
Introduction to the *Research Handbook on EU Sports Law and Policy*

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The aim of this *Handbook* is to take a thematic approach to EU sports law and one that broadly reflects the themes used by the EU Commission in the field of sports law and policy and, namely sport's role in society, the economic dimension to sport and the organisation of sport. Individual chapters address sub-themes of the above areas as put into context by two leading chapters on the origins and sources of EU sports law and policy.

The EU's interest in sport appears threefold in nature. First, it approaches sport as a discrete, vibrant industry or economic activity that not only contributes to growth and jobs in the EU but also prompts issue of compliance with the fundamentals of EU law. As this project was being developed in 2014, the Commission sponsored the first meeting of European Sport Industries on 21 January in Brussels. In advance of that meeting, the Commission released figures highlighting sport's importance to the EU economy noting that: sport is an important economic sector in the EU in its own right, with a share in the national economies of member states which is comparable to agriculture, forestry and fisheries combined; that the overall sports sector accounted for 2 per cent of the EU global GDP, while the total employment generated by sports activities was 7.3 million, equivalent to 3.5 per cent of the total EU employment; sport contribute €294bn to EU gross value added; and tourism profits benefit from sport because on average, in 2014, 12 to 15 million international trips were made worldwide for the main purpose of watching sport events. Despite these impressive figures, the Commission acknowledged that the economic impact of sport-related industries is 'often underestimated', as are the legal issues that surround the sector. This collection seeks, in a small way, to give the study of sport's economic value its proper estimation.

The EU also recognises that sport's non-economic nature promotes individual well-being, community cohesion and reflects key social values which the EU seeks to project amongst its member states and abroad. This policy aspect on the social and health benefits of sport has been the

thread that binds the key policy initiatives on sport such as the Commission's White Paper on Sport in 2007, from 2009 with the coming into force of Article 165 TFEU giving the EU a new supporting competence for sport, the aforementioned Communication on a European Dimension in Sport in 2011, and the European Council's adoption of a Resolution on an EU Work Plan for Sport 2011–14, since renewed. The initial and renewed Work Plans specifically identified the social values of sport, in particular the promotion of participation in sport and physical activity among the priority themes, as augmented by a specific chapter in Erasmus+, the new EU programme for education, training, youth and sport for the period 2014–20 and complementing the health policy aspects of Europe 2020, the EU's ten-year economic-growth strategy.

A key supporting principle here is to strengthen the evidence base for sport policy-making and for academics to demonstrate how and why sport can make a difference to the socio-economic wellbeing of the EU e.g., by analysing the correlation between the fact that there is a projected 45 per cent increase in the number of people aged 65 and over in the next 20 years in the EU leading to rising healthcare costs and issues of access to a dignified and independent life for such an aging population (Europe 2020); and yet, in contrast, a similar percentage of Europeans (44 per cent) do not even exercise to a 'moderate' amount on a weekly basis (Special Eurobarometer 412 of 2014 on Sport and Physical Activity).

The third area of interest is one where the EU seeks to mitigate aspects of sport that hinder its development – integrity threats such as doping; poor governance structures; gender, age or social barriers to greater participation – by again funding evidenced-based, impactful research projects. The dissemination of such projects is assisted by initiatives such as the EU Sports Forum, a platform for structured dialogue between the European institutions, grant holders and sport stakeholders. A brief look at the agenda for the most recent EU Sports Forum in March 2017 illustrates the diversity of topics now of interest to the EU under the umbrella of sport e.g., gender-based violence in sport; digital technologies in sport; the regulation of agents; the role of volunteering and social inclusivity in sport; the environmental impact of sport; good governance and the European Commission Pledge for sport organisations; and sport diplomacy.

Complementing the above policy-oriented emphasis are various contributions in this collection relating to the development of EU sports law as found in the jurisprudence of the Court of Justice of the EU (CJEU) or in actions of or decisions by the Commission. At the CJEU, three cases are, unsurprisingly, referred to repeatedly in this collection – *Walrave v Koch*,

Bosman and *Meca-Medina*. The three cases reflect the increasing intensity of the EU's gaze at sport – from the initial peek at sport as an economic activity in *Walrave*, to *Bosman's* glare at football's autonomy vis-à-vis the fundamental freedoms and the sharp glance of EU competition law in *Meca-Medina*.

The aim of this collection is to encapsulate all the above and, as editors, we thank the contributors profusely for allowing us to tap into the breadth and depth of their expertise.

Finally, when the idea for, and possible contributors to, this book was being debated in 2014, the very idea of a Brexit referendum remained remote. How will that vote and the subsequent triggering of Article 50 TFEU impact on sport? Will there be, for example, a reversal of the *Bosman* inspired principles governing sports employment given that the UK (and the Premier League) would no longer be subject to an obligation imposed by EU law to treat Austrian or French, etc players in the same way as British players. Equally, will it be the case that British players will no longer be able to rely on EU law as basis for non-discriminatory treatment in other member states.

The answer to that question lies in the classic lawyer equivocation – it depends. Put simply, the extent of change in the sporting landscape of the UK and EU post-Brexit will depend entirely on whatever deal is yet to be negotiated by the parties, if any. What we do know now is that the 'Europeanisation' of most leading sporting organisations in the UK (football, athletics, rugby, etc) pre-dates, and will almost certainly post-date, the Brexit debate and possibly even the EU itself.