

SPORT & EU newsletter

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

Issue 2 – March 2007

EDITORIAL

Welcome to the second issue of the Sport&EU newsletter which we hope builds on the very successful launch of the newsletter in December 2006. In that regard, we would like to thank those colleagues who took the time to pass on their sentiments to us both, and the nature of those comments reaffirms to us just how important the newsletter will prove to be as a very exciting and significant forum for disseminating ideas on a range of Sport&EU issues, particularly, though by no means exclusively, on aspects of sports law and policy. We hope that this issue is equally well received, and we apologise for not being able to include all of the contributions in this issue. Those articles that do not appear here will appear in the next issue scheduled to be published in June.

In his capacity as Honorary Chair of Sport&EU, Dr Richard Parrish opens the issue by reflecting upon the progress which the Association has made, and presents some of the ways in which members of Sport&EU can continue to make a valuable contribution to the study of sport in the EU. The lead article, by Dag Vidar Hanstad, offers a very perceptive and interesting analysis of the results of a survey, the object of which was to examine the whereabouts system that forms part of anti-doping controls in Norway. His findings are very significant and will no doubt be of interest to others with an interest in the policy issues and problems surrounding the formation and implementation of effective anti-doping policies in sport. In the next article, Dr. Paul Fiolkowski then discusses the management of pain and injury among athletes in the EU, and Borja García reflects upon the consequences of the election of Michel Platini as President of UEFA for future negotiations with the EU. Building on the article by Chris Platts in the first issue of the newsletter, we are pleased to be able to include two reviews of on-going postgraduate research that has clear implications for those with an interest in EU sports development and policy issues. The first article, by James O'Gorman, explores the policy issues surrounding the English Football Association's Charter Standard Scheme, and the second, by Chris Mackintosh, reports some preliminary findings on the use of a sports-based scheme designed to reduce crime among young people in the Nottingham area, England. This issue of the newsletter ends with the details of several conferences and calls for papers that may be of interest to readers and members of the Association more generally.

We especially would like to highlight the announcement of the 2nd Sport&EU Annual Workshop, to be held at Chester in July. As we noted at the outset, we hope that this issue of the newsletter is as well received as the first and, as always, we would welcome any ideas or comments from colleagues concerning how we might help to improve any aspect of future issues.

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THE STRENGTH OF THE DISCIPLINE

As we enter our second year as Sport&EU there are a number of reasons why we should continue to view the future of our discipline and the Association with optimism:

Credibility

Both the discipline and the Association are credible. Some members will no doubt recall the years around the time of the Bosman judgment when conference organisers would often sideline sports related research and journals, other than the specialist outlets, would shy away from

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SPORT & EU newsletter

publishing high quality sports articles. Those days are over. Sports panels frequently draw large audiences and journals routinely publish our research. Thanks to the efforts of some of our members, prestigious gatherings such as the European Union Studies Association (EUSA) continue to host sports research panels. This year in Montreal we will have two panels operating and a healthy (some more healthy than others) gang of Sport&EU members will be there in May.

Influence

Sport&EU continues to participate in many of the major debates concerning the relationship between sport and the EU, and our members continue to disseminate their research publicly. Furthermore with the White Paper on Sport looming and with ECJ's decision in the Oulmers case due in early 2008, the research terrain looks very fertile.

Sustainability

It is of course to be welcomed that Sport&EU can boast as members many eminent academics. It is however an even greater source of encouragement that the Association is supported by a strong cohort of PhD candidates researching this field. This gives the discipline and the Association strong foundations and means that we will no doubt be prominent in the future debates.

Once again, I would encourage all members of Sport&EU to actively participate in our Association and make use of our group email to publicise activities. If you are not yet a member please feel free to join and contribute to our ongoing success. Membership is free.

Just drop us a line

*Dr Richard Parrish
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CO-OPERATION WITH LEADING JOURNALS: THE ISLJ AND ESLJ

Sport&EU is delighted to announce a co-operation agreement with the Asser International Sports Law Centre and its International Sports Law Journal (ISLJ). The mission of the ASSER Centre for International Sports Law is to provide a centre of excellence in the provision of high quality research, services and products to the sporting world at large (sports ministries, international - intergovernmental - organisations, sports associations and federations, the professional sports industry, etc.) on a national and international basis. In this context, the ISLJ acts as the Centre's journal the main purpose of which is to comment upon and to inform those interested in sports and the law - whether academics, practitioners or others - about 'legally relevant' developments in the world of sport in a national and international perspective. Sport&EU continues to value the support of the outstanding 'Entertainment and Sports Law Journal'. The ESLJ is a refereed online journal and is located within a dynamic and rapidly expanding area of legal theory and legal practice. Whilst focussed within legal study, the areas it encompasses are necessarily interdisciplinary. Entertainment Law, Media Law, Sports Law, Licensing Law, these are all subjects that are taught at undergraduate and postgraduate level at increasing numbers of Law Schools in the UK and beyond. The broad aim of this journal is to provide an environment for considered discourse of this growing field of study, whilst such discourse will generally be from an academic perspective; also welcome is material that stresses the practical dimension to the area and the interaction between theory and practice. Readers of the ISLJ and the ESLJ are encouraged to join Sport&EU whilst Sport&EU members should consider submitting high quality articles for consideration in these two leading international journals.

Dr Richard Parrish

SPORT & EU newsletter

ANTI-DOPING POLICIES IN SPORT: ELITE LEVEL ATHLETES & WHEREABOUTS INFORMATION

Would you consider it reasonable to be asked to provide information about your whereabouts to a central authority because they claimed the right to meet you one hour any day without any presiding notice? Most people would not consider this reasonable, but for some people it is a part of their everyday life. Convicted criminals may have to tell the police where they are living and report their daily movements. But these restrictions also apply to another group of people who have done nothing wrong or illegal: elite athletes. In some nations, as in Norway, athletes have to provide such information on every single day throughout the year. Even on holiday, athletes in the registered testing pool have to report where they are staying to the relevant international federation and/or the national anti-doping organisation. This system became mandatory after the World Anti-Doping Code was approved in 2003.

The aim of this short summary is to present information about how the whereabouts system operates in Norway. It is based on a survey carried out among athletes in the Norwegian testing pool (n=236, response rate 80.8%) during October-November 2006.

Background

A problem for the anti-doping organisations has always been to carry out effective doping controls. Even though out-of-competition testing started in the late 1970s, athletes often knew the date for a control and they knew how to clear drugs from their body in advance of the test date. As methods of analysis improved, many elite athletes just disappeared for weeks prior to championships to avoid out-of-competition testing.

After the adoption of the World Anti-Doping Code in 2003, top level athletes were required to provide information about their whereabouts. This has facilitated the development of more effective tests with no advance notification, defined in the WADA Code (p.75) as tests which take place "with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision".

Athletes receive a warning if they do not provide whereabouts information or the information is inaccurate. Three warnings within 18 months may lead to the suspension of the athlete. The period of ineligibility may vary from a minimum of three months to a maximum of two years. By February 2007, four UK athletes had been sanctioned.

The whereabouts information system in Norway

According to Verroken and Mottram in the book *Drugs in Sport* (2005, 4. edition, p. 315), Norway was the first nation to conduct out-of competition testing, starting in 1977. Since then both the Norwegian sports movement and the Norwegian Government have been in the forefront of the fight against doping. Norway established a testing pool in 1998 and

developed this in accordance with the WADA Code in 2004. By November 2006, 292 athletes were in the testing pool and were required to submit their whereabouts information to Anti-Doping Norway. The agency has three criteria to pick athletes for the testing pool: (i) athletes who receive funding from the organisation responsible for top level sport ('Olympiatoppen'), (ii) athletes who belong to the testing pool for international federations (e.g. the International Ski Federation FIS), and (iii) athletes who are added after talks with each of the national special federations.

The Survey

Eight out of ten respondents said they had received a notice from Anti-Doping Norway. This is an automatic email and an SMS which is sent if the athletes have not registered the necessary information in the last three days. If another day passes without the athlete reacting, and there is no registration available for the last four days and the next day, a letter is sent out via email. Half of the athletes had received such a letter. It is up to Anti-Doping Norway to assess the athlete's explanation before they decide whether or not a warning should be issued.

In this research one third of athletes said they had received a written warning by Anti-Doping Norway. More men than women had received a warning. Significantly more athletes in the Olympic summer federations had received warnings than had athletes among the winter-sports federations. No athletes had received three warnings.

The research showed that there was an acceptance among the athletes in the Norwegian testing pool that the system was necessary in order to carry out efficient tests. The anti-doping organisations have also been successful in "educating" the athletes to provide accurate information. Most athletes were thorough in the provision of whereabouts information.

SPORT & EU newsletter

In Norway it has been debated if the reporting system is compatible with rules governing personal data security. Most athletes did not see this as a problem. The Norwegian Data Inspectorate also upheld Anti-Doping Norway's implementation of WADA's rules. The athletes supported this decision.

According to WADA, providing whereabouts information is a price clean athletes have to pay in order to expose cheaters. However, half of the athletes in the Norwegian pool felt that it was a burden to have to provide such frequent whereabouts information, with one in four athletes indicating that they felt this was a "Big Brother" system. Some athletes expressed strong views on this issue, like the following athlete:

The anti-doping work is very important, but the requirement to report and the risk of a doping sentence when the doping control officer shows up and you are not there, I think is wrong. It will be a relief to escape this they day I retire. (Author's translation)

This raises the possibility that athletes who are "clean" may develop attitudes towards the system, even if they are positive in principle about anti-doping work. In this way it is possible that the system may create mistrust and despair among "clean" athletes, who may feel that they are being chased and ordered around, even though they have done nothing wrong.

Another issue that concerns the athletes is that many sports and nations have not established the system. Norwegian athletes find it unfair that some of their competitors do not have to comply with such a system.

They also report problems with technical difficulties. They found the Internet based report system difficult and many athletes reported they had had received warnings because of trouble with logging into the system or general problems with Internet connection.

The research on this topic will include discussions on the benefits this system has for the anti-doping organisations in proportion to the costs for athletes. This is also a topic which is interesting to discuss from a perspective of surveillance and control in elite sport and the wider society. It would be useful to compare the findings in the Norwegian survey with a similar study in other countries.

Dag Vidar Hanstad

Norwegian School of Sport Sciences

INJURY MANAGEMENT AND REHABILITATION FOR ATHLETES IN THE EU

The role of sport in society, whether for social, business or health reasons has become an increasingly high profile activity in recent years. Competitive leagues generate substantial revenue, and the paycheques are noticed by youth, providing a goal, perhaps unattainable, that may drive their competitive participation. Also, the health benefits of participation in

sporting activities has not been overlooked, and governments see this as a way to decrease chronic disease and improve the overall health status of their citizens.

What is missing from these scenarios, and the difference between the EU and North America is glaringly evident, is the provision of proper health care to all strata of athletes, of all different levels and abilities. The Canadians and Americans have developed the professions of Athletic Therapy and Athletic training, respectively, to provide pitch-side diagnosis, acute injury management, and rehabilitation to the athletes. In most American high schools, there is an ATC (Athletic Trainer, Certified) who is specifically tasked with the health care of the athletes, from initial assessment through end stage functional rehabilitation. This then begs the question: Why is the standard of care so high in North America, and what is lacking in the EU?

In the UK, there has been notable growth in the field of Sports Therapy. With the North American model so well established, and having gained professional recognition from physicians, physios and government, we thought it sensible to consult with their professional bodies, i.e. the Canadian Athletic Therapists Association and the National Athletic Trainers Association. In November, a summit meeting was held at University of Bedfordshire entitled "The Way Forward: An International Perspective on Sports Therapy". Attendance by similar EU-based professionals consisted of representatives from the UK, Ireland, and Spain. It is still surprising with the emphasis in the UK on football, which has evolved into a nearly year-round sport, that most teams do not provide a qualified person on-site to assess injuries pitch side, or to structure an end stage functional rehabilitation plan once the athlete is discharged from physiotherapy, which generally terminates once activities of daily living are successfully reached. If there is such a concern for football, why are all footballers, regardless of

SPORT & EU newsletter

level, not given appropriate health care for acute injuries? From the standpoint of A&E, acute injury care from a Sports Therapist has the potential to decrease the traffic in an A&E, since most musculoskeletal injuries will be taken there in the absence of any other provision. The Spanish system, with Sports Nurses and Sports Physios, could be considered an excellent model in the EU for handling sports trauma, and perhaps this could be adapted elsewhere in the EU.

Another noteworthy difference between the North American model and the emerging UK profession is the impetus behind professional status. One of the keynote speakers, Richard DeMont, president-elect of the CATA, delivered a similar message as Gene Verel (international committee chair of the NATA) in that both groups started as a practitioner-driven association, in which the people actually engaged in the field formed a professional organization. This stands in stark contrast to the UK, where private limited corporations, with profits at heart, have been a driving force for HPC recognition and as a result are one of the major roadblocks.

The summit at University of Bedfordshire also provided a chance to open dialogue with the various groups in the EU and to develop role delineation. The enhanced pod casts from the summit are available online, and can be downloaded at: <http://www.beds.ac.uk/departments/sport/summit>. All people active in sports need to define what is necessary for sports to thrive in the future. If we are unable to provide appropriate care for our athletes, or physically active people in general, then we are committing quite a disservice. It is time to look to other models for providing optimal injury management and health care for our sports participants, and adapt successful practices to our specific situations. Certainly this is not a legal requirement, maybe it is not even a matter in which people can find room to quibble over the philosophical ramifications of an anterior cruciate lesion, but it is certainly an ethical and practical area that needs to be explored.

*Dr. Paul Fiolkowski,
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PLATINI SHOULD LEARN EU LESSONS FROM HIS PREDECESSORS

The XXXI Ordinary congress of European football's governing body, UEFA, sent shockwaves through the entire football world last January from Dusseldorf (Germany). On the first day of the congress, UEFA Chief Executive Officer, Lars-Christer Olsson addressed the delegates to the congress presenting his report of activities for the previous year. In his intervention, Olsson stressed that UEFA's relations with the European Union are 'crucial' for the organisation and he advocated for a close partnership between football and public authorities to meet the challenges of the sport in the future. It was not the first time Olsson expressed that view, but it was undoubtedly the strongest message about co-operation with the EU coming from UEFA since the Bosman ruling more than 10 years ago.

The morning after, however, the French Michel Platini was elected as UEFA President, replacing the incumbent for the last 17 years, Lennart Johansson. A week later, Lars-Christer Olsson resigned as UEFA's top senior official as Platini explained his plans for the future of UEFA, among which he intends to act as executive president. Whereas Johansson gave plenty of room of manoeuvre to the UEFA administration in Nyon, headed by Olsson, to deal with day-to-day business, Platini has moved with his family from Paris to Geneva and he plans to have a more active role in the management of the organisation. Indeed, he can now be seen at UEFA Headquarters in Nyon on a daily basis.

With just two months in office, the plans of Michel Platini on UEFA's policy towards the European Union are still unclear. During the days preceding the election in Dusseldorf, some press reports referred to Platini's desire to 'avoid intervention from bureaucrats in Brussels' and his plans to 'convince politicians that football deserves protection from European law'. It is difficult to establish any kind of analysis on that base alone, because they are both very general principles. Moreover, these are press reports that are still to be confirmed by Platini himself. And even if these were his words or thoughts indeed, it is only fair to give the new UEFA President some time to get acquainted with the particularities of the relations between UEFA and the European Union, since he may not be familiar with the implications and the subtleties of the EU-jargon.

Be that as it may, it is clear that the EU is a priority for the newly elected president, as he was visiting Brussels less than two weeks after the election and he met the Commission president, Jose Manuel Barroso on March 12th. But, how is he going to approach this priority? Is he going to follow Lars-Christer Olsson's idea of forging a partnership with public authorities for the good of the game? Is he going to be patient and understand that the Court of Justice is a separate institution from the politicians in the Parliament and the Commission?

SPORT & EU newsletter

If we have to judge from the two elements mentioned above, Platini seems to have a different idea. However, it would be ill-advised from his part to try to change radically the policy of co-operation with EU institutions started under Lennart Johansson's leadership. After a long time in which football and the EU seemed unable to understand each other, the last couple of years have seen a closer collaboration and a constructive dialogue. If 'convincing politicians that football deserves protection' means going back to the route of the exemption from the application of EU law to football, Michel Platini will have difficulties to be understood in Brussels. It has been long established that there is no intention in Brussels, neither in the national governments, to grant sport an exemption that could later be used by other sectors claiming their own 'specificity'. Instead, Platini would do better if he decides not to change the current approach, in which intensive dialogue with EU institutions has produced results for both sides. UEFA and the EU institutions are natural interlocutors in football matters and it is only through partnership that the challenges that European football is facing can be met. On the one hand, UEFA could complete the opening up of its structures to bring them into line with principles of transparency and representative democracy. On the other hand, EU institutions could help to control the so-called 'excesses of professional sport' (*Richard Caborn dixit*).

I am aware that there are members of Sport&EU that view with a healthy degree of scepticism some of the latest initiatives that European institutions have taken in co-operation with UEFA, mainly the Independent European Sport Review or the Rules on Locally trained players (the latter is not a joint initiative, but rather a set of UEFA regulations that, broadly speaking, could be said to count with the Commission's unofficial blessing). However, it is fair to acknowledge the efforts that UEFA has taken to narrow the gap that separated the organisation from European law in the aftermath of Bosman. In doing that, a policy of engagement with public authorities has also served to initiate a long series of changes within UEFA which are encouraging.

Michel Platini has the possibility to finish Lennart Johansson's work and to give football a solid base in their relationship with the European Union. That does not mean, of course, a relationship in which football is outside EU law. This was settled long time ago and should be something that football organisations had already learnt to live with. Platini could also be the man that finishes the transformation of the governance structures of European football to make them more democratic and inclusive. However, Platini has been working for quite a long time alongside Sepp Blatter in FIFA. There is certainly the risk that he takes his mentors' approach to EU matters (*Why should we worry about an organisation with only 27 countries when we at FIFA have 200 members?*). If he decides to do so, it is difficult to see any concrete results for UEFA because the principles of the EU's approach to sport have been clearly settled in the last decade. Certainly, it seems wiser to keep the current strategy of engagement on. Borrowing the title of one of Andrew Moravcsik's articles, *if it ain't broke, don't fix it!*

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POSTGRADUATE RESEARCH

The English FA Charter Standard Scheme

This article draws upon research commissioned by the Football Association which evaluated the FA Charter Standard Scheme over the period October 2003 - October 2006. One particular aspect of the research findings is commented upon here; the role of volunteers in English grassroots football. In the English context, the FA claim that there are approximately just over 37,500 clubs (9,000 of which are youth), incorporating approximately 4,360,000 junior participants under the age of 16 at the grassroots level of football in England. Supporting this grassroots infrastructure are 431,000 volunteers (the largest number of volunteers in any sector), with approximately 30,000 qualified coaches (The FA 2003). Despite having such a large voluntary base, the grassroots of English football has escaped the attention of academic analysis, except perhaps, for the ameliorative function football is utilised for in contributing to wider social policy goals. Most academic analysis is pre-occupied with wide ranging issues traditionally concerning the elite of football. This is even more surprising given that English grassroots football has suffered a considerable amount of neglect at the hands of both government and those responsible for the organisation of the game over the not too distant past. The IESR is credited here with highlighting the importance of the grassroots game across Europe, emphasising the importance of the professional game's connection to the grassroots. The authors of the Review believe that where possible, it is desirable to ensure that a greater proportion of centrally generated income is reserved for re-distribution, in particular, to finance the grassroots development of football. During the 1990s, the FA itself began to take note of the parlous state of grassroots football. Although elitist in emphasis, and aimed more at advancing the FA's own market position in light of

SPORT & EU newsletter

the growing commercialism of professional football, the FA's 'Blueprint for the Future of Football' devoted a small section to the grassroots game, declaring that a strategy and plan for the development of grassroots football was urgently needed (The FA 1991: 63). Following this in 1997, the FA published 'A Charter for Quality', a much more wide ranging strategy document that focused upon the youth and junior football infrastructure, from the grassroots to the elite level (in which the youth academy system for Premier League clubs was proposed and adopted). Significantly, it set out clear objectives with the aim of arresting the decline of schools football and raising the standard of quality in youth football. The broad principle underpinning the Charter for Quality was that all children should have the chance to receive qualified coaching and play on decent facilities on a regular basis, at all levels of the game. In aiming to raise standards of provision in junior football, the Charter for Quality proposed that small sided football be introduced for under-10s, and that a 'Charter Mark' criterion be developed (The FA 1997:9). In 2001, as part of its 'Football Development Strategy' (The FA 2001), the FA launched the Charter Standard club scheme, an accreditation scheme which adopted the proposals of the 1997 document, in which clubs were to draw up and implement development plans. The proposed criteria contained the screening of volunteers in charge of junior teams, the adoption of a code of conduct and a commitment to schools liaison, small-sided games and girl's football. It must also be noted here that the FA have not made it compulsory that all clubs achieve Charter Standard accreditation. Rather, the FA encourages clubs to achieve accreditation by pointing towards the proposed benefits which include access to FA training workshops and endorsement for funding applications. It is assumed that those clubs attaining accreditation will become more self sufficient and sustainable by adopting FA guidelines in organising and managing the club. The onus upon implementing the scheme in clubs has been placed upon the club volunteers themselves, who are required, amongst other things, to undertake basic training in coaching, child protection and club administration with support from a proactive and professionalised County FA staff in the form of football development officers.

Whilst the FA took the initiative in developing strategies towards creating an organised infrastructure for grassroots football, the socio-political context within which these strategies were formulated and operationalised had a significant influence on how the Charter Standard Scheme was devised and implemented. More significantly, the context within which the Charter Standard is implemented has had considerable bearing upon the volunteers undertaking the necessary qualifications and improving club administration in taking their club through the accreditation process. Significantly, the Charter Standard has been influenced by wider public policy in the relationship between government departments and agencies with the Football Association. In order to provide an adequate understanding of such accreditation schemes and the pressures upon the implementers, the Charter Standard and other policies directed at grassroots sport must be located within this context.

In this respect, New Labour has adopted a modernisation programme for sport, in which policies are implemented through the forming of partnerships and networks. Significantly, this key programme of the New Labour Government (Finlayson 2003; Newman 2001) is concerned with, amongst other things, joined up policy making, the inclusion of non governmental groups in both decision making and the delivery of high quality public

services. Newman (2001) claims that neo liberal reforms have occurred in which targets and performance indicators have been imposed from the centre in the delivery of government policy. Audit and inspection regimes proliferate, and are supported by sanctions imposed on those organisations that fail to meet centrally imposed targets. Moreover, Finlayson (2003) claims that the Labour Government is conducting business best practice in modernising the state and its partners, in which modern management is commercial management. NGBs such as the FA therefore are expected to work in partnership with government by adopting modern business principles in providing its product to the population.

This is reflected in 'A Sporting Future for All' in which the government proposes to 'offer a modernising partnership with the governing bodies of sport' (DCMS 2000: 19) to increase the investment in grassroots sport through public sector funding. However, this was on two conditions. Firstly, that commercially successful sports such as football also contributed to the same pot to invest in grassroots facilities. This was achieved through the formation of the Football Foundation in which the FA Premier League committed to allocating 5% of its TV broadcasting deal towards developing facilities at the grassroots end, which was matched by government. Secondly, that all governing bodies agree to work to a number of clear and agreed targets for the development of their sport (DCMS 2000: 19). Funding was to be granted on condition that NGBs had a clear strategy for participation (grassroots sport) and excellence (DCMS 2000: 20), utilising partnerships to 'modernise' and 'professionalise' the way sport is run. Those NGBs that demonstrate delivery of these targets were promised greater responsibility, and those that fail to do either were to face the review of their funding arrangements (DCMS 2000: 20). To this end, the government aimed to 'create an accreditation scheme for clubs with high quality junior sections' at the grassroots level (DCMS

SPORT & EU newsletter

2000: 13). Sport England were commissioned to work with NGBs to devise these accreditation schemes leading to a quality mark for junior clubs (DCMS 2000:40). The FA were to agree with Sport England a number of Key Performance Indicators (KPI's) as to the number of clubs the FA were expected to grant Charter Standard accreditation per year, based on the principles of clubs adopting good practice in coaching, child protection, club administration and development. Those clubs that gained Charter Standard accreditation were deemed more suitable for FA support in submitting funding bids to the Football Foundation. Green and Houlihan (2006: 53) highlight a paradox occurring in and through New Labour's policies, whereby there is a decentralist rhetoric in which individuals and organisations are perceived to be gaining more power and are becoming more active politically, combined with the centralisation of control through the imposition of ever more rigorous targets and systems of performance measurement.

The strategies adopted by New Labour in implementing sport policies and in wider policy fields can be located within the focus of much recent academic debate as to the role and nature of 'how the state governs' or 'governing' more generally in wealthy democracies by neo-liberal governments (Newman 2001; Rhodes 2000:). Notably, citizens have become more active in the delivery of government policy, and have been drawn into complex policy networks. However, the way in which citizens such as football club volunteers are conceptualised in the power dynamics of such networks is a matter of considerable debate.

For instance, Rhodes (2000) contends that British government has dispersed power throughout the civil sphere of politics through the governance and steering of 'policy networks' whereby individuals and groups not usually associated with the political agenda have been drawn into and gained influence in political debate. Both the FA and volunteers are playing a more significant and obvious role in delivering policies that meet government's aims for grassroots sport in England. In essence, volunteers are being drawn into policy networks, taking a more active role in the delivery of policy emanating from central government. This conception has been termed the 'hollowed out state' whereby power is dispersed through a plurality of agencies, with government providing the lead direction. However, whilst gaining some academic acclaim, this analysis of the pluralistic dispersal of political power has been critiqued from several perspectives, most notably from analysts adopting a neo-foucauldian analysis of governmentality (Green and Houlihan, 2006). Whilst similarly recognising that political power is not structured solely in terms of a hegemonic state, recognising that modern systems of governing under advanced liberal societies increasingly depend upon a complex set of relationships between government and non governmental actors, the position on governmentality differs in its conception of how this power is perceived to be wielded. From this analytical standpoint, power is acknowledged as the use by governments of forms of persuasive processes of signification and legitimation to work through their desires, aspirations, interests and beliefs. In this connection, Green and Houlihan (2006) suggest that the government is ostensibly designing and implementing policies for sport that empower and autonomise NGBs and individuals such as volunteers on the one hand while imposing centralised targets, directives and sanctions on the other to achieve the government's desires (Green and Houlihan 2006:49).

In implementing the Charter Standard, volunteers have to adopt a more business like approach to the running of grassroots clubs, rather than the traditional ad hoc and often spontaneous nature of grassroots football clubs. In this connection, volunteers interviewed for the study described experiencing a time-space compression, whereby their leisure time devoted to grassroots football now takes on the characteristics of a more rationalized and bureaucratized activity.

Whilst it is true that going through the process of gaining Charter Standard accreditation is optional, those who choose not to do so are not engaging with the modernization agenda, and are less likely to receive governing body and government support. Those who are becoming actively involved in the policy network for football development are engaging with the modernization agenda, and are therefore more able to potentially access government influenced resources such as funding (although this is not guaranteed), and support from sport development professionals such as County FA Football Development Officers. Moreover, those volunteers that do choose to engage with this agenda do so from different positions of power within such policy networks, based upon the resources they bring to the network. For instance, those clubs with volunteers who's full time employment is in a business background were more successful in not just implementing the Charter Standard scheme, but were also more successful in developing and implementing programmes such as facility funding bids to the Football Foundation

One final but important assertion is that the IESR is to be commended for highlighting the importance of the grassroots game in Europe, especially the notion that the professional game and football authorities should ensure grassroots development through financial redistribution. However, the report does not provide any guidelines as to how this may be ensured. Rather, it is recommended that the task of investment in

SPORT & EU newsletter

the grassroots game is left to the discretion of the national associations responsible for football such as the FA. In this regard, policy makers involved in the writing of the IESR have failed to take account of, or understand the socio-political context within which The FA and volunteers in grassroots football are operating. In so doing, the pressures volunteers experience through being drawn into policy networks in delivering the objectives of government are ignored. As a consequence, if any of the IESR reforms are implemented, it is unlikely to have any impact upon the grassroots of football in England

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NEW LABOUR'S SPORTS POLICY DISCOURSE: A THIRD WAY IN REGIONAL SPORTS PROVISION?

In Britain, New Labour's political ideology is arguably driven by a movement towards the Third Way modernisation agenda. The discourse which is sold as the 'Third Way' is a political project underpinned by notions of community, empowerment and inclusion. This narrative overlaps into the interdisciplinary fields of sports policy, sports development and leisure studies. There are numerous potential research areas in the field of sports policy, sports development, policy evaluation and impact assessment. The current climate for evidence-based policy and practice, whilst long established in some fields such as health, criminological and social policy can only barely be described as evolving in relation to sports policy and sports development. In many cases it is the rhetoric of the policy maker, government minister and associated policy networks that come to the fore, as opposed to the delivery of evidence and robust research findings. The obvious starting point for such an analysis is some form of consideration of what 'hard evidence' and valid research may constitute. Perhaps more useful is to accept the problematic notion of 'evidence', recognising the need for it to be situated directly in the context of the policy, programmes and initiatives it pertains to.

Sports development has a political past that is contested, somewhat confused and also highly fluid in its nature. Just a brief glance through a few key documents such as Game Plan (2002), The National Framework for Sport (2004) and, more recently, A Strategy for Sports Research 2005-2008: Towards evidence-based decision making in sport (2005) shows that whilst there are some areas of coherent policy, in others programmes interchange and even disappear with time. The most recent of these, written by Sport England shows that the sports policy community is with a few exceptions late in linking to wider central government agenda of EBP and the 'what works?' paradigm. Unlike other public policy fields such as crime, health and social care that encompass the broad welfare agenda sports development has been left out in the cold until very recently. This is paralleled by a movement within practitioners such as sports development officers, PE teachers, school sports partnership managers to have to evidence their respective projects worth to funding agencies.

Is the need for hard evidence as project imperative being rejected? With a few exceptions such as www.substance.coop there are few attempts to assess the softer outcomes that pertain to crime, drugs misuse or youth offending. Naïve and at times weak evaluations by local authorities can do more harm than good.

Nottinghamshire Community Sports Network (CSN): Working with young offenders and those 'at risk'

The Nottinghamshire County Sports Partnership, along with its regional partners, seems to be doing little to actually measure impacts of its policies on crime and social inclusion. The view that it is too difficult is an old and tired one. The traditional model where their main appearance is a statistic, is often confusedly deemed an outcome rather than an output. For example, attendees at a sports development session can

SPORT & EU newsletter

not be deemed an outcome. Instead they are an output, and, whilst of interest to policy makers and perhaps more so to politicians they are far from providing much of an insight into programme effectiveness.

Attempting to understand what it is about sports development programmes that can have that 'hook' is overlooked. Is sport a vehicle, tool or instrument in social inclusion, crime prevention or any of the other multiplicity of social agendas it is often heralded as a potential saviour for? The research I am undertaking in Nottingham is attempting to study this little-understood 'policy driver' and political argument. Through considering the local/regional policy discourse and the programme being delivered the research project attempts to more centrally locate 10-15 young people within an evaluation of 'what works'.

It maybe for example that sport is a red herring — tasks, activities, group processes and nature of programmes less relevant? This may parallel the policy shift in schemes such as Positive Futures away from traditional sports to DJ-ing and arts-based. Perhaps it is the lack of formal structures that gives stakeholders the opportunity to develop and shape a program to fit with what are emerging good practice, research-informed policy and taken-for-granted protocols. Coalter (2006) identifies, in relation to sport-in-development initiatives the need to understand the process of the programme. What is it about the initiative that can address youth offending or crime? Surely it is time to speak to the young people over a sustained period of time?

In Nottinghamshire in partnership with the Police there is an attempt to monitor through my PhD study the ethnographic interactions of a group of young people to understand what it is or isn't about sports that may help them to not fall into the 'underclass', 'non-participant' or 'young offender' social construct categories. Initial findings suggest that it is the social networks and social capital they can construct and shape themselves from participation that may provide opportunities in the future for new directions in sports development and perhaps the PE curriculum in schools.

Chris Mackintosh,
Nottingham Trent University, UK

such as resulting in new or changed domestic institutions, others more subtle but affecting domestic policy processes, such as altering policy preferences and norms in domestic actors, or indeed empowering certain domestic actors. Precisely because students of integration have revealed how the EU can affect the domestic policy contexts and policy-making processes, the lesbian, gay, bi and transsexual (LGBT) sports community should aim at formulating and reminding both policy-makers and citizens of the sociology of sport. Indeed, those who practice sport regularly, simply for the love of sport and physical activity tend to forget that sport is indeed an economic activity, but also, as a social institution, influences and is being influenced by social constructs such as ethnicity, gender and class. Sports policy has learnt gradually to assess and formulate the impact of policy along gender and race, however, a reflection on sport and sexual orientation is fundamentally absent both at national and EU level. We argue that if normative aspects matter and if sport is acknowledged as a policy having an effect on society, sport policy in all its streams and at all its levels (EU, national, regional local) ought to critically address and examine its effects on society. We would welcome more research on the sociology of sport, especially research which critically examines sports values, research mapping out empirically the status quo of sports communities, especially those where forms of discrimination and harassment are evident, and overall research that addresses the links between policy and social constructs.

Trevor Burchick and Anna Verges
Pride Sports

THE LGBT SPORTS COMMUNITY, SPORT AND THE EU

Debate on the involvement of EU in sport is somehow tainted by reservations of EU creeping competence. Indeed, it is common knowledge to students of integration that beyond its capacity to legislate and the primacy of EU law, the EU is also able to trigger or move into new fields of policy. In addition, Europeanisation scholars tell us about how, beside its legislative powers, the EU can affect domestic structures in a variety of ways, some patent

SPORT & EU newsletter

SPORT&EU CONTRIBUTES TO THE EUROPEAN STUDIES CONFERENCE IN MONTREAL

Sport will feature heavily in the Tenth Biennial International Conference of the European Union Studies Association (EUSA), to be held in Montreal (Canada) on 17-19 May 2007. The two panels submitted by Sport&EU have been accepted by the organisers and we hope to count with the presence of many of the delegates, showing the increasing importance of our discipline for EU Studies. A total of nine papers will be presented in Montreal by members of Sport&EU, divided in two different panels. Following our areas of expertise, a panel on 'The European Union and the governance of football' will be chaired by David Allen (Loughborough University) and discussed by Antonio Missiroli (The European Policy Centre). The following five papers will be presented in that session:

Europeanisation in the societal/transnational realm:

What European integration studies can get out of analysing football

Alexander Brand (University of Dresden) and **Arne Niemann** (University of Amsterdam)

Europeanisation, Bosman and the financial 'crisis' in English professional football: Some sociological comments

Chris Platts and **Andy Smith** (University of Chester)

Two tiers of representation and policy: The EU and the future of football

Wyn Grant (University of Warwick)

UEFA and the EU: From confrontation to cooperation?

Borja García (Loughborough University)

European integration and the case of FC Barcelona:

Are we better off six years later?

Joaquín Roy (University of Miami).

A second panel, on 'EC law and sport' will be chaired by Antonio Missiroli and discussed by David Allen. In this panel four members of Sport&EU will present the following papers

Extra Time: Are the new FIFA transfer rules doomed to fail the ECJ's Bosman Test?

Jean-Christian Drolet (University of Hamburg)

All's fair in sport and competition?

The application of EC competition rules to sport

An Vermeersch (University of Ghent)

The Internal Market Legislative Programme and sport

Samuli Miettinen and **Richard Parrish** (Edge Hill University)

A comparative consideration of the relationship between EU free movement law, convention rights and animal welfare in the UK

David McArdle (University of Stirling)

The introduction of these two panels in the programme of such an important conference speaks for itself about the importance of our discipline and the improvement in the quality of the research of Sport&EU members. The importance of being present in the circuit of conference was highlighted by our honorary chair, Richard Parrish, in the last issue of the Newsletter. We still need to show the importance of sport as a policy area in the European Union and the valuable lessons that we can learn from the case of sport about the structures and dynamics of the EU.

More information about the EUSA conference can be found at <http://www.eustudies.org/>

We hope to be able to upload to the Sport&EU website (www.sportandeu.com) our contributions to the conference in due course.

*Borja Garcia,
Loughborough University, UK*

SPORT & EU newsletter

SECOND SPORT&EU ANNUAL WORKSHOP 6-7 JULY, UNIVERSITY OF CHESTER, UK

FIRST CALL FOR PAPERS

'The EU and the governance of sport: policy and perspectives'

We are pleased to announce that the second Sport&EU Annual Workshop will take place on 6-7 July at the University of Chester, UK. The workshop is sponsored by the Centre for the Study of International Governance (CSIG) at Loughborough University, and by the Chester Centre for Research into Sport and Society and the Department of Sport and Exercise Sciences at the University of Chester.

The Independent European Sport Review and forthcoming Commission White Paper on Sport in the EU have recently focused attention upon the role of the EU in the governance of sport. The purpose of this second Sport&EU (the Association for the Study of Sport in the European Union) workshop is to encourage interdisciplinary discussion on the future role and involvement of the EU in the governance of sport. More particularly, the workshop also seeks to examine the broader relevance that focusing on sport has for EU studies generally, and understanding the potential role of the EU in other systems of governance in particular. In this context, it is a central objective of the workshop to consider, from a variety of theoretical and policy perspectives, the opportunities and challenges that globalization and commercialization processes pose for the future governance of sport in the EU, and the impact this may have on the relationships between governmental and non-governmental bodies who are centrally involved in the organisation and administration of sport.

The workshop follows the success of the first workshop organised by Sport&EU and held at Loughborough University in June 2006. That workshop, which is also featured in Issue 49 of the *UACES Newsletter* and Volume 4 of the *Entertainment and Sport Law Journal*, was very successful bringing together 21 academics and practitioners from 14 different institutions in three countries. In light of this success and the continuing development of Sport&EU, the second workshop will once again bring together a group of young academics and postgraduate students with an interest in contemporary European studies, sports law and policy alongside more established colleagues in these fields.

A separate call for papers will be circulated shortly, but in the first instance we would encourage colleagues who wish to attend the Workshop either as discussants or paper-givers to express their interest in doing so by contacting the two organisers, Andy Smith and Chris Platts, via email. All expressions of interest should be sent to workshop@sportandeu.com. We will be releasing more information very soon via the Sport&EU mailing list so keep a close eye on that! We look forward to hearing from colleagues and to hosting what, hopefully, will be another successful Workshop.

Dr Andy Smith and Chris Platts
Chester Centre for Research into Sport & Society
University of Chester, UK

CESH, THE EUROPEAN COMMITTEE FOR SPORTS HISTORY, XIITH ANNUAL CONFERENCE, 20-22 SEPTEMBER 2007

FIRST CALL FOR PAPERS:

'Sport and the Arts: Construction and reality'

The twelfth International Congress of The European Committee for Sports History (CESH) will be hosted by the faculty of humanities, at University of Southern Brittany, FRANCE, in September 2007.

Both established and emerging scholars are invited to engage in an interdisciplinary reflection on the use of artistic representations and/or performances as source material as well as on the type of "reality" such artistic "constructions" mediate, in a critical, diachronic, possibly dialectical and cross-community perspective.

Submissions are welcome from all relevant disciplines in any European language.

Anyone wishing to submit a twenty minute paper for consideration is invited to send a 200-word abstract to congress2007@cesh.eu by 30th April, 2007. Further information about the topic, deadlines, price, location, accommodation, etc... may be obtained from

<http://www.univ-ubs.fr/CESH2007>

which is being updated daily (should there be any information you may not be able to access, please do forward your questions to myself at the above-mentioned address, and allow a few days for the reply).

Dr Laurent Daniel
European Committee for Sports History

SPORT & EU newsletter

THE COMMISSION WHITE PAPER ON SPORT

The proposed Commission White Paper on Sport arises out of a 'need for a more coherent approach to sport on the European level', currently stymied in no small part because of the lack of an express sporting competence. Scheduled for publication on July 4, 2007, the White Paper will according to Commission sources contain 'no legislative proposals at all' but will instead examine in detail three current areas of Commission interest: The societal role of sport, its economic context (including some examination of the overall economic impact of the many levels of sport), and current issues in the governance of sport. The documents published on July 4 will include in addition to the White Paper itself a staff working paper that is expected to contain as an annex a digest of Community law relevant to sport.

In the preface to its public consultation questionnaire, which members of Sport and EU are encouraged to complete individually, the Commission identifies as the tasks of the White Paper to 'take stock of the current situation [of the levels and extent of regulatory activity relevant to sport] and outline... the role of sport in European society, its economic dimension, its special organisational features, and its interaction with EU policies.' This type of review has already been carried out on the behest of a presidency (the 2006 Arnaut 'Independent European Sport Review'), the European Parliament (the 2005 'Professional Sport in the Internal Market' paper commissioned by Toine Manders MEP), and is also the subject of a developing body of academic literature.

Members have raised questions as to the rationale of the further assessment exercise, in particular the resource implications of the desired 'more coherent approach' and the balance of interests that the White Paper will ultimately emphasise. The compulsory questions in the White Paper consultation document have raised doubts about the methodology and the aims of the White Paper process. Many of the questions assess contributors' views as to whether the Union should pursue action in the field of sport which it is currently not undertaking, such as the imposition of a sporting curriculum for schools (question 3), quantitative measurement of economic activities linked to sport (questions 5 and 7), the prohibition of lottery-funded state subsidies to grass roots sport (question 8), and specific Community-level regulation of qualifications relevant to employment linked to sport (question 9). The Commission also asks for views on how it should recognise the specificity of sport when pursuing other policies (question 10). In terms of governance, the consultation assesses in some detail whether contributors agree that the 'European Model of Sport' ought to be legally recognised by the Community (questions 11-16) and priorities for sports regulation. These questions focus on whether Community action should be taken in a given field and whether sport can be a vehicle for other policy aims (question 15) but decline to interrogate what that action should be, particularly in relation to the assumptions currently made in legal debates as to the social and non-economic aspects of sport.

Members have raised concerns about the veracity of arguments currently invoked in the application of Community law to sport, in particular the existence of any genuine links of nationality as opposed to more narrowly construed locality, the real degree of stakeholder

participation in governance, and the extent to which legal uncertainty is truly a feature of Community law relevant to sport following the *Meca-Medina* case. Dimensions of sport ranging from public, non-economic activity aimed at personal development and community integration to professional sport with significant economic implications are attached to different policy grounds from a constitutional point of view and therefore rather than pursuing an overarching sports policy the Community is necessarily tied to these distinct legal bases. There is some risk that the consultation will invite unworkable responses, particularly where these seek to emphasise the Commission's express preference for structurally coherent sports regulation or aspects of national law the Community is excluded from harmonising. The questions assessing priorities for sports regulation present the possibility of clarifying relationships between the current Treaty legal bases relevant to sport, the real source of much of the remaining uncertainty surrounding sport and the EU.

Samuli Miettinen and Richard Parrish
Edge Hill University

SPORT & EU newsletter

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: Sports 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 in order to join the association. To join the Sport&EU email list simply send an email to sportandeu-request@jiscmail.ac.uk with the following information: join sportandeu "firstname(s)" "lastname" (e.g. join sportandeu Joseph Blatter). You will then be sent a separate message containing instructions to confirm your subscription.

DISCLAIMER

Sport&EU Newsletter is a forum for scholarly exchange and debate. The views represented in the articles are the authors' own, and do not necessarily represent the views of Sport&EU.

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

Contributions should be between 500 and 1,500 words approximately, excluding references, which should be kept to a minimum. 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.

Dr Andy Smith

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