

# SPORT & EU newsletter

Newsletter of the Association for the Study of Sport and the European Union  
 Edited by Andy Smith, Simona Kustec-Lipicer & Chris Platts

Issue 5 — April 2008

## EDITORIAL

Welcome to the fifth issue of the Sport&EU Newsletter! It has, once again, been an interesting few months for those involved with the study of Sport and the EU. A number of developments have occurred during this time that will have a number of ramifications for future discussion in the Newsletter and the wider academic press. This is particularly clear from the lead article in this issue by Daniel Geey and Victoria Ross who discuss the issues surrounding steps that FIFA and the English Premier League have taken regarding third party ownership in football. Similarly, the publication of the White Paper on Sport was one of the major developments of 2007 and this has generated considerable debate among those with Sport&EU. Anastasios Kaburakis emphasises this point in one of his contributions of this issue when he examines the position taken by The European Parliament's Committee on Culture and Education on the White Paper. And finally, as we entered 2008, Slovenia took over the presidency of the EU and the outcomes that have arisen from this are discussed here by Simona Kustec Lipicer and Zoran Verovnik.

In terms of conferences, the last few months have been particularly busy, with a number of the association's members being involved in the White Paper Conference in The Hague in February. The conference was very interesting conference and, as a result, a number of the papers delivered will be appearing in a special edition of the International Sports Law Journal soon. It is excellent to see the association is continuing to be well represented at such conferences. Similarly, it is looking like this trend will continue in the future, with many members gathering in Onati in May of this year and again at the third annual Sport&EU Workshop in Southport in July. A glance at the preliminary conference programme (page 7), suggests the Workshop promises to be just as good as the previous two. As you will see from the articles in this Newsletter, the implementation of the White Paper on Sport will have numerous consequences for the association and it is, therefore, fitting that it is high on the agenda of discussions at the 3rd Annual Sport&EU Workshop.

On that note, before we leave you to digest the contents of this issue we would like to put on record our thanks to all those who have worked hard to put in place what looks like being another really interesting Sport&EU Workshop. We hope to see as many of

you as possible there. If you are interested in attending, there is all the information you require on page 7 of the Newsletter. Happy reading...

*Andy Smith and Chris Platts  
 University of Chester, UK*

*Simona Kustec-Lipicer  
 University of Ljubljana, Slovenia*

## The integrity of football: Club and player ownership in the English Premier League

The English Premier League (PL) and FIFA have recently decided to fortify their rules relating to third party ownership of players. This comes in the wake of the Tevez saga in the 2006/7 season, when it became clear that third party ownership of players and the problems associated with this were destined to have an effect on European football. The Premier League Rules (the PL Rules), as they currently stand, may raise doubts as to whether the integrity of football is fully assured.

Is there any way to ensure that third party player owners do not have economic interests in both a club and players playing for opposing clubs?

In short, the answer in the UK and possibly throughout the majority of Europe is currently no. An entity (i.e. a person or company) that holds more than 30 per cent of the voting rights in a club or has the power to appoint or remove all or a majority of the clubs board is classed by the PL Rules as having control in a football club. A person

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having control is defined in the rest of this article as being an Individual. Therefore an Individual is barred from:

- 1: Having the power to determine or influence the management or administration of another Premier League or Championship club; or
- 2: Holding more than a 10% shareholding in another Premier League club.

However, no restriction is put on an Individual as regards ownership of players. It is therefore perfectly conceivable that an Individual at Football Club A could own a player playing for Football Club B and then Club A and B play against each other.

Take for example Kia Joorabchian. Mr Joorabchian has been intimately involved in MSI Sports, which held the economic rights in Javier Mascherano at the time of his transfer to West Ham. Mr Joorabchian has been reported to have been considering a takeover of West Ham United. Should any takeover have occurred an owner of one club would have owned the economic rights to a player in another club. Whilst the PL have been at the forefront of safeguarding PL clubs being owned by the same entity, at present the PL do not appear to have any explicit controls in place to prevent such player and club conflict.

It is important to note that the distinction here is not where an entity unconnected to a football club has an economic interest in a player but where that entity also has direct or indirect links to a football club. In such instances, this may be considered a problem.

Could third party owners have multiple players playing in opposing teams and competing against each other?

There appears to be nothing in the current PL Rules to prevent an Individual holding economic interests in more than one player not at his club. It is therefore possible that a third party owner has already had two players play against each other. Indeed this happened on 16 December 2007 when Liverpool played Manchester United. Tevez who scored in the game and is apparently on a two year loan deal at United played against Mascherano (who had not yet permanently signed for Liverpool). Although both clubs held the registrations of the players, they did not own the full economic rights of the players at the time of the match. A question as to whether a third party can own multiple players in the same league without any consequences would certainly require further discussion.

The threat to footballing integrity and the need for greater transparency

In both the above scenarios it is clear that conflicts of interest could arise where a third party owner of a player is unscrupulous. If the third party owner is also an Individual, the player could be instructed to play badly against the Individual's club. One might ask how much influence one player can have on the game but if, for instance, the player was to purposely get himself sent off, clearly that can have a major impact on the game. With further revelations in the press recently about betting and allegations of players wiping out debts by, for example, getting deliberately sent off, illustrate that a player can have a

significant influence over a football match. Further, as discussed above there is no rule against an Individual owning one or more players. If one starts to think that an Individual could own several players in opposing teams throughout Europe, the collective impact could be much greater.

What is more, with the PL Rules as they stand, there is no way to know whether such conflicts exist as there is no list setting out such conflicts. The Tevez ruling found that West Ham had breached PL Rule U18 (now PL Rule V20), which prevents clubs entering contracts which may give a third party the power to materially influence its policies or the performance of the team. West Ham fell foul of this rule because MSI Sports had exclusive power to facilitate the transfer of Tevez. They also pleaded guilty to a breach of the then PL

Rule B13 which stated that "In all matters and transactions relating to the League each club shall behave towards each other club and the League with the utmost good faith." West Ham breached PL Rule B13 because club officials had concealed facts about the terms of the transfer from the PL. It remains to be seen whether the PL Rule to act in utmost good faith requires Individuals to disclose any economic ownership rights that a person or company may have in another player in the PL or throughout Europe. Whether there should be such a list in order to outlaw such conflicts is again highly debatable but worthy of discussion.

Updated Rules

The PL has stated that the PL Rules currently in place will now be more strictly applied for the remainder of the 2007/2008 season. It is unclear what is to be taken into account when determining what constitutes 'material influence' under PL Rule V20. The PL Rules, one would assume, would now interpret a breach of PL Rule V20 to include instances where any third party ownership

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agreement which gives the third party the exclusive ability to transfer a player from a club.

FIFA have also looked to regulate third party ownership. Their new regulation states that “No club shall enter into a contract which enables any other party to that contract, or any third party to acquire the ability to influence in employment and transfer-related matters its independence, its policies or the performance of its teams”. With the practice of third party ownership prevalent in South America, it would be extremely difficult for FIFA to ban third party ownership. However, it seems that FIFA has recognised the need for increased transparency and club independence when third party ownership deals are in place.

However, it seems highly unlikely that the PL would go as far as to ban third party ownership altogether if a PL Rule change is to occur in the coming summer. Most probably, third party ownership of a player would have to fall in line with the PL approved loan agreements entered into between Liverpool and Mascherano (before his full transfer) and Manchester United and Tevez.

The issue that remains is not whether third party ownership should be allowed, but rather how it should be regulated.

This is an abridged version of two longer articles published over consecutive months in the World Sports Law Report. Please contact [daniel.geey@ffw.com](mailto:daniel.geey@ffw.com) for a copy if required.

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## Tipping the scale: The European Parliament's Committee on Culture and Education adopts first official position on the European Commission's White Paper on Sport

2008 has provided scholars with ample opportunities for significant research and meaningful contributions. The *Oulmers-G14* settlement, the CAS award in *Webster*, the various arguments after ECJ's *Meca-Medina* test, and the EC White Paper preceded the European Parliament's sport initiatives in view of the Reform Treaty.

In March 2008, Member States' Ministers responsible for sport, Presidents of the National Olympic Committees, and the European Commissioner for Sport, Jan Figel, reached a declaration on the social significance of sport, emphasising the need for an urgent, large-scale stakeholder dialogue. In April 2008, the first official position on sport post-EC White Paper was adopted (31-1-1) by the Committee on Culture and Education of the European Parliament and moved for a plenary session vote by May 2008.

The rapporteur, Greek MEP Manolis Mavrommatis, commented that the inclusion of sport in the Reform Treaty is a big step toward a European Policy on sport. One can characterise the

report as descriptive, prescriptive, and restrictive. It revisits many topics posed in the White Paper. It offers recommendations. Simultaneously, it deviates from some main areas of the White Paper and findings of the Commission and the European Court of Justice, at times assuming a much friendlier approach toward traditional sport governing bodies, which were the first to express disappointment at the White Paper's balanced approach. Selected highlights, short commentary, and useful links follow. The report outlined the following:

1. Declares that the White Paper failed to take a clear position on how to uphold the principle of the specificity of sport and purports that a case-by-case analysis as posed in *Meca-Medina* would be unsatisfactory and characterised by legal uncertainty;
2. Promotes action re: sports-specificity, European sport policy, and clarification of EU Law application to sport in light of Article 149 of the Lisbon Reform Treaty [stopping short of advocating an outright exemption for sport as an economic activity from EU competition law (Draft Report on the White Paper on Sport, Motion, p. 70, Amendment 227, para. 14a)];
3. Reiterates the findings of the Austrian Presidency re: financial impact of sport on European economy (€ 407 billion in 2004, 3.7 % of EU GDP, employing approximately 15 million or 5.4% of the labor force);
4. Emphasises the need for Commission action in regard to digital piracy (in particular live and re-transmission of sport events);
5. Finds areas that need to be respected by the sport sector, prohibiting discrimination based on gender, race, national origin, religion, disability, age, or sexual orientation (Art. 13 EC Treaty);
6. Promotes participatory democracy in decision-making in re: sport governance mechanisms, declaring nonetheless that sport cannot be compared with ordinary economic activity;
7. Challenges the Commission and member states to systematically combat doping;
8. Calls on the Commission to recognise the

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- legality of “home-grown” rules;
9. Proposes a special budget line in 2009 for sport pilot programmes;
  10. Includes a form of a “soft exemption” for sport, under which the Commission and member states are called to recognise sport as a complementary competence in the new Reform Treaty, giving practical effect to the principle of the specificity of sport in EU-Law making, enabling the Commission to promote and complement – but not regulate – the actions of member states and sport organisations (Draft Report on the White Paper on Sport, Motion, pp. 54-55, Amendment 179, para. 10);
  11. Strongly supports existing gambling monopolies, based on “imperative requirements in the general interest”, including control of a “fundamentally undesirable activity”, prevention of compulsive gambling and maintenance of public order, pursuing such objectives in compliance with European Law and ECJ Jurisprudence;
  12. Voices its concern at the possible deregulation of the gambling and lotteries’ market, since state-run or state-licensed gambling or lottery services will be harmed by competition and will restrict their support mainly to amateur sport (note that such argumentation was not convincing for the ECJ in *Gambelli* and *Placanica*);
  13. Supports the creation of an independent financial monitoring entity overseeing the finances of professional sport clubs, a European clubs’ standardised management control strategy, as well as a European independent certification body clearing transfers and financial transactions, ensuring fairness in competition and the proliferation of the European sport model;
  14. Calls the Commission to assist sport governing bodies in regulating sport agents via a directive; also recommends the creation of a European certification system;
  15. Calls the Commission to expeditiously tackle the problem of human trafficking and young athletes’ migration; and
  16. The principle of subsidiarity should be respected, ensuring however that fees’ redistribution from pooling broadcasting rights will be equitable for the weaker clubs; further, a block exemption from competition rules is proposed for legal certainty of such collective selling practices of media rights.

In summary, there are important issues raised in the report. Depending on the plenary session reception of its somewhat controversial action items and the Commission’s approach of the Parliament’s recommendations, one may wish to brace oneself for a dynamic environment for sport policy development in the process of the much anticipated ratification of the Reform Treaty and its direct ramifications for the sport sector. Undoubtedly, the report and its adoption present fertile ground for future Law and Policy research in this dynamic era.

Anastasios Kaburakis  
*Southern Illinois University Edwardsville*

## Sport in the EU under the Slovenian presidency

With the acceptance of the White Paper on Sport in June 2007, the future agenda for sport within the European Union (EU) was confirmed. This was especially the case regarding the

setting of more concrete steps for implementation of the White Paper and common EU policy perspectives in general. Within this perspective, according to the EU political schedule, the Slovenian presidency (from January to July 2008) was recognised to be crucial for the endorsement of the aforementioned objectives, and, in light of this, the main challenge for the Slovenian presidency was to successfully negotiate this agenda. The rest of this article, therefore, will report on the activities that have been undertaken in this regard.

It is customary for the country holding the EU Presidency to organise informal meetings at which ministers discuss EU-related issues without arriving at formal conclusions or decisions. The meetings enable those taking part to engage in a free exchange of ideas without fixed agendas or strict guidelines. One of the purposes of such meetings is to create a better framework for EU decision-making on a broad range of difficult issues, thus supplementing the Council’s regular activities. In September 2007 it was officially agreed and confirmed by EU institutions and the Slovenian government that sport will be given similar prestige as justice and home affairs, social, defence, foreign, economic and financial, environmental, health, transport and agricultural affairs and thus will be given the highest policy priority in the presidency mandate. Based on this agenda, two crucial events were organised in February and March 2008 by the Slovenian Government, Directorate of Sport at the Ministry for Education and Sport.

First, in February 2008 the informal meeting of EU sport directors was organised, where the agenda covered the following issues: the White Paper on Sport and Action Plan Pierre de Coubertin with a view to preparing the implementation of the future provision on sport in the Lisbon Treaty; European Sport Satellite Account, e.g. measuring the economic impact of sport; profit and non-profit sport organisations; sport and health;

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sports information systems; vocational qualification and training in sport; social cohesion and integration; and doping in sport. At the end of the meeting in which the European Commission was present as well, the Slovenian EU Presidency confirmed a set of conclusions on the exposed issues, together with the notion of the coming French Presidency priorities in the July 2008 – January 2009 mandates, focusing on sport and health and fight against doping issues, economic issues on public and private financing, good governance in sport, protection of young athletes – dual career and training of sportsman and sports women, activities of sports agents and specificities of sport (detailed conclusions could be found at: [www.EU2008.si](http://www.EU2008.si)).

Following the sport directors meeting an informal meeting of EU ministers responsible for sport was held on 16 and 17 March 2008 on which the Sports Ministers and Presidents of the National Olympic Committees of the EU Member States and the countries of the Western Balkans, the President and the representatives of the Executive Committee of the European Olympic Committees adopted a Joint Declaration on 'Social Significance and Dialogue in Sport' (also known as Ljubljana Declaration). In the first Joint Declaration of that kind ever in history, the Ministers and the Presidents of the National Olympic Committees undertook to strengthen intercultural dialogue, emphasised the importance of education and the socialising role of sport, underlined the social importance of sports organisations and specifically underlined the responsible and active approach of all the interested parties in the area of sport (the full content of the Declaration can be found at: [http://www.eu2008.si/en/News\\_and\\_Documents/download\\_docs/March/0316\\_EYC\\_sport/050Declaration.pdf](http://www.eu2008.si/en/News_and_Documents/download_docs/March/0316_EYC_sport/050Declaration.pdf)).

There is no doubt that in the period of Slovenian presidency of the EU a number of visible steps have been undertaken to cement its policies in the field of sport. Similarly, recently further steps have been made with the opening up of the official agenda for the discussion of member-states positions in the field, and, equally as important, the beginnings of formal co-operation between the EU, member-states and sport organizations. This dialogue carefully takes into account the range of differences and possible similarities in their positions that show to be frequently distant to each other although related to the same contents. Regarding the latter also a special official meeting of the Slovenian minister, responsible for sport, Dr. Milan Zver, as the representative of the Council of Ministers, Jan Figel as the accountable representative of the Commission, and Jacques Rogge of the International Olympic Committee has been planned in the interval of Slovenian presidency. However, some suggest that whilst this would be a further advance discussions, it has very poor chance of actually being carried out.

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## ISSUES FOR FUTURE DISCUSSION

### Oulmers

In short, the *Oulmers* case occurred when Charleroi Football Club lost the services of their Moroccan international Abdelmajid Oulmers as a result of injuries he sustained whilst competing for his national side. G14 were quick to support the position taken by Charleroi and, championing on behalf of many top European clubs, claimed €860mil in various damages from FIFA. The claim was rejected by the Belgian Court, the Tribunal de commerce de Charleroi, who referred matters to the ECJ (OJ C 212 of 02.09.2006, p.11).

The main question posed in this case was:

*Do obligations of clubs to release players without compensation and the unilateral and binding determination of the international matches calendar constitute unlawful restrictions of competition (EC Treaty Art. 81), abuses of a dominant position (EC Treaty Art. 82), or obstacles to the exercise of fundamental freedoms (per EC Treaty Art. 39, 49, 81, and 82)?*

In September 2006, FIFA's lead counsel, Heinz Tännler, observed that FIFA might consider establishing an insurance and compensation fund for international players. However, this idea was criticized, in part, due to time constraints and the unilateral level of action by FIFA, as opposed to including clubs in the decision-making process. Moreover, the issue regarding the match calendar was never fully addressed.

It is fair to say that the sixteen months that followed were bursting with academic discussions, legal and policy analyses, and the obvious stakeholders' negotiations which led to the historic agreement struck on January 15<sup>th</sup> 2008.

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Perhaps this was to the detriment of those scholars eagerly anticipating ECJ Jurisprudence on the issue, and perhaps another *Meca-Medina*-type competition law application test?

Whatever one's feelings on the settlement are, the main developments that have emanated from it provide a number of interesting areas that both academics and practitioners alike may want to discuss in the future:

1. *Oulmers* settled (pending approval); G14 disbanded; European Club Association (ECA) formed after UEFA/FIFA signed Memorandum of Understanding with G14; ECA shall consist of 103 clubs representing 53 Member Associations, based on sporting achievement, i.e. UEFA's biennial ranking (<http://www.uefa.com/newsfiles/648367.pdf>);

2. FIFA/UEFA will make available \$252mil. (110 and 142 respectively) for clubs' (with national team players' representation) compensation and insurance;

3. Euro2008 sums split three ways (approximately \$6,000/day) to: current club, previous season's club, club with player's license up to two years prior to international competition (could be the same club receiving the total sum); and

4. Assurances by FIFA/UEFA reducing numbers of preliminary games for national teams' competitions.

Anastasios Kaburakis  
Southern Illinois University Edwardsville

## Controlling Fan Groups

The Boulogne Boys are no more. This group of Paris Saint-Germain supporters was dissolved last week by the French Home Secretary, Michèle Alliot-Marie. For a long time, the 'Boys' had officially discouraged violence and any other form of action that could damage their reputation. As the group counted hundreds of members, it was difficult for its committee to enforce this policy and certainly a number of the 'Boys' had misbehaved during the years. The Boulogne Boys has been linked to troubles more often in the past two years, following the group's very high-profile brawl with another PSG group of supporters, the Tigris Mystics (as a result of which the latter decided to disband a couple of years ago). These troubles certainly culminated tragically in the death of a PSG supporter, Julien Quemener (reportedly a once-time member of the Boys), killed by a policeman. (The matter is still *sub-judice*) Nevertheless the episodes of violence in which members of the group, and arguably the group itself, had become increasingly involved did not, on their own, prompt the group's dissolution. The latter happened because of a banner that was deployed at the Stade de France during PSG's victorious final against the northern town of Lens, and which contained very strong abusive language and stereotypes against Northerners. For researchers on sport and the European Union, the case of the Boulogne Boys puts a strong emphasis on the need to research every dimension of the politics of sport. The Boys could only be dissolved because of laws that were passed in the past years, following media frenzy on dangerous supporters. This raises the question of the appropriateness of the response of the government and local authorities to troubles among supporters. Arguably, the banner was

also deemed unacceptable because of previous efforts made by governing bodies of the game, in concert with national and local governments and to some extent with EU institutions to fight and discourage every form of racism, xenophobia and hatred for 'others'. The Boulogne Boys have often been depicted in the media, with some degree of accuracy, as a predominantly right-wing organisation or, more questionably, as far-right. Even supporters groups which (like the Boys) are not overtly political indeed provide a good environment to study the importance of politics (including the impact of high politics, here in the form of policies) in the everyday activities of a great number of citizens.

David Ranc  
(Formerly University of Cambridge)

## Webster

*Webster (& Wigan) v Hearts*, is the most recent (CAS award: 30.1.2008) precedent with regards to the consequences of contract termination by a player without cause (post-protection period). This is an important interpretation of FIFA rules on status and transfers of players Art. 17. In a nutshell, the FIFA Protected Period states that: Unilateral termination by player without cause whilst in Protected Period results in sporting sanctions and financial compensation to club.

Protected Period is defined as:

1. The first three contract years pre 28th birthday.
2. The first two contract years post 28th birthday.

In the case of Andy Webster, it was claimed that he breached, without cause, the post-Protected Period. So what is the compensation owed to the club? The FIFA Dispute Resolution Chamber (DRC) set damages at £625,000 (inexcusably according to CAS), whilst Hearts claimed £4.9 million (estimated market value at £4mil). According to the CAS award, the compensation owed to Hearts was set at the remaining value of the contract,



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£150,000 plus interest.

Again with future discussion in mind, on top of the above, the award also concluded:

*1. Panel finds there is no economic, moral or legal justification for a club to be able to claim the market value of a player as lost profit;*

*2. Possible entitlement to the transfer or market value is entirely absent [in FIFA rules and player's contract] ... to imply it into the contract would contradict both the principle of fairness and the principle of certainty;*

*3. Compensation... should not be punitive or lead to enrichment ... put clubs and players on equal footing;*

*4. no reason to believe that a player's value owes more to training by a club than to a player's own efforts, discipline and natural talent... a talented and hardworking player tends to fare well, stand out and succeed independently from the exact type of training he receives, whereas an untalented and/or lazy player will be less successful no matter what the environment... market value could stem in part from charisma and personal marketing; and*

*5. it would be difficult to assume a club could be deemed the source of appreciation in market value of a player while never be deemed responsible for the depreciation in value... if the approach relied on by Hearts were followed, players should be entitled to compensation for their decrease in market value caused by being kept on the bench for too long or having an incompetent trainer, etc... such a system would be unworkable.*

*giving clubs a regulatory right to the market value of players and allowing lost profits to be claimed... would in effect bring the system partially back to the pre-Bosman days when players' freedom of movement was unduly hindered by transfer fees... becoming pawns in the hands of their clubs and a vector through which clubs could reap considerable benefits without sharing the profit or taking corresponding risks... [It would] be anachronistic and legally unsound.*

Anastasios Kaburakis  
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## UPCOMING CONFERENCES

**3rd Annual Sport&EU Workshop**  
*Centre for Sports Law Research, Edge Hill University - 4-5 July 2008*  
**'Implementing the European Commission White Paper on Sport'**

The Centre for Sports Law Research at Edge Hill University is pleased to announce the third annual Sport&EU workshop, sponsored by UACES, the Centre for the Study of International

Governance at Loughborough University, and Edge Hill University and organised jointly by Sport&EU and the Centre for Sports Law Research. The workshop is open to all and whilst papers are invited, delegates are encouraged to attend without presenting a paper.

Workshop fee, including refreshments, dinner, overnight accommodation, breakfast, and lunch on 5 July at the Scarisbrick Hotel, Southport, United Kingdom:

£120 (UACES/Sport&EU Members)/ £130 others.

For further details and a registration form, please visit:

<http://www.edgehill.ac.uk/Faculties/FAS/LawandCriminology/CSLR/WPConferenceJuly2008.htm>

Preliminary programme, subject to confirmation:

### 4 July

**Welcome and Introduction (13:00-13:15)**

Professor **Alistair McCulloch**, Dean,  
Department of Research and Knowledge Transfer,  
Edge Hill University

**Richard Parrish**, Director, Centre for Sports Law  
Research and Reader in Law,  
Department of Law and Criminology, Edge Hill  
University

**Keynote speech (13.15-14.15)**

**Pedro Velázquez**, Deputy Head of Unit, Sport  
Unit, European Commission  
'The EU and Sport: the implementation of the  
White Paper and Future prospects'

**Panel I (14.30-18.00): The Organisation of Sport**  
(Chair to be confirmed)

a. **Jonathan Hill**, UEFA: 'The European  
Commission's White Paper on Sport: A step  
backwards for specificity?'

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- b. **Borja García**, Loughborough University: 'New Governance in sport after the White Paper: The demise of the European model?'
- c. **Roberto Branco Martins**, TMC Asser Institute and Edge Hill University: 'European Social Dialogue and Sports Governance'
- d. **Alexandre Mestre**, PMLJ Law Firm, Lisbon, and Edge Hill University: 'The Lisbon Treaty and sport'
- e. **Ben Van Rompy** (Institute for European Studies, Vrije Universiteit Brussels) & **Caroline Pauwels** (IBBT-SMIT): 'The recognition of the specificity of sport in the European Commission's Article 81 EC case law related to sports media rights'

## 5 July

### Panel II (9.30-11.00): The Societal Role of Sport: Social Inclusion

Chair: **Barrie Houlihan**, Loughborough University

- f. **Jack Anderson**, Queen's University Belfast: 'Creating Synergies? Social Inclusion in the European Commission's White Paper on Sport'
- g. **Tina Nobis & Jürgen Baur**, University of Potsdam, Department of Sport Science: 'Integration of adolescent migrants and persons of foreign origin into organised sports – A Discussion about the potential of sport for social inclusion regarding the German Case'
- h. **Chris Platts & Andy Smith**, University of Chester: 'Education and Welfare Provision in Professional Football Academies in Europe: Some implications of the White Paper on Sport'

### Panel III (11.15-12.45): The Societal Role of Sport: Violence and Doping

(Chair to be confirmed)

- i. a. **Peter Coenen**, University of Lucerne and Edge Hill University: 'Football- Law' in the Netherlands; The proposed Dutch Football Law and lessons learned from the English approach to violence in football.'
- j. **Michael Mutz**, (Potsdam) **Jürgen Baur** (Potsdam) & **Ulrike Burmann** (University of Dortmund): 'Can Physical Activity Prevent Violence? Sport Participation and Violent Behaviour Among 15-year Old Adolescents'
- k. **Magdalena Kędzior**, School of Law and Public Administration, Rzeszów, Poland: 'Anti-Doping Policy of the EU- recent developments'

Closing remarks 12.45-13.00

## The Role of Sports in Europe – Discussion of experts European Sports Conference in the Sportschloss Velen

The German Sport University Cologne and the European Academy of Sports Velen e.V. in cooperation with the European Network of Sport Science, Education & Employment (ENSSEE) are organising a European conference entitled 'Role of sport in Europe – Future challenges

and strategies' at the Sportschloss Velen on 23<sup>rd</sup> and 24<sup>th</sup> of June 2008. Within the scope of the EU-project "Sport in Europe", which was granted by the European Commission (Jean Monnet Programme), this conference will focus on the political, organizational, social, and legal aspects of sport in the European Union. Top-class experts of politics, sports, science and economy will discuss about future challenges and strategies of sports in view of the continuing Europeanisation. The aim is to actively deal with the role of sports in the European integration process. In addition transparency shall be achieved in relation to the role and function of sports on a local, regional, national and European level, in order to develop strategy recommendations to cope with future challenges in the above mentioned areas of European sports. Confirmed speakers are:

**Michal Krejza**, European Commission, Head of Sport-Unit

**Folker Hellmund**, Head of EU-Office of German Sport

**Pr. Dr. Ian Jenry**, University of Loughborough

**Pr. Dr. Mick Green**, University of Loughborough

**Pr. Dr. Ken Hardman**; University of Worcester

**Pr. Dr. Maarten van Bottenburg**, University of Utrecht

**Michael Siebold**, Law firm ArneckeSiebold

Additionally we expect speakers from the German Ministry of the Interior and from the European Gambling and Betting Association.

The conference is to take place at Sportschloss Velen in the Münsterland. The historic lakeside castle is home to the European Academy of Sports Velen e.V. and as such offers an unique ambience for the conference. The registration fee is 139 Euro and includes conference fee, accommodation for one night at the SportSchloss Velen, catering and dinner. For registration please visit <http://www.sport-in-europe.de/conference>.



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Due to reservation standards at the SportSchloss Velen the provisional reservation of hotel rooms for the participants by the Organizing Committee will be cancelled on 30. April 2008. We recommend an early registration.

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## FORTHCOMING AND RECENT PUBLICATIONS

### International Journal of Sport Policy

**Editor in Chief:** Barrie Houlihan, Loughborough University, UK  
**Co-Editors:** Daniel Bloyce and Andy Smith, University of Chester, UK  
**Reviews Editor:** Mick Green, Loughborough University, UK

The International Journal of Sport Policy aims to publish articles that address all aspects of sport policy irrespective of academic discipline. Articles that adopt a multi-disciplinary, interdisciplinary or comparative approach are particularly welcome. The Editorial Board is especially keen to encourage the submission of articles of 6-8,000 words that cover one or more of the following five broad themes:

1. Theoretical contributions to analyses of the policy process for sport;
2. The development of robust, evidence-based empirical research on the impact of sport policy;
3. The role and influence of national and sub-national government in relation to sport policy
4. The significance of government, for example as regulator, resource provider and competitor, for the operation of commercial, semi-commercial, and not-for-profit/voluntary organisations; and
5. The role of transnational government organisations in relation, for example, to the regulation and development of sport.

The Journal will also publish **Country Profiles** and **Review Articles** which are described more fully on the Journal's homepage [www.informaworld.com/ijsp](http://www.informaworld.com/ijsp)

### Submission Guidelines:

**Main articles** should be 6-8,000 words in length and should be submitted electronically to: [ijsp@chester.ac.uk](mailto:ijsp@chester.ac.uk)

**Books for review** should be sent to: Mick Green, Institute of Sport and Leisure Policy, School of Sport and Exercise Sciences, Loughborough University, Loughborough, LE11 3TU, UK

Email: [m.j.green@lboro.ac.uk](mailto:m.j.green@lboro.ac.uk)

For further information please visit the journal's website [www.informaworld.com/ijsp](http://www.informaworld.com/ijsp) and click on the Instructions for Authors tab.

**The Sporting Exception in European Union Law.** Parrish, R., and Miettinen, S. (2008) (TMC Asser Press).

The Sporting Exception in European Union Law is the definitive account of EU sports law. It provides a modern legal framework based on an analysis of major European Court of Justice judgments including *Walrave* (1974), *Donà* (1976), *Bosman* (1995), *Deliège* (2000), *Lehtonen* (2000), *Kolpak* (2003), *Piau* (2005) and *Meca-Medina* (2006). It also provides advanced commentary on the major sports-related competition decisions of the European Commission. Broadcasting issues, rules affecting player mobility and issues of sports governance are analysed as are current issues in EU sports law including the *Oulmers* case, home-grown players, players' agents, the Services Directive, the Audiovisual Media Services Directive, the 2006 Independent European Sports Review, the 2007 Commission White Paper on Sport, the Reform Treaty and prospects for social dialogue. The work is intended for use on all undergraduate and postgraduate sports law and EU law programmes and as a resource for academics, lawyers and sports administrators.

**Player's Agents Worldwide: Legal Aspects.** Parrish, R., Banco Martins, R., Siekmann, R., and Soek, J., eds, (TMC Asser Press, 2007).

Publicly, at least, there appears to be a strong collective will within football to clean up the game, to make the work of players' agents more transparent and to allow a greater share of the game's profits to stay within the game. Privately, there seems to be unease that current agent regulation is out of step with football industry

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norms and that if the sector is to operate effectively, practices which are prohibited by the rules should in fact be tolerated. Here lies the problem. Stringent agent regulation may well look impressive but over-regulation will merely compound the problem of non-compliance and a lack of transparency. Finding the balance which not only addresses the problems facing football and satisfies the supporters and other interested stakeholders but which also satisfies the requirements of national, EU and international law is just one of the many challenges facing football's governing bodies. What are players' agents? Why should they be regulated? How should they be regulated? These three apparently simple questions have been tackled throughout this book. The first question appears straightforward as agents perform similar functions throughout the world. However, as the contributions in the book reveal, the manner in which agents operate varies. The questions of why and how to regulate again reveals common themes but also considerable variations in patterns of regulation. In this connection, there are, in effect, three tiers of agent regulation: international law, national law and the law of the sports associations. This book covers the legal regulations governing players' agents in forty countries around the world, representing the major footballing constituencies including Argentina, Brazil, Mexico and Russia as well as the "Big Five" in Europe. Written by acknowledged experts, it provides a very useful and informative comparative survey. Indeed, this is a book, which all those involved in the administration of football clubs, particularly, coaches and managers, as well as players' agents themselves, and commercial, financial and legal advisers, can do hardly do without, as it will provide them with a constant and useful source of reference.

## JOINING SPORT&EU

The Association for the Study of Sport and the European Union (Sport&EU), aims to bring together all scholars with an interest on the Union's involvement in sports and its consequences for policies, law and society (largely defined). Academics, doctoral and postgraduate students from every branch of learning (including but not limited to anthropology, criminology, economics, ethnology, geography, history, law, linguistics, political science, sociology etc.), working on any area within the European Union are invited to join. Sport&EU aims to promote interdisciplinary research and to enhance the cross-national and multi sports nature of the discipline. It is also committed to promote theoretical debate and research within the area of Sport and the EU. The association's main goal is to provide researchers with a network to exchange ideas and information in order to develop a research agenda that could enhance the profile of the discipline of sport within the area of European Studies (both largely defined). Sport&EU is especially interested in providing a friendly and motivating forum for post-graduate research students to present their work in an academic environment. PhD students are encouraged to join the association and to participate in its activities. The association will initially be focusing into three main areas, each one forming a research group: Sport policies and governance in the European Union, Sports law and Regulation in the EU and Sport in Society. Please note that the term EU does not only refer to the supranational level, but it also includes the meso and micro levels. The aim of Sport&EU is to organise one or two yearly conferences, distribute newsletters, and have an active mailing list for its members and promote the study of the topic through its

website. Among other activities, the network will convene panels for major conferences in order to disseminate the findings of the member's research and to raise awareness of the importance of sport both socially and politically.

Sport&EU is always happy to welcome new members who have an interest in Sport and the European Union. Academics, including research students, are especially welcome. Send an email with your contact details to [join@sportandeu.com](mailto:join@sportandeu.com) in order to join the association. To join the Sport&EU email list simply send the following information - join sportandeu 'firstname(s)' 'lastname' (e.g. join sportandeu Joseph Blatter) — via email to: [sportandeu-request@jiscmail.ac.uk](mailto:sportandeu-request@jiscmail.ac.uk). You will then be sent a separate message containing instructions to confirm your subscription.

## SUBMITTING TO THE NEWSLETTER

As Editors of the Sport&EU newsletter which will be distributed via the Sport&EU mailing list and available to download at [www.sportandeu.com](http://www.sportandeu.com), we would like to invite all colleagues, particularly postgraduate students, to submit contributions on a range of sport and EU related matters for inclusion in future issues.

Potential contributions to the newsletter, which should be of interest to all colleagues, may include: summaries of Sport&EU activity; abstracts of recently published or soon to be published papers; details of forthcoming books etc; executive summaries of recently completed research projects; thoughts/reflections on recent and forthcoming developments in the field that will be of interest to readers (e.g. The Independent European Sport Review and Commission White Paper on Sport in the EU); book

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reviews; available courses/opportunities in sports law, policy, politics, sociology etc; and anything else that you think might be of interest!

Contributions should be no longer than 500 words, excluding references which should be kept to a minimum. However, in exceptional cases (e.g. when papers examine a particularly topical issue), articles up to 1,000 words will be considered for publication. Whilst the article should be written with an academic audience in mind, please avoid using jargon that may be potentially confusing and unfamiliar to our readers. All contributors should send articles, ideally in Microsoft Word format, via email to the Editors at: [newsletter@sportandeu.com](mailto:newsletter@sportandeu.com).

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