

# Calendar

## MARATHON

### January

- 1 Defis Archipelago, Guadeloupe
- 3 Frank Luzmore, Shepperton
- 16/17 Wye 100
- 17 Winter Time Trial, Linlithgow
- 27 Waterside A, Gt Bedwyn

### February

- 21 Waterside B, Newbury
  - 21 Winter Time Trial, Linlithgow
- H - Hasler final qualifier. K2 - no Div 1 K1. K1 - no Div 1/2 K2. L - long course. S - short course. SK - sea kayak. SS - surf ski. Yearbook £4.50 from Diane Bates, 11 Cranley Rd, Burwood Park, Walton-on-Thames, Surrey KT12 5BX.

## SLALOM

### January

- 7 Australian National Championships, Eildon
- 31 New Zealand Open, Mangahao

### February

- 19 Breizh Series, Lochrist
  - 19 - 21 Oceania Open Continental Championships, Penrith
  - 22 Breizh Series, Lannion
  - 24 Breizh Series, Lochrist
  - 27/28 16th Fridao
- P - Premier division. 1 - 4 divisions. Cl - club event. Yearbook £4.00 from Jim Croft, 12 Holmscroft Rd, Luton, Beds LU3 2TJ.

## SPRINT

### January

- 31 Pas de Calais, St Laurent Blangy

### February

- 12 - 14 Oceania Open Championship, Penrith

## SAILING

### January

- 24/25 Winter Meet & AGM, OC, Peak District

P - Premier. 2 - Secondary. IC - International Canoe. OC - open canoe.

## MISCELLANEOUS

### January

- 8 - 17 Tullet Prebon London Boat Show
- 15 - 17 ICF Asian Championship
- 23 - 31 Boot exhibition, Düsseldorf
- 27 Equal Adventure Lecture, London

## The Lisbon Treaty and sport

EU Commissioner Ritt Bjerregaard told *Canoeist* (Aug 96, p8) that the EU cannot take any action to help us pursue our sport although they can take action to keep us off the water in the interests of wildlife and they can give us detailed and expensive orders relating to the equipment and clothing we use. Could the signing of the Lisbon Treaty have any implications for access for watersports? James MacDougall, the CCPR's European & International Officer, thinks it could. He told Paddlers International 'The Lisbon Treaty asks the European institutions to consider the specific nature of sport when creating legislation. Previously Europe had no power to apply legislation (or part of it) just for sport, however, the Treaty specifically empowers Europe to prevent legislation designed for non-sporting measures affecting sport so, yes, this is exactly the sort of thing we hope the Lisbon Treaty can help prevent.'

It should also be noted that the Treaty prevents Europe from harmonizing sporting regulations.'

Here, the CCPR explain the likely implications of the Lisbon Treaty.

### 1 A European Competence in Sport

#### A What could Europe do?

'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.'

Europe will have a so-called soft-competence, meaning it can 'support, coordinate and supplement' sport, ie provide funding and platforms for best practice and define sport with respect to current legislation without creating new legislation directly in the field of sport. Meanwhile, legislation in other areas must take sport into account, namely its 'specific nature' (eg sport is entitled to prevent people competing in competition because of taking performance enhancing drugs even though the drugs are not illegal and it theoretically impinges on EU law on free provision of services).

#### B What couldn't Europe do?

Europe can act 'in accordance with ordinary legislative procedure... excluding any harmonization of the laws and regulations of Member State.'

In other words, Europe cannot harmonize sporting regulations across Europe and the preference is for self-regulation at a national level. As in policy areas such as education and policing, Europe could not define national legislation or objectives.

### 2 Effects of the Treaty

#### A European Commission

The sport unit in the Commission will gain more power, particularly in dealing with other departments and defining how EU laws and legislation affect sport. Director of Youth, Culture & Sport Pierre Mairesse, at the recent conference on licensing systems, said it was the opportunity for the Commission to analyse areas in which sport needed clarification with respect to EU law (eg state aid, intellectual property

rights and non-nationals competing in competition). The sport unit will have more power to compel other areas of the Commission to act.

No ratification would mean that the sports unit would most likely finish their implementation of the 2007 White Paper on Sport but then impetus would rapidly peter out and sport would lose a strong voice in the Commission.

#### B National Governments

National governments will have more influence on how European law affects sport. Sports Directors and Sports Ministers meetings will become formal meetings with issues voted on by qualified majority voting. The outcomes of these meetings and votes will set priorities for European action (eg which areas of policy the Commission addresses).

#### C European Parliament

Sport is currently part of the remit of the Culture Committee in the European Parliament. It will remain there but with a stronger emphasis on sport. The Culture Committee has proposed a hearing on sport, possibly leading to a European Parliament own-initiative report. While these reports are non-legislative, it is the Parliament's way of setting the sporting agenda. Any legislation from the Commission will be voted on by Parliament and, by announcing what it would like beforehand, the Parliament forces the Commission's hand to pursue particular avenues in a particular way if it wants smooth passage of proposals through Parliament.

#### D European Court of Justice

Despite sport not being in the current Treaty, many cases reach the ECJ where the world of sport collides with other European competences. The Mecca-Medina case concluded that while the specificity of sport must be considered, it was not a catch-all and cases must be considered on a case-by-case basis. This lack of legal certainty is bad for sport. The Treaty will allow the Commission to define the impact of EU law on sport and recommend a position to the courts rather than the other way round, which will provide clarity for sports.

#### E Funding

2009 saw preparatory actions (pilot programmes) in the field of sport offering £4m for sport projects. 2010's actions are planned to offer £7.5m. Further funding will be available until 2013 when new budget lines will come into place, with the likelihood of a full budget line for sport.

#### Conclusion

The ratification of the Treaty will allow the European institutions to clarify EU law with respect to sport and define the specific nature of sport, removing the uncertainty of this area created by European Court of Justice rulings. As the areas to be addressed are open, sport's immediate dialogue with the agenda-setters is of utmost importance.

Positively, the Treaty explicitly prevents Europe from harmonizing sporting rules, regulation and policy and, furthermore, will allow the creation of a full budget line for sport to receive funding directly for sporting projects for the first time.