

European Commission White Paper on Sport

A step backwards for
specificity?

Jonathan Hill
Head of UEFA EU Office





Introduction

- this is a *political* perspective
- arguments apply to all sports
- professional sport is still sport
- modern autonomy is supervised.



White Paper offers political support to:

- social role of national teams
- training policies for young players
- solidarity between pro and amateur sport
- club licensing systems
- international transfer system.



White Paper's political contribution

- courts appear to be shaping the future
- political dimension is missing
- European Commission expresses common European good.



White Paper's approach to specificity

- most sports governing bodies hoped for a strengthening of specificity
- instead, we saw a dry reaffirmation of the recent European case law
- *Meca-Medina* was decision confirmed as the new norm.



Meca-Medina decision

- European Court dismisses sports rules
- competition law now applies to all aspects of sport
- decision erodes governing bodies' capacity to act.



Erosion of sports rules

- **sports rules are under threat just when sport needs them most**
- heart of specificity: sports rules that respond to specific challenges
- commercialisation makes sports rules more necessary than ever before.



Sport needs sports rules:

- maintain competitive balance
- ensure solidarity
- encourage training.



Limitations of competition policy

- competition policy is for the sale of goods and services
- TV rights merit scrutiny but...
- sports rules that promote competition on the field of play?



Limitations of Court's approach

“Sports governing bodies have a commercial function.

Therefore, the entirety of their activities – including the regulatory function – must respect competition law.”



How far will this new trend go?

- sanctions against cheating?
- promotion and relegation?
- size of national leagues?



What does sport need?

Recognition, binding on the courts, that sport does not behave like a normal economic activity, and requires specific sports rules.



Thank you