



Brussels, 18 May 2016
(OR. en)

8367/2/16
REV 2

SPORT 19
SOC 206
ECOFIN 332
JUR 183
FISC 62

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
No. prev. doc.: 8176/16 SPORT 14 SOC 191 ECOFIN 318 JUR 168 FISC 58
Subject: Improving governance in sport: the role of governments
- *Policy debate*
(public debate pursuant to Article 8(2) CRP [proposed by the Presidency])

Following consultation of the Working Party on Sport, the Presidency has drawn up the attached discussion paper as the basis for the policy debate at the EYCS Council meeting on 30-31 May 2016.

Improving governance in sport: the role of governments

Presidency discussion paper

1. Introduction

Sport embodies many positive values, including enjoyment, pride, development, performance, cohesion and fraternity. Sport has positive effects on welfare, health, education and the economy. This applies both to active participation in sport and to passive sport spectatorship. At the same time, there are still too many serious issues which detract from the positive values of sport such as doping, match-fixing, violence, human trafficking, corruption and money laundering.

In the recent decades the sport sector has changed. More spectators are attending major sport events, while media coverage has expanded considerably, leading to a huge increase in viewers. The market has become a global one with increasing cross-border activity. These developments have contributed to the commercialisation of the sport sector with more sponsoring and merchandising. Due to the rising financial stakes, the sport sector has become more vulnerable to issues of integrity. This can also be seen on television and other media, as new scandals regularly dominate the news. This in turn has had a negative impact on the credibility and trust of the public in the positive value of sport.

The call for integrity and good governance seems to have reached the sport movement later than other sectors such as the banking sector, possibly due to its tradition of self-governance and, to a certain extent, closed hierarchy. According to Arnout Geeraert from the University of Leuven and other scientists, international sport federations have traditionally been extremely autonomous bodies and public authorities have had very little influence on the way they operate.

The recent cases of corruption, money laundering and bribery scandals have made it crystal clear that sport alone is not equipped to combat money-related integrity issues of this kind. On some matters, the sport sector has even asked for intervention from public authorities, for instance in the fight against match-fixing. This has led to discussions on self-governance in and outside the sector.

Public authorities, as well as the general public, have asked for more transparency in decision-making, good governance and accountability. Good governance in sports organisations could be a way of ensuring that the public focuses once again on the positive values of sport. If sports bodies are organised properly, violations of integrity are less likely to take place and public trust can be restored.

A good start would be to have clear rules in place on electoral procedures, an appropriate code of ethics and accountability and transparency in decision-making and financial operations. This is the responsibility of the sport sector.

2. Role of governments

Governments have supported the concept of self-governance for a long time. However, the threats which the sport sector is increasingly facing, require support from, cooperation with, and in some cases the intervention of national governments. Governments have a range of options, such as establishing a regular dialogue between the sport movement and governments, updating models of sport governance and helping to ensure good governance in the sport sector. At the same time they have the responsibility that the law is enforced, while, in serious cases of mismanagement or misconduct, they can also use the law and for example impose (financial) penalties. And finally, to combat cross border threats such as doping, corruption and match-fixing more effectively, a more coordinated approach between Member States could be the best way to react.

Regular dialogue and cooperation with the sports movement

There is a growing awareness within different organisations that governments and sport organisations could enter in a regular dialogue, exchange information and work together on solving the current integrity issues, like doping, corruption and match-fixing. There are many examples and challenges at international, national and even local level, when it comes to conducting such a dialogue. One prime example of this at international level is WADA¹, in which governments and sport cooperate to deal with issues such as doping and providing a safe environment for sport.

At European level, the good governance of major sporting events is a topic on which Member States have consistently emphasised the importance of regular dialogue². As major sport events generate collaboration and partnership between international and national sport federations, national and local authorities, media and other (commercial) partners, it is important that partners in these events come to mutual arrangements taking into account each other's responsibilities and interests, but also through shared values on issues such as integrity, transparency and good governance.

Support to improve good governance

Governments have different options to support sport organisations in improving their governance. Some Member States grant subsidies to sports organisations so that they adopt preventive measures, such as education and training programmes for athletes and coaches to combat doping and match-fixing. Many Member States facilitate national platforms on match-fixing or corruption in sport, while some have mandatory criteria on transparency, good governance and accountability for the granting of subsidies.

¹ World Anti-Doping Agency

² Council conclusions to be adopted on 31 May 2016

Models of sport governance

The models of sport governance vary across the EU, from completely autonomous sport movements to close links between public authorities and the sport movement. However, the question is how well these models meet the requirements of good governance. Various Member States have considered or even implemented partnership models such as sports councils which bring together stakeholders from both within and outside the sport.

In Canada, the national government has facilitated the founding of a national sport integrity institute responsible for tackling all integrity issues relating to sport - an example followed by Finland.

Legislation

In recent years, several governments have taken action to strengthen their legislation in relation to issues such as doping, match-fixing, ensuring a safe sport environment and protecting young athletes.

Today most Member States need to have legislation on doping in order to comply with the WADA Code. Failing this, they may face severe consequences, such as being unable to host international sport events or participate in the Olympic Games.

Law enforcement

As a last resort, governments can invoke the law. In countries such as the Netherlands and Belgium there is pressure to take legal action where there is proof that bidding procedures have been rigged.

Almost one year ago the world of sport was rocked when the U.S.A. indicted top FIFA officials for corruption. This was followed closely by a separate investigation by Swiss authorities into allegations connected to the awarding of the 2018 and 2022 World Cups. Now French financial prosecutors are also looking into the bidding processes for the Rio de Janeiro and Tokyo Olympic Games.

Policy debate

In the light of these developments, the Presidency wishes to hear an exchange of views on the role that governments can play in governance of sport in the context of a policy debate at the EYCS Council of 30-31 May 2016.

Questions

The following questions will frame the debate:

1. As a Sports Minister, how do you see your role regarding the governance of sport and in particular the promotion of sport integrity at a national level?
2. What are the possible instruments that can be used to tackle the different integrity challenges sport faces and what are your experiences regarding these instruments?
3. What could be the role of the EU in relation to a coordinated approach among the Member States?
