able to guarantee that that competitiveness is sustained. That is the first reason. The second reason is that straightforward commercial considerations would not, in my judgment, lead easily to having a mechanism in which some of the wealth that is generated in the sport could be guaranteed to flow back to the amateur game, to the grass roots. You have, in a way, to change the overall conditions of the market, to make sure you are replenishing the roots—which would not necessarily happen. The third reason is that if we are to encourage the development of young and talented players rather than to see people simply buy success from where success already exists, you again need to change the fundamental rule set. You cannot just do it in a market operating without any kinds of restraints. The regulations which are there to help ensure that those three objectives that I have just described can be achieved do mean that the straightforward operation of a competitive commercial market would be undesirable in football and would probably lead to a collapse of its true competitiveness and the nurturing of young talent.

Q29 Mr Hall: What are the implications for football of the Commission's failure to recommend any actions on specificity?

Mr Scudamore: Specificity is hard to say and even harder to deploy really. The White Paper does strike a balance, because you cannot any differently argue than that sport is best organised on an individual sporting basis and not on a one-size-fits-all for all sports. You have heard that from my three sporting colleagues who were here before us. Also, clearly sport is organised fundamentally at a national level. Just like in culture in other forms and the arts, there are, very interestingly, uniquely national characteristics about sport in every country. The problem with this whole specificity debate is who

wants the power and where does the power reside to carve out exemptions from European law on behalf of sport. That is one of the big issues with it. Clearly our view is that you are better trying to get people to recognise that sport is different, and shape current European law or work within the current European legal framework to get solutions to the issues rather than carving out exemptions, because those become very dangerous things. When you look at the two basic tenets of European law where it does affect sport, competition law and freedom of movement, we think you are far better doing, for example, what we have done with our broadcasting rights—which I am sure we will come to later—which is carving out a legal framework and a legal basis where the way we sell our rights is compatible with European law rather than having some blanket carve out. There was a line in the Arnaut Report which said: "Would it not be good if we could have an exemption so that collective selling was legal?" You cannot make bold statements like that. You have to say, "Collective selling is only legal if x, y and z"—if it is proportionate, if it is legally sustainable, if it has redistribution mechanisms, if it has a solidarity mechanism. There is a whole way of doing it which is compatible with law. The idea that you would suddenly have a blanket exemption for sport to be applied by whom against whose rules, given the governance structures in sport is, in our view, very difficult. Therefore, I think the specificity of sport *per se* is a thing that needs to be watched very, very carefully—because who is carving out the exemption to allow them to do what they want? I think it is quite difficult. I still think we should work within the framework of European law and shape the outcomes to make sure they are compatible with law, rather than exemption or exclusion.

Q30 Mr Hall: But was not the genesis of the White Paper precisely that?

Mr Scudamore: I think that may have been the genesis through Mr Arnaut's Report and others that has led to the White Paper but I think the White Paper is deliberately vague on specificity because I think it is very nervous about saying sport alone can have a carve out from the basic tenets of European law.

Q31 Alan Keen: Mr Scudamore, you have just said that sport is different. Could I say, first of all, that if you were a multi-billionaire and owned the whole of the Premier League I would have no worries about the future of football. Unfortunately, there are people who have even more money than you and they are the ones about whom I worry. My previous visit in relation to football to Brussels was to try to help keep the collective bargaining facility, to get as much money in and to keep the best competition we could get within football at all levels, in the end, but particularly starting off with the Premier League. At that time, our adversary was a commissioner who was only interested in business. He wanted straight competition, as he saw it, despite claiming to be a fan of one of the Italian sides. On our recent visit I got the impression that in this White Paper, following on

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from the Arnaut Report, Brussels this time were on the side of the fans. I am not asking a question but trying to set the background to it. Liverpool supporters are particularly worried about the ownership of their club. They are trying to raise money to take it over. All football fans are worried about that. It is a very important issue. We all have to work together to get European law to recognise, talking particularly about football now, that football is different. There is a democratic deficit in football in this country now, is there not? I am very concerned about the people who own the majority of the Premier League clubs. How are you two people sitting next to each other going to sort this problem out? What can Europe do towards that? I feel that Europe is on the side of the fans now, whereas previously I was not so sure.

Mr Scudamore: That is an interesting assumption. Of course I go back to my previous point. I do not sense that the European law makers are in a position to necessarily carve out specific exemptions from key pillars and key tenets of European law. I have said that before. Having said all of that, I go back to my previous statements that say what is important. You and I share a view and a belief that the collective selling of television rights is important for a whole host of reasons, mainly because of its ability to control distribution and redistribution centrally, both within the league—because we do believe the individual selling models of Italy and Spain and others are divisive for the league—and—as you will know, because you have been across the detail of that—the external redistribution that goes on. Again, the numbers will be familiar to you, Alan, and hopefully to other members of the Committee, but some £124 million a year now is redistributed from the Premier League’s revenues. Of £960 million, £124 million is given away in solidarity payments right down the football pyramid—the Football Foundation being the main beneficiary, along with the Football League and others. When you come to the question which is basically about ownership, we operate in the UK, we operate in the UK that has a certain attitude towards foreign investment—we do not have the same attitude in this country towards foreign investment that other European countries have; even our close neighbours France have a different view perhaps of who should own companies that operate—and therefore we have, as you know, layered in additional regulations over and above those that are required by UK Government in terms of club ownership. We have a whole host of rules regarding that, and we do have fit and proper persons tests and we do have directors’ declarations and we have a very developed rule book on all of that, but, as you also know, we have not yet got ourselves into a position and I do not know as the administrator responsible, certainly for the Premier League anyway, how we can apply a “We don’t like the cut of your jib” test; in other words, a subjective test. We have to remain objective about this and stay within the law and stay within our regulations. I understand concerns but I am not so sure that there have not always been concerns about the local club owner and I can only go on record and

go on public record as saying that I have been there for ten years and the club ownership situation currently is certainly no more of a threat, in my view, to the sustainability and the future of football than it has been in the past.

Q32 Alan Keen: Perhaps I can remind you what you said. You said “Sport is different”.

Mr Scudamore: Yes.

Q33 Alan Keen: It appears we are getting close to a majority of the owners of the Premier League where sport is not different. There appears to be a majority of them who do not know anything about football and care little about it; they have come into it purely for money. We are getting to the stage now where really sport is not different in the top of the game in this country. That is what fans are worried about. The reason why we felt better coming back from Brussels this time was because for the people who were taking the initiative on these rules, because they were politicians like we are, their main aim was the fans and the future, long term, of football. We are concerned about the fact that the Premier League is not.

Mr Scudamore: As politicians you will have the ability to enter legislation which alters the UK attitude toward foreign investment. If you wish to do that, I am sure football will come along and act in accordance with whatever legislation you put in. All I am saying is we, football, have taken steps beyond where Parliament has taken it and that is the position that currently exists. If the legislation changes, then clearly that will be for you to do and we will abide by that democratic process.

Q34 Alan Keen: Do you agree, David? Richard is saying that football is different but it is moving very close to the point where football is not different, where it is purely a business. Maybe we need European intervention to save our game.

Lord Triesman: In general, I think it is true to say that the way we have approached all of these questions of the running of businesses and the ownership of businesses in Europe, from the point of view of the United Kingdom, has been to try to avoid any form of nationalism entering into the spirit of the ownership equation. I think, like Richard, it would be very hard to conceive of a set of sub-rules which would not then be sub-rules taken up elsewhere in Europe in respect of other industries or as justification for other industries retaining only domestic ownership were that to happen. I am sure you are not advocating that.

Q35 Alan Keen: No. I am not interested in where people come from; I am interested in whether they care about football or whether they come over here for the money. It has tipped the balance. The balance is changing almost month by month at the moment. It is tipping over, where we are going to have a majority of owners who really came in for money not for football.

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Lord Triesman: You have said on a couple of occasions—I noted it because I think it is a very important distinction—that you are talking about the very top of the game, and I suppose I have made the only comment which I think I can make under our current ownership acquisition arrangements. But, generally, if you take sport as a whole, right the way through, of course, there is a large number of people who probably give very, very generously to their local clubs rather than expecting to make any money out of it. There is a huge sentiment about that and you can see it right across football. It is one of the things—if I can put it this way—that I love about football, that people do feel that way about it. I think there are also a number of other things, just to broaden it very slightly, that I think we can and we should continue to do in order to make sure that supporters' interests/fans' interests are properly regarded. We do a lot of work with supporters' organisations through the FA and very often with Premier League direct financial support, as well as support from elsewhere with Supporters Direct and with other organisations. We have been working hard with the Council of Europe to make sure that the Supporters' Charter is properly implemented and I think that is very well worthwhile. Just one very quick observation, when I was a Minister in the Foreign Office and responsible for our Consular services, from the other side of this I saw a great deal of the work that was done by the FA and by the Premier League and by others, particularly during the last World Cup, to ensure that supporters' interests in that huge money-spinning event were looked after and attended to properly. I must say that the football side of that equation really did an extraordinarily good job, a very, very strong job which kept people safe, made sure they enjoyed it—it was a great fiesta and the point was to enjoy it—so I think we have got some pointers as to how we can bolster supporters' representation and interests and that we should pursue those. I am very pleased that we have got a supporters' representative now on the FA Council. That is another step in that direction which I hope everybody would agree is the right direction.

Q36 Alan Keen: I have hogged too much of the time but what I am trying to get you to agree, and I am sure you do, is that it is important because I feel that we are at a crossroads now and we should not look upon the European White Paper as some people trying to come in and tell us how to run football. The impression I got from the people there who were pursuing it is that they care as much as we do about football, unlike the Commissioner that Richard and I and others were battling against a few years ago to retain collective bargaining.

Lord Triesman: I do not have any disagreement with that proposition. I think that the authors of the White Paper plainly do care a lot about football.

Q37 Mr Sanders: I was on the same trip and I have to say I came away with the completely opposite impression. What I saw was a group of European politicians wanting to meddle in the affairs of

something that they care passionately about but actually were just looking for a role in. I am very concerned that what Europe is trying to do here is to interfere in a sport, whatever the sporting body, whether it is football or cricket or rugby, which has survived for decades, more than a century, working out its own rules, working out its own regulations, and being able to talk to people in other countries who play the same games and, without having a common language, being able to agree what the rules of the game are, being able to agree how you referee it and how you score it without intervention from Europe. I have a very, very suspicious mind—and I am a pro-European absolutely to my core—and this is one area that I do not think Europe should be interfering in. That is my message over! One of the things that they are talking about, and I would like your view on this, is the national identity of football clubs and the number of foreign players that clubs are able to contract to play for them. Is that something that concerns you?

Lord Triesman: I am concerned at a number of levels, which is why I think we need to work our way through to the right solutions. It does seem to me to be at least an appreciable question that when anybody who is the head England coach goes to a match that they should be in a position where they can see enough players who might be eligible to play for England so that they can form a judgment about the pool of talent and potentially have the right people coming through, otherwise, I must say, I cannot conceive of how it is we are going to step up and resume the position that I believe we should be in as being one of the very leading world teams in football. For those reasons, I profoundly hope and I believe that a number of the steps that are being taken to improve the whole of the coaching structure from the age of five onwards in an age-specific way, the development of specialist coaches, the money now being deployed in order to achieve that, is quite fundamental to what would be our long-term success. I must say that I also think that there will now need to be a very, very careful analysis of what the legal requirements are or are not about not just the employment of players but also what might be the regulations about how many start in games, which might not be the same as the employment of players. I just want to go through that detail in a granular way. I am two and a half weeks into the job now. I have come to this wanting to make absolutely certain that we have understood it and that we are not frightened off a discussion because some lawyers say that it is impossible to go via a particular route and others say that you can. I want to ensure that quite aside from the fundamental building of a platform of good players who come through—and of course there will be good foreign players who are also found when they are quite young and come through the academy systems and so on—but good English eligible players, if I can put it that way, who come through. I also want to make sure as far as I can that regulations which fit appropriately with employment law are not being used as a barrier to the increase in the proportion of English-only players playing.

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Q38 Mr Sanders: Why is football in this instance different from any other trade or profession? If we have freedom of movement, freedom of labour and freedom of capital, why are we saying that in this particular sport the rules are different?

Lord Triesman: At the moment they do not seem to be different.

Q39 Mr Sanders: No, they are not; why should they be different?

Lord Triesman: This is something where we need to take a really long, hard, cold look at the evidence and I think we need to be sure that at every level we are seeing that people get the maximum out of football, not all of them because they are going to be playing for the England senior side but just get the maximum enjoyment out of it as we would wish for people to do at every level. It builds through to that point at which we come to the selection of the national side to make sure that there are enough people available in that pool to give us a high-quality side. I think the fundamentals of getting the development and training of youngsters is central to this, but I do have a question in my mind about whether that is enough. Because my aspirations are to make sure that we are in the really top echelon of international sides not only able to qualify for the top international competitions but to do really well in those competitions, I would like to make sure that we have explored every avenue to get there rather than to suffer the disappointment we have recently suffered once again.

Q40 Mr Sanders: Every other national side, certainly in Europe, is governed by the same freedom of movement rules, so how come it has not stopped France winning the World Cup or Germany winning the World Cup or Italy winning the World Cup? Why is it that somehow England has not won the World Cup and it is all the fault of the fact that we import these players, all because we happen to have the best-financed league in Europe?

Lord Triesman: I am not in any way disparaging the decisions that have been taken to bring players into this country to produce the very, very best football that you can see at senior level, or at least among the two or three leagues capable of doing that, and Richard's league is certainly one of those. Others have had different long-term approaches to the coaching of young players. They are ahead in time terms; we are not cyclically in the same position. I suppose all I am saying, Adrian, is that I would like us to catch up but a lot faster than maybe we would catch up otherwise.

Q41 Mr Sanders: I am not sure the European White Paper is going to help you achieve that.

Mr Scudamore: On the same point, first of all David has talked about the England Manager going to games and only seeing very few players. The England Manager is in a uniquely advantageous position, with the exception of having to go to Los Angeles—

Q42 Mr Sanders: He is not English, is he?

Mr Scudamore:—He can actually watch every single player who is likely to be eligible to play within his own domestic league (which is not afforded to any other national coach just about by the way) so in other words the English talent that is available does play within England which is a pretty good starting point. Our 20 clubs, despite what you may perceive, are entirely committed to youth development both intellectually and financially. Yes, they do spend money on acquiring talent from abroad, but absolutely at their core is a youth development philosophy at every single one of the clubs and the investment has continued. It is a shame that Alan has left the room because the foreign owners, Mr Abramovich included, are far more committed to it intellectually and financially than Mr Bates ever was at Chelsea. Mr Lerner at Aston Villa is far more committed to it. He has finished off Bodymoor Heath and has turned the youth development programme at Aston Villa into a stellar operation since his arrival. So again we have to credit our foreign owners who in some ways (here he is, he is back!) with being more financially and intellectually committed to youth development than some of their predecessors. Also there are some encouraging signs. If you look at the England team performance in the under-17s and under-19s championship recently, they have done pretty well. Coming on to the specifics, I think you will see from our submission that we are not convinced that protectionism or quotas is the answer, in both its variant forms. You have got the home-grown UEFA concept which is a hybrid because they recognise that they cannot break this down on nationalistic lines and therefore they have tried this idea of home-grown which means you have to have been trained and developed for three years at a club. We think that is completely the wrong solution to the problem because all that does is encourage the big clubs to go and buy these players ever younger so that they assimilate quicker so they become home grown and therefore qualify quicker. If you take Mr Blatter's home-grown six plus five, again we think that is flawed because the idea that six have to be qualified to play for the national team flies in the face of European law—and we have had this discussion very openly and very pleasantly with Mr Blatter—and we think he should be using his efforts and energies to achieve other things in the European arena rather than banging your head against this brick wall of freedom of movement. That in itself would lead to some quirks where Ryan Giggs probably would have chosen to play for England not Wales in order to make sure he could play for Manchester United, which would create such a nonsense. We have a problem fundamentally with both the home grown player rule as espoused by UEFA and the quotas concept, flying as it does in the face of freedom of movement. The only solution is an absolute commitment to youth development. We, unfortunately—and I say unfortunately—only come into this equation at very much the pinnacle of the game in this country. The Government and the FA are responsible for all the grassroots with the Government's commitment to

sport, sport in education, all these things. It is a long-term solution really to get people playing sport, to get people coached properly. The coaching investment is huge and it is not really the responsibility of the Premier League, but clearly we rely on it, we are the end of the chain in some ways, and we rely on that development at a lower level.

Q43 Helen Southworth: I am listening with fascination and it sounds almost as if everything in the garden is rosy but people tell me that we are not achieving as we should in the national team; people tell me that at every street corner, so things are not going as well as they should be, so maybe a little more focus does need to be given by football at every level rather than just hoping it will get better if somebody else deals with it. I want to ask you about the aspirations of young people, turning it the other way round, and instead of saying how we want the national team to achieve, how we want our young individuals to achieve. I am hoping that you can give me some good news around some of the opportunities for talented players to achieve their aspirations.

Lord Triesman: I think, Helen, that a lot of the things that both Richard and I have said about wanting to ensure that young players are recognised early, brought through early, given every opportunity early, really is about the aspirational question at the very beginning of the process. There has been a major report which we have commissioned from Richard Lewis, the Chairman of the Rugby Football League, about how to do this beginning to end, and of course the very beginning point is to recognise that very large numbers of young children, boys and girls, kids who are not always as able as each other as well as the kids who are obviously very talented, should get the opportunity to play the game in the right sort of format with the right sort of period of play, and that all of that encourages them not only in the development of individual skills but in the development of respect and regard for each other and for a team ethnic as well, rather than an individualistic ethic, which is a very big and fundamental starting point. One of the crucial points about Lewis and some of the other work that has been done by Sir Trevor Brooking, in particular, and others in his team, is to understand that the way in which you approach the job with kids when they are very young is very different from the later phases and you have to have coaches who understand each of those phases and can help kids meet their aspirations and their ambitions at each of those ages. It is curious the way we have always known that in education. We would not have thought it appropriate not to have teachers who understood the needs of young kids as opposed to kids as they get older. That is now pretty much in place. Almost all of the recommendations have been accepted overwhelmingly, and I want to make sure that we drive all of those recommendations through so that the format in which those ambitions and aspirations can develop is there. We probably need something like a green, amber and red scheme where we are

checking that we really are doing all of these things because a good report is just a good report and is just words on paper unless you do it all. I think there is the money in the sport to do it and that money is now being deployed, and fundamental to it should be that no youngster, whatever their ability, whatever their gender, gets turned off by the way in which we take them through this process.

Mr Scudamore: I think, Helen, you came at this from an aspirational point of view in terms of the England team and elite talent development, and that is one particular stream that David has talked about. Clearly aspiration alone is not going to do that and there is a physical demand, there is a talent demand, there is a coaching demand, and there is a development demand. I think, as David has alluded to, at the elite level, as I said before, the Premier League clubs themselves only take over at a certain point. We do not run schools and we are not responsible for every parent that ever managed a child's development. Therefore it is important that those systems are in place. The one good bit is the investment in facilities. Certainly if you go back to the Football Foundation, the Football Foundation has invested over £600 million in facilities. We think we have turned the corner in terms of the decline in available football facilities and that partnership between ourselves, Government and the Football Association has clearly led to an improvement in local facilities, and you will all within your constituencies, hopefully, be able to identify where those facilities have been improved. There is the other aspect though, is there not? There is the power of football to help aspirationally those that are not going to make it as elite footballers and again the community work is important. All clubs—Football League, Premier League—are committed to their community programmes, and if you are not going to be an elite talented footballer, at least the power of football can be used to create aspirations in other areas. We will have sent you all—and I would commend it—the Premier League's Community Report. The Football League has a similar one and the FA has a similar one. If you want some good news, never before have the clubs committed as much time, effort and resources into youth development. Never before have the clubs committed as much time, effort and resources into community programmes, into reaching out into the community and using the power of football to achieve some sort of societal change. Clearly that should have an impact on young people's lives. It will also, by definition, have an impact in terms of elite talent development, which is very much the very narrow, very thin strand now. It is going to be very few people that come through to make it at the very highest level but we will catch them.

Q44 Helen Southworth: You would be very surprised if I did not ask you about the commitment to women and girls' football. One of the advantages perhaps of looking at things across the White Paper's perspective is that it does look at issues around

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equity, which perhaps in the UK we have not been as good at as we should have been. What is the FA going to do to improve things?

Lord Triesman: I think it is very interesting that it is a sport that is growing very, very fast among girls and young women. It is probably the fastest-growing sport in the world for girls and young women, certainly in this country. There is a great deal more that can and should be done. We have got a very extensive programme to do that. I think the popularity of the sport is undeniable. Incidentally, towards the end of this month the Women's Cup Final is being played at Leyton Orient and if you or indeed anybody on the Committee would like to come with me to watch it I would be absolute delighted. It has not had the kind of exposure that you would need probably in media terms to build that more rapidly and I think there are things potentially we can do about that, although it is not easy because it does not have the same impact as certainly the senior men's game. We are investing in it. It is one of the central functions. We have not regarded it as a function which is simply a part of the amateur game or simply a part of the professional game but it is a central function for us at the FA. I have made it very clear that I will want to promote it at any opportunity, which is why I extend the invitation because it would help promote it.

Q45 Helen Southworth: Can I put in a plug for girls who in quite a number of areas in the country find that they do not have enough competition when they are wanting to excel. The FA has put in hand a pilot project for girls 11-plus to allow them to compete with boys where that is appropriate and where they have the abilities and their coaches believe that that is an effective way forward. Will you take a personal look at this and make sure that the benefits of it can continue?

Lord Triesman: Absolutely, I have already started to do so and I will continue to do so. I think it is probably the right way of doing it, Helen. It is always worth piloting something rather than assuming that you have definitely got the right answer to it, particularly when a number of professionals in the business have got to be convinced of it yet. I think it is a really, really good pilot and I can see no reason why we cannot draw some very profound conclusions from it.

Q46 Philip Davies: Can I press Mr Scudamore a bit more on the point that Adrian raised which is the nitty-gritty about the fact that sporting bodies have been carrying on for years perfectly successfully making football into one of the most, if not the most, successful sports in the world. You speak in your submission very warmly about the White Paper on Sport on the whole. Is it basically because at the moment you are coming up against a brick wall with UEFA and FIFA. Sepp Blatter and Michel Platini are very supportive of the home-grown player thing which you disagree with them fundamentally about. It appears over the weekend that they have been wiping the floor with your "mad" proposal to play a 39th game somewhere in other parts of the world,

which strikes me as being one of the worst ideas I have ever heard and obviously they think it is one of the worst ideas they have ever heard. Is the nitty-gritty of this that you are coming up against a brick wall with UEFA and FIFA so you are trying to bypass them, and the EU might be a bit more receptive to some of your wild ideas?

Mr Scudamore: Let us go back to your original statement, in terms of the White Paper, if you read it, we have said, as I said in my answer to Mike Hall's question, that we are broadly supportive of the thrust of the paper because what the White Paper says is there is not a one-size-fits-all approach across all sports and there is not a one-size-fits-all approach across every country because fundamentally sport is organised at the national level and it is a question for national identity. What we also believe fundamentally—and I go back to my point whether it be a freedom of movement issue or whether it be a competition law issue—that the solutions to the issues have to be worked out within the framework of European law, not outside the framework of European law, and therefore I suppose you would describe the Premier League's position as that of free marketeers in that sense that we have to work within the legislative framework that is there. That is why if we are—your words—warm towards the White Paper it is because we can see that the thrust of the White Paper is saying that it does not believe that you can rewrite European law in order to give sport a unique leg-up against other industries but what it also goes on to say is that sport is in a unique position because it recognises the economic impact of sport and it recognises the societal impact of sport—two things which we believe sincerely are right. I think the thrust of your question is: do you go and take your chances with those that you think you have got the best solution with? Remember, our response to the White Paper for Sport was submitted long, long, long before any ideas about how we might globally expand the Premier League. I have been interlocking with the European Commission now for almost ten years. This is a long-term position that we take. We have tried to convince the law makers in the European Commission—and Alan and others have helped—that what we do is proportionate and compatible with European law, and that is our position. That is what is reflected in the White Paper. You have tried to link this latest draft proposal into that political position, but it is not, this is very much a long-term position that the Premier League has held in its view to Europe and our White Paper response that you have read reflects our long-term position.

Q47 Philip Davies: So it is just a happy coincidence the fact that you seem to disagree on a daily basis with FIFA and UEFA and you are trying to bypass their responsibility for the sport via the EU?

Mr Scudamore: I know there are happy journalists sitting in the wings. If you were to go back and Google our position on the freedom of movement, on competition law, certainly on home-grown players and quotas, our position has been entirely consistent for probably the last ten years.

Q48 Chairman: I wanted to ask about the 39th game which Philip has raised. You suggested that you were perhaps a little surprised by the degree of hostility that this proposal was met with. Given that it has been slammed by almost every external commentator, is it not now a dead duck?

Mr Scudamore: No it is certainly not a dead duck because it has only just started. We have only had eight days of what is probably a year-long consultation process. We have a unique challenge in the Premier League, which those of you who are closest to it and know it best will have seen, in that we cannot start consultation with anybody until we have spoken to our 20 shareholders. The interesting bit about speaking to your 20 shareholders is that at that point you have to publish publicly. It is not like any other company where you could have a board meeting where you could sit round and discuss a takeover target or discuss a merger or an acquisition or a strategic move and at least expect some degree of confidentiality. We live in a world where to discuss it with our clubs is to discuss it with the world media. There are beneficiaries sat to my left and my right of that particular phenomenon and they are all smiling and writing. The only thing that has been difficult to convince people of is that this is the start of a consultation process; we have to now consult widely and we have to consult properly. We are not looking to do any of this immediately. It is a proposal that will need shaping, it will need looking at, it will need working on, but it is a strategic move. It is a strategic move to say that there is an issue of globalisation. We, as Alan has alluded to, have benefited enormously. English football has benefited enormously from the collectivisation and solidarity of its Premier League. That has led to huge benefits to my colleagues in the Football Association and the Football League because this is where we operate almost as a tripartite where the interest in our club football undoubtedly generates huge interest in the FA Cup, the Carling Cup and the Football League. Do not think that our success has been at the exclusion of others. If you look at the success of the Football Association over our 16-year history, if you look at the success of the Football League over our 16-year history, football in this country has developed together and we have all benefited from that success. Therefore, in a sense, what this set of proposals is is work in progress. It started only ten days ago. Yes, it has had some hostile reaction and clearly we are not going to take this forward if it in any way does not meet with some form of acquiescence from FIFA. Certainly the Football Association to my left and my colleagues from the Football League will have to be comfortable with whatever move and whatever direction we take. We have got until January 2009 to shape any proposals, to consult widely, consult properly, and to see how we manage to move forward in what is now a global sporting phenomenon, at the same time as keeping all 20 clubs within because, remember, the whole game benefits. Not only do our 20 clubs benefit but also with our redistribution mechanisms the rest of football benefits all the way down the pyramid, and therefore it is far better that we do this collectively

and do it strategically and do it for those reasons than somehow or other the global phenomenon of football it is captured outwith any formal collective structures which we have fought for—and Alan knows how hard we have fought to keep that collective structure in place. Therefore, all I would say to you is there is not much else I could tell you about the “daft” idea, to quote Philip, because it literally is in its infancy and the consultation starts, and it starts, rightly, with our colleagues at the Football Association, then it will go on to FIFA in the next couple of weeks and we will roll it out to see what sort of shape it is in. It will be interesting to see in three months, six months, nine months, 12 months what shape our international strategy looks like.

Q49 Chairman: Perhaps I could ask the FA because we were told that the initial response of the FA to this proposal was positive. Then a few days later you put out a statement saying that you had serious reservations about it, so which is it?

Lord Triesman: Chairman, I think the interesting thing about the very, very first comments that I read is that I found it very difficult to source them. Let me say that I will always take seriously new ideas, and I think the time to worry is when you do not hear the new ideas, but then you have got to evaluate the idea properly. We have taken a few days to think about a number of the factors that are involved, and these are factors that we will want to talk through with the Premier League. Firstly, I have been very clear from the beginning that whatever is proposed must not damage the domestic competitions or the prospects of the national side and fixture congestion and those issues are real issues, and I do not at the moment believe that we have seen what might be solutions to those, but that is a discussion which needs to be had still more thoroughly. Secondly, I am quite clear that the relationships with the international bodies have got to be sustained, not just because of the interests of the 2018 World Cup, although that is a very, very significant interest for us and it would be foolish for anybody to pretend that it is not, but because I think harmonious relationships with the international bodies are vital generally for football and for international competitions and there would be no point in flying in the face of that. Thirdly—and all of these are things I have put on the record more or less from the first day so I do not think there has been any mistaking them really—I think there has to be a real sense of confidence among the whole of the football family, the fans included, that a proposal is a viable proposal and a credible proposal. That brings me to the fourth point, and it is related very directly to the third, and that is that people should feel that whatever happens does not induce the kind of unfairness which may mean that their side which is always fighting on the edges of the relegation zone is suddenly confronted with a third game against a side that can probably do them considerable damage on any average encounter. There are all of those kinds of issues and I will say—and I have said it to Richard, there are no secrets between us on this matter—these are all issues which I think we have so

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far not heard what I would regard as sustainable answers to, but Richard is quite right, that some of that discussion would still have to happen. There may at the end of it be a very, very different outcome and very different proposals, I do not know, but one of the things which I think would be extremely important is that as we have the discussion, and whether the objections that I have raised are sustainable objections or turn out not to be, that what we do not do is just shoot from the hip but we think about it at each stage. I would rather be thorough. I do not think thoroughness is ever going to turn out to be a fault in the way we work.

Mr Scudamore: Can I add quickly, it is very interesting—and David and I have not rehearsed, we met for 30 seconds before we came in—the slide that we left with the clubs when we presented to the clubs last Thursday week said there are huge challenges and things that we need to think through and these are in this order: 1) primarily, fixtures and fixture calendar and congestion; 2) sanctions and our relationship with international bodies around the world; 3) the symmetry of our competition and whether that impacts upon the integrity of our competition; and 4) fan/supporter reaction on a worldwide basis. That happens to be the four issues that David has just raised, so we are not going into this blissfully unaware that they are the four big issues, and we recognise that entirely.

Q50 Chairman: So you are now agreed on the potential problems that have to be overcome; but, Richard Scudamore, you originally said on Radio Five that you had had positive discussions with Brian Barwick about this—he was the initial source?

Mr Scudamore: It depends which bit of Radio Five you listen to. If you listen to the bit they clipped and put into the news programme as opposed to the whole interview, when I was asked about Brian's reaction, I said quite clearly this: Brian Barwick's reaction when I told him was initially positive but within seconds he said, "However, within two weeks I am sure I will have come up with a whole host of reasons why I don't like it." What happened was that Radio Five chose to only on the news clips run the bit that Brian Barwick was supportive of it. I think in fairness to Brian you have to get the whole thing in the right context.

Q51 Mr Sanders: Can I come at this from a different angle and that is this: I represent a part of the country that is a long way from its nearest Premiership team so why are you not thinking about having the 39th game in a part of the country that does not have any—

Mr Scudamore: If Torquay wish to bid to be a host city we will look at it.

Q52 Mr Sanders: I am serious. If it is a national game, you go on about the pyramid and how you are putting money into the grassroots, you talk about how to get people interested. I am fed up with seeing kids in Premiership team strips rather than the local

teams that there are in Devon, so why not come to Devon and have a 39th Premiership game down there?

Lord Triesman: This is sheer happenstance really but the very first game I saw on the second day that I was working at the FA was AFC Wimbledon playing Torquay in one of the FA's tournaments, and you won two-nil, when you found out that the ball should be played on the ground rather than in the air, that is quite true. The thing I really wanted to say was that the enthusiasm of the supporters from both sides, including people who had made a good journey up to Kingston-on-Thames to watch a match, does show that enthusiasm and it really does illustrate a point I was trying to make earlier, and that is clubs at every single level can engender that enthusiasm with the kids' scheme (which was also visible because of the youngsters who had been brought along to see that game) which are very, very dynamic—absolutely alive and well. I do not think that anybody has any difficulty in getting from Torquay to Kingston because I saw them do it. They did it and they did it with fabulous enthusiasm. You could not fault them for travelling fans, I promise you that.

Q53 Chairman: Richard, do you not want to add anything?

Mr Scudamore: Not really. There is a difficult topic which over the next 12 months we will have to explore which is this concentric circle theory of interest in a team. Yes, I come from a place—my accent probably gives it away—and an era which says that you support your local football team, the one that you can get access to, but my parents took me, and my big message to everybody is "parents: take your children to your local football team" because that way they might just get engaged in it. You might think that is odd coming from the Chief Executive of the Premier League but the fact is that is not going to be for everyone. We cannot escape the fact that we have captured the attention of the world and not just the people born within sight of the stadium of the club that carries the name. We have attracted national attention. There have been three phases of Premier League development really. The first eight years was a domestic expansion where the teams became national teams. Almost all 20 once they played in it became of national interest. It was at the end of our eighth year that *The Times* put a page in the paper that said what was happening in the Premier League today and every single club got a block in that page and Liverpool famously had a line that said "nothing happened at Liverpool today". For a national newspaper to take up newsprint saying nothing happened tells you where the Premier League had got to in terms of its national influence. In the second eight years, which is more on my watch, it has become an international development where the phenomenon is having gone from one international broadcaster to over 200. The next phase is different to international. We see the next phase as being a global phase. Does that mean that you lose your roots? No, it does not. Does it mean that you do not still have that absolute hard

core of fans born within sight of the stadium, committed season ticket holders? No, it does not. Does it mean you have to work harder at all this stuff to keep your roots absolutely embedded in the community? Yes it does. And it does bring new challenges because you have to work harder at all this stuff in some ways to keep yourself grounded where the football clubs need to be grounded which is right in the community.

Q54 Mr Hall: I think it is a completely barmy idea and from what you have said it is already fatally flawed because you have talked about the symmetry and the integrity of the Premiership and that is based on every club playing each other home and away and the team at the end of the day with the highest number of points wins and the bottom three go down. If you change the fixture list to say that arbitrarily there are going to be ten fixtures somewhere, anywhere, in the season that will influence the outcome of those that are relegated and those that are Premiership champions you have destroyed that particular integrity. I think it is a completely barmy idea.

Mr Scudamore: Okay, that is an opinion!

Q55 Mr Hall: So you do not think that each team playing home and away and the best team wins and the poorest teams get relegated is how it should be sorted out then?

Mr Scudamore: That is perfect symmetry. We know the one issue we have to wrestle with is the deviation from that perfect symmetry. You cannot do this, in our view, without deviating from the perfect symmetry. The only other way to do it is anathema to us, which is to take one of the regular fixture rounds abroad, and that would mean depriving season ticket holders of a home game and everything else. Not only depriving season ticket holders of a home game but altering the home advantage because clearly your home fixture would be played somewhere else and that would be wrong. The only way to do this is in some ways to upset the symmetry. The issue we have to work on—and we are working on—is coming up with a format. Remember, we have never said who is going to play who or what the format is, whether it is an open draw, whether it is completely fixed, whether it is based on last season's standings; we have never declared what the best way of doing it is. That is what we are working on and we will decide after consultation as to whether that deviation from perfect symmetry is proportionate and worth it in the scheme of things to achieve the objective we are trying to achieve. If it is deemed not to be worth it then the whole thing will be reformatted and we will think again about our global expansion. I take your point; it is fundamentally the big issue.

Q56 Alan Keen: I fell into temptation and when David mentioned Torquay beating AFC Wimbledon, it would have been harder for them to

beat them had big business not taken away AFC Wimbledon's football club and sent it to Milton Keynes a long time ago. Coming back to the 39th game, where people now are thinking about twisting the competition for the sake of more money, if that money from those ten extra games was all going to developing football in those nations, I think that the public would have accepted that as more acceptable, but even then we would still say competition must be proper competition and rules must not be bent.

Mr Scudamore: Alan, I cannot let you talk about perfect competition being bent. Sport is littered with examples where sport is played and the integrity is not compromised but it is an unfair system. The UEFA Cup, for example—one of our biggest critics of this whole scheme, a leading sports writer for one of our national media, when I asked him the question when you get to the group stage of the UEFA Cup how many games in a group of five does a team play, he could not answer the question, did not know the answer to the question. The fact is they play four games, two of which they play at home and two of which they play away. It is not perfect symmetry but it is a perfectly legitimate and acceptable competition and nobody questions the integrity of the UEFA Cup. Therefore we have got to get off this idea that it is bent. It is not bent, Alan, it is basically a departure and a minor departure, a 39th of a departure from perfect symmetry, I accept that.

Q57 Mr Hall: It may be critical if you are going to win or lose and either get relegated or points at the top of the Premiership.

Mr Scudamore: Nobody gets relegated or promoted on one game. You do not get promoted or relegated on the last day, any more than you do on the first day, any more than you do on the tenth match. Each game contributes a 38th to your downfall or otherwise, and if we play a 39th, it will be only a 39th of the outcome of the season; it will not be the entire outcome of the season.

Q58 Mr Hall: If Derby County play Manchester United and you go down by three points and you have played United three times, you are going to be pretty brassed off.

Mr Scudamore: And you have already made an assumption that that is a match up that could possibly happen. We have not even got there in terms of the format so at least allow us to come through with some suggestions on various formats and then we will consult widely to see which is deemed to be the most acceptable.

Q59 Chairman: We must move on. I think the one thing we are agreed on is that football should run itself and not be run by politicians, and I am sure that is something which will be a great relief to you.

Mr Scudamore: Thank you and we will carry on doing the best we can, even with so-called "mad ideas".

Memorandum submitted by the Central Council for Physical Recreation (CCPR)

ABOUT THE CCPR

1. CCPR is the representative body for sport and recreation in the UK, counting over 260 national governing bodies of sport and other national sport and recreation organisations within its membership. CCPR exists to promote, protect and provide for sport and recreation in the UK by demonstrating the benefits that sport and recreation bring to society, working to reduce adverse impacts from legislation or other causes, and providing a range of high quality services to enable its member organisations to operate effectively.

2. CCPR is also an active member of the European Non-Governmental Sports Organisations (ENGSO) which represents more than forty national (EU and non-EU) umbrella sports organisations across Europe and also a member of the EU Sports Office.

OVERVIEW

3. CCPR welcomes the White Paper on Sport and expresses its willingness to work with the Commission to implement the positive actions in the Paper alongside national government, fellow sporting bodies in the UK and other Member States.

4. CCPR understands that sport remains outside the competency of the EU and that for this reason it is not easy for the Commission to introduce legislative proposals and secure budget through the Paper. However, given the time and effort put into the Paper, it is nevertheless disappointing that no specific funding has been made available to sport and that the specificity of sport has not been clarified.

5. CCPR is also concerned that the Paper treats grassroots sports and professional sports as distinct entities. Sport must be regarded holistically if it is to thrive.

6. However CCPR does hope that the Paper heralds the first steps towards the Commission promoting sport in Europe, working more closely with national sports organisations; guaranteeing the specificity of sport in Europe; clarifying sport's position with respect to EU law and opening EU funding streams for sport.

STRENGTHS AND OPPORTUNITIES OF THE WHITE PAPER ON SPORT

The White Paper on Sport contains many positive actions, and the European institutions and member states should work together to develop many of the ideas outlined. These positive proposals are highlighted in this section and where issues have specific actions associated with them as laid out in the action plan by Pierre de Coubertin which accompanied the White Paper, they are noted in the comments.

7. Promoting voluntary non-profit sport organisations has the potential to benefit grassroots sport enormously. By identifying key challenges and the main characteristics of services provided by sports organisations (Action 10) and launching a study on volunteering in sport (Action 14) a better understanding of the needs of voluntary clubs can be established. CCPR is uniquely placed to analyse non-profit sport in the UK and has already completed a comprehensive sports club survey.
8. Carrying out a study on the financing of grassroots sports in the member states (Action 37) is a positive step and will hopefully allow the European institutions to understand and protect how local level sport is funded. CCPR's members have offered help in creating a full analysis of the economic impact of sport (Action 35).
9. Supporting the EU Health-Enhancing Physical Activity (HEPA) network will be beneficial. CCPR agrees that sports organisations can be very influential and play a significant role in encouraging greater levels of physical activity in the community in addition to their core sporting purpose. CCPR encourages the creation of smaller networks to focus on this topic (Action 2) and notes that the UK can help to develop European physical activity guidelines in line with its current standards (Action 1). Such networks on a European level emphasise the need for sport to be considered cross-departmentally, for example being an integral part of Department of Health policy.
10. Organising structured dialogue with sports stakeholders (Action 49) will aid the development of European sporting policy. CCPR is encouraged by the Commission's new determination to hold structured dialogue with national umbrella organisations, but also notes that Europe should engage with more individual sports as currently European lobbying is dominated by football. At a national level, working groups in Brussels are nominated by DCMS and CCPR hopes DCMS will continue to include us as a key partner and nominate the CCPR in appropriate fields such as the working group for non-profit sports organisations where CCPR is the expert in the UK field.

11. Defending VAT rates for sport (Action 38) is crucial for grassroots and governing body development. However, more should be done to share and encourage European best practice. Current UK taxation for sports and sports organisations is less positive than many European countries (eg Denmark, where sports clubs have preferential tax arrangements).
12. Development of education, training and the European Qualifications Framework (EQF) in sport (Action 7) will aid mobility of sportspeople and the transferability of skills. CCPR is pleased to see potential development of pan-European coaching qualifications, development and sharing of best practice. In particular, the Commission should work closely with ENSEE to develop their coaching goals together and prevent overlapping work streams.
13. Prevention of racism and violence in sport (Actions 18 to 24) is naturally a key area in which the European institutions can make a positive impact. CCPR is encouraged by the initial efforts of DG Culture and DG Justice in opening up discussions to stakeholders and to take positive action in addressing racism and violence in sport. It must be noted that stakeholders from the UK have much to offer this debate in terms of best practice and experience.

THREATS AND WEAKNESSES OF THE WHITE PAPER ON SPORT

A lack of legislative proposals and firm action is notable in the White Paper. CCPR understands the difficulties of creating positive legislation for sport given that it is not a policy competence for Europe. It is hoped that, with the ratification of the Reform Treaty, more emphasis will be given to sport in Europe and the Commission can redefine the following issues that were not addressed in enough detail in the paper:

14. The autonomy of sport is not guaranteed by the Paper (Section 4.0) and the ability of national governing bodies to define their own sporting regulations is not defined in full. The White Paper on Sport suggests that governance is “mainly the responsibility of sports governing bodies”—however sporting governing bodies should be entirely responsible for the running of their sports within EU and national law and also be given the reassurance that changes made to protect sport and fair competition or prevent negative aspects such as ticket touting, money laundering or corruption will not suffer legal challenges.
15. The specificity of sport is not defined (Section 4.1). Sport has a specific nature which derives from taking specific rules governing competitive structures. It should therefore not be subject to all EU or national law with complete rigidity. For example national sports teams do discriminate against free movement of workers by preventing non-nationals competing in national teams, but this has been sanctioned by the European Court of Justice (Walgrave and Koch 1974). In the Meca-Medina case (2004) the ECJ elaborated that, while there should be specific consideration to sport, sporting law can only be defined on a case-by-case basis. This simply does not meet the needs of sport. The national governing bodies of sport must be able to act in the secure knowledge that rule changes they make for the good of sport cannot be challenged under EU law. The legal position of sport in Europe with respect to both its autonomy and specificity must be improved and defined.
16. The separation of grassroots sport from professional sport in the White Paper on Sport is artificial and potentially damaging. Income from professional sports is vital in providing investment to grassroots sport. For example 80% of cricket’s income comes through streams related to the national game, which also shows the genuine need to encourage home grown players to create successful elite players.
17. Uncertainty over home-grown players and quotas is set to be addressed, but care needs to be taken to properly tackle the issues. It should be up to the autonomous national governing bodies of sport to determine whether player quotas for home-grown players or non-nationals are needed to develop and promote their sport. The White Paper does afford sport some hope in conceding that “certain quotas of locally trained players could be compatible with the Treaty”, which may well be in line with previous European Court of Justice rulings such as Walgrave and Koch (1974) which recognised that national teams need not offer opportunity for non-nationals to represent their nation and that sport lies outside the scope of the free movement of personnel in this instance.

A Commission study is underway to analyse access to individual competitions for non-nationals (Action 40) and access for home-grown players (Action 9), but only the world of football is being considered. This is unacceptable given the impact third party nationals have on a variety of sports, most noticeably cricket and the codes of rugby in the UK and the sports of ice hockey, handball and basketball throughout Europe. There is also a lack of clarity on the legal standing of quotas and EU agreements; for example the Cotonou trade agreement would allow free movement of many African, Pacific and Caribbean players (of particular importance in rugby and cricket), if the criteria of the Kolpak ruling were applied, but no guidance has been given as to whether this trade agreement affects the free movement of sportspeople.

18. Lack of protection for sports media and intellectual property rights means a failure to safeguard funding for grassroots sport and must be explored in more depth (Action 48). The CCPR-led Voluntary Code of Conduct in relation to the broadcasting of major sporting events ensures that signatories provide at least 5% of TV rights income annually to directly fund grassroots initiatives. Grassroots sport deserves a fair return from media rights.

19. Betting integrity is not explicitly addressed in the White Paper and its danger only implied under the threats of corruption and money laundering (Actions 44 and 45). Betting integrity was, however, named specifically as a new and real threat to European sport by Michel Platini, President of UEFA, at the Commission's Violence in Sport Conference. Concrete steps need to be taken to ensure that professional sport can address the question of integrity; currently betting firms use sports' intellectual property to create profits without supporting sport or contributing to the costs of maintaining its integrity.
20. Limited EU funding programmes for sport exist within the EU, despite the identification of streams applicable to sport identified in the White Paper (Actions 3, 6 and 15). In the streams identified, sport is not the explicit function of any of the funding and therefore EU money is difficult for sports organisations to obtain. CCPR understands that, as Europe has no competence in sport as a policy area, it cannot offer funding streams just for sport, but CCPR encourages the Commission to create funding streams focusing on sport for sport's sake when the Reform Treaty is ratified and Europe gains a supporting competence in sport. In the meantime, the Commission should encourage cross departmental dialogue to raise the opportunities for sporting initiatives within the funding streams identified in the White Paper (eg social cohesion, health, gender equality, qualifications etc).
21. Gender equality in sport is not afforded genuine help despite being highlighted in the White Paper. CCPR is already primed to help in developing leadership positions for women within European sport (Action 17) as it leads project ENTER!, a pan-European venture to promote women's leadership in sport, but European funding is vital for its success and the Commission has confirmed that it cannot positively help the project until the Treaty is ratified. CCPR urges the Commission to develop its policy on promoting women in sport fully after ratification of the Treaty and encourages a joint strategy with DG Employment, Social Affairs and Equal Opportunities immediately.
22. Licensing systems for clubs and protecting minors deserve more concrete action. The White Paper on Sport does propose outlines for self regulatory licensing systems (Action 46 and 47) for sports clubs, although this is restricted to professional clubs and initial work to football. Within England there is now a well established set of criteria known as Clubmark which seeks to ensure the clubs are safe, effective and child friendly. CCPR recommends the EU also looks at a similar grassroots scheme, rather than restricting itself to professional clubs. In relation to protecting minors, the NSPCC Child Protection in Sport Unit can provide input on effective ways to ensure children are protected from abuse during sporting activities. The NSPCC recommends that the European Commission promote the development of common EU standards for creating safe environments for children as part of the follow up to the White Paper.¹ This would help ensure that all EU Member States put in place proper procedures for safeguarding children in sporting organisations, including pre-employment checks on those applying to work (in a paid or unpaid capacity) with children. Supervision, short-listing, referencing, evaluation, training, policies and ethical principles are also required if children are to be protected.
23. The fight against doping must complement not duplicate current efforts (Actions 4 and 5). The European Commission has communicated with CCPR that it will become involved with doping issues in sport at some point in the future. CCPR hopes that the Commission will limit its role to a facilitating one given the work of WADA and the high number of live committees addressing doping.
24. Green issues should be examined more closely. While CCPR agrees it is important to promote environmentally sound management, some areas of green procurement policy have been onerous in the past and it is important to strike the correct balance which will allow sport to prosper. Environmental procurement policy is almost exclusively a European policy and member states have limited influence, it is therefore essential that sport has a positive and direct input into European policy development in this field.

CONCLUSION

25. CCPR welcomes the White Paper for sport and looks forward to working with the Commission, Member States and UK sporting organisations to do everything possible to further the opportunities for sport in the UK and EU.

26. In particular CCPR will look to Europe to increase funding streams for sport, guarantee the specificity and autonomy of sport, clarify EU law with respect to sport and understand that sport must be regarded holistically by including both grassroots and professional sports together.

January 2008

¹ NSPCC briefing, "Playing safe: Protecting Europe's children from abuse in sport", October 2007: http://www.nspcc.org.uk/Inform/policyandpublicaffairs/Europe/Briefings/childprotectioninsport_briefing_wdf52057.pdf

Witnesses: **Mrs Brigid Simmonds** Chair, and **Mr James MacDougall**, European and International Officer, Central Council for Physical Recreation; and **Ms Sue Tibballs**, Chief Executive, Women's Sport and Fitness Foundation, gave evidence.

Chairman: We now move on to the CCPR and Brigid Simmonds and James MacDougall; and for the Women's Sport and Fitness Foundation their Chief Executive Ms Sue Tibballs. Thank you for your patience in waiting for us. Adrian Sanders is going to start.

Q60 Mr Sanders: In very general terms is the White Paper a step forward or a step back for sport in the UK?

Mrs Simmonds: We very much welcome the White Paper. We would specifically welcome the issue around specificity and, if anything, here I might disagree with the Premier League in what they said about that issue. It is all very well if you are the Premier League with the sort of resources that the Premier League has to deal with European issues. It is different if you are, as the CCPR represents, smaller governing bodies of sport who are constantly fighting against directives where sport is included and we need to get sport excluded and we have to work very hard on that and indeed the number of European issues that are coming up around sport. We need some clarification and we see the White Paper as a step forward in that direction.

Ms Tibballs: The Women's Sport and Fitness Foundation, as the name suggests, is about understanding how to promote sport and physical activity to women and, as such, the White Paper makes reference to women and minority groups (as women sometimes get called) but in a rather random and ad hoc way, so an over-arching point for us would be we know that women have a completely different relationship to sport than men, not just in terms of participation where there is a gap but actually in terms of what women do, so for example in the White Paper where it talks about through sport increasing physical activity, there are completely different opportunities to do that through sport for women than there are for men. Only two of the top ten things women do to keep fit are sports; it is six out of ten for men. So an over-arching point would be that sport has to gender disaggregate its strategies top to bottom. You cannot just add it in after having come up with an approach and a set of policies and think, "Oh and, by the way, we must not forget about how this might impact on women." Sport is a man's world and in the UK more so than other European states, and that is anachronistic in a society that is equalising. I would not argue this in all sectors but I think in sport it needs to look at gender from the beginning and right through the piece. There are particular groups of women, like ethnic minority women, who do get mentioned. Yes, they face double or triple disadvantage and, yes, we need to make sure that we have particular strategies for them but let us not forget the 51 per cent of the marketplace that sport needs to deliver to. That also then brings us to the issue of definition of sport and what the White Paper thinks sport is, because, depending on how wide you define it, you pick up women if it includes running and if it includes gym. It is a debate that is very live

here and now but it is not clear in the White Paper what it understands sport to be, and that obviously would have quite a big bearing on the gender implications of the Paper.

Q61 Mr Sanders: Back to the Central Council, you have been following the progress of this White Paper very closely right from the beginning. Do you believe the end product matches the original intentions?

Mrs Simmonds: I think that is quite difficult to say. I think there are things that have been ignored and they have come up in the evidence that you have already heard this morning that have not been included that we might wish to have seen included, so I think in that sense there is a certain fudge aspect to it, but there is also an element going forward that, as long as the Lisbon Treaty is ratified (which I think we would expect it to be) that this opens up opportunities for sport and it opens up opportunities for funding of sport in the UK where it has always had difficulty in the past. I can give you an example of Tavistock Swimming Pool which was funded by European grant. It was funded by European grant because Tavistock was considered to be in a tourist area. It was not funded because it provided sport and health and fitness for the local people of Tavistock. I think one of the benefits of this paper in moving it forward is that we could see funding for sport and clubs *per se* which would be very much a central theme for the CCPR in going forward.

Q62 Chairman: It has been suggested to us that actually there are some dangers, particularly to small voluntary sports clubs, that European intervention might start to impose burdens on them. Is that something that you have been aware of? Have you had any concerns expressed by the smaller members of the CCPR?

Mrs Simmonds: If I could give you two examples where we have had real problems in the past. There were two EU Directives. The first was on Working At Heights which we had to fight for some two years. Originally this was about safety in scaffolding and it ended up with the suggestion that you would have to put signs on Snowdon to warn instructors in mountaineering that it was dangerous to go climbing on Snowdon. We took two years of working with the Health and Safety Executive to work out that climbing and the sorts of ropes that were used in climbing by the British Mountaineering Council were perfectly safe. Another example was the EU Bathing Directive which, if it had covered sport, would have meant that the Boat Race between Cambridge and Oxford could not have gone ahead because the Thames would not have been considered clean enough. There are plenty of examples where if we had specificity, if sport had some form of exemption, we would be enormously helped and that would help the smaller sports. James, I do not know if have any examples of the smaller sports?

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Mr MacDougall: Certainly in terms of what we are looking at, the first question was a point about non-profit sports organisations and voluntary sport, and we are very pleased to be helping the Commission with the research they are doing into non-profit sports organisations. I think it is also worth mentioning that some of the points that we have heard earlier are not just necessarily affecting the big sports. We have talked about home-grown players at length in football, cricket and so on, but you should look at some of the smaller sports like ice hockey and handball in the UK. For ice hockey, for example, there will be an influx of players from Scandinavia and North America as well and that will prevent young talent here. So it is not always about the large economic areas and you have to look at some of the smaller areas, and this is why there should be a White Paper on Sport.

Q63 Mr Hall: In terms of voluntary sport, what are the major difficulties you are facing at the moment and what is it that the Commission could do in response to those problems?

Mrs Simmonds: A lot of issues are, as ever, to do with funding and we have now the diversion of Lottery funds for 2012. We hugely support 2012 but it is going to mean that there is a lack of grassroots funding and in fact the CCPR is pressing very hard for something that we hope will appear in the Budget on 12 March which is around Community Amateur Sports Clubs enhancement, so gift aid could be available from children's subscriptions and we could remove the problems that stop some sports clubs from signing up to the scheme (deemed disposal). One of the areas where Europe could help this is by providing funding but also by stopping the issue that we constantly find when we go to the Government of being told that the help they might offer to sport might constitute State Aid. We are aware when you look across a lot of other European countries that they provide a lot of help to the governing bodies of sport which is not seen to constitute State Aid. That seems to be a problem here, and if I could give you an example: a lot of the big sports are paying corporation tax on money that they actually spend on grassroots sport development. When we had discussions with the Treasury about that they raised the issue of State Aid? If we could get over that, one of the benefits of the White Paper is about sharing best practice, about looking across countries, whether that be in Finland and how hard they have worked to reduce the issues to do with cardiac arrest and the numbers of people who have that problem, or whether it is looking at what other countries do in terms of tax treatment, that would be hugely helpful.

Mr MacDougall: The very first question we had was whether it was important and whether the White Paper was a step forward, and the fact is it is excellent, and the reason is because we are sitting here and talking about it, they are talking about it in Holland, they are talking about it in Belgium, and they are talking about it in Italy. They are talking about it all over Europe. I have been in the Faroe Islands talking about it this year. Sport is the biggest social movement in Europe. It affects 500 million

people in Europe and 60% are regularly active in sport. That means 300 million people are regularly playing sport, so it is very important that we discuss this and we get some of the issues that have been missed in the White Paper—section 4.0 on specificity and autonomy and 4.1 on betting and intellectual property rights. As we have said before, it is very important that we get it on the table and we can start talking about it. The European Commission is at the moment creating their sports policy for next year ready for when the Treaty is ratified, and it is important that we are part of this discussion now and we can put these points forward, and that is the really vital part of the White Paper.

Q64 Mr Hall: Is it fair to say then that the White Paper has had a positive impact on grassroots sport?

Mrs Simmonds: I think it could have a positive impact on grassroots sport. It could also help to remove some of the bureaucracy that we face at the moment. It seems often to be an uphill battle. The UK has led Europe around child protection issues but it is also a very bureaucratic system which for volunteers at a very local level is quite difficult. The issue that is being consulted on at the moment is to do with migration into the UK from people outside the EU. The idea is that to be allowed to come here you have to earn around £23,000 and be able to speak English. That is not suitable for sport. There is a consultation around there being a sports tourism visa which would allow people who want to compete at Wimbledon or the World Rowing Championships or the London Marathon to come in on that sort of visa, but we constantly have to argue for that sort of help. Sport, as ever, is not always at the top of the political agenda and there is a tendency, possibly because DCMS are quite a small department, for other departments to impose things on us, as indeed happens across the EU. That again is where volunteers really could benefit in the long term.

Q65 Mr Hall: Is the community sports sector geared up to take advantage of the White Paper? What has it got to do to reap the benefits of it?

Mrs Simmonds: If I am honest, when I first read the White Paper I thought what on earth is all this about; you needed to be an expert in Europe, as James obviously is, in European speak almost, to understand it. The CCPR has had a presence in the EU Sports Office now for many years. We regularly provide a European update to all our members. We have James who is purely concentrating on European issues. It is up to us to communicate with our members the parts of the White Paper that they really need to look at, how it moves forward, and to be influencing now how that White Paper might move forward on their behalf at a European level to ensure that when the Treaty is ratified and sport became an EU competency that we are in a position for it to move in the right way.

Q66 Chairman: You have expressed generally positive sentiments towards the White Paper. Can I quote to you the evidence we received from the

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British Olympic Association and see whether you would agree with that. They said: “Sport is built on the work of volunteers and those coaches, clubs, governing bodies and international federations who protect and promote their interests. The BOA believes that sports federations and governing bodies should be given the freedom to govern and regulate their sport without undue interference from governments. The absence of a specific reference to the autonomy of sports organisations within the White Paper could potentially have far-reaching implications for sports organisations.” They go on and say that they “are disappointed that the White Paper has not gone far enough to define the specificity of sport and thus ensure the protection of sport from aspects of EU law by allowing regulatory discretion for governing bodies.” Those concerns suggest that this could represent quite a significant threat to governing bodies in sports. Do you not share that concern?

Mrs Simmonds: I think we share that concern if there is an understanding that specificity is not going to be taken forward. That is absolutely crucial and you have heard from all your witnesses this morning that autonomy is a crucial issue. Sports are different and they should be allowed to run their sports in their own way. Under freedom of movement within the EU you could find you had a Danish British champion if you followed the letter of EU law. So, yes, we would share very much the BOA’s concerns, but we believe there is enough in the White Paper to help us move forward in terms of specificity, and we would hope that autonomy within individual sports to make their own decisions about how they work would follow.

Mr MacDougall: A further point from that, because of the White Paper and because we have all been talking about it, and because the BOA and the IOC and the EOC and ENGSO, the European Non-Governmental Sports Organisation, which I am on the working committee for as well, have talked about specificity and autonomy and how important it is, this summer the Council of Europe in the French Presidency are going to do a study on autonomy. So it is exactly this sort of discussion that we are encouraging to try and move this forward so we do have firm conclusions for autonomy, specificity and the other things that are lacking in the White Paper.

Q67 Chairman: We have the same experience that when we talked to the Commissioner he absolutely endorsed the idea of autonomy and specificity and all these things, but would you not feel rather more reassured if it had said so in black and white in the paper?

Mrs Simmonds: Yes we would.

Ms Tibballs: Can I come in here, because if the question is about should governing bodies be free from any intervention by governments, if you look at the performance of governing bodies in relation to their investment in women’s sport I do not think, left to their own devices, they are rising to the challenge. One of the key challenges for sport at the moment is that investment reaches women, and it often does

not. That is a challenge for public investment, incidentally, as well, but one of the questions I would put to the Premier League and the FA and a lot of the big sports is their CSR. Their community investment is not mature; it is not at a standard that is commensurate with other sectors; they are not investing enough. As you all know—and I know you took a keen interest in this—in women’s football there is no paid professional woman player in any team and women’s football has no successful competitive upper league. That is shameful in a sport that has so much money. Similarly in governance terms, there is one woman out of 47 people in the FA’s senior governance structure and there are no women in cricket, so my recommendation at the moment to the Secretary of State is with the Government reviewing in this country how it invests in sport, it is a great opportunity to say, yes, we are going to put public money in but these are the outcomes that we desire, and of course it has to be the role of government to say these are the social outcomes we require. I think you need to do it because the sports sector as it is is becoming embarrassing dealing with what I would argue are some normal social standards of our day.

Q68 Chairman: But would you want Europe to get involved?

Ms Tibballs: There are other European states that have got far more progressive in these terms so I think there are good opportunities to share experiences. In terms of the detail of the legislation, I am not sure. We have six staff; we do not have a European lobbyist who I can call on to keep close to the legislation. I think the White Paper is quite muddle-headed but it is a first draft and I am sure that it will become clearer. It seems to me that there is quite a lot in there about protecting certain things and making sure that the thing is not corrupt and there is no cheating and so on. I would like a stronger, clearer vision for what the role of government in Europe should be, and I guess I am just pointing at some of the areas that we would want to see reflected if you were looking at a European-wide responsibility for government.

Q69 Helen Southworth: You have begun to raise the question that I was going to be asking you around which is how well does the UK perform in terms of women’s involvement in sport against other European countries?

Ms Tibballs: We have got some international data but it is difficult to compare because there is not a lot of data collected. Again, a very simple point is that there needs to be better collection of gender disaggregated data across the piece in sport. We certainly know that in some European countries, the Nordic states, as ever, they have a far greater participation profile of women across all life stages, and in other countries sports do much better as well. There is new research that has shown that we are somewhere along with Russia in terms of how girls think of sport, which you might say is not the level that we would like to be setting ourselves. The UK seems to have a unique bias to its sports sector which

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I think is true across Europe, but we seem to have particularly championed that aspect in this country. I know it is something that the sector as a whole feels strongly about and I think it is our challenge as an organisation to be helpful in finding the solutions. I do think that is a positive thing about the White Paper, that it allows us to talk to European colleagues and try and understand why we are at the Russian level.

Q70 Helen Southworth: In terms of coaching and refereeing in sport, you will be aware that people will often come back to us and say that women cannot compete against men, but that cannot conceivably explain why there are so few women who are coaches and referees in sport. Do you think there are opportunities here for shifting that and do you think that they are made clear enough in the White Paper currently or whether that needs to be extended?

Ms Tibballs: Yes and no. I guess that speaks to my point that at the moment we need a market analysis and an understanding of the market that sport serves. It is piecemeal in the report and it needs to be more consistent in recognising up-front that different groups have different relationships to sport and women, as half the population, should be treated differently from other “minorities”. The capacity of women in the coaching sector is very under-developed. We run a Women into Coaching programme in London that has trained 400 women into coaching but it is just a tiny drop. We know that we need to encourage many, many more. I guess I see

that as a subset of the bigger challenge in sport to understand more about women’s lives. Often you do need to design things differently to enable women to benefit from the training and resources that are available. I do think there is a high level of recognition of the problem, however, and actually I would say that my organisation has not at times been clear enough about what it wants to happen. It is very easy to point to the problems all the time. A lot of the governing bodies we work with very closely now look in much more detail about what can you do to make sure we reach more. For example talking to rugby, they have something like 274 sports development officers working with men and boys and five that do women and girls, so we have started a conversation about why do they not all do everybody? There are some quite simple things that can be done. I do not know if CCPR has a view.

Mrs Simmonds: CCPR would very much support what Sue is saying. I think what we have to watch carefully is how the Government develops the Obesity White Paper and the role that the Department of Health has, because in many ways many of the areas the Department of Health is looking at—health and fitness, aerobics—would fall under physical activity rather than sport, and at the moment we see lots of politicians saying lots of good things; we see very little evidence of officials on the ground actually talking to us about how they are going to make that into a reality. I think that is very important going forward.

Chairman: May I thank you very much for today.

Written evidence

Memorandum submitted by the Rugby Football League

The Rugby Football League (RFL) is the governing body for rugby league in the United Kingdom. The RFL is also a member of both the Rugby League European Federation (RLEF) and Rugby League International Federation (RLIF), and the RFL's Executive Chairman is the Chairman of the RLEF and Vice-Chairman of the RLIF.

The RFL welcomes the Culture, Media and Sport Select Committee's decision to hold an inquiry into the European Commission's White Paper on Sport. The RFL is aware that the Central Council for Physical Recreation (CCPR) has also submitted a response which the RFL endorses.

THE SOCIETAL ROLE OF SPORT

2.1 *Enhancing public health through physical activity*

The RFL believe that this is an interesting element of the paper. Sport provides many benefits, but, with government's focus switching to obesity and health agendas, the RFL believe that sport and the sport governing bodies can play an important part in that agenda. However it should be recognised that sport should not be used simply as a tool to deliver targets unrelated to sport participation. Sport should be supported as sport in its own right.

The RFL supports the emphasis on Youth & Citizenship, but much of this already happens and should be supported rather than start anew.

2.2 *Joining forces in the fight against doping*

It goes without saying that as a sport that has adopted the WADA Code, Rugby League is committed to the fight against doping. The RFL works very hard with UK Sport to combat anti-doping and to educate Rugby League players. It is pleasing that the EU recognises the law-enforcement and a health and prevention dimension and such commitment should be recognised with the appropriate level of funding.

2.3 *Enhancing the role of sport in education and training*

Sport has numerous benefits to offer these two fields and some best practice can already be seen at many Rugby League clubs who have opened their doors to young children in order for sport to be used as part of their education.

The RFL agrees with the CCPR that the development of education, training and the European Qualifications Framework (EQF) in sport will aid the mobility of sportspeople and the transferability of skills. The RFL is encouraged by the potential development of pan-European coaching qualifications, development and sharing of best practice and the RFL has attempted to bid for this over a number of years.

2.4 *Promoting volunteering and active citizenship through sport*

The RFL agrees with the CCPR that by identifying key challenges and the main characteristics of services provided by sports organisations and launching a study on volunteering in sport a better understanding of the needs of voluntary clubs can be established.

However, the EU should recognise the amount that already goes on and support this with any finance that is available in order to help clubs, for example, to help themselves.

2.5 *Using the potential of sport for social inclusion, integration and equal opportunities*

The RFL is fully committed to social inclusion, integration and equal opportunities. The RFL has shown this commitment with the appointment of an Equality and Diversity Manager and would welcome input into the EU on this area of activity. The RFL's belief is that those involved in sport at all levels should reflect the communities in which they are based.

2.6 *Strengthening the prevention of and fight against racism and violence*

The RFL is equally committed to these agendas. As a sport, the RFL believes that Rugby League has a lot to offer in terms of best practice and would welcome being involved in discussions on these two points. The RFL has rolled out a RESPECT programme which the RFL could offer to other sports and nations. The RFL would welcome financial input to assist the development of this across other sports and in other countries.

2.7 *Sharing our values with other parts of the world*

Sport can be a useful tool in sharing values internationally. This can be through international competition and through the establishment and support of European and international bodies. European funding to help develop on each of these fronts, particularly at European federation level, would be extremely beneficial. In 2003 the RFL created the Rugby League European Federation and is still today having to provide most of the financing for the organisation.

Grassroots sports need help setting up exchanges and the RFL would suggest EU funded and supported competitions at grass roots levels to promote competition and exchanges within and outside the EU. The RFL would be happy to pilot this.

2.8 *Supporting sustainable development*

The RFL would welcome being involved in structured dialogue relating to participation in the Eco Management Audit Scheme (EMAS) and Community Eco-Label Award schemes. The RFL is willing to consider promotion of these voluntary schemes during major sport events, but the EU must recognise that sports are heavily reliant on commercial and sponsorship income from these major events, which should not be prejudiced.

THE ECONOMIC DIMENSION OF SPORT

3.1 *Moving towards evidence-based sport policies*

The RFL has participated in several publicly funded studies into the impact of sport on local economies. These have proved very beneficial in identifying the key benefits of sporting events and sport in general with its major contributions to local areas. The RFL would welcome further such studies, which, it is believed, will produce similarly positive results.

It is worth clarifying that this should be both professional and grassroots sport.

3.2 *Putting public support for sport on a more secure footing*

The RFL agrees with the CCPR that this is a positive step and that this will hopefully allow the European institutions to understand and protect how local level sport is funded. The RFL repeats the CCPR's offer of help in creating a full analysis of the economic impact of sport.

Again, the RFL agrees with the CCPR that defending VAT rates for sport is crucial for grassroots and governing body development and that more should be done to share and encourage European best practice with a view to bringing current UK taxation for sports and sports organisations in line with that from more positive European countries.

The RFL supports the CCPR encouragement for the Commission to create funding streams focusing on sport for sport's sake when the Reform Treaty is ratified and Europe gains a supporting competence in sport.

THE ORGANISATION OF SPORT

4.1 *The specificity of sport*

The RFL supports the CCPR's argument that the ability of national governing bodies to define their own sporting regulations is not defined in full and that sporting governing bodies should be *entirely* responsible for the running of their sports within EU and national law rather than the White Paper on Sport suggestion that governance is "*mainly* the responsibility of sports governing bodies". Also reassurance must be given that changes made to protect sport and fair competition or prevent negative aspects such as ticket touting, money laundering or corruption will not suffer legal challenges.

The RFL therefore also shares CCPR's concern that the specificity of sport is not defined. Sport should not be subject to all EU or national law with complete rigidity. EU laws do not necessarily meet the needs of sport. The national governing bodies of sport must be able to act in the secure knowledge that rule changes they make for the good of sport cannot be challenged under EU law. The legal position of sport in Europe with respect to both its autonomy and specificity must be improved and defined.

4.2 *Free movement and nationality*

The RFL urges that the current uncertainty over home-grown players and quotas is addressed. It should be up to sports themselves to determine whether player quotas for home-grown players or non-nationals are needed to develop and promote the sport.

The RFL is concerned that, whilst a Commission study is underway to analyse access to individual competitions for non-nationals and access for home grown players, only the world of football is being considered. This is unacceptable. Freedom of movement and Kolpak equally affects other sports, and in particular Rugby League. Huge strides are being taken by the RFL to encourage the production of home grown players by individual clubs. However, that is against a backdrop of legal uncertainty. The RFL, and other sports governing bodies from outside football, should be invited to share their experiences, the impact the current laws have on the game, efforts being taken to address the issues and potential legislative solutions.

The sport of Rugby League, and indeed all sports, should be given effective representation in European policy making processes.

Although Rugby League may not have the same reach as football in Europe, it is important that the significance of Rugby League, as well as other sports, is recognised. The RFL urges the Commission to recognise the importance of other sports, such as Rugby League, to safeguard the specificity of each sport as well as sport as a whole.

4.3 *Transfers*

Whilst the RFL recognises the need for transfer systems to uphold EU law and for there to be transparency in players dealing, the RFL would urge the EU to recognise the specificity of sport addressed above in terms of making rules to suit each sport and not to introduce burdensome obligations on sports.

4.4 *Players' agents*

The RFL would welcome the proposed impact assessment to provide a clear overview of the activities of players' agents in the EU and an evaluation of whether action at EU level is necessary. Again, the RFL encourages the EU to consider evidence from all sports and not to restrict its focus to football.

4.5 *Protection of minors*

The RFL would reiterate the CCPR's suggestion that the NSPCC Child Protection in Sport Unit provide input on European policy on safeguarding vulnerable groups (not just children) and that all EU Member States should ensure that proper procedures for safeguarding vulnerable groups in sporting organisations are in place.

4.6 *Corruption, money laundering and other forms of financial crime*

Each of these areas, as well as betting integrity, are real threats to European sport. Concrete steps need to be taken to ensure that professional sport can address the question of integrity and that sufficient resources are made available from outside sport. Currently betting firms use sports' intellectual property, for example, to create profits without supporting sport or contributing to the costs of maintaining its integrity.

4.7 *Licensing systems for clubs*

Whilst the RFL recognises the efforts that UEFA and other sporting organisations are undertaking in setting minimum standards in sport, the RFL believes that it is one of the sports organisations leading the way in European sport in setting in place a licensed league system for its elite division, Super League from the 2009 season. This system will ensure that clubs' place in the licensed leagues is conditional upon them achieving standards across the four key areas of facilities; finance & business management; commercial and marketing; and player production and performance.

At a grassroots level, the RFL has introduced LeagueMark and ClubMark to ensure that leagues and clubs adhere to minimum standards including provisions for safeguarding vulnerable groups.

Again, the RFL is disappointed that the Commission intends to organise a conference with UEFA, EPFL, Fifpro, national associations and national leagues on licensing systems and best practices in this field without having input from governing bodies in other sports who have as much input to make. Europe should engage with more individual sports as currently European lobbying is dominated by football.

4.8 *Media*

The RFL agrees with the CCPR that a lack of protection for sports media and intellectual property rights means a failure to safeguard funding for grassroots sport and that grassroots sport deserves a fair return from media rights.

I hope that the comments above are helpful to your deliberations and the RFL will welcome any opportunity to be involved in further discussions.

January 2008

Memorandum submitted by The Football Foundation

1. INTRODUCTION

The Football Foundation is the UK's largest sports charity. It is a unique partnership funded by the Premier League, The Football Association and the Government. The very fact that the Football Foundation exists can be attributed to both the commitment of the Government and the ability of the Premier League and the Football Association to sell their commercial media rights in such a way as to create not just the most successful domestic football scene in the world, but also the most innovative sports charity. England is the leading example of a country whose football industry has embraced the concept of Corporate Social Responsibility and is continually looking for opportunities to develop this area further.

Our mission is to improve facilities, create opportunities and build communities; and we are doing so by:

- putting in place a new generation of modern facilities in parks, local leagues and schools;
- providing capital/revenue support to increase participation in grassroots football; and
- strengthening the links between football and the community; using the game's potential as a force for good in society; promoting health, education and social inclusion.

With grants ranging from £100 to £1 million, the Foundation plays a major role in supporting grass roots sport, physical activity and healthy living in some of the most deprived communities in the UK. Since 2000, we have funded over 4,000 projects worth almost £600 million and secured over £280 million in additional inward investment in sports facilities.

The Football Foundation welcomes the opportunity to contribute to the Culture, Media and Sport Select Committee's inquiry into the White Paper. The Football Foundation supports its objectives and is particularly committed to the second section of the EC White Paper, "The societal role of sport". We are pleased to work alongside the Government and other sporting bodies to secure the positive actions proposed in the White Paper.

THE SOCIETAL ROLE OF SPORT (Section 2)

2. *Enhancing public health through physical activity* (White Paper 2.1)

The Football Foundation agrees that sport is the most influential social movement which can promote physical activity across society. We use the vast appeal of football to reach people with key health messages, from healthy eating, cancer to mental health awareness. Our Facilities programme enhances public health by providing money to develop new or improve existing facilities for community benefit. These include changing rooms or clubhouses, grass or artificial pitches and multi-use games areas.

CASE-STUDY—ACCESS TO SPORT FOR ALL

A Football Foundation grant of £911,400 for Judgemeanow Community College, East Midlands, has provided new state-of-the-art facilities for people of all ages in a deprived part of Leicester. The new changing room block and third generation artificial turf pitch is opening up access to sport for pupils and the whole community. The upgraded facilities have led to a 21% increase in football participation (13.6% increase across all sports) and 26% more coaches are now being trained here.

3. *Enhancing the role of sport in education and training* (White Paper 2.3)

The Football Foundation supports many School/Sport partnerships and welcomes the European Commission's focus in this area. We work closely with schools, encouraging children to focus on their education, reducing truancy and running training schemes. To date, the Football Foundation has provided 317 schools and colleges with new facilities.

CASE-STUDY—EDUCATIONAL PROGRAMMES

Our *Reading the Game* programme promotes literacy, through a number of projects, motivating young people to read more. The Foundation has invested £745,676 into the programme since 2001, working with professional sport to engage people in reading, writing, speaking and listening. Projects cover this full range of communication skills as they are the vital components required for people to achieve their full potential.

The *Playing for Success* initiative provides study support for children at learning centres located at sports sites. The Foundation has now invested some £4.8 million into 24 such centres. The Scunthorpe United Study Support Centre is one example of this. Groups of 14 pupils attend sessions over 10 weeks. All sessions are tailored to develop pupils' literacy, numeracy and ICT skills and also focus on raising young people's confidence and self-esteem. Reading ages amongst pupils rose by an average of 18 months in 10 weeks. 94% of parents thought the programme had had a positive affect on their child's life.

4. *Promoting volunteering and active citizenship through sport* (White Paper 2.4)

The Football Foundation strongly believes that participation in a team; principles such as fair play; compliance with the rules of the game; respect for others and other positive outcomes listed in the White Paper reinforce active and successful citizenship. We believe that football is a key sport for the promotion of these principles. We agree with proposals 10, 11, 12, 13 and 14 regarding volunteering in the EC White Paper. In particular the Football Foundation is supportive of proposals to encourage young people through the Youth in Action programme.

CASE-STUDY—VOLUNTEERING AND COMMUNITY ENGAGEMENT

Since launching in July 2000, the Football Foundation has funded over 1,400 community schemes. During this time, the percentage of volunteers participating at Foundation-funded facilities has increased by 180.3%.

5. *Using the potential of sport for social inclusion, integration and equal opportunities* (White Paper 2.5)

The Football Foundation agrees that all EC residents should have access to sport. Football is a sport which is easily accessible, due to the lack of expensive equipment required and the flexibility within casual games for team numbers, etc. Our work focuses on harnessing the power of the most popular sport in the UK for social good.

The Football Foundation works particularly hard to support and encourage those groups listed in section 2.5 of the EC White Paper; namely, young people, people with disabilities and people from less privileged backgrounds. We agree that football facilitates and supports the integration into society of ethnic minority groups and can encourage inter-cultural dialogue.

The Football Foundation works specifically towards the aim outlined in the White Paper: “. . . making available spaces for sport and supporting sport-related activities is important for allowing immigrants and the host society to interact together in a positive way”.

We also agree with this statement: “Non-profit sport activities contributing to social cohesion and social inclusion of vulnerable groups can be considered as social services of general interest”. The Football Foundation promotes anti-drugs and anti-crime messages to disadvantaged youths across England.

CASE-STUDY—SOCIAL INCLUSION AND INTEGRATION

Kickz is a football programme that targets the most disadvantaged areas in the country to create safer, stronger and more respectful communities through the development of young people's potential.

To date, our free Junior Kit Scheme has provided 207,300 junior team strips and equipment to under-18 teams and adults with disabilities. We believe in equal opportunities and provide facilities for the disabled at all our facilities.

6. *Strengthening the prevention of and fight against racism and violence* (White Paper 2.6)

The Football Foundation supports the Commission's focus on preventing violence at football grounds. The Football Foundation also supports the sentiments of section 4 of the White Paper, particularly proposal 39 in which the Commission “calls on Member States and sport organisations to address discrimination based on nationality in all sports”.

CASE-STUDY—STAND UP SPEAK UP

The Theatre Royal in Stratford, East London, was given £29,689 of Football Foundation funding, enabling 30 local youngsters in the East End to perform a theatre production which addressed the issues of racism and football. It was performed to 2,500 people from local schools, clubs and residents. The project was made possible through *Stand Up Speak Up*, an anti-racism campaign delivered in the UK and Ireland by the Football Foundation on behalf of the King Badouin Foundation, based in Brussels.

7. *Sharing our values with other parts of the world* (White Paper 2.7)

Proposal 25 of the EC White Paper suggests using sport as a tool to improve access for girls and women to physical education to “help them build confidence, improve social integration, overcome prejudices and promote healthy lifestyles”. The Football Foundation is committed to providing facilities and opportunities for women to play football. Women’s football is the UK’s fastest growing participatory sport. FA figures show that in the mid-1990s there were just 60 female teams in the UK. Now there are at least 3,820 registered, FA Charter Standard clubs. Each week 1.6 million girls play properly coached and organised football, either through a club or school. Specific work includes:

- the construction of quality modern football facilities, specifically designed to support women’s football;
- 146 projects worth £12.5 million specifically targeted at women and girls;
- high quality coaching to engage, retain and nurture women in football;
- kits that are specifically designed for female footballers; and
- the development of women’s football at all levels and the resource requirements to support wider participation in amateur and elite women’s football.

CASE-STUDY—WORKSOP BOYS FOR GIRLS

Worksop Boys Club JFC formed a girls’ football section to complement their existing male section, with the help of a grant from the Football Foundation. The club was awarded £7,890 by the Foundation to support an ambitious club development plan. The club is offering more players each year the opportunity to participate in football and, in addition, the Club is progressing through the levels of FA Charter Standard in order to achieve FA Community Club status.

8. *Supporting sustainable development*

The EC White Paper states: “European sport organisations and sport event organisers should adopt environmental objectives in order to make their activities environmentally sustainable”. The Football Foundation recognises environmental objectives, as shown in the case study below:

CASE STUDY—MULGRAVE COMMUNITY SPORTS FIELD, WHITBY

The Football Foundation granted £271,597 for a sports facility that incorporates a number of environmentally friendly features:

- a ground source heat pump which is 85–90% energy efficient. This gathers natural heat from the earth through slinky loop pipes which is then used to heat the water used for the showers and the under-floor heating system;
- photovoltaic tiles which gather power from the sun and feeds it into the site’s electricity. The site then sells the electricity they do not use back to the Grid (reducing electricity bills and conserving energy). The tiles are aesthetically better than solar panels;
- a rainwater harvesting system to water the field and use in the showers;
- kingspan insulation—very thick insulation block which keeps heat in the building and has very high energy efficiency; and
- in addition, over 600 new trees have been planted on the site.

THE ECONOMIC DIMENSION OF SPORT (Section 3)

9. *Putting Public Support for sport on a more secure footing* (White Paper 3.2)

The Football Foundation is committed to providing the structure, organisation and encouragement to allow grassroots football to thrive in the UK. The Football Foundation is pleased that the Commission “understands the importance of public support for grassroots sport and sport for all”.

We support proposal 37 in which the Commission says it will carry out an independent study on the financing of grassroots sport. We also believe that defending the existing possibilities of reduced VAT rates for sport (proposal 38) will be vital to the success of grassroots football.

January 2008

Memorandum submitted by the Professional Players’ Federation

1. The Professional Players’ Federation (PPF)¹ is the national organisation for the professional player associations in the United Kingdom. The 11 player associations in membership represent over 15,600 professional sportsmen and women. The PPF is dedicated to promoting, protecting and developing the collective interests of these players.

2. We are grateful for the opportunity to provide our views on the European Commission’s White Paper on Sport to the Committee and are pleased to highlight the following issues for your consideration.

OVERVIEW

3. The PPF felt that the White Paper struck a relatively sensible balance between recognising the specificity of sport whilst ensuring that professional sportsmen and women were still protected by employment laws, human rights legislation and the ultimate recourse to the European Court of Justice.

4. It is important to recognise that professional sportsmen and women are also employees. Whilst a few high profile names earn superstar salaries the majority of professional players have more precarious careers, often on short term contracts and always just one bad injury away from losing their job.

5. The need for all European sportsmen and women to remain within the jurisdiction of the European Court of Justice is essential. The case law that has developed in the ECJ suggests that the courts are capable of recognising the special nature of sport when considering specific cases. Any suggestion that sport should be granted an exemption from European laws needs to be treated very carefully. Past experiences have shown that sports bodies can not necessarily be trusted to protect the rights of players.

6. The experiences of the anti-trust exemption for baseball in the United States suggest that there is little benefit from such exemptions particularly when compared to other American sports that do not have such an exemption.²

SOCIAL DIALOGUE

7. We support the view within the White Paper (Paragraph 5.3) that disputes within sport are best handled through social dialogue between recognised player associations and employers. Given that the Commission’s White Paper shies away from introducing any new legislation then the PPF believes that promoting social dialogue should be one of the principle areas where national and European Governments focus their actions.

8. The agreement in football between FIFPro and FIFA about the revised transfer regulations after the 1995 Bosman Ruling shows the benefits that social dialogue can bring. A sensible alternative was agreed which balanced the rights of individual footballers with the need to protect the specific nature of professional football. The professional player associations in all sports have repeatedly proven that they are capable of acting to safeguard the long term interests of their sport whilst ensuring players are treated fairly.

9. A number of sports struggle to engage in meaningful social dialogue due to difficulties in organising a player association or obstructive employers. The situation is sometimes even worse in the rest of Europe, especially in the new member states where player associations are almost unknown.

¹ Prior to May 2007, the PPF was called the Institute of Professional Sport.

² Baseball has been exempt from American antitrust laws since 1922, when the Supreme Court ruled in its favour in the case of *Federal Baseball Club of Baltimore, Inc. v National Baseball Clubs*.

10. The PPF is actively involved in moves to establish a cross sport European players' federation (European Elite Athletes Association) as part of a social dialogue in sport initiative funded by the Commission. The player associations in the UK are supportive of such an approach and applaud the Commission for providing funding to help the formation of the new association.

11. The player associations in England are some of the best and longest established in the world. This is an area where we lead Europe and have also taken an active role in developing international player associations. Anecdotal evidence from the EEAA suggests that the more effective and involved the player association is within the sports family then the less the courts need to intervene.

12. The PPF would welcome the Committee's support in encouraging HM Government to establish a domestic cross sport social dialogue group.

TRAINING

13. The quality of training for young players must be an important element of any successful sports policy. The White Paper recognises this in Chapter 2.3 (Enhancing the role of sport in education and training) though it appears to be more concerned with the education sector as apposed to coaching.

14. The PPF welcomes the Commission's study into the training of young sportspeople and looks forward to the final report. The benefits of focussing on sports coaching are perhaps best demonstrated by the Professional Golfers' Association (PGA) in the UK.

15. Back in 1996 the PGA recognised the need to improve the education of golf professionals if Britain was to be at the forefront of world golf. The PGA radically improved its training programmes and invested in a national academy. All would-be professionals are now required to take either a three year foundation degree in Golf Studies or BA (Hons) in Applied Golf Management Studies awarded by the University of Birmingham.³ This is supported by a Continuous Professional Development programme which ensures PGA professionals follow a lifetime of learning in the golf industry.

16. We would contend that the PGA leads the way in the training and development of its coaches, who in turn develop the players. This is something that could be usefully copied by other sports and should form a model for both HM Government's national coaching policy and any developments by the Commission.

17. Whilst improving coaching will go a long way to developing world class British players there remains a problem in many team sports. If good trainees are to develop into successful professionals then they need regular first team experience. This requires clubs and managers to take a long term approach to developing new talent—something that the competitive nature of professional leagues (with the ever present threat of the sack for managers) does not foster. All too often clubs will bring in fully developed overseas players as a short term solution, whilst the long term health of our national teams suffer.

HOME GROWN PLAYER RULES

18. The PPF is supportive of moves to promote opportunities for home grown players. We believe that this is one of the biggest issues facing professional team sports in the United Kingdom.

19. The current application of complete freedom of movement within the Single Market is starting to impact upon the success of our national teams—particularly in the less popular professional sports like ice hockey, polo and basketball—and the failure of the English football team to qualify for Euro 2008 suggests that even our national sport is starting to suffer.⁴

20. The effect of the application of Freedom of Movement within the Single Market has been dramatically increased by two factors:

- (a) Trading agreements giving workers from countries outside the single market the same rights as European nationals have greatly increased the number of players exempt from work permits.
- (b) The different naturalisation regulations within Europe and relative ease with which some countries grant nationality (often dual nationality) further increase the pool of players protected by Freedom of Movement.

³ The degree course is modular and mixes both theory and practice. Students work for a minimum of 30 hours per week in a golf environment, employed by a recognised PGA professional, and study via distance learning. In addition to the assignments and exams, students attend a one-week residential course at the National Training Academy at The Belfry each year.

⁴ The PPF strongly endorses the findings of the PFA's research into the number of English nationals in the Premier League—*Meltdown* published in December 2007.

21. These factors have led to a large increase in the number of overseas players working in the UK and this has inevitably been at the expense of opportunities for players who are qualified to play for our national team. This effect has been compounded by changes in the work permit system for non EEA nationals. This has generally made it easier to work as a professional sportsman in the UK.⁵

22. Therefore the PPF supports moves to ensure a minimum number of home grown players in each team. We believe that when the percentage of non-domestic players in a sport's premier competition exceeds a certain percentage (say 50%) then quotas could be a proportionate response to protecting the importance of national teams. Indeed, a legal opinion has been received by one of our members which gives support to the application of a proportionate quota (though we recognise that this is not a view necessarily shared by the Commission and that it will ultimately need to be decided by the ECJ).

23. Whilst we believe that quotas will be helpful, they may not be sufficient to ensure the promotion of home grown talent. The recent experience of voluntary quotas within professional ice hockey in the UK shows that unless there is strong support for the principle behind quotas that there is a danger that teams will undermine the system. Discussions with the Ice Hockey Players' Association suggests that some squads contained British players who got very little ice time and were effectively there to make up the quotas whilst foreign nationals continued to dominate the sport.

24. The PPF believes that unless the professional leagues take an active decision to support the national teams then any moves to promote home grown talent will be fatally undermined. The PPF is unclear how much importance the top leagues in some sports give to the success of their national team.

25. The Committee may wish to ask the professional leagues how important to their sports they consider the success of the national team to be.

26. The situation in domestic cricket, where the ECB funds the counties partly according to the number of players that are qualified for the national team, is one which the PPF supports. We would welcome any support the Committee is able to provide in protecting and promoting such an innovative system.

ANTI-RACISM

27. The PPF was disappointed that racism was grouped together with violence within the White Paper (Chapter 2.6). We are strongly of the opinion that racism is such a major issue that it needs to be treated separately. Obviously, players must be entitled to carry out their job without being subject to racist abuse, but there is more to anti-racism in sport than this. The PPF would like to see greater emphasis given to the use of sport to promote racial tolerance within society. This is especially important within the new member states where there would appear to be serious issues that need to be addressed.

28. Players have a high profile and can often lead the way in promoting racial integration and tolerance. The success of both the Kick It Out and the Show Racism the Red Card campaigns in football and other player led initiatives as in cricket shows the benefits that working with players can bring to anti-racism programmes. The knowledge gained through Kick It Out over the last twelve years means that the UK is well placed to take the lead on this issue in Europe.

29. The PPF is keen to promote a cross sport, European-wide anti-racism campaign through the members of the European Elite Athletes Association. We would welcome any support the Committee is able to provide in making the case for funding to support the dissemination of programmes using sport to promote racial integration and tolerance.

AGENTS

30. The PPF is aware of practices that are of concern amongst agents in their dealings with players and clubs. However, we remain to be convinced of the need for any action by the Commission on this matter.

SOLIDARITY MECHANISMS

31. The member player associations and PPF are supportive of solidarity mechanisms for the redistribution of television monies both to the grass roots of sport and amongst the professional clubs. We are particularly supportive of the Football Foundation which has been set up in such a way as to ensure that the Professional Footballer's Association is involved in the distribution of funds.

32. The PPF believes that players should be entitled to a share of any collective media agreements. This would depend upon who owns image rights and the details within each player's contract. A collective approach administered through the player associations could provide funding to support players' accident and healthcare insurance, education, re-training and benevolent funds. The benefits of such an approach have been demonstrated by the arrangements in English football.

⁵ Many of the issues raised in the 2000 Education and Employment Select Committee Inquiry into Work Permits for Overseas Footballers are still relevant today.

IMAGE RIGHTS

33. It was reassuring that the Commission's White Paper recognised that "A growing part of the economic value of sports is linked to intellectual property rights".⁶ Disappointingly there was little other mention of this important area. Admittedly, intellectual property rights are complicated but this is an area which could benefit from on-going dialogue between sport's employees, employers and government at a European and national level.

BETTING

34. The PPF was disappointed that the Commission chose not to include any reference to sports betting within its White Paper. We were supportive of the proposals with the Independent Sports Review for a formal funding mechanism between the betting industry and sports.

35. It is recognised that there is a view that such a system may have legal difficulties but we consider that players (as opposed to clubs or leagues) may have a stronger legal case for recompense for the additional restrictions that sports betting markets place upon individuals.

36. The PPF is strongly of the opinion that there is a need for a consistent European-wide approach to sports betting. The current arrangements mean that bookmakers can relocate to other European countries to avoid any national legislation they dislike. This situation means that bookmakers, especially internet and telephone based operations, are perilously close to being outside the law unless there is a consistent European policy.

CONCLUSION

37. We are grateful for the opportunity to submit our views on the Commission's White Paper on Sport. Should the Committee consider it helpful, the PPF and its members would welcome the opportunity to expand upon any of the points raised within this paper.

January 2008

Memorandum submitted by the Association of British Bookmakers and the Remote Gambling Association

1. With 230 members operating 7,360 of Britain's 8,700 licensed betting offices, the Association of British Bookmakers (ABB) is the betting industry's main trade body. Membership ranges from all of the largest chains to one shop businesses, plus a number of telephone only and racecourse bookmakers. The online sector is represented by the Remote Gambling Association (RGA), which has some members in common with the ABB and represents most of the world's largest remote gambling operators. These companies all operate in the international market place and their interests extend to sports throughout the European Union.

2. In general, both of our associations are supportive of the European Commission's White Paper on Sport and of the British Government's initial response to it, as outlined in the explanatory memorandum issued by the Minister for Sport.

3. There are two matters raised in the White Paper that are of particular importance to members of the ABB and the RGA and this short submission focuses on those issues. We address them in the order they appear in the explanatory memorandum.

PARAGRAPHS 17.4, 17.5

4. In the White Paper, the Commission discusses the funding of sport through the sale of media rights and "acknowledges the role of collective selling of media rights in this regard". While welcoming the Commission's intention to look further at modes of funding, the Minister notes that the UK's approach to the betting market is notably different from that of other Member States who rely predominantly on a monopoly state owned or state-run operator.

5. Observing that the UK betting market is healthy, well-regulated and growing, the Minister notes that imposing a sport levy on betting companies (other than the long-established horserace levy) could negatively impact on the domestic situation by encouraging betting companies to move offshore, to the detriment of good regulation and tax revenue. Accordingly, the UK Government rejects this approach and considers it is for sports to make commercial arrangements, or to come to other voluntary agreements, with those who conduct betting on sports.

⁶ EC White Paper on Sport, Page 11 Chapter 3.0.

6. The ABB and the RGA believe that the Government's approach is correct. Indeed, we support the growing move towards dismantling monopolies in some Member States and opening up the market to competition. We would add that while the Commission has acknowledged the role of collective selling of media rights and recommends that sports organisations "pay due attention to the creation and maintenance of solidarity mechanisms" (paragraph 4.13) that the collective sale of rights can offend UK and European competition law and is highly susceptible to legal challenge. Thus we urge the Government and the Select Committee not to endorse an approach to selling rights designed to reduce competition and artificially inflate rights payments.

7. While we endorse most of the White Paper on Sport, we are not persuaded that joint-selling has "solidarity" benefits. Such advantages clearly have not occurred in football in this country, with the Premiership having retained virtually all of the revenue generated by jointly-sold rights to the detriment of the lower leagues and grass roots football. We also contest the notion of solidarity within other sports; an example being horseracing where, in spite of the protestations of those with a vested interest, there has been no "grand narrative" or "whole show".

PARAGRAPHS 18.7–18.10

8. We welcome the Government's view that it is not necessary to introduce a new offence to cover corruption in sport. The recently appointed Gambling Commission has strong powers to deal with corrupt activity associated with betting, including the introduction of a new offence of "cheating" that can be used alongside existing law to combat corrupt activity.

9. As the explanatory memorandum states, the UK has well-established and robust anti-money laundering legislation, added to which the Gambling Commission has agreed with the ABB and endorsed for use by ABB members guidelines on how to deal with proceeds of crime issues. In addition, the ABB and the RGA have established a good relationship with the Serious Organised Crime Agency (SOCA) and will work with that organisation to combat those offences that are within its remit. The Gambling Commission has already issued draft guidance about anti-money laundering in the casino sector and is currently working on a further paper to address good practice in the betting sector.

10. The ABB and the RGA fully support the DCMS ten-point plan on integrity in sports betting and is committed to co-operating with sports governing bodies to achieve its successful implementation. The Gambling Commission recently published a policy statement on integrity in sport and, for the convenience of the Committee, we attach a copy of that statement. The Committee may be interested to know that the seminar referred to in the policy document is scheduled to take place in early March.

11. The betting industry completely supports high levels of integrity in every sport on which it offers betting markets. If there are failures in that area it is typically betting operators who suffer financially and they can and do take necessary measures to protect themselves against that risk.

12. In such circumstances, the sports and betting sectors also both suffer damage to their reputations. As a consequence there is a shared interest in promoting high standards of integrity, but each sector should be responsible for its own procedures. The betting sector does not believe it is appropriate that sporting bodies should be involved in betting sector processes or vice versa.

13. When this issue has been considered independently (see British Gambling Commission report of October 2007 which states that "such incidents are very infrequent") the conclusion has been that there is no need for any direct governmental intervention because the scale of the problem does not warrant it and, apart from a need for them to improve liaison arrangements, both betting operators and sporting regulators were already dealing with the problem in a proportionate and adequate manner.

December 2007

Memorandum submitted by Richard Corbett MEP

BACKGROUND

1. Under the current EU treaties, the EU has no specific competence over sport. Rather, sport is subject to general Community law, especially insofar as it constitutes an economic activity, but without any explicit leeway for its specific character.

2. The role of the EU in sports policy is more clearly defined in the proposed Lisbon Treaty, which would define EU action as complementary to the action of individual Member States, and which provides for the Union to take account of the "specific nature of sport" and allows it to promote "fairness and openness in sporting competitions and cooperation between bodies responsible for sports". (Revised Article 149)

3. The White Paper on Sport published last summer follows the lead set by the Independent Review of European Football (which was set up by former Sports Minister Richard Caborn during the UK Presidency in 2006) and constitutes the Commission's stance on a raft of issues that are dominating debate in world sport including doping, crowd racism, policing, player agents and contracts and TV rights. However, it was written before agreement was reached on the Lisbon Treaty and is therefore based on the current treaties, without the extra requirement for EU policies to take account of the specific nature of sport. Had it been written later, it would presumably have taken greater recognition of the specific needs of sport.

SPORTING ECONOMICS

4. The White Paper, nonetheless, contains several recommendations that indicate that sport should not be treated in the same way as a conventional economic sector. This is highly welcome.

5. Most European football leagues (including England and Scotland) are increasingly marked by a level of financial inequality that makes them amongst the most predictable in the world, with only a handful of clubs able to afford rising wage-bills and compete in the international transfer market and, thereby, win, gaining more financial rewards in a virtuous/vicious circle.

6. It also leads to "jackpot economics" where clubs spend to the hilt on obtaining top players in order to gain promotion or qualify for the Champions League, in which case their investment pays off handsomely, but if they fail they risk all—which explains why so many clubs have gone into administration in a sport whose revenues have more than quadrupled over the last two decades.

7. How to limit or even reverse this trend is a question of central importance, but some of the measures that can be taken risk falling foul of EU law.

8. In this context, it is welcome that, despite concerted lobbying from the richest European football clubs demanding that clubs should have the right to sell TV rights to their games individually, the White Paper states that the collective sale of TV rights can be vital to the redistribution of income as well as a tool for "achieving greater solidarity within sports". This acceptance of the collective sale of TV rights, which could, under a strict interpretation, fall foul of EU competition law, would serve as a huge boost to smaller clubs.

9. An unrestricted free-for-all with clubs touting their media rights individually, as happens in Spain, for example, where two clubs (Real Madrid and Barcelona) have negotiated TV deals that account for over 50% of the total TV revenue for football, would undoubtedly increase the financial gap between rich and poor clubs if it were applied in the UK and other Member States.

10. The recommendation that sports organisations should create robust and effective solidarity mechanisms to ensure that income is distributed fairly between clubs is also a welcome indication that European sport should learn from some aspects of the US sporting model. In the US, private ownership of sporting franchises is balanced by mechanisms including salary caps, revenue-sharing agreements and even a player draft system that helps ensure sporting competition.

11. The contribution of sport to the European economy and job creation of an estimated €400 billion per year accounting for 3.7% of EU GDP should not be understated. The White Paper correctly notes that a significant proportion of the economic value of sport is accrued through intellectual property rights including copyright, commercial communications, trademarks and image and media rights—all matters that are regulated by EU law.

THE UEFA HOME-GROWN PLAYERS INITIATIVE

12. Proposals made by Michel Platini's UEFA relating to salary restrictions, limits on foreign players, spreading Champions League money more evenly and enshrining sport's distinct status within EU legislation have been widely documented and discussed.

13. Of particular note are UEFA's rules on "home-grown players". These rules will eventually require all clubs that participate in the Champions League to have eight home-grown players in a squad that is itself limited to a total of 25. These players do not have to be home nationals—but they must have been trained by the club or academy scheme for at least three years. This scheme will, albeit indirectly, strengthen the links between football clubs and their local communities and supporters, by encouraging clubs to invest more resources to their youth teams and academies rather than relying entirely on financial muscle in the international transfer market. Interestingly, Platini has publicly stated that he does not support FIFA's so-called "6 + 5" proposals (maximum of five non-nationals on the pitch) since this would blatantly violate EU law.

14. The White Paper recommendation that the "home-grown rule" is "compatible with the Treaty provisions on free movement of persons if they do not lead to any direct discrimination based on nationality . . ." is highly welcome. Through derogations such as this, the EU is not enforcing any obligation on sports—it is up to the governing bodies to decide—but this demonstrates the way that the EU law can be interpreted benevolently to safeguard the future of sport.

DOPING

15. The recommendation by the Commission that the trade in illicit doping substances be treated in the same way as the trade in illicit drugs throughout the EU, is a practical measure through which the EU can help tackle illegal doping in sport. Moreover, it sends a clear message that doping will not be tolerated in European sport.

16. It is interesting to note that the White Paper does not propose to set up an independent EU-doping control body equivalent to the World Anti-Doping Agency (WADA), exclusively for football. This idea, which was urged in the Belet report (the European Parliament's input into the process), would create a body that would needlessly duplicate the work of WADA, and its absence from the White Paper is to be welcomed.

PLAYERS' AGENTS

17. The White Paper's reference to agents is encouraging but somewhat woolly. Recent allegations of malpractice of agents in terms of corruption, money laundering and exploitation of underage players have been damaging to the image of sport and raise serious questions about the standards of governance.

18. In this context, the announcement in the White Paper that the Commission will undertake an impact assessment on whether common EU regulations would be beneficial will require further discussion. The recommendations arising from this study will need to be carefully studied in the future.

CROWD POLICING

19. The Commission's stance on combating violent crowd disturbances and racism in football grounds is encouraging. Again, the emphasis is on encouraging national police forces to exchange operational information on "risk-supporters" and on the need for police to be appropriately trained to deal with crowd violence and hooliganism. Such an approach would help create a greater level of understanding and trust between supporters and police.

20. However, the wording used in these sections of the White Paper, in particular the pledge to "analyse possibilities for new legal instruments . . . to prevent public disorder at sport events" is, again, rather vague.

CONCLUSIONS

21. Claims that the recent debates on European football are a clandestine way to "impose a standardised European model" are absurd. The EU has no competence over the sporting aspect of football and there is nothing in the White Paper that suggests that it should.

22. However, the reality is that issues such as the sale of TV rights, squad sizes and player contracts are, for example, subject to the fields of company, competition and employment law. The question, therefore, is how to ensure that EU law takes account of the specificity of sport.

23. In other words, far from transferring power over sport policy to the EU, what is desirable is that the Union accepts a series of exemptions from EU law, or, at least, a generous interpretation of laws that might otherwise prevent welcome measures (such as the home-grown players initiative) that are supported by governing bodies and national governments.

24. The debate on "EU competence" must be read in this light. Although sports governance should be decided by the individual governing bodies, to say that the EU has no role relating to sports policy is akin to saying that saying it has no competence over chocolate factories because chocolate factories are not mentioned in the treaties. Sporting competition, like all other industries, must obey the law, be it European or national law—something that most governing bodies (with the notable exception of FIFA) recognise. In turn, lawmakers must be aware of the (sometimes unintentional) effects of laws on sports—and allow for particular measures or derogations when this is appropriate.

25. The White Paper explicitly states that "governance is mainly the responsibility of sports governing bodies and, to some extent, the Member States and social partners". Moreover, the White Paper adds that "most challenges can be addressed through self-regulation . . . provided that EU law is respected". This is, in my opinion, the correct approach and should reassure those who worry about unnecessary EU interference in sports governance.

26. The proposals in the White Paper are neither groundbreaking nor revolutionary. Nonetheless, they should be welcomed by those who want law-makers at national and European level to, where necessary, allow a benevolent interpretation of legislation in order to protect the special nature of sport.

Memorandum submitted by the British Olympic Association

1. The British Olympic Association (BOA) is the National Olympic Committee (NOC) for Great Britain and Northern Ireland. It was formed in 1905 in the House of Commons, and at that time consisted of seven national governing body members. The BOA now includes as its members the thirty-five national governing bodies of each Olympic sport.
2. Great Britain is one of only five countries which have never failed to be represented at the summer Olympic Games since 1896. Great Britain, France and Switzerland are the only countries to have also been present at all Olympic Winter Games. Great Britain has also played host to two Olympic Games in London: in 1908 and 1948. In 2005, London was selected as the host city for the 2012 Olympic Games.
3. The BOA is one of 205 NOCs currently recognised by the International Olympic Committee (IOC). The IOC's role is to lead the promotion of Olympism in accordance with the Olympic Charter. The Charter details the philosophy, aims and traditions of the Olympic Movement. The IOC co-opts and elects its members from among such persons as it considers qualified. Members of the IOC are its representatives in their respective countries and not delegates of their countries within the IOC.
4. The BOA's role is to select, prepare, manage and lead Britain's finest athletes at the summer, winter and youth Olympic Games. In Great Britain and Northern Ireland, the BOA is responsible for the development and protection of the Olympic Movement, whose vision is to contribute to building a peaceful and better world by educating youth through sport.
5. The BOA does not receive any direct government or public finance and is completely dependent upon commercial sponsorship and fundraising income. The impartiality this grants the BOA means that it can speak freely as a strong independent voice for British Olympic sport.

THE WHITE PAPER ON SPORT

6. The BOA welcomed the White Paper on Sport and with it the acknowledgment of the social and economic importance of sport within society by the European Commission. The BOA recognised the difficulty in developing legislation for sport whilst it remained outside of the competency of the European Union (EU), despite it being the largest social movement, accomplishing important societal tasks in the fields of integration, education and health. However, the BOA was disappointed that the White Paper failed to maintain and reinforce the benefits of the declaration of the European Council of Nice in December 2000, most notably relating to the autonomy of sports organisations and the specific characteristics of sport.
7. The BOA believes that matters of sports policy should be dealt with at a national level and expressed this view in a submission to the EC during the consultation phase of the White Paper. Indeed, our colleagues from the Olympic Movement, namely the IOC and the European Olympic Committees (EOC) had engaged tirelessly with the Commission with the view that the White Paper was heading in a direction that was not favourable to the promotion of sport.
8. At the time of the publication of the White Paper the IOC released a statement to this effect: "The White Paper is structured in full contradiction with the actual architecture of the Olympic Movement, ignoring in particular the regulatory competences of the International Federations, the division of responsibilities between the latter and their European Confederations, the global nature of the issues and challenges currently affecting sport as well as the solutions which are today necessary." Sport is built on the work of volunteers and those coaches, clubs, governing bodies and international federations who protect and promote their interests. The BOA believes that sports federations and governing bodies should be given the freedom to govern and regulate their sport without undue interference from governments. The absence of a specific reference to the autonomy of sports organisations within the White Paper could, potentially, have far reaching implications for sports organisations.
9. During the development of the White Paper, the Olympic Movement also restated its unity regarding a legal basis for sport in the EU. The BOA is disappointed that the White Paper has not gone far enough to define the specificity of sport and thus ensure the protection of sport from aspects of EU law by allowing regulatory discretion for governing bodies in sport-related matters. The White Paper has not provided sport with the legal certainty it requires for the future and as such, the independence of sports federations in organising, regulating and promoting their respective sports could be compromised in the future.
10. Within the Pierre de Coubertin Action Plan it states that the Commission will look to facilitate a "co-ordinated EU approach" in the fight against doping in sport. The BOA would expect such an approach not to interfere and overlap with the work of International Federations and the World Anti-Doping Agency (WADA) and reiterates the concern that the autonomy of sports organisations has not been recognised within the White Paper.
11. The BOA shares the concerns of the EOC that the White Paper relied on the content contained within the Independent Review of European Sports, a report which was heavily focused on football and therefore not a representative view of the sporting landscape. The BOA hopes that the Commission will ensure future dialogue continues with stakeholders from across the world of sport.

12. The separation of professional sport and grassroots sport within the White Paper also raises concerns for the BOA. British sport is built on a foundation of governing bodies administering a strong and vibrant club structure. Participation and talent development in all sports should be dependent on a seamless transition between the grassroots and the elite level. To separate the two structures into individual components would be damaging to the development of future Olympic champions and the history of sports provision in Great Britain and Northern Ireland.

13. In conclusion, the BOA looks forward to working with the EOC, IOC and the European Commission as the dialogue surrounding the White Paper for Sport continues. However, the BOA remains concerned about the potential direction of political involvement of governments and public bodies in the work of sport as a result of the omission of clear and direct references, both to the specificity and the autonomy of sport within the White Paper. The BOA believes that governing bodies are best placed to run their own sports and will continue to provide services, assist, represent and support them to ensure their autonomy and freedom to deliver is protected.

January 2008

Memorandum submitted by the Football Supporters' Federation

1. INTRODUCTION

1.1 The Football Supporters' Federation (FSF) represents over 142,000 fans of clubs and national teams at all levels throughout England & Wales.

1.2 The FSF was pleased to have presented both written and oral evidence to the Independent European Sport Review (IESR) under the chairmanship of Sr Jose-Luis Arnaut, an initiative launched under the last British Presidency of the European Council.

1.3 The so-called Arnaut Report led to the European Commission producing a White Paper on Sport which was published in July 2007.

1.4 This summary of evidence concentrates on professional sport, and, in particular, association football. That does not mean our members place no value on amateur and community sport. The opposite is the case.. Many of our affiliates and members participate or were former participants in the game as players, match officials, coaches and administrators at amateur/community and, in some cases, professional level.

1.5 We also include amongst our members former and current high level administrators of the game at professional level in both England & Wales.

1.6 For the convenience of the Committee, we have arranged this summary of evidence in the same broad order as the issues raised in the White Paper (WP), concentrating on the game at professional level.

1.7 Each member state of the European Union (EU) brings to the practice of sport at both professional and amateur/community level its own unique cultural, social, political and legal characteristics. Sport is a reflection of the society in which it is practiced. As the Canadian social commentator Marshall McLuhan once shrewdly observed, "culture is what people do".

1.8 For example, the radical changes in the organisation and practice of elite sport in EU Member States which were formerly part of the Soviet "bloc" and/or under Communist rule (Estonia, Lithuania, Latvia, Hungary, Bulgaria, Romania, Slovenia, Slovakia, the Czech Republic, Poland and that part of eastern Germany which was the former German Democratic Republic [GDR]), reflect the radical transformation of those societies since the fall of the Berlin Wall, the collapse of the former Soviet Union (of which the three Baltic nations were formerly constituent republics) and the subsequent accession of those nations to the EU. It could not be otherwise.

1.9 For all the social, cultural, political and legal differences however, professional football in our continent shares certain distinguishing characteristics in its history and organisation. Amongst these are:

- the growth of elite football clubs from community roots;
- the concept of an open, merit-based "pyramid" structure;
- the concept of sporting and social solidarity; and
- the strong identification of fans with their clubs as community and cultural as much as sporting institutions.

1.10 Speak to any Barcelona supporter and they will speak of their club as "*Mes que un club*" ("More than a club"). It is a fundamental part of the Catalan regional/national identity. Similarly the German Bundesliga (Federal League) club Schalke 04 from the city of Gelsenkirchen in the Ruhr valley is known as "*Die Knappen*" ("The Miners") reflecting the roots of the club as a team formed by colliers. Arsenal fans here in Britain know their team as the Gunners reflected also in the cannon badge of the club, displaying the team's roots as a works football side formed by employees in the Dial Square factory in the former Woolwich Arsenal state munitions factory.

1.11 These distinguishing characteristics and history mark out European football from the game on other continents. It is these characteristics and history which the FSF believes need to be at the heart of any discussion of the societal and legal contexts within which professional football operates in Europe.

1.12 We now turn to the WP itself.

2. DISABILITY, RACE, IMMIGRATION, VIOLENCE AND SOCIAL INCLUSION

2.1 We have seen in Great Britain the positive role that professional football can play in promoting diversity. This is true elsewhere in other European nations too. There was much comment on how the composition of the French national team that won the World Cup in 1998 European Championship reflected the diversity of the “new France”.

2.2 Many EU Member States have recognised the powerful role that sport and in particular football can and should play in promoting diversity and combating discrimination.

2.3 For example Spain approved a new law last year. King Juan Carlos formally promulgated the *ley contra la violencia, el racismo, la xenofobia y la intolerancia en el deporte* (law against violence, racism, xenophobia and intolerance in sport) on 12 July 2007 after the completion of its passage through both houses of the Cortes Generales (Spanish parliament).

2.4 The law prohibits all forms of discrimination (including, interestingly, discrimination on the grounds of sexual orientation, disability and age). It defines as infractions and offences:

Las declaraciones, gestos o insultos proferidos en los recintos deportivos con motivo de la celebración de actos deportivos, en sus alrededores o en los medios de transporte públicos en los que se puedan desplazar a los mismos, que supongan un trato manifiestamente vejatorio para cualquier persona por razón de su origen racial, étnico, geográfico o social, así como por la religión, las convicciones, la discapacidad, edad, sexo u orientación sexual así como los que inciten al odio entre personas y grupos o que atenten gravemente contra los derechos, libertades y valores proclamados en la Constitución.

Statements, gestures or insults proffered in sporting venues or their surrounds during sports events, or on public transport serving them, that may manifestly humiliate any person by reason of their racial, ethnic, geographic or social origin, or their religion or creed, disability, age, sex or sexual orientation, and/or such as might incite hatred between persons or groups or which gravely infringe against the rights, liberties and values proclaimed in the Constitution.

2.5 The law provides for fines of up to €650,000 (approximately £500,000) for “very serious” breaches of its provisions, stadium bans of between one and six months (minor infractions), six months and two years (serious infractions) and two and five years for very serious infractions.

2.7 The law also provides, perhaps most interestingly, for a form of “restorative justice” for individuals committing such offences. They may be required to perform sports related community service for the term of any stadium ban.

2.8 The FSF supports in principle the recommendations of the WP regarding exchange of best practice and co-operation within the EU (recommendations 18, 19 & 20). The specific mention of Football Against Racism in Europe (FARE) is welcome. The involvement of supporters needs to be widened and strengthened however, and not only in the field of diversity. Fans who feel genuinely involved, who believe themselves to be genuinely valued as members of the “football family” show a much heightened tendency to “self-police”.

2.9 Whilst not wishing to diminish the importance of the fight against racism and xenophobia, the FSF believes that the positive values of diversity in all its forms should be promoted and all forms of discrimination fought. The FSF approved a resolution at its annual Fans’ Parliament in 2006 calling for action against homophobia. We are pleased that the FA has taken action on this, making homophobic abuse and chanting an offence against ground regulations.

2.10 Nor must we ever forget the rights of disabled supporters, whatever their disability. All too often disabled supporters are equated to wheelchair users. Whilst their interests and social inclusion are crucial, there are also “invisible” disabilities such as hearing impairment/deafness, epilepsy, diabetes and so on. Stadium design, including public transport access incorporating the needs of disabled supporters should never be forgotten. Football cannot genuinely be the “peoples’ game” without that.

2.11 Where the WP refers to “stakeholders” this MUST include supporters. We also need to bear in mind that when supporters refer to “Europe” they mean the continent of Europe, not just the EU Member States. As important a role as the EU should and must play, there is a crucial role for the Council of Europe (CoE) too.

3. SUSTAINABLE DEVELOPMENT

3.1 Recommendations 29–32 of the WP deal with the environment impact and sustainable development of sport. Although it is implied there is no explicit mention of reducing the “carbon footprint” of those travelling to major sporting events, the largest group of which are fans.

3.2 Facilitating and promoting the use of the most environmentally sustainable forms of transport to matches and tournaments and exchanging ideas and best practice in this area should always be a consideration. This includes accessible public transport of all forms for supporters. We commend particularly the practice in Germany where all tickets for Bundesliga games include a small levy of just over €1 (around 77p) which is paid to the local transport community (broadly the equivalent of Passenger Transport Executives in Britain). In return supporters with match tickets can travel to and from the game for free—an excellent idea.

4. THE SPECIFICITY OF SPORT

4.1 This is perhaps the most crucial issue facing the EU and its institutions. The FSF gave both written and oral evidence to the IESR calling for clear and limited legal exemptions for football (and all other professional sports) from the full force of EU competition and employment law.

4.2 We will not repeat in detail here the evidence which we have already submitted. We invite members of the Committee to re-visit our written submission. However, we believe that, whilst many members of the European Council (EC), many officials at the European Commission (EC) and many members of the European Parliament (MEPs) from various member states recognise the issues, some do not. Specifically the EC Competition Directorate seems to remain committed to the completely free play of classic competition theory in professional sport. The recent jurisprudence of the European Court of Justice (ECJ) has also created an unhelpful uncertainty.

4.3 In this context the FSF cannot agree with the analysis and conclusions of the WP contained in section 4.1. Football and indeed all professional sport cannot plan with certainty whilst faced with possible challenges to key income streams like the collective selling of broadcasting rights. We have seen what the collapse of collective sales has done to football in Italy. This has so disturbed the Italian government that the cabinet (or *consiglio dei ministri*—council of ministers) has approved a return to collective sale of television rights for the elite Serie A from the 2010/11 season. This follows a recommendation last year in favour of permitting collective sales by Italy’s *Autorità Garante della Concorrenza e del Mercato* (AGCM) or Anti-Trust Authority.

4.4 Whilst this change will not eliminate the gross disproportion of income between the bigger and smaller clubs in Italy, it will substantially reduce it and thus promote competitive balance in the league.

4.5 Michel Platini in his capacity as president of football’s European governing body UEFA (he is also a vice-president of the world governing body FIFA) wrote to the Prime Minister—along with the 26 other EU heads of government—on 7 September 2007 pleading for support. We attach a copy of this letter as an appendix [not printed].

4.6 Asked about this letter at a prime ministerial press briefing at 10 Downing Street on 19 September 2007 a spokesperson said, “. . . that he was not sure that the Prime Minister had had a chance to examine the letter with the seriousness which it deserved. No doubt the Government would consider Monsieur Platini’s proposals, and then consider its response”. (10 Downing Street website).

4.7 The following morning Paul Kelso was reporting in *The Digger* column in *The Guardian* that M. Platini’s arguments had “been rejected wholesale by Downing Street”. M. Platini belatedly received a reply to his letter some two months after it was written and then it was from the Minister for Sport, not the Prime Minister himself. (Surely it is common courtesy to ensure that the reply is in it author’s hands before briefing the media?) Aside from the merits or otherwise of the arguments advanced by the President of European football’s governing body, we are concerned about the style and timing of the British government’s response (two months after the receipt of the letter and the press briefings and from a junior minister. More than twenty other EU heads of government sent a timely reply). Such rudeness is unlikely to enhance this country’s influence and reputation in Europe.

4.8 The Premier League Chief Executive in an interview in *The Financial Times* published on 26 September 2007 said, commenting on Platini’s views expressed in his letter to the Prime Minister, said “they don’t rise much above the view of people in the corner of the pub”. Again, such a patronising and simplistic response expressed in the media is both impolite and politically unwise.

4.9 It is worth observing that M. Platini is generally considered to have been one of the 20th century’s greatest players. His career saw him win the Ligue 1 title in France with St Etienne, two Italian Serie A *scudetti* with Juventus of Turin, where he also won the European Cup Winners’ Cup in 1984 and the European Champion Clubs’ Cup (forerunner of the UEFA Champions League) and the World Club Championship in 1985. He also captained the French national team to victory in the 1984 European Championships, participating also in the 1978, 1982 (fourth) and 1986 (bronze medal) World Cups.

4.10 He also played in the football tournament of the 1976 Montréal Olympics. He was coach of the French national team 1988–92. As an administrator he was co-president of the national organising committee for the World Cup in France 1998, and a vice-president of the FFF (Fédération Française de Football, or French Football Federation), before joining the executive committees of both UEFA and FIFA before his election to his current positions. The FSF believes his opinions can safely be said to warrant careful attention on football matters.

4.11 We share the UEFA view of the unique nature of professional sport. This needs to be enshrined in European law and jurisprudence. The WP asserts that certainty exists in this area where clearly it does not.

5. FREE MOVEMENT AND NATIONALITY

5.1 This issue exercises many in football at the moment. It is the subject of much comment by all who love the game and wish to see it thrive in these islands and in the rest of Europe.

5.2 The FSF argued in its evidence to the IESR the case for the governing bodies of professional sports to be permitted some limited scope to require by regulation limits to the number of non European Economic Area (EEA) nationals. Indeed we believe that in the specific case of sport, national associations and professional leagues should be permitted (although NOT required) to introduce rules requiring a minimum quota of nationals of that country.

5.3 UEFA approved its current “home-grown player” regulations for its own competitions at its 2004 annual congress at Tallinn, Estonia. For legal reasons these do not refer to nationality, merely to where the player was developed. These rules, part of the policy document *Vision Europe* were approved with only one vote against amongst the then 52 members of UEFA, that of the Football Association (England).

5.4 The FSF believes that the way forward is to see professional football as a cultural as well as a sporting phenomenon. The United Nations Educational, Scientific and Cultural Organisation’s (UNESCO) 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, promoted by France and Canada, was approved by 185 votes to two (the USA and Israel) with four abstentions (Australia, Honduras, Liberia and Nicaragua). The UK ratified the Convention on 7 December 2007. The EU acceded to the Convention on 18 December 2006. The so-called “cultural exception” is also recognised in World Trade Organisation (WTO) rules under the General Agreement on Trade and Tariffs (GATT), although this under some pressure from the US Trade Representative.

5.5 We comment on WP recommendations 39 and 40 on restrictions to the freedom of movement and non-discrimination in the light of our view that football and other professional sports should enjoy a limited “cultural exception” to the general rule of freedom of movement. The FSF believes supporters must be involved in this issue. They will no doubt be the subject of discussion, both formal and informal, at the forthcoming inaugural European Fans’ Convention on Sunday 6 July 2008 at the Emirates Stadium in London organised by Football Supporters’ International, of which the FSF is a partner and proud host organisation.

5.6 This should in no way be taken as stemming from sentiments of xenophobia or racism. It is simply a matter of balance. English and Welsh players of black and minority ethnic descent were discriminated against for a large part of the last century. Racism and xenophobia amongst fans was all too frequent. The FSF and its founding partners were proud to have fought such discrimination and to proudly promote diversity in the stands and on the field (we need more in the technical areas and in the boardroom, this is an unfinished task).

6. GENERAL/CONCLUSIONS

6.1 The FSF welcomes the WP in that it takes us further forward than we were. It also drives the debate on the future of sport at both amateur/community and at the elite professional level.

6.2 We are, however, concerned to ensure that this opportunity to construct a lasting and fair settlement of the issues in professional sport that the WP addresses is not lost.

6.3 The FSF is pleased to have had the opportunity to submit this summary written evidence. We would be delighted to have the opportunity to address oral evidence and to answer any questions members of the Committee may have.

January 2008

Memorandum submitted by the Youth Sport Trust

INTRODUCTION

Please accept this paper as representing the views of the Youth Sport Trust in respect of the areas of the EU White Paper on Sport which we believe our work has a relationship to, or can help inform.

The Youth Sport Trust are delighted to be playing a lead role in the implementation of the National PE School Sport and Club Links strategy which is making a real difference to the provision of PE and school sport across the country. Since our inception in 1995, we have worked extensively to promote the importance of PE and school sport and to strive to make this a central part of a young person's life.

For ease, the following sections have been ordered using the sections of the Action Plan that accompanies the White Paper.

A. THE SOCIETAL ROLE OF SPORT

From a societal perspective, evidence shows that sport has a role to play in the development of young people from an early age in a wide variety of ways, not only through academic achievement and therefore their future employability, but also instilling in them the values of fairness, team work, communication skills and problem solving skills. Sport can be used as a way of improving concentration levels (many children themselves report that they feel better able to concentrate in class after a period of PE/sport⁷), to improve behaviour (again cited by young people themselves), attendance and general attitude.

The Sky Living for Sport programme (school-based intervention aimed at young people aged 11–16 who are having difficulties with, or are disengaged from, school life) has been robustly evaluated⁸ and continues to show real improvement in these areas, reported by both teachers and pupils alike. It shows:

- improved attitude toward non-project staff; reported by 51% of teaching staff, with a further 21% saying this was true to some extent;
- improved attitude toward other young people; reported by 60% of teaching staff, with a further 23% saying this was true to some extent;
- improved attitude towards learning; reported by 53% of teaching staff, with a further 31% saying this was true to some extent;
- increased self-confidence; reported by 65% of teaching staff, with a further 17% saying this was true to some extent;
- improved social skills; reported by 62% of teaching staff, with a further 25% saying this was true to some extent;
- improved behaviour of the young person; reported by 66% of teaching staff, with a further 16% saying to some extent; and
- improved behaviour around the school, reported by 38% of teaching staff, with a further 30% saying to some extent.

It is recognised within UK government already (through policy such as the recent Childrens' Plan) that the importance of sport and physical activity to a young person is key to affording them opportunities to grow and develop as well-rounded individuals and to become productive members of society and the economy.

A1 Public Health Through Physical Activity

In their leisure time, young people today are faced with the choice of a wide range of activities and many currently choose to participate in sport. Their leisure time is varied but on average over two hours per day is spent watching television, DVDs or videos. Around four in five have access to a home computer and over half are able to access the Internet at home, with older children now seeing the Internet as more important than the television. So there are more choices today and more of these choices can be sedentary in nature, giving rise to the need to ensure they participate in the recommended amount of physical activity. The World Health Organisation currently suggests (advice which is also advocated by the British Heart Foundation) that young people should participate in at least one hour of moderate activity every day and that in doing so, they can reduce the risk of health related problems in later life such as chronic disease.

PE at school has a role to play in enabling these young people to achieve the recommended levels of activity and in helping them to live a healthy life. Indeed, the Every Child Matters: Change for Children strategy came into play in 2004 and sport can undoubtedly have an impact in enabling schools to deliver

⁷ YST/*Know the Score* 2008.

⁸ IYS/Sky Living for Sport Year 1–3 Combined Report; January 2007.

the outcome of this strategy. A soon to be published resource from the Youth Sport Trust illustrates, sometimes quite profoundly, how the sport specialism is having a significant impact on the outcomes of Every Child Matters and is exemplified by a number of individual case studies. It shows there are varying strategies that schools use to impact on the outcomes both as a universal service and also, when necessary, to target and impact on the specific needs of individual young people.

Physical activity rates are indeed improving in England, with much progress being made and we score well by international standards. The Organisation for Economic Co-operation and Development (OECD) data⁹ shows that in England on average 11, 13 and 15-year-olds reported spending more time being physically active per week¹⁰ (4.2 days) than in 19 other OECD countries (3.9 days).

More specifically, improvements in school sport have been significant. Recent evidence¹¹ shows that the percentage of 5–16 year olds participating in at least two hours high quality PE and school sport each week has increased from just over 60% in 2003–04 to over 85% in 2006–07. There is of course scope to increase activity levels even further and the recent announcement of the Government's commitment to ensuring every child has access to up to five hours of sport in a week can make this a reality.

Beyond the school, FE and HE offers a significant opportunity to impact on the health and wellbeing of even more individuals and to enable the continuum of participation from childhood into adulthood. The introduction of FE Sport Co-ordinators will enable this to happen and to extend the offer to participate to those aged 16 to 19. Evidence shows that there is a real risk of dropping out of sport and physical activity in general at particular points in an individual's life. Recent data suggests¹² that a clear and significant drop off in participation is seen after the age of 16, most notably the time when these individuals are putting into practice their post-16 choices. From a high of 86% of young people involved in PE/sport while at school, this drops to only one third of young people (33%) aged 16–24 who go on to participate regularly.¹³ There is always the chance that young people move away from home to go to a new college or university, with the effect that they have to start all over again in making new links to clubs and to enable them to continue playing the sport they have always loved. The introduction of FE Sport Co-ordinators will play a huge role in easing that transition and ensuring that opportunities to participate are more readily available and easier to find.

Enhancing public health through physical activity is a lifelong process and so there must be some emphasis placed on ensuring that sport and physical activity become a way of life that is continued through these life stages. As well as recommendations on the amount of physical activity young people should be engaging in, there also exists recommendations for adults, yet it is clear that enablers need to be put in place for this to take effect.

A3 Education and Training

The benefit of sport is well recognised and accepted by various government departments, academics and increasingly through educational policy with the introduction in recent years of the specialist schools programme and the inclusion of sport within that as a distinct specialism. Indeed the government's national strategy for sport¹⁴ firmly places sports colleges (schools with a specialism in sport) and School Sport Partnership at the heart of the strategy's delivery.

A strong infrastructure needs to be in place for the success of sport in education to be realised. The model of School Sport Partnerships in England, and the introduction of FE sport co-ordinators, ensures now and in the future that the key people are in place in order to make the relationships and connections to enable young people to have the opportunity to participate in PE and sport from childhood, with the ultimate goal of sustainable participation. The authors welcome and already embrace opportunities to work with our partners in education.

The specialism of sport is used throughout the whole school and the impacts of this are not just confined to the PE department, but are felt right throughout the school. Impacts such as improvement in behaviour, increased concentration and attention, improved attendance and increased enjoyment of learning are all reported by Sports Colleges. Both pupils and teachers alike report seeing improvements in school standards from academic achievement, through behaviour and concentration to enjoyment of learning.

From an academic attainment perspective, sports colleges have seen year on year increases in the key performance measure of achieving five good passes at GCSE (i.e. at grades A*–C) over the last three years and notably for Sports Colleges, achievement at GCSE 5+A*–C (i.e. a good GCSE pass) increases with each year of designation.

⁹ HSBC Health Behaviour in School-age Children Study (2001–02).

¹⁰ In the previous or typical week.

¹¹ School Sport Survey 2007.

¹² Department for Culture, Media and Sport (2007); *Taking Part Survey*.

¹³ This is defined as taking part on at least three days a week in moderate intensity sport and active recreation for at least 30 minutes continuously in any one session.

¹⁴ PE, School Sport and Club Links Strategy.

PE and sport can play a role in the shaping achievement across the whole school curriculum. A recent Youth Sport Trust publication, *Raising your Game*, exemplified how the sport specialism is being used across the school to drive up standards, in particular in English, maths and science. Schools have used the specialism to find innovative ways of teaching what might otherwise be considered by young people to be uninteresting material, often bringing learning to life using new teaching approaches, using sporting contexts for learning and adopting a cross-fertilisation of ideas and approaches across departments.

“Specialist status as a sports college has been a key feature of effective curriculum development.”—School Ofsted report, 2007.

“I’ve improved in maths and English because after I work out & do sport my brain is more switched on and I feel I can concentrate more.”

— Pupil¹⁵

The impact that PE and sport can have on a young person’s learning and across the school is evident. Recent research from the Youth Sport Trust highlighted the sometimes profound effect that the sport specialism can have on young people, particularly those with challenges or difficulties personal circumstances and how it helps them to overcome these barriers and to become a full and productive member of society.¹⁶

“Sport takes you to a better living, it’s not just sport there’s more to it.”

— Pupil¹⁷

A4 *Volunteering in Sport*

A key element of the Youth Sport Trust leadership and volunteering work is the creation of a sporting pathway which helps young people to develop their leadership skills, helps them to use their leadership and volunteering skills and helps them to become leaders and volunteers for life.

We are working to create this pathway through the school (in PE and school sport and the whole school), in the community sport setting and into the community setting through a range of national programmes and innovations projects such as Step into Sport, our Young Ambassadors programme, young officials programme and corporate volunteers.

The evidence from these programmes and particularly from the longer-standing Step into Sport programme suggests that involvement in volunteering opportunities can lead to the benefits of:

- increased self-confidence;
- improved communication skills;
- organisational skills; and
- pedagogy and coaching skills.

Indeed some young volunteers also reported that doing their community volunteering hours had helped them to better understand other subjects at school and more than one-quarter reported their engagement with the programme had made them want to go to university.

The research indicated that regular and sustainable volunteering had led to the young people assuming greater responsibilities for overall sports provision with specific client groups of younger children. The gradual handing-over of responsibility from PE teachers to young volunteers in school-based settings echoes findings from earlier research with sports clubs with respect to the coaching and sports leadership activities of on-site community volunteers. There is evidence to suggest that volunteering by young people can lead to sustained volunteering later in life and most certainly is reported as an intention. Difficulties of course in following this through to reality vary from person to person but for young people specifically in balancing their future volunteering with ongoing work, study and family commitments.

Previous survey research with young volunteers has indicated complex and overlapping motivations for participation in volunteering, including instrumental career-led approaches and more altruistic community-driven motivations. Sometimes however, volunteering can act as a career-taster for young volunteers and help define further interest in educational and sports-related employment.

A5 *Social Inclusion in and Through Sport*

In ensuring inclusive access to sport, all young people should be entitled to get a positive, meaningful experience and special schools are locked into the network of School Sport Partnerships to provide the vehicle by which young people of all backgrounds are enabled to come together, learn from each other and develop their understanding and knowledge of each other and of different perspectives, backgrounds and abilities.

¹⁵ YST/*Everyone’s a Winner* 2008.

¹⁶ YST/*Everyone’s a Winner* 2008.

¹⁷ YST/*Everyone’s a Winner* 2008.

Each special school in England is part of one of these School Sport Partnership and each has a link teacher who is the main conduit with that partnership and who's role it is to specifically improve PE and sport in their school. Being a part of a School Sport Partnership affords them access to opportunities outside their school and across their partnership and to share ideas and inspiration.

TOP Sportsability, one of the Youth Sport Trust TOP Programmes, was introduced in 1998 to widen access to physical education, school sport and community sport for young disabled people through high quality training for staff and has since been developed for out-of-hours learning and community settings. Research conducted by the Institute for Youth Sport¹⁸ demonstrated the following impacts:

- over a third (35%) of schools had adjusted their PE and sport delivery to become more inclusive as a result of the programme;
- schools have reported increased attendance of SEN pupils in PE and school sport opportunities and improved attitudes to learning and behaviour; and
- some 45% of schools indicated that TOP Sportsability has contributed to pupil's progress in terms of sport skills.

“TOP Sportsability has provided a focus for our work and a catalyst for wider developments such as better links with support services”— Teacher interview.

Sport can provide a platform from which to encourage inclusivity and foster understanding amongst people of all backgrounds and the UK School Games has provided just this platform with the programme of sports including disability events in athletics and swimming.

So too does it offer the opportunity of participation for everyone of all abilities regardless of disability, gender or race. The introduction of multi-skill clubs gives everyone the opportunity to develop in a positive environment in which confidence grows to try one or two different sports. The staging of a multi-skill club can be flexible and dependent upon local need, eg a club could be situated on a school site as part of their out of school hours provision or at a local secondary school hub site or based in a local authority leisure centre, so ensuring maximum accessibility.

Increasingly schools are introducing more non-traditional sports as a way of offering a wide range of options to young people so enabling them to make their own personal choice of what sports they want to try. Sports like Boccia and wheelchair basketball are increasingly on offer across many schools and School Sport Partnerships.

Recent research by the Loughborough Partnership into the impact of School Sports Partnerships on participation¹⁹ showed clearly that while overall levels of participation in PE/sport had increased there was substantial variation between the participation of boys, girls, pupils with a disability and pupils from ethnic minorities. Specialist sports colleges in particular are tackling this by adopting relevant approaches to increase participation in sport amongst black, asian and ethnic minority pupils, a significant proportion of whom have tailored their range of sports on offer to take account of pupils preferences and that actually consulting with the pupils to ask what they want has been considered a simple yet effective solution to overcoming participation barriers.

A7 Sport in the Union's External Relations

Research has consistently indicated that girls are less active than boys and physical activity declines through adolescence at a faster rate for girls than for boys.²⁰ Many girls report that they would like to be more physically active and yet school sport partnerships across the UK continue to report adolescent girls are disengaged from physical education, school sport and physical activity in their leisure time.

In November 2006 Norwich Union joined forces with the Youth Sport Trust and Dame Kelly Holmes to empower teenage girls to enjoy more sporting activity on their own terms. The girls who attended the first three roadshows were engaged in a range of activities aimed at engaging them with physical activity and were challenged to come up with ideas on what they would change in their own schools in order to make sporting activity something they would want to participate in.

The girls identified a wide range of factors influencing their engagement with physical activity. Over 85% of the girls rated the environment for their PE lessons, the range of activities on offer, their PE kit and the lack of opportunities to volunteer in the community as either average or poor. However when asked “what one thing do you think would get more girls active?” their responses almost exclusively focused on the need for the provision of contemporary leisure activities such as streeadance, boxercise and trampolining.

Such is the importance of ensuring the access to opportunities is matched to the needs of individuals. Improving access for girls in PE and sport (as outlined in the White Paper) will enable them to not only participate but to build confidence, improve their social skills and enjoy it.

¹⁸ *TOP Sportsability in mainstream schools*—Interim report. Institute of Youth Sport (2005).

¹⁹ *Impact of School Sport Partnerships*; Evaluation (Loughborough Partnership).

²⁰ *GirlsActive; A Research Evaluation*; T O'Donovan, Carnegie Research Institute (March 2007).

In developing co-operation with partner countries (outlined in partner countries) much can be learned from the existing Dreams and Teams (D+T) programme. This is a British Council (BC) programme that uses sport to develop young leaders, enhance their citizenship skills and promote intercultural understanding. It involves two main strands: the roll out of a leadership through sport training programme for 14–19 year olds in schools overseas and the forging of school links with specialist sport colleges in the UK. The school link element of D+T is managed by Youth Sport Trust.

Two of the aims of Dreams and Teams were that relationships brokered by D+T broaden the international view of young people and that the UK is recognised as a country of choice for partnering positive social change. An evaluation²¹ of this programme showed that these objectives had been achieved with:

- 94% of respondents to questionnaires believing that sport was either very important or quite important in broadening the international view of young people;
- teachers providing a mean rating of the overall quality of educational activity from the initiative as 4.0 (where 1 = very poor and 5 = very good), with the mean rating for overseas teachers of 4.5; and
- a third of UK young leaders felt their overall understanding of overseas culture had been broadened a lot/very significantly with a further 28% believing it had been improved.

The authors would like to see policy in this area being of mutual benefit to all countries involved, including our own, and particularly at the level of young people from all backgrounds. Policy should also take account, where possible, of existing programmes where success has been proven and build upon those successes. Sport and young people provide a vehicle for opening up international co-operation.

February 2008

Memorandum submitted by Chris Heaton-Harris MEP

I was first elected to the European Parliament in 1999 for the East Midlands region of the United Kingdom, and was re-elected in 2004. I am currently Conservative Party spokesman on Culture, Education, Media & Sport issues in the European Parliament, and I am current president of the Sports Intergroup of the European Parliament—a collection of MEPs interested in sports and the regulatory and governmental issues that surround them.

In addition to these roles, I was shadow rapporteur in the Internal Market Committee for both the Belet report on professional football in 2006–07, and on the Mavrommatis report on the White Paper on Sport in 2008.

My evidence is summarised below:

1. Page 1 is a review of the role of the European Parliament in the process leading up to the White Paper on Sport, and the developments since. It is also a reminder that the European Parliament is likely to have significant influence on the direction of any future EU sports policy-making. This is something I believe the Committee should consider carefully, in particular in light of the often heavily prescriptive positions that the Parliament has taken.

2. Page 2 is a brief evaluation of what I believe to be the key principles at stake: the autonomy of sports organisations and governing bodies; and the subsidiarity principle, namely that decisions should be taken at a national, not supranational level. It is my judgement that both of these principles are likely to be eroded by the legislative and other processes resulting from the publication of the White Paper on Sport.

I believe strongly that the autonomy and self-governance of sport must be protected from political interference, and that the lip-service paid to that principle in the White Paper and the Parliamentary reports is insufficient when one considers the impact of the actual proposals.

Sport should continue to govern itself, as independently of politics as possible, and should be run by those who know it best—the competitions, clubs, and governing bodies. I hope the Committee would agree with that.

1. THE ROLE OF THE EUROPEAN PARLIAMENT

- The White Paper on Sport should not be read or interpreted without a full understanding of the role of the other European institutions regarding the actions set out both in the White Paper itself, and in the Pierre de Coubertin Action Plan. The European Parliament has been, since early 2006, actively engaged in the ongoing debate on the European Union's foray into sports governance, and will influence the direction of the European Commission's sports policy when Article 149 of the Lisbon Treaty is implemented.
- There are two main Parliamentary Reports, both non-legislative, which illustrate the Parliament's thinking on the key issues surrounding both the White Paper on Sport, and the wider debate on

²¹ British Council *Dreams & Teams Monitoring & Evaluation*: November 2005.

sports governance. These are: the Belet Report on the future of professional football;²² and the Mavrommatis Report on the White Paper on Sport.²³ Using the texts of these reports as an informed guide, the Parliament's position on key issues can be summarised thus:

The Parliament is supportive of a Treaty competence in sport for the EU and expects, and has demanded, an active and interventionist policy from the Commission across a sweeping range of areas inter alia:

- the sale and marketing of media rights;
- anti-doping efforts;
- regulation of sports players' agents;
- licensing of sports clubs;
- the creation of an independent Europe-wide financial monitoring body for sports/football clubs;
- development of a "cost-control" system for European sports clubs; and
- creating (or enforcing) a "competitive balance" across European football competitions.

It is only when European Union involvement in these areas is contemplated that the extent of the White Paper on Sport's potential influence on the future governance of sport in the EU, and by extension the UK, can be accurately calculated.

2. THE PRINCIPLE OF SUBSIDIARITY AND THE AUTONOMY OF SPORTS ORGANISATIONS

- The Committee should consider what I perceive to be a credibility gap between the prominent references to the principles of "autonomy" and "subsidiarity" in the White Paper itself, the Action Plan,²⁴ and the Parliamentary reports mentioned above, and the substance of the various actions, intentions and requests contained within these documents, which reveal a significant accumulation of powers by the EU—in most cases the Commission—often at the expense of sports bodies or national authorities.
- It is unclear to me what added value the involvement of the European Commission and European Parliament brings to the field of sport. On many subjects, it is already apparent that the involvement of many MEPs is motivated either by local nimbyism (ref: the arguments over which is the "best" method of selling media rights) or political prejudices (ref: the desire of some to curb the earnings of both top players and top clubs), and that the outcome will significantly increase the politicisation of sport, at the expense of the autonomy of sports organisations and governing bodies.
- In the less controversial areas of sport that the White Paper (and the Parliamentary reports surrounding it) advocate EU involvement in, such as campaigns against obesity, racism and violence, or sport as a tool for social inclusion,²⁵ it is clear to me that decisions would be made best at a national level—closer to the realities on the ground, and requiring less complex administration. While most of the actions, campaigns and guidelines suggested in this section of the White Paper are worthy and/or desirable, it is not apparent why there is a pressing need for them to be implemented or administered at a European level.

The Committee should once again consider the contrast between the stated acceptance of the principle of subsidiarity, and the practicalities of implementing the Action Plan, which would certainly infringe that principle considerably.

April 2008

²² Passed by the European Parliament in March 2007 with a large majority.

²³ To be voted on by the European Parliament in May 2008*

*predicted date of vote in plenary session. The report has already been passed by a large majority in the Culture, Media & Sport Committee, and is expected to be approved by a large majority in Parliament.

²⁴ Pierre de Coubertin Action Plan, annexed to the White Paper on Sport.

²⁵ These subjects are detailed in Section 2 (The Societal Role of Sport) of the White Paper on Sport.