

ISSN 2040-5847

SPORT & EU
REVIEW

the Review of the Association
for the Study of Sport & the European Union

Volume 3 – Issue 1 – June 2011

Sport&EU Review

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Sport&EU Review is indexed in EBSCOhost and International Platform of Sports Law Journals.

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Sport&EU Review invites submissions for forum contributions as well as peer-reviewed articles and proposals for themed special issues for publication. Contributions should reflect the general interests of the Association for the Study of Sport and the European Union.

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1. EDITORIAL

This first issue of the Sport&EU Review in the year 2011 is finally out. The central part of this issue is devoted to the always intriguing problem of gambling in sport. Gambling as defined by the EC White Paper on sport and by the Pierre de Coubertin Action Plan is in its essence an issue related to the organisation of sport, often linked to problems of corruption, money-laundering and other financial crime. It is expected that in the first action plan public-private partnerships should be supported in identifying the real nature and breadth of any problems, as well as also in developing effective preventive and repressive strategies to counter those problems. This is the goal for any effective and comprehensive regulation of gambling in sport. This issue's original research work is written by Jean-Patrick Villeneuve and Madalina Diaconu. It considers the de facto and de jure regulation of sport betting on the governance of sport organisations, following an interdisciplinary approach in this regard. Pursuing a combination of organisational and regulatory theories, normative analysis and an evaluative approach, the authors bring new and vital insight into the problem which demonstrates the need for systemic, transparent regulation of sport betting, with different alternative scenarios that can be pursued with this regard.

It can be expected that these and other topical issues are going to be considered at the Sport&EU 6th Annual Conference. Hosted at Nottingham Trent University on June 30 and July 1 the conference invites discussion focused on the reflections on the Lisbon Treaty from various time perspectives, and issues relevant to sport in Europe. The details of the conference and its content, including with the overview of paper abstracts can also be found in this issue, as can a range of coming conference opportunities and other calls that offer venues to discuss sport related issues.

We are pleased to announce that during the past few months, the Review has been invited to be indexed in the premium research database service EBSCO. The Review will shortly be available through EBSCO, offering a further opportunity for the dissemination of its content. We are also pleased to announce that the Review has been included in the International Platform of Sports Law Journals (<http://www.sportslawjournals.com/index.html>). We are still committed to offering the Review free of charge on the website of the association, www.sportandeu.com. As always we look forward to your constructive feedback and comments, and invite you to actively shape the coming issues of Sport&EU Review with your contributions.

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2. ORIGINAL RESEARCH

Integrating Betting in the Governance of Sport: Financial Opportunities and Ethical Challenges

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“... sport is ... confronted with new threats and challenges which have emerged in European society, such as commercial pressure, exploitation of young players, doping, racism, violence, corruption and money laundering” (EU COM (2007) 391, p.2).

Introduction

Sport has an inherently transversal nature in our societies. It is natural therefore that the challenges faced by sport in general and sport governance in particular, should also be transversal. One such challenge, identified by the ‘Pierre de Coubertin Action Plan’, is the economic and commercial impact of sports and their corresponding deviances.²

The growth of sport as a business has been undeniable in the last few decades. The upward trend in sport budgets (for players, teams and organisations), is only the most visible aspect. The economic benefit of sport, moving from the game itself to the wider dynamic of local or even national economic development, has been documented by numerous scholars.³ The increasing presence of money and the all-around impact of sport on societies has led, almost inevitably, to the rise of deviance within sporting activity itself (doping, match-fixing, etc) or in its immediate periphery (money laundering, corruption, etc).

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² Commission Staff Working Document Action Plan ‘Pierre de Coubertin’, 11.7.2007, SEC(2007) 934, B.1 and C.4.

³ Junod T. & N. Gigandet N. (2009). Cost-Benefit Analysis of Creating a Major Sports Infrastructure: The Case of St. Jakob-Park in Basel, IN: Junod T. & N. Gigandet, Fussball – *Ökonomie einer Leidenschaft Schorndorf*, Hofmann, pp. 223-248; Chappelet J.-L. (2008). *L’impact des grandes manifestations sportives*, Conférence, <http://www.idheap.ch/idheap.nsf/go/74163B6ED57E5186C125754800201870?OpenDocument&lng=fr> (accessed 1 June 2010).

Of all of the economic and commercial pressures on sport and sport governance, gambling is in a special category, exhibiting the twin dynamics of ethics and money. Major sport organisations are particularly aware of the biased interaction between sports and gambling. They strive to find the right approach to these issues and to envisage the future governance of sport betting as an integral part of sport governance. As presented in several analysis and studies, revenues stemming from gambling activities, which are injected into sports through varying patterns of financing, constitute a vital funding source for many sport organizations.⁴ However, while a growing number of sport governing bodies has included the dynamics of sport betting in their general governance strategy, very few of them have developed an integrated approach to gambling.

Over the last decade a number of judgments by the European Court of Justice (ECJ) have set important milestones as to the framework of sport gambling in Europe. One of the latest judgments, dated 8th September 2009,⁵ represents a watershed. This ruling has established, on specific bases, the national prerogative in the online sports betting sector. In doing so, it has also impacted the way in which sport organisations interact with sport betting organisations. This decision offers an entry point into the discussion on the governance of sport organisations, and specifically regarding their ability and willingness to effectively take into account the dynamics of gambling within their wider strategic considerations.

This paper explores the potential impacts of changes in the *de facto* and *de jure* regulation of sport betting on the governance of sport organisations. This leads to a number of questions: What are the prevalent regulations for sport betting? How do sport organisations integrate these dynamics in their governance? What are these current regulatory tensions, and where are they leading? What are their potential impacts on sport governance?

To answer these questions, a first section (2) takes a snapshot of the current situation; (2.1) presents the current framework regulating sport betting in Europe, outlines some of the tensions present and some recent jurisprudence and developments while (2.2) presents the various approaches used by sport organisations to integrate the dynamics of sport betting in their overall strategic management. A second section (3) presents three ‘possible futures’ for the development of the mutual relationship between those that organise sport events and those that organise the betting on their results. In the end, this analysis shall provide a bird’s eye view of the opportunities and challenges that await sport governance in

⁴ See among others “*Study on the Contribution of the Gambling Industry to the Funding of Sports in Two Member States – the UK and France*”, Final Report, 18 November 2008, prepared by Sports Business (<http://www.eu-ba.org/en/studies/sportsfundingstudy>).

⁵ ECJ case Case C-42/07, *Liga Portuguesa de Futebol Profissional and Bwin International Ltd, formerly Baw International Ltd v. Departamento de Jogos da Santa Casa da Misericórdia de Lisboa*.

the near future and which underline the need for a re-evaluation of current possibilities.

A Snapshot of the Current Situation

2.1 Sports Betting

Sports betting is currently experiencing a series of upheavals on the structural, institutional and legal fronts. These changes are reconfiguring the way in which legislators, regulators, betting organisations and sport associations envisage the embeddedness of sport and gambling. To understand the nature of these dynamics we shall present the current legal framework of sport betting (online and offline) and the current tensions in this system at the European level with a specific focus on the dematerialisation of gambling and the rise of illegal betting activities. Secondly, we shall address the modification of the regulatory framework focusing on recent evolutions and jurisprudence in the EU.

2.1.1 General Regulatory Framework of Sport Betting in Major European Countries (on/off-line)

The legal framework regulating sport betting in Europe is fragmented along national lines. Most regulation is defined and enforced at the national rather than at the EU level. The differences between these various jurisdictions touch every aspect of the sector, from the definition of what is considered gambling, to the structure of the market and the role of the regulator.

The fundamentals of the State's role in the regulation of gambling activities are rooted in the twin dynamics of high financial returns and social deviance. It is mainly in consideration of these two aspects that the State has always been involved in the control of gambling activities. Gambling is generally defined as the placement of a *wager* and the possibility, through *chance*, of a potential *gain*⁶. It is this notion of chance that most clearly differentiates gambling from other activities. In most jurisdictions, 'chance' is opposed to 'skills' to determine specifically what activities will be regulated as gambling.⁷ An appreciable element of chance in a game is generally sufficient to classify it as gambling (United Kingdom, Canada). Other countries, (some American States, France, and Italy) try to evaluate the specific levels of both chance and skill to determine if a particular activity should be regulated or not by gambling laws.

Before evaluating the specific criteria of regulation, we shall detail the specificities of sport gambling and the various forms it can take. The placing of a wager on the outcome or specific event in and around a sporting match takes many forms, each

⁶ Gizycki, J., & A. Gorny (1970). *Glück im Spiel zu allen Zeiten*. Zürich: Stauffacher Verlag.

⁷ Diaconu, M. (2009). *International Trade in Gambling Services*. The Hague: Kluwer Law, p.8.

coming with their very own implications for gamblers, gambling organisations and regulators. Five such general types can be identified.

- ‘Pari à cote fixe’ or traditional betting. This type of betting is proposed by most bookmakers. A bet is based on certain odds on the winner of a specific match, an exact score, or even the eventual winner of the national championship.
- ‘Spread betting’. One bets on the differential of the result between two teams or players.
- ‘Pari mutual’. Generally found in horse races or greyhound races. The odds are initially set as equal between the various contenders. It is with the accumulation of bets from various actors that the odds will be modified.
- ‘Live betting’. One can bet while the game is still being played. The odds are modified in real time according to match developments.
- ‘Exchange betting’. Takes place without anyone officially setting the odds. Rather, it is the players among themselves that accept or reject the offers of odds proposed by other players.

Depending on the jurisdiction some, or even all of these types of gambling, are deemed illegal in principle. The first approach is that of the simple blanket ban on sport betting. It is the situation encountered in certain countries, for religious reasons (e.g. Pakistan). Other countries have legalised only certain types of gambling, for example on horse races as is case in Canada⁸ or in the United States where the *Professional and Amateur Sports Protection Act of 1992* makes sport betting illegal in almost every State.

In countries where sport gambling is legal, we find there are a number of institutional frameworks. These range from the full State monopoly to liberalised markets, with licensing systems employed in many states that have neither monopolised nor fully liberalised gambling. In Switzerland, sport betting is provided by semi-public lottery organisations⁹ while in France, a separate organisation, the Pari Mutuel Urbain (PMU) takes bets on horse races and the national lottery organisation, Française des Jeux, offers other sports betting. The most liberalised jurisdictions in Europe are those of Malta, Gibraltar and the United Kingdom, where one can freely bet on sport, or even on other events such as the national elections.¹⁰

⁸ Jurisdiction is provincial. A relatively representative framework would be that of Quebec’s *Loi sur le courses* (L.R.Q., c. C-72.1, a. 105)

⁹ See State of Geneva, *9th Convention Relative to the Loterie Romande (c-LoRo)*, adopted November 18, 2005, Geneva Legislation http://www.geneve.ch/legislation/rsg/f/s/rsg_I3_15.html, accessed 25 October 2010.

¹⁰ United Kingdom (2005). *Gambling Act*.

In the face of these different systems, a number of tensions are emerging; tensions that are directly questioning some of the assumptions on which sport betting is founded.

2.1.2 Current Tensions in Sports Betting

Some recent events have put sport betting at the forefront of the news. In September 2009, a landmark ruling by the European Court of Justice addressed the question of internet-based sports gambling operations that were subject to apparently conflicting national and European regulations.¹¹ At the same time, a number of scandals related to match fixing in European football were uncovered. These two dynamics, the dematerialisation of gambling and the rise of illegal activities, are the main issues which the current system needs to address.

2.1.2.1 Dematerialisation of Sport Betting

The impact of the internet on sport betting has been impressive. In the face of often dated national regulatory frameworks, it offers a new and international channel for the provision of betting services. Regulatory regimes are often at odds on how to deal with this new situation. In cases where the activity is forbidden, states lack the capability to enforce the rules, and where it is legal, the framework is often hard to integrate with the laws governing more established forms of gambling.

Several countries practice a ban on internet gambling (Germany, United States etc.) while others have an exclusive licensing system (Nordic countries, France), a local licensing (Italy) or an open market (Ireland, UK) for online gambling. For those that either ban or limit the possibilities of gambling on the internet, a number of options are available: ISP blocking (Germany, Sweden), which entails blocking web sites from being accessed; financial transaction blocking (USA), forbidding financial operators from expediting bets and eventual winnings; advertising restrictions (most EU countries), which reduces the visibility of the gambling operators, and; heavy taxation (Netherlands, Austria), which makes operating the site prohibitively expensive for the gambling organisation.¹²

Given the current regulatory regimes, internet based sport betting offers can be classified into three different categories.

1. offers provided by providers who are fully licensed and authorised in the targeted territory;
2. offers provided by providers whose licences and authorisation relates to territories other than the one targeted;

¹¹ ECJ case Case C-42/07. *Liga Portuguesa de Futebol Profissional and Bwin International Ltd, formerly Baw International Ltd v. Departamento de Jogos da Santa Casa da Misericórdia de Lisboa.*

¹² GamblingCompliance (2009). *Market Barriers: A European Online Gambling Study 2009.* London: GamblingCompliance, p.2.

3. offers provided by unlicensed and unauthorised providers.

The first category represents the most benign challenge, for it implies the adaptation of the legal framework to a new delivery channel. Simply put, traditional operators are given the option of offering on the internet games that are already available in brick-and-mortar facilities.

The following two categories represent more complex challenges. In both cases the system is dealing with organisations that have no rights under national law. Online betting is by definition not subject to geography, while its regulation clearly is. This implies an unacceptable freedom from regulatory obligations, financial (taxes) and social (protection measures). Some of the impacts of the introduction of unauthorised online offers are clear. These have a direct impact on state finances, as many taxes are not paid, and on players, as these providers do not always respect the mandatory protection clauses attached to national licensing conditions. This last aspect is particularly dangerous, as the internet offers gambling opportunities 24 hours a day and from the comfort of the player's home; a hazardous proposition in terms of addiction.¹³

2.1.2.2 Rise of Illegal Betting Activities

In the gambling sector at large, illegal activities have either developed or been reinforced in the last decades. Campbell and Marshall characterise these illegal activities according to their relationship to gambling.¹⁴

- Illegal gambling
- Crimes linked to problem gambling
- Crimes associated with legal gambling expansion (ambient crime)
- Crime related to gambling venues (skimming, money laundering)
- Crimes distinct from legal gambling operations (cheating)
- Graft and corruption (of officials)

Illegal gambling, the provision of facilities to gamble illegally either through electronic channels such as Internet or simply in 'back-stores', is difficult to quantify. In the last few years, offers for illegal casino games, lotteries and betting have been increasing, especially on the Internet. These problems are prevalent worldwide and the first challenge is their very evaluation. Some estimates put the annual sum in illegal bets in the United States alone at some 380 billion dollars.¹⁵ The United States

¹³ Collins, A.F. (2006). *The Pathological Gambler and the Government of Gambling*, IN: Cosgrave J.F., *The Sociology of Risk and Gambling Reader*. Routledge: London.

¹⁴ Campbell, C. S., & D. Marshall (2007). *Gambling and Crime*. IN: G. Smith, D. G. Hodgins, & R. J. Williams, *Research and measurements in gambling* (pp.541-564). London, Elsevier, p.544.

¹⁵ Tan, B.C. (2010). *Illegal Sport Betting*, *Anti-money laundering magazine*, May, p.48.

constitutes only a small share of the international sport betting market. These illegal operators can be categorised in the following groups: Internet casinos, poker sites, traditional bookmakers, sport betting offers, online lotteries, media companies and ‘unconventional’ bookmakers.

The development of illegal activities in sport gambling goes beyond the provision of illegal gambling services to encompass dynamics that cannot be addressed by a ‘simple’ denial of service. The issues raised are those of match fixing and the other illegal activities that develop in and around the sporting activity¹⁶.

The issue of money laundering is at the forefront of the various efforts to defeat criminality in gambling, and specifically in sport betting. As Viren observes, “gambling is ideal for money laundering because of its big volumes and frequent transactions”.¹⁷ For law enforcement, internet gambling has helped the process. According to the US General Accounting Office, “... [T]he anonymity and jurisdictional issues characteristic of Internet gambling make online gaming a potentially powerful tool for money launderers. They noted that few money laundering cases involving Internet gambling had been prosecuted but attributed the small number of cases primarily to a lack of regulation and oversight”.¹⁸ The challenge is judicial, but will require regulatory adaptations and resources.

The need for a multi-pronged approach is best exemplified by the case of match-fixing. For sport organisations the situation is problematic, as one of the core issues is the relevance and interest of the sport activity itself: if matches are fixed, why watch them, and moreover, why practice that sport? For states, the situation takes on another dimension: here the stakes are linked to money laundering and international criminal activities. The challenge, and its eventual resolution, must involve all societal actors.

2.1.3 Modifying the Regulatory Framework: Recent Evolutions and Jurisprudence in the EU

The European regulatory environment for games of chance has been relatively tense over the last decade. If the lack of consensus at political level caused the regulation of gambling to remain fragmented, the jurisprudence has conversely developed in a systematic way. During these years, it is the European Court of Justice that has been the true designer of the gambling regulatory landscape in the internal market.

¹⁶ Hill, D. (2008). *The Fix: Soccer and Organized Crime*. Toronto: McClelland and Stewart.

¹⁷ Viren, M. (2008). Introduction. IN: Viren M., *Gaming in the new market environment*. Basingstokes: Palgrave Macmillan, p.10.

¹⁸ United States General Accounting Office (2002). *Internet Gambling: An Overview of the Issues*. Washington D.C., GAO, p.i.

2.1.3.1 The Current Legal Framework

At present, games of chance are not harmonized at the EU level. They were notably excluded from the scope of Directives 2006/123/EC (the Services Directive), 2007/65/EC¹⁹ (the Audiovisual Media Services Directive) and 2000/31/EC²⁰ (The Electronic Commerce Directive).

The passing of the Services Directive was one of the most recent attempts by the Commission to harmonize the sector (Article 40(1)b of the Commission's initial proposal). Gambling services were dealt with in Articles 16, 18 and 40 of the proposal. They were to derogate temporarily from the country of origin principle – which was not intended to apply for a transitional period to “gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries and betting transactions”. In the meantime, the Commission was supposed to assess the possibility of presenting proposals for harmonization instruments. However, the original services directive proposal did not convince the European Parliament, which excluded games of chance from the scope of the final directive.²¹

The European Parliament expressed again its view on gambling on at least two occasions. The first was a resolution addressing the revenue which gambling directed towards sport. The second endeavoured to tackle the issues surrounding the integrity of Internet gambling.

The first resolution was adopted in May 2008 by the European Parliament's plenary on the European Commission's strategy paper ('White Paper') on sport. It voices the Parliament's concern at a possible deregulation of national gambling markets. The Parliament stressed that the revenues generated by state-owned or state-licensed

¹⁹ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 032 of 18 December 2007, p.27).

²⁰ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services (OJ L 178 of 17 July 2000, p.1).

²¹ Amendment 17 of the Parliament clearly states: “Gambling activities, including lottery and betting transactions, should be excluded from the scope of this Directive, in view of the specific nature of these activities, which entail implementation by Member States of policies relating to public order and consumer protection. The specific nature of these activities is not called into question by Community case law, which simply requires national courts to examine in depth the reasons of public interest which may justify derogations from the freedom to provide services or the freedom of establishment. In addition, given the considerable disparities in the taxation of gambling activities, which are at least partly related to differences in Member States' public order requirements, it would be totally impossible to establish fair cross-border competition between operators in the gaming industry without either first or simultaneously dealing with questions of fiscal cohesion between Member States, which are not addressed by this Directive and which are not part of its scope.” European Parliament, Report on the proposal for a directive of the European Parliament and of the Council on services in the internal market, (COM(2004)0002 – C5-0069/2004 – 2004/0001(COD), (COM(2010)0095 – C7-0087/2010 – 2010/0065(COD)), 15 December 2005, p.14-15.

lotteries are ‘the most important source of income’ and ‘indispensable’ for sports organisations in the EU. In the event of a liberalisation, it warned that no sustainable and politically feasible alternative to this funding has so far been either proposed or seriously discussed. It called on the European Commission to carry out a study of the effects that a deregulation of gambling and betting would have on society and sport. The Parliament also observed that “sports betting activities have developed in an uncontrolled manner (particularly cross-border betting on the Internet)” and pointed to a growing number of match-fixing cases. The resolution finally called for measures to protect the integrity of sporting events²².

The second document is the ‘Integrity of Online Gambling’ Report²³, which was adopted as a non-legislative resolution on 18 March 2009. This resolution recalls that gambling activities, including online gambling, have traditionally been strictly regulated in all Member States on the basis of the principle of subsidiarity, in order to protect consumers against addiction and fraud, to prevent money-laundering and other financial crimes, as well as match-fixing, and to preserve public order. The report also stresses that the European Court of Justice accepts restrictions of the freedom of establishment and the freedom to provide services in the light of such general interest objectives if they are found to be proportionate and non-discriminatory. Importantly, it highlights that policy objectives such as consumers’ protection against addiction, fraud, money-laundering and match-fixing or problem gambling and under-age gambling are more difficult to achieve in the online gambling sector, a sector which has developed rapidly and in an uncontrolled manner.

This resolution calls for a transparent gambling sector that safeguards the public and consumer interests, for tackling fraud and other forms of criminal behaviour, for the prevention of consumer detriment, for the adoption of a Code of conduct as a useful supplementary tool for achieving some public (and private) objectives²⁴. Finally it calls on the Member States, the Commission, Europol and national authorities to base their actions in the online gambling sector on better monitoring and research ²⁵.

Of the EU’s legislative organs, the Council also takes interest in the gambling sector. On 11 May 2010 the Council Presidency notified its Progress Report on the legal framework for gambling and betting in the Member States.²⁶ The current debates

²² European Parliament, Resolution of 8 May 2008 on the White Paper on Sport (2007/2261(INI), paras. 89-90.

²³ Submitted to the European Parliament's attention by its Rapporteur Mrs. Christel Schaldemose (PSE, Denmark).

²⁴ Such codes ultimately remain industry-driven, self-regulatory mechanisms. They can therefore only serve as an addition to, not a replacement of, legislation.

²⁵ European Parliament, Report on the integrity of online gambling, (2008/2215(INI)), paras. 27-33.

²⁶ EU Council Presidency, *Progress Report on the legal framework for gambling and betting in the Member States*, 9495/10, <http://register.consilium.europa.eu/pdf/en/10/st09/st09495.en10.pdf> (accessed 19 April 2011).

focus on the possibility of coordinated actions against illegal gambling²⁷ in the Member States. The result of this debate may give rise to co-ordinated actions by Member States in order to deal with the challenges of the online gambling sector, always taking into account differences between the legislation of Member States and fully respecting EU Treaty principles including the principles of subsidiarity and proportionality. The Presidency Progress Report recommends the continuation of the discussions in the preparatory bodies of the Council on the basis of this common understanding on the issue of illegal gambling. It also encourages the Commission to start consultations with Member States and stakeholders in the context of an awaited Green Paper on gambling, and to follow with specific proposals on the issue of illegal gambling, as appropriate.

However important these first steps may be, the coordinated European framework for games of chance is still in its infancy. In the absence of a harmonized regulation on gambling, the importance of the ECJ's jurisprudence is even greater and the milestones affixed by the Court are thus essential to understand the current European framework in this field.

2.1.3.2 The ECJ's Interpretation: From Gambelli to Liga Portuguesa and Beyond

The ECJ has been confronted with the issue of cross-border gambling services for more than a decade.²⁸ Most of the cases concerning gambling activities were examined under the scope of ex-Articles 43 EC (freedom of establishment) and 49 EC (freedom to provide services), but a few cases also were brought forward in relation with the free movement of goods.²⁹

The first cases gave the Court the opportunity to define gambling as a service within the meaning of the EC Treaty and to qualify restrictive national legislations as a barrier to the free movement of services. While the Court has since its 1994 *Schindler* judgment considered that games of chance are deemed to be "economic activities within the meaning of the EC Treaty", we note that a discussion can however be undertaken as to the 'abnormal' nature of such service, which some authors consider

²⁷ In this Report, illegal gambling is defined as gambling in which operators do not comply with the national law of the country where services are offered provided those national laws are in compliance with EU Treaty principles.

²⁸ The main judgments in this field are: ECJ case C- 275/92, *Schindler*, judgment of 24 March 1994, ECJ case C-124/97, *Läärä and others*, judgment of 21 September 1999, ECJ case C-67/98, *Zenatti*, judgment of 21 October 1999, ECJ case C-6/01, *Associação Nacional de Operadores de Máquinas Recreativas (Anomar) and Others v. Estado português*, judgment of 11 September 2003, ECJ case C-42/02, *Lindman*, judgment of 13 November 2003, ECJ case C-243/01, *Gambelli and others*, judgment of 6 November 2003, ECJ cases C-338/04, C-359/04 and C-360/04, *Placanica and others*, judgment of 6 March 2007.

²⁹ See notably ECJ case C-65/05 *Commission v. Greece*, judgment of 26 October 2006.

to be at the margin of economical reason,³⁰ and which could therefore escape the logic of economic liberalism.

However, it is not until the *Gambelli* case in 2003, followed by *Placanica* in 2007 that the Court established more specific and precise criteria for determining the conditions in which restrictions to gambling services are compatible with what are now Articles 49 and 56 of the Treaty on the Functioning of the European Union. In brief, such restrictive measure must not be discriminatory; they must meet an appropriate overriding public interest objective; they must be suitable for securing the achievement of the objectives; and they must not go beyond what is necessary in order to achieve them.

In *Gambelli*, the ECJ has comprehensively set a test (a so-called 'hypocrisy test'), in order to determine if a Member State's measure hindering the cross-border provision of gambling services is compatible with EU law. In short, restrictions on gaming activities may be justified by imperative requirements in the general interest, such as consumer protection and the prevention of both fraud and incitement to squander on gaming. However, restrictions based on such grounds and on the need to preserve public order must also be suitable for achieving those objectives, inasmuch as they must serve to limit betting activities in a consistent and systematic manner.³¹ Such restrictions must reflect a concern to bring about a *genuine* diminution of gambling opportunities. In so far as the authorities of a Member State incite and encourage consumers to participate in gambling activities to the financial benefit of the public purse, the authorities of that State cannot invoke public order concerns relating to the need to reduce opportunities for betting.³²

This landmark decision was followed by other similar judgments. In *Placanica* notably, the Court stressed a few important elements. Firstly, basic public procurement principles apply to tenders involving public money, including those for gambling licenses.³³ Secondly, the Court delimited two distinct categories of justifications (objectives which aim to "reduce gambling opportunities" such as protecting consumers, and objectives aimed at "combating criminality by making the operators active in the sector subject to control and channelling the activities of betting and gaming into the systems thus controlled"). Finally, this jurisprudence also

³⁰ See notably the Nobel Prize laureate for economy Paul A. Samuelson who believed that "(Gambling) involves simply sterile transfers of money or goods between individuals, creating no new money or goods. [...] When pursued beyond the limits of recreation, where the main purpose after all is to kill time, gambling subtracts from the national income". Samuelson, P. (1976). *Economics* (10th ed.), p. 425.

³¹ ECJ *Gambelli*, para. 67.

³² ECJ *Gambelli*, para. 69.

³³ For a comment, see Hatzopoulos V. (2009). *Public Procurement and State Aid in National Healthcare Systems*, IN: Mossialos, E., Permanand, G., Baeten, R., & Hervey, T., *Health Systems Governance in Europe: the role of EU law and policy*, Cambridge: Cambridge University Press.

gave more explicit guidance on the meaning of “channelling the inevitable desire to gamble into controlled venues”.

Finally, in the *Liga Portuguesa* judgment of 2009³⁴ referring to the specific matter of Internet gambling, the Court seems to fine-tune its arguments from *Gambelli* and *Placanica*, following rather its nineties’ approach in the *Läärä* jurisprudence.³⁵ Understandably, this ruling was applauded by the European state lotteries and criticized by private gambling operators. It concludes that Article 49 EC (now 56 TFEU) can allow a Member State to prohibit operators (such as Bwin) which are established in other Member States from offering games of chance via the internet within their territory.

Concerning Internet gambling, the Court expressly stated that, because of the lack of direct contact between consumer and operator, online games of chance involve different and more substantial risks of fraud by operators against consumers, compared with the traditional markets for such games.

Interestingly, the Court goes further and questions the ethical reliability of gambling operators as sponsors of sport, by pointing out a potential conflict of interest when a sports betting operator sponsors some of the competitions on which it accepts bets. Indeed, such an operator may be or appear to be in a position to influence the competition’s outcome directly or indirectly.

In the light of the specific features associated with the provision of Internet gambling, the Court concluded that the restriction at issue may be regarded as justified by the objective of combating fraud and crime. The issue of proportionality, which in the previous case law had been entrusted to the national judge, was settled by the Court itself.³⁶

The recent rulings in the *Sporting Exchange*³⁷ and *Ladbrokes*³⁸ cases confirm the Court’s approach in *Liga Portuguesa*. The Court has essentially concluded that 56 TFEU does not preclude the legislation of a Member State under which exclusive rights to organize and promote games of chance are conferred on a single operator

³⁴ ECJ case Case C-42/07, *Liga Portuguesa de Futebol Profissional and Bwin International Ltd, formerly Baw International Ltd v. Departamento de Jogos da Santa Casa da Misericórdia de Lisboa*, judgment of 8 September 2009.

³⁵ ECJ case C-124/97, *Läärä and others*, judgment of 21 September 1999.

³⁶ Several ECJ advocates general and scholars had questioned if the Court should continue to leave the ultimate decisions to the national judges, or if it should provide them with a complete answer (see for instance Opinion of Advocate General Ruiz-Jarabo Colomer delivered on 16 May 2006 in *Placanica*, point 141). Advocate General Alber in his Opinion delivered on 13 Mar. 2003 in *Gambelli* also believed that where gambling is concerned, the national courts find it difficult to carry out the task entrusted to them (point 116).

³⁷ ECJ case C-203/08, *Sporting Exchange Ltd (Betfair) v. Minister van Justitie*, judgment of 3 June 2010.

³⁸ ECJ case C-258/08, *Ladbrokes v Stichting de Nationale Sporttotalisator*, judgment of 3 June 2010.

(thus prohibiting any other operators from offering gambling services via the Internet). However, this is only allowed if the conditions mentioned in its consolidated jurisprudence are met.

2.2 Sport Organisations and Betting

Betting raises ethical issues in sport. Through its indissoluble link to sports, it may trigger a higher risk of fraud or corruption in the competition to which it relates. Periodic scandals concerning match-fixing on behalf of bookmakers or bettors, or for the direct gain of players or officials themselves, have been exposed in newspapers editorials since 1774 and continued to emerge in the twentieth and twenty-first centuries.³⁹

Integrity is not the only challenge that sport entities face with respect to gambling. From a financial perspective, many sports organisations are impacted by the turbulence currently affecting the market of gambling services. As mandatory and/or voluntary patterns of cooperation between sports entities and gambling operators differ largely from country to country, this situation results in a particularly complicated landscape, in which synergies are not easy to identify.

To date most sport organisations have tackled the issue of gambling from a strictly ethical point of view (integrity of sports) and have adopted measures in order to contribute to the supervision of betting transactions involving their competitions (identifying abnormal betting patterns or any unusual fluctuations in the bets or odds). For the moment, few of them are taking a more global approach to the issue of gambling and fewer still are integrating these reflections in their general governance strategy.

2.2.1 Policies & Strategies towards a More Integrated Approach to Betting

Aside from a general trend of supervision, either internalised or outsourced, one can identify two other models: a ‘French Scenario’ of increased control and ownership, and an automatic financing mechanism attempted in Italy.

2.2.1.1 The General Trend: Surveillance

Surveillance of betting activities is nowadays a preoccupation of several large international sports bodies, such as the International Cricket Council, FIFA, UEFA and the IOC. Two main approaches can be identified: in some cases surveillance systems are internalised, such as in the case of UEFA, or outsourced, as in the case of FIFA and the IOC.

³⁹ For illustrations, see Forrest, D., McHale I., & McAuley, K. (2008). *“Risks to the Integrity of Sport from Betting Corruption”, a Report for the Central Council for Physical Recreation by the Centre for the Study of Gambling*, University of Salford.

2.2.1.1.1 Model 1: Internalisation

In 2004, UEFA established an internal alert system based on an informal field network which signalled eventual irregularities in the betting patterns on UEFA matches. This system was improved and reinforced by the UEFA Congress in Copenhagen in March 2009 and it is now called the Betting Fraud Detection System (BFDS).⁴⁰ The BFDS monitors some 29,000 games across Europe, including all UEFA competition fixtures as well as all first and second divisions and national cup matches across all 53 member associations.

2.2.1.1.2 Model 2: Outsourcing

Information about betting transactions being mainly in the hands of bookmakers, several sports governing bodies have concluded Memoranda of Understanding with public and private bookmakers, with the main purpose of sharing real-time information about betting transactions.

For instance, FIFA created a Zurich-based company, the Early Warning System GmbH (EWS), launched for the FIFA World Cup in Germany 2006. This company develops and manages on FIFA's behalf an early surveillance of betting activities involving FIFA matches.⁴¹

Similar to FIFA's approach, the IOC founded in 2009 the International Sports Monitoring GmbH (ISM) in order to protect the integrity of the Olympic Sports. ISM is monitoring the betting activities on the Olympic Games in Vancouver and London to prevent sports betting having any negative impact on these events. Any suspicious or irregular betting activities will be reported to the IOC which will then prosecute the case following the rules and regulations of the Olympic Charter.

2.2.1.2 The New French Scenario: Increased Control & Ownership

It is commonly admitted that sport entities own the sport event they organize and conduct, while bookmakers own the related betting activities. A myriad of connections then link the different stakeholders of these two worlds. Nevertheless, a new kind of balance is claimed by certain sport bodies. In France, for instance, gambling regulations have been recently amended⁴² in order to achieve a 'controlled opening' of the French gambling market. This liberalisation will concern three of the major sectors in online gambling: sports bets (live betting, mutual bets and fixed odds bets), horse bets (mutual bets) and poker.

⁴⁰ See www.fr.uefa.com/uefa/keytopics/kind=512/newsid=884732.html (accessed 1 June 2010).

⁴¹ See www.fr.fifa.com/aboutfifa/federation/releases/newsid=1040071.html (accessed 1 June 2010).

⁴² For an official presentation of the main legislative solutions contained in the draft law, see: http://www.budget.gouv.fr/presse/dossiers_de_presse/090305marche_jeux/presentation_projet_loi.pdf (accessed 13 April 2009).

In this new framework, sports federations are consulted to determine the categories and the type of bets which will be legalized. Importantly, the law reaffirms sport governing bodies' position as owners of the sporting event, which includes a 'betting right'. This means, among other things, that sports organizations will be able to choose which events can be bet upon and which types of bets will be available; they will thus directly define the betting offer.

This approach is not new; it had already been announced by the jurisprudence. In an October 2009 ruling⁴³, the Paris Court of Appeals resolved a dispute between the French Tennis Federation to the bookmaker Unibet, who had offered bets on matches of the Roland Garros tournament without the Federation's consent. The Court considered that all forms of economic activity aiming at generating profit, and which could not exist without that sports event, are captured by the provisions of article 333-1 of the French Sports Code, which recognizes sport organizations' monopoly rights over their events. In conclusion, according to the court, the organising sport bodies are also owners of the 'betting rights' on the respective sport events, rights that they can transfer to specialized enterprises. In this model the interpenetration of sport organisations and betting operators is increased significantly.

2.2.1.3 Automatic Financing Mechanism

Another model is under scrutiny in the Italian Parliament. Before 2009, the Italian Olympic Committee (CONI) and the National Horse Breeders Enhancement Society (UNIRE) had the exclusive right to organize sports betting, including online gambling. As the European Commission considered such provisions contrary to the principle of free provision of services, a dialogue was initiated between the Commission and the Italian authorities. This ultimately resulted in important amendments to the Italian legislation and to an opening of the betting market.

This de-monopolization had an obvious financial impact on the Italian sports bodies, especially on the national Olympic committee. The financial losses had to be urgently covered by an increase in public subsidies. However, this augmented dependency raises some issues as to the sports organizations' autonomy vis-à-vis governmental authorities. This is a reason why a new financial support pattern was proposed to the Parliament. The proposal aims at creating from 1 January 2011 an automatic financing mechanism by allowing to the CONI some 470 million Euros each year as a portion of the yearly revenues stemming from betting and lottery activities organized by diverse bookmakers and by the Italian lottery.

⁴³ Cour d'Appel de Paris, judgment of 14 October 2009, *Unibet International c Fédération Française de Tennis*, RG 08/19179.

Possible Future Scenarios and Their Impact on Sport Governance

The fragmented regulatory framework of European gambling engenders numerous tensions and challenges. Some of these tensions have been identified in the dematerialisation of gambling and the rise of illegal activities. These elements are part of a wider dynamic characterised by a generalised uncertainty as to the rules and regulations framing this sector. As can be attested by the various cases and jurisprudence on the topic, European gambling is in a period of flux. This situation offers numerous possibilities for both sport betting providers and sport organisations to reflect on the structure of their respective business environments and to rethink their mutual relationship.

In this context, one is led to question the current relationship between sport and gambling: *Quid* of the different possible configurations? *Quid* of potential costs and benefits?

In light of these questions, and to better understand the dynamics that might emerge out of the current uncertainties, we shall present three possible scenarios. These ‘possible futures’ vary according to a number of criteria, the most significant being the modifications to the general gambling regulatory environment; its scope (what is regulated) and its stringency (intensity of the regulation).⁴⁴ We have identified 3 such scenarios: 1) ‘Status Quo’; 2) ‘Full Europeanisation’; and 3) ‘Subsidiarity’. Each of these will be analysed in terms of their possible impacts on the dynamics linking gambling and sport and on the governance of sport organisations in general. Four elements shall be addressed: a) the regulatory environment; b) the economic consequences; c) institutional and relational consequences; and d) the odds of the scenario being realised.

3.1 General Considerations

A general discussion of the fundamental dynamics linking sport and betting is warranted. In terms of the discussion on the possible integration of the logics of gambling in sport organisations’ strategic considerations, the general question of the potential benefits and pitfalls of ‘taking gambling into account’ must be addressed.

⁴⁴ Cook K., S.M. Hortell et al. (1983). A Theory of Organizational Response to Regulation: The Case of Hospital. *The Academy of Management Review*, 8(2); Reger, R.K., & I.M. Duhaim (1992). Deregulation, Strategic Choice, Risk and Financial Performance. *Strategic Management Journal*, 13(3).

3.1.1 Taking Gambling into Account: the Benefits

3.1.1.1 Financial Benefits

Gambling can be seen, from the point of view of sport organisations, as a tremendous financial opportunity. As already mentioned, in many jurisdictions part of the proceeds from sports betting go directly to finance sport organisations at local and national levels. In systems where this is the case, the question then becomes one of defining the possible ways of generating larger or more stable benefits. In places where it is not the case, the question is to try to apportion some of the benefits generated by an operation that simply would not exist in the absence of the sport organisers.

Other financial benefits are more directly attached to sporting activity, through commercial, marketing or communication initiatives (as already the case with a number of sport leagues) or again in the more diffuse promotion of sport by the activity and interest generated through gambling. Given the sums wagered in sport betting, any of these approaches could provide sport organisations with important financial assets. The question that remains is how to redistribute these monies for the widest possible benefit and how guard against the pitfalls linked to these financial benefits.

3.1.1.2 Stifling Irregularities

A greater awareness of gambling in sport organisations, going beyond the ‘surveillance’ approach, could increase both the scope and strength of the measures undertaken to combat deviance such as match-fixing and financial fraud. By placing betting at the centre and not at the periphery of the organisation’s preoccupations, one can envisage a better understanding of its dynamics and of its impact on the development and operations of sport. This would also give sport organisation better tools to defend the integrity of their operations.

3.1.2 Taking Gambling into Account: the Pitfalls

Recognising the role of gambling and integrating its logic in the strategic and operational dynamics of sport organisations also raises a number of issues that could potentially generate negative or, at the very least, problematic perceptions.

One of these elements is rooted on the very nature of most sport organisations as benevolent and voluntary associations. To integrate the logic of gambling would involve being directly associated with an activity that is, in perception at least, at odds with the philosophy of many sport organisations. This could lead to a conflict between the values of the organisation and this particular activity. Even if legal, in some way, in most jurisdictions, gambling carries with it a cultural and emotional baggage that cannot and should not be neglected by sport organisations. The most politically salient issue associated with gambling, gambling addiction, is contrary in its nature to the image of an active and healthy lifestyle defended by sport

organisations. Issues of corruption that can be linked to sport betting would also be in clear contradiction with the fairness and wholesome nature of sport activities.

Another issue is the ‘confusion of objectives’. Sport bodies are charged with the development of a particular sport. Most organisations are not equipped to deal directly with the very different business that is the definition or organisation of betting activities, not to mention the taking of bets on these same matches. This specific business requires a specific know-how and the corresponding human resource capabilities. Moreover, as it was already pointed out by the European judges, being in the position of organising games and directly benefitting, through betting, from certain specific outcomes certainly would raise large ethical questions.

3.2 Three Possible Scenarios

Keeping in mind the potential costs and benefits of the integration of sport betting in the organisational logic of sport organisations, we can now analyse the impact of possible regulatory developments on the governance of sport organisations and the avenues they open for a different relationship between sport and betting organisers.

3.2.1 Scenario 1: Status Quo

In the first scenario we assume that not much will change in the regulation of gambling in Europe. In this environment we assume continuous litigation and pressures for Europeanisation on the part of internationalised remote gambling operators. This would probably continue to involve challenges to national regulations in regards to their compatibility with European law. We also assume the fragmentation of the various European regulatory regimes to be a constant.

3.2.1.1 Economic Consequences

With the current legal uncertainty thus maintained, the financing of sports organisations stemming from gambling activities is also susceptible to remain unsure and fragile. This could ultimately endanger their middle to long-term financial health, as revenues from their traditional partners, the lotteries, would continue to be challenged by unauthorized private operators. Without some kind of organisational reaction on the part of sport bodies, the best that could be hoped for would be the limitation of financial losses. This scenario posits a status quo of the regulatory regime, but if organisations also take a status quo position in their approach towards betting, the economics of the equation might slowly be to their disadvantage.

3.2.1.2 Institutional/Relational Consequences

Private betting operators would most likely keep the pressure for a greater opening in Europe, and simultaneously be tempted to expand in less strictly regulated jurisdictions, in Asia for example. This dynamic would lead to a moderate growth of these operators and their increasing internationalisation.

In this scenario, the relationship between sport betting and sport organisations would have a tendency to align with the general status quo. The two types of organisations

would remain at a distance. The ‘surveillance’ model would be the most that sport organisations would undertake. Thus, the status quo would also apply to the specific challenge of fighting deviance in and around sport betting.

3.2.1.3 Possible Strategies for Sport Organisations and Their Possible Impacts

Faced with this situation, what should sport organisations do? The strategies can either be described as active or passive towards sport betting. In this scenario, a passive approach – strategic status quo vis-à-vis the regulatory status quo – would inevitably lead to an increasingly rapid erosion of sport organisations abilities to mediate the consequences of sport gambling. With time, the growth of betting providers would give them greater leverage. At the extreme, a betting organisation could directly control if not own an international sport federation.

An active approach would, *au contraire*, take into account sport gambling in the strategic considerations of the organisation. This would require organisations to at least position themselves in the ‘surveillance’ stance. The question nevertheless remains open as to whether such a position is enough to stem the increasingly numerous and complex attempts at generating illicit benefits from sport betting.

3.2.1.4 Betting on this Scenario: 2 : 1

We believe this scenario is possible. Taking into consideration the current imbroglio and the lack of consensus on what gambling should represent at a pan-European level, it relies on a prediction of stagnation on the development of EU-wide legislation and of a slow pace of national regulatory modernisation. In such a situation, it is very likely that the remote gambling operators will keep up the pressure for a greater market opening at the European level despite their fluctuating chances of success.

3.2.2 Scenario 2: ‘Full Europeanisation’

Lord Denning once wrote that European law is like an incoming tide, it flows into rivers and up the estuaries. It cannot be held back.⁴⁵ In this second scenario, we envisage the radical hypothesis of future harmonization in this field – something which was already attempted by the Commission. This would allow firms to gain access to EU Member States’ gambling services and open this sector to intra-EU competition. The overall regulatory stringency of such a system would most likely be lowered, as the EU would possibly follow a least common denominator approach.

3.2.2.1 Economic Consequences

A liberalisation of the European gaming sector – and the consequent suppression of national barriers to gambling services – would lead to extensive cross-border competition between providers, including to competition among lotteries; a notable increase in aggregate spending on gambling services; relatively unconstrained remote

⁴⁵ *H.P. Bulmer Ltd v J. Bollinger SA* [1974] Ch 401 through 418.

gambling offerings; a considerable redistribution of revenues among gambling sectors; and, theoretically, reduced prices of gambling services to consumers, as a result of increased competition between providers.

Such liberalisation would result in a significant decrease in the State lotteries and totos' turnover as players migrate to more attractive games in terms of winnings. As a result, the funding of good causes by State lotteries and totos would be sharply reduced. Consequently, state lotteries are likely to respond to such a market development by increasing the attractiveness of their offerings (possibly by increasing returns). But, such a course of action would also reduce the funding of good causes.⁴⁶

For sports organisations, this could mean that top sport organisations (such as sport federations or national Olympic committees) that at present rely heavily on State lotteries or on funding by other public or semi-public gambling providers would see their financial resources jeopardized in the future. As for grassroots sports, we can assume that in a competitive environment, where State operators would be compelled to compete, their expenditures will also follow an efficiency-oriented approach and could lead to less support for grassroots sport activities, which have little public visibility.

However, on the other hand, in a dynamic setting allowing competition and taxing the revenues of competing firms may yield greater tax revenues than a public or quasi-public monopoly can generate. Obviously, this dynamic setting would also encourage a greater consumption of gambling services, with the risk of increasing the levels of addiction. Since such liberalisation could create the premise for an increased growth of private operators, it could also consequently benefit sports organisations which are supported by these operators. However, in the absence of a redistributive solidarity mechanism, such increased funding sources would benefit only certain large or visible sports or competitions.

3.2.2.2 Institutional/Relational Consequences

This particular scenario is likely to lead to a Europeanisation of betting providers, meaning the sudden and large increase in the size and operational capabilities of gambling operators. Betting providers would become true multinationals, with the size and might that this entails. For sport organisations this would not entirely change the situation, but one might imagine a growth in the influence of these operators and a greater pressure to accommodate them, if only for financial reasons. The bargaining chips might not be in all sport bodies' favour.

⁴⁶ London Economic Report (2006). *The Case for State Lotteries*, https://www.european-lotteries.org/data/info_963/The_case_for_State_Lotteries_FINAL_REPORT_September_2006.pdf (accessed 10 June 2010).

3.2.2.3 *Possible Strategies for Sport Organisations and Their Possible Impacts*

In the 'Full Europeanisation' scenario, if sport organisations decide not to integrate sport betting in their strategic considerations, there again a risk of seeing the gambling aspect interfere with the sporting aspect, with the betting providers dominating over sport organisations. A more proactive approach would no doubt lead to some changes for sport organisations (for the trend-setters, at least), modulating and adapting their structures and strategies to this new reality and integrating sport betting as a real and tangible part of their business environment. Given the economic dangers outlined above, the organisational status quo would mean the marginalisation of sport organisers and their increasing heteronomy in the running of their business.

Here the danger would be initially financial, but other dynamics could rapidly take over. With a fast expansion of gambling one can envisage the raising of the stakes involved and thus the development of even more cases of problem gambling, or criminal activities and of the temptation for match-fixing: a worrying scenario indeed.

3.2.2.4 *Betting on this Scenario 6 : 1*

This scenario is actively lobbied for by internationalised private gambling operators. To us it seems nowadays less probable in the light of the recent developments in ECJ jurisprudence. The consequences on the financing of good causes, including sport organisations, and the possible increase in gambling addiction, are the most influential buffers against this scenario coming into being.

3.2.3 Scenario 3: 'Subsidiarity'

On the basis of the recent regulatory and jurisprudential developments in this field, the third – and more moderate – scenario assumes that a future European framework will essentially recognize the Member States' right to regulate and control gambling services in accordance with their traditions and cultures. This would be seen as a better way to protect consumers against addiction, fraud, money-laundering and match-fixing in sports, as well as to protect the culturally-built funding structures which finance sports activities and other social causes.

This scenario posits a certain mirroring on the EU level of the French approach to sport betting. Opening a license based system for, among other things, internet based sport betting, the new French law on online gambling services, promulgated on 13 May 2010, is of specific interest for its redistribution of benefits and more specifically for the mandatory collaboration between betting providers and sport organisations. This solution *à la française* could privilege the finding of local solutions that can be validated at the European level.

3.2.3.1 Economic Consequences

The main outcome of this scenario would be the legal certainty acquired in relation to Member States' right to maintain or modify their existing framework of gambling, including the current financial support patterns.

For sports organisations, this would mean that the allocation of their funding sources would take into consideration the situation of all interested parties and the need to preserve and fulfil public interest objectives, among which sport is a recognized priority. It would represent a stabilisation of the funding structure if not of the funding itself. It would also be beneficial to betting organisations, providing them a clear and predictable environment in which to operate. As we have seen, this is not currently the case. This stability would also be of interest to their shareholders and to all potential investors in the sector.

3.2.3.2 Institutional/Relational Consequences

For betting organisations such a scenario would lead to a situation somehow comparable to the Full Europeanisation scenario but, instead of a pan-European operation, it would lead to the development of multi-national strategies. Betting organisations would still need to acquire licences in various national jurisdictions. The multi-national versus the transnational dynamic would generate various transaction costs and lead to legislative adaptations. But, it would give regulators an efficient and socially acceptable way of controlling the sector, something that is not guaranteed in the Full Europeanisation scenario.

For sport organisations this scenario would ensure them the means and stability to envisage their (contractual) relationships with sport betting organisations on acceptable terms. Such stability could also provide the basis to find a reasoned approach that sport organisations would coordinate among themselves, which is not currently the case.

3.2.3.3 Possible Strategies for Sport Organisations and Their Possible Impacts

Obviously, gaining stability vis-à-vis betting organisations would not guarantee that tensions and challenges will not develop in the immediate organisational environment of sport organisations. It would only give them a more stable foundation to address them.

In this scenario, the reluctance of sport organisation to effectively integrate gambling in their strategic considerations would be untenable; untenable financially but also strategically. A more pro-active stance would see sport organisations openly and fundamentally integrate gambling in their reflections and structures, be they internalised or externalised. From an outside disturbance, betting would become part of the normal controlled organisational perimeter.

3.2.3.4 *Betting on this Scenario 1.5:1*

In the light of the latest developments on the EU stage, this scenario seems relatively likely with national jurisdictions seizing the opportunities opened by the latest EU trends. Some, like France, have decided to act upon them rather than let the status quo prevail. This approach could be replicated EU wide in the coming years.

Conclusion

Sport and betting are two distinct yet inevitably linked activities. This article has presented some of the ways in which this link is articulated and some of the contingencies under which it might be modified. Currently, the regulatory framework of sport betting in Europe is fragmented along national lines. This fragmentation, along with the trend of dematerialisation, the rise in illegal activities and the regulatory tension at EU level, create a system characterised by a generalised uncertainty as to its rules and regulations.

The approaches used by sport organisations to integrate the challenges of betting in their strategic management are just as fragmented. The general approaches are relatively low-key with strategy defined in most cases by the ‘surveillance’ of betting activities. This article has questioned these approaches and tried to evaluate the possible ways forward.

To evaluate the situation, three possible scenarios of the future of sport betting regulation in the EU were developed. Following the evaluation of the ‘Status Quo’, ‘Full Europeanisation’ and ‘Subsidiarity’ scenarios, one can identify a certain number of conclusions for the governance of sport organisations in regards to their relation with sport betting. The first elements point to the need for an increasing awareness of the dynamics and issues surrounding sport betting. Sport organisations cannot afford to ignore this aspect of their own business without incurring serious ethical and financial risks. Secondly, the evaluation of the three scenarios all point to the danger of a passive strategy on the part of sport organisations. Ignoring or marginalizing the issue of sport betting would, in all three scenarios, be detrimental for the governance of sport organisations and for their long term expansion and desirable autonomy.

Given those results, a greater level of integration of the dynamics of sport betting in the management of sport organisations is inevitable in the long run. Sports organisations might as well prepare for it now.⁴⁷

⁴⁷ See also in this sense a very recent press statement by the IOC President, Dr. Jacques Rogge, available at <http://sports.yahoo.com/olympics/news?slug=ap-ioc-matchfixing> (accessed 1 July 2010).

3. SPORT & EU 6th ANNUAL CONFERENCE PROGRAMME

Sport & EU Conference: Nottingham Trent University, Nottingham, 30 June-1 July 2011

‘Reflections on Lisbon – past, present and future’

Full details about the registration process, accommodation and travel information to Nottingham can be found in the website <http://www.sportandeu.com/events/sporteu-conferences/sporteu-conference-2011/>.

Conference programme

30 June

- 09.00-09.30 Registration
- 09.30-09.45 Introduction and Welcome
- 09.45-11.00 Keynote address: **David Conn** (The Guardian)
- 11.00-11.20 Break
- 11.20-12.50 Research panel 1: Towards a Common Debate on EU Sport Politics
Jürgen Mittag – Germany: Heterogeneous Debates in a Complex Sport System
Jolanta Żyśko – Poland: A vision from Central and Eastern Europe
Ian Henry – The future of sports policy in the UK post new labour
- 12.50-14.00 Lunch
- 14.00-15.30 Research panel 2: Member states and EU sports policy
An Vermeersch and Ivana Petričević – The Role of the EU Presidency after Lisbon: Reflections from Belgium
Simona Kustec Lipicer and Renata Slabe Erker – Effective State Support for the Citizens Sport Activities in the Light of the Lisbon Treaty: A Comparative State Insight
Jutta Prochaska – Language Matters: A discourse analysis of EU sports policy development
- 15.30-15.50 Break
- 15.50-17.10 Research panel 3: Challenges of modern sport and the Lisbon Treaty
Daniel Geey – The Winners and Losers in the Football Pubcasting Cases: Some Interesting Implications
Katrien Lefever and Daniel Geey – The ‘List of Major Events’ Mechanism and Article 165 TFEU
Jean-Patrick Villeneuve, Madalina Diaconu and Jean-Loup Chappelet – Cheating to Win / Cheating to Lose – Structural Responses to Match-Fixing: Lessons Learned in the Fight against Doping
- 17.20 Closing

Evening Conference Dinner – venue TBC

1 July

- 09.30-11.00 Research panel 4: The regulation of the players market
Gareth Farrelly – FIFA Rules on Player Registration and the Lisbon Treaty
Yann Haffner – Sporting Nationality and EU Law: Towards the next Bosman? The Issue of Naturalised Athletes in National Teams
Antoine Duval – What Bernard tells you about Bosman
- 11.00-11.20 Break
- 11.20-12.50 Research panel 5: The Europeanisation of football (Chair: David Allen)
Wyn Grant – England, a liberal model under challenge?
Borja García – Spain, parochialism or innovation?
Richard Parrish – Europe, the transformation of football
Borja Garcia and Wyn Grant – Football, a Europeanised game?
- 12.50-13.50 Lunch
- 13.50-15.00 Research panel 6
Steven Bradbury – ‘It’s Just an Old Boy’s Club’: The Under-Representation of Women and Institutional Discrimination in Football Governance in Europe
Matthias Guett – All for Sport for All: Perspectives of Sport for People with a Disability in Europe
Seema Patel - The European dimension of sport as a medium for enhancing participation and inclusion
- 15.20- 15.30 Summary and Closing Address

Selected Conference abstracts

Day 1, 9.45-11.00 – Keynote address

09.45-11.00 Keynote address: **David Conn** (The Guardian)

Day 1, 11.20-12.50 – Research panel 1

Towards a Common Debate on EU Sport Politics

Germany: Heterogeneous debates in a complex sport system?

Jürgen Mittag

Due to its federal structure and the vertical division of powers collective players in Germany intervene at different levels in the political system. In general, Germany's sport system is marked by the considerable autonomy of sport and by the principle of subsidiarity. Despite these structures the Federal Ministry of the Interior has taken on some additional tasks in the field of sport, such as representing the Federal Republic in European and international sports bodies and providing financial support for top-level sport. Most relevant for European sport at the governmental level are the ministers in charge of sport in the Council and the meetings of the sport directors. Germany will be represented in this body by a head of department of the Federal Ministry of the Interior and by a delegate from the Länder. These two representatives can be considered as the gateway of national and European sport politics. Hence, their communication and positions will be scrutinized in detail. The German Olympic Sports Federation (DOSB) that was founded on 20 May 2006 is one of the largest sport federations in the world. Though the DOSB gave support to the Lisbon treaty in general the organisation has not developed yet any concrete positions on the potential of the new Lisbon treaty provisions on sport. It will be investigated if – and what kinds of – debates on EU sport policy have taken place in the framework of DOSB and of other non-governmental stakeholders.

Day 1, 14.00-15.30 – Research panel 2

Member states and EU sports policy

The role of the EU Presidency after Lisbon: reflections from Belgium

An Vermeersch & Ivana Petričević

Before Lisbon, the EU Presidency had a minor role in shaping the EU sport cooperation. The European Commission and the Parliament were the two institutions

which were considered to play the leading role, as in the case of the White Paper. The Presidency did organise informal meetings, which provided useful input for further action and cooperation. On the other hand, the Presidency, together with the MS, showed its influence during negotiations on several Treaty modifications, in particular the Lisbon Treaty which brought about the new competence for sport. In the beginning of 2010, the expectations were concentrated on the Commission to continue to play the main role by adopting the Communication on Lisbon and sport. As the expected Communication was not adopted in 2010, an opportunity was given to the Presidency to act. Presidencies held by Spain and Belgium have shown that the Council is eager to lift the new competence off the ground. Spain has set up the Working Party on Sport and chaired the first formal Sport Council. Belgium has adopted two sets of Conclusions and one Resolution. Based on the experience of Belgium, this paper argues that the role of the EU Presidency after Lisbon has gained considerably more importance. Furthermore, the balance between the institutions has shifted in favour of the Council and the focus has moved to issues which could bring added value based on concrete actions. In conclusion, the paper will also deal with the role of the Hungarian Presidency after the adoption of the Communication.

Effective state support for the citizens' sport activities in the light of the Lisbon Treaty: A comparative state insight

Simona Kustec Lipicer & Renata Slabe Erker

The cultural field of sport faces significant challenges from societal and economic perspectives, from its own internal structures and through the influence of national regulation and supranational actors such as the Lisbon Treaty. Sport is increasingly regarded as an important factor of societal and state competitiveness, but at the same time it remains a very complex phenomenon that underscores the goals and expectations of various target groups and correlates with other fields of human life such as health, education, employment. Successfully managing all these influences and perspectives requires reasonable and effective (self) regulation. However, one questions whether the state and increasingly also the EU, as a supposed guarantor of public interest, can effectively reconcile these competing concerns and, if it can, how 'public interest' in sport can be defined. In particular, if it is a legitimate goal of the state and/or the EU to promote effective sport participation among its citizens, what kind of goals, approaches, activities and measures are best able to achieve this aim? Has the Lisbon Treaty made some changes in the exposed understandings and approaches? What patterns of citizens' sport activities, their participation practices and also expectations in this regard can be actually disclosed and classified in the EU-27 in relation to the state and EU institutions? Founded on the basis of a research project on "Effective state support for the citizens' sport activity" (financed by the Slovenian Research Agency and the Ministry of Education and Sport and conducted by the authors) the statistical analysis of ISSP data set and the analysis of various

policy measures for citizens sport activities in EU -27 will be made with the aim to discuss the above exposed issues.

Language matters

Jutta Prochaska

This paper, part of my PhD thesis, proposes a new approach to the ongoing process of implementing a common sports policy in the EU since Lisbon. Its framework is a Discourse Analysis. The fundamental thesis of the Discourse Analysis is, that language and the social construction of political problems are deeply interconnected. This constructivist approach helps to reveal the social and cultural factors lying beneath the facts and arguments presented by the actors. The Discourse Analysis is a very promising analyzing tool enabling us to reach a new understanding of and a better knowledge about the power relations between actors. Therefore this method can give us an insight to the process of policy in the EU. I am focusing on determining how actors use metaphors, storylines and narratives by analyzing interviews, documents, and press articles. It is shown that actors use terms like “autonomy of sport” as part of a storyline to accomplish certain aims (e.g. to enforce derogations from EU Law). Also the socially constructed, rarely scrutinised attribution of values to sport can be found used in this way in some actors` discourses, e.g. to get a piece of the cake – or in this case an amount of the future EU-Sport Budget. This PhD thesis proposes a better explanation for why and how certain actors are accomplishing their aims.

Day 1, 15.50-17.10 – Research panel 3

Challenges of modern sport and the Lisbon Treaty

The Winners and Losers in the Football Pubcasting cases: Some interesting Implications

Daniel Geey

With the Advocate General’s Opinion on the referrals to the ECJ of the QC Leisure and Murphy decoder cases expected in the first half of 2011, a number of interesting legal and policy issues will rear their heads. At the forefront will be the battle of rights holders to allocate their rights on a territorial basis versus the European Union’s overriding objective to remove barriers to restrictions on the free movement of goods and services. The repercussions of the eventual ECJ answer to the English court questions will go some way to either alleviate rights holders fears about their valuable rights or open up a potential Pandora’s box of tricky questions for lawyers, politicians and legislators alike. Should the ECJ believe that the Premier League’s distribution model falls foul of the EU free movement and/or competition rules, new selling

arrangements like a pan-European rights auction may have the unintended effect of consolidating Sky's grip (due to its scale, resources and European wide reach) on the European sports broadcasting market. The Bosman of the sports broadcasting market may almost be upon us.

The 'list of major events' mechanism and Article 165 of the TFEU

Katrien Lefever & Daniel Geey

To guarantee the public's access to sports events of major importance for society, the 'list of major events mechanism' is embedded in the regulation of the audiovisual sector. In 2007, however, FIFA challenged the European Commission's decision that the U.K. and Belgian lists are compatible with Community law. First, FIFA alleged that those lists restrict freedom of establishment by preventing FIFA from licensing new entrants who wish to use premium sports broadcasting rights to establish themselves on the respective market. Second, FIFA argued that the listing of all FIFA World Cup matches is not justified, proportionate or necessary. Germany and Austria, for example, only listed the final, the semi-finals, the opening match and the matches of their national team. Whilst Italy only listed the final and the matches of the national team. The decision of the Court of First Instance is expected in the beginning of next year. This paper will take a detailed look at the decision of the Court of First Instance and the different arguments of the parties involved. In particular, it will be examined whether the General Court will respect and affirm the rationale of the 'list of major events' mechanism. Some may argue that such affirmation is to the detriment of new media platforms if they cannot meet the required coverage thresholds. It would no doubt be difficult to balance the policy objective of ensuring listed events are able to be broadcast to the widest possible audience whilst incentivising new media companies to invest in popular broadcasting rights. Furthermore, this paper will take a closer look at the General Court's approach to the new sports Article, Article 165 of the TFEU, and the role this new Article plays in its decision.

Day 2, 09.30-11.00 – Research panel 4 ***The regulation of the players market***

FIFA Rules on Player Registration and the Lisbon Treaty

Gareth Farrelly

In March 2007 Irish football club Cork City contacted FIFA requesting an exception to the rules constituted at the time placing restrictions on player registration. The player in question, Gareth Farrelly, had already played in official matches for two different clubs during the period between July 2006 and March 2007 and so would

be ineligible to play for his new employers until July 2007. In this paper Gareth Farrelly discusses the subsequent proceedings brought before the Court of Arbitration for Sport. He draws parallels with the case of Mascherano's transfer to Liverpool and reflects on the operation of the current FIFA rules regulating player registrations particularly in respect of the objectives of protecting the regularity and proper functioning of competitions and maintaining contract stability in football.

Sporting nationality and EU law: towards a next Bosman? The issue of naturalized athletes in national teams

Yann Hafner

Sporting governing bodies generally agree that the primary criterion to determine an athlete's eligibility for a national team is state nationality. Indeed, for a long time the possession of the nationality of a certain state was sufficient to verify a link between athletes and the country they were representing. However, athletes and states engaged in "nationality shopping" have endangered this link. Consequently, each international federation has adopted its own rules governing the parameters allowing athletes to represent a country and to modify their eligibility if they acquire a new citizenship. Frequently, these rules provide for a waiting period ranging from one to three years before an athlete may represent his new country, when they do not prohibit simply a change in eligibility. Sometimes, certain federations, especially in team sports, only allow national teams a limited number of athletes who have changed their sporting nationality. Naturally these sets of rules and their application raise interesting legal issues, particularly from the standpoint of their compatibility with state and EU law. Indeed, since the Meca-Medina ruling, it is understood that rules regarding the composition of national teams are not anymore immune from the scrutiny of the European Court of Justice. Hence, in light of the above and taking into consideration the Auer jurisprudence, a legal challenge of sporting governing bodies regulations regarding quotas of naturalized athletes may lead to these rules being declared void, which could result in a new Bosman case. The effects of which may possibly deregulate international competitions.

What Bernard tells you about Bosman

Antoine Duval

Almost 15 years ago the Court of Justice of the European Union (CJ) delivered its landmark Bosman ruling in 1995. It has since then lived up as one of, if not, the most well known decision of the Court. The Bosman case has been widely commented and criticized. The post-Bosman years have seen an inflation of the number of sport cases in front of the CJ, and also of the policy and political initiatives of the European Union (EU) concerning sport. This trend culminated with the introduction of an EU sport competence inserted in the Treaty of Lisbon, enshrined in Article 165 of the

Treaty on the Functioning of the European Union (TFEU). It is necessary to have a close look at the latest judgement of the CJ on sport, the Bernard case, in order to understand the evolution of the legal dialogue between the sport world and EU law. The aim of this presentation will be to highlight both the similarities and the differences between the two cases and to analyse how the introduction of the notion of specificity of sport has modify the existing balance between EU law and sport private regulation in the case-law of the Court.

Day 2, 13.50-15.00

Research panel 6

‘It’s just an old boy’s club’: The under-representation of women and institutional discrimination in football governance in Europe

Steve Bradbury

This paper will report on findings drawn from a wider research project commissioned by UEFA to examine issues of representation and structural discrimination in football in Europe. The initial research project featured analysis of existing academic and policy based literature and extensive semi-structured interviews (n=20) with sports academics, NGO’s and senior administrators at national football federations across Europe and at UEFA. This paper will begin by outlining the low levels of representation of women in key leadership and decision-making positions at professional football clubs and at the national and European level of football governance. The paper will then offer analysis which equates these patterns of under-representation with processes and practices of institutional discrimination. In doing so, the paper will illustrate the ways in which a series of relatively closed recruitment procedures to senior positions within the sport have tended to favour men already positioned within the dominant hegemonic networks of the football industry. The paper also identifies some cultural resistance amongst key stakeholders within the game to wider efforts to encourage more equitable change in this respect. The paper will conclude by evaluating the applicability and potential benefits of establishing quotas and encouraging positive action approaches as a means of redressing gender imbalances and increasing the functioning and legitimacy of football governance at the national and European level. In doing so, the paper will draw on some examples of good practice in football and in other sports and will examine the increasing emphasis of European sports policy makers to encourage the implementation of measures of this kind across sports more broadly.

All for Sport for All: Perspectives of sport for people with a disability in Europe

Mathias Guett

The relationship between EU policy-making and sport is gaining momentum due to the growing convergence between sport and social areas of activity and the Lisbon Treaty is providing the European Union with a soft competence on sport. In this regards also sport for people with disabilities becomes more important for and attracts notice to political players dealing with sport at EU level. Citizens with disabilities represent around 10% of the population of the EU and in this regards the European Union sees disability as a rights issue and not a matter of discretion. The EU promotes active inclusion and full participation of disabled people in society, in line with the EU human rights approach to disability issues. This approach is also at the core of the UN Convention on the Rights of People with Disabilities, to which the European Community is a signatory (EC 2010). In this regards, the 'All for Sport for All: Perspectives of Sport for People with a Disability in Europe' project aims to assess the perspectives of sport for people with a disability in Europe. The project is funded by the European Commission within the 2010 Preparatory Action on Sport in the area of intervention 'Promoting European fundamental values by encouraging Sport for Persons with Disabilities'. The envisaged paper will focus on the sport political background of sport for people with disabilities at the European level, and will show selected research outcomes regarding 1) policy, 2) participation, 3) events, 4) infrastructure and 5) work force related to a mapping of the status quo of the sector.

4. CONFERENCES AND EVENTS

Edited by Simon Ličen

Editorial note: starting with this issue, the space devoted to each conference or event featured in this section has been reduced. This allows for more events to be featured without having to significantly expand the section itself. The range of topics and conferences presented here is purposely kept broad.

Sport&EU 2011 Conference: Nottingham, 30 June-1 July 2011

The sixth annual conference of the Association for the Study of Sport and the European Union will be organised by Nottingham Trent University on 30 June–1 July 2011. Sport&EU's 2011 conference will be held in the brand new Nottingham Conference Centre, right in the heart of the city centre.

Location: Nottingham Trent University's Schools of Education and Law, UK

Date: 30 June-1 July 2011

Organiser: Association for the Study of Sport and the European Union

Website: <http://www.sportandeu.com>

See additional details in Section 3 of this issue.

Sports and Coaching: Pasts and Futures

Abstract submission date: expired

Location: Wychwood Park Hotel and Conference Centre, Wychwood Park, Cheshire, UK

Date: 25-26 June 2011

Organiser: Manchester Metropolitan University

Website: <http://www.ipr.mmu.ac.uk/conference/>

Sporting Traditions VIII

Sporting Traditions XVIII is the biennial conference of the Australian Society for Sport History, which will, in 2011, be hosted by the School of Human Movement Studies at The University of Queensland. The overarching theme is "The Past in the Present: Sport History and Popular Culture".

Abstract submission date: expired

Location: Mantra on Salt Beach, Kingscliff, NSW, Australia

Date: 5-8 July 2011

Organiser: Australian Society for Sport History, and University of Queensland

Website: <http://www.sporthistory.org/Conference.html>

16th Annual Congress of the European College of Sport Science: New Horizons from a World Heritage City

Abstract submission date: expired

Location: ACC Liverpool, UK

Date: 6-9 July 2011

Organiser: European College of Sport Science

Website: <http://www.ecss-congress.eu/2011/>

2011 Australian and New Zealand Communication Association (ANZCA) conference

Abstract submission date: expired

Location: Hamilton, New Zealand

Date: 6-8 July 2011

Organiser: University of Waikato, Hamilton, New Zealand

Website: <http://wms-soros.mngt.waikato.ac.nz/ANZCA/default.htm>

International Sociology of Sport Association World Congress: Sport and the Winds of Change – *Past, Present, Futures*

The 2011 Congress theme is Sport and the Winds of Change. Please note that all delegates must be members of ISSA for 2011. Membership forms are available through the ISSA home page. Please consult the congress website for further information, including travelling and visa details.

Abstract submission date: expired

Location: National Convention Centre, Havana, Cuba

Date: 12-15 July 2011 (workshops and field excursions scheduled for July 10-12 & July 16-17)

Organiser: International Sociology of Sport Association

Website: <http://www.issa-cuba2011.com/>

13th European Congress of Sport Psychology: Sport and Exercise Psychology – *Human Performance, Well-Being and Health*

Abstract submission date: expired

Location: Madeira Island, Portugal

Date: 12-17 July 2011

Organiser: European Federation of Sport Psychology

Website: <http://www.fepsac2011madeira.com/>

ISHPES Congress 2011

The 2011 conference theme is From Gymnastics to Sports – Relations, Interactions, Contradictions in the Past and the Present: A Congress on the Occasion of the Founding of the German Turner Movement in 1811.

Abstract submission date: expired

Location: Frankfurt, Germany

Date: 8-12 August 2011

Organiser: International Society for the History of Physical Education and Sport

Website: <http://ishpes.dtb-online.de>, <http://ishpes.org/home/>

Anti-Doping: Rational Policy or Moral Panic

Keynote speakers include Ross Coomber (University of Plymouth, UK), Chas Critcher (Swansea University), Frank Furedi (University of Kent, UK), Erich Goode (Stony Brook University, USA), John Hoberman (University of Texas, Austin, USA), David Howman (WADA General Director), Bernat López (Universitat Rovira i Virgili, Spain), Despina Mavromati (Court of Arbitration of Sport), and Eva Smith (University of Copenhagen, Denmark).

Abstract submission date: expired

Location: Aarhus, Denmark

Date: 18-19 August

Organiser: International Network of Humanistic Doping Research

Website: <http://doping.au.dk/en/conference/>

61st SSSP Annual Meeting

Abstract submission date: expired

Location: Harrah's Las Vegas Hotel, Las Vegas, NV

Date: 19-21 August

Organiser: Society for the Study of Social Problems

Website: <http://www.sssp1.org/index.cfm/m/392>

APCST 2011: 5th Asia-Pacific Congress on Sports Technology

Abstract submission date: expired

Location: RMIT University, Melbourne, AUS

Date: 28-31 August 2011

Website: <http://www.apcst2011.com/>

19th EASM Conference “Commitment in Sport Management”

Abstract submission date: expired

Location: Madrid, Spain

Date: 7-10 September 2011

Organiser: European Association for Sport Management

Website: <http://www.easm2011.com>

10th Conference of the European Sociological Association

Sport & EU members might be particularly interested in the Research Network 28 “Society and Sports”.

Abstract submission date: expired

Location: Geneva, Switzerland

Date: 7-10 September 2011

Organiser: European Sociological Association

Website: <http://www.esa10thconference.com/>

6th International Scientific Conference on Kinesiology

The invited speakers list includes Branislav Antala, Herman Berčić, David J. Bishop, Jay Coakley, Dario Farina, Iñigo Mujika, Erich Müller, Pekka Oja, Claude Sobry, Katarina Tomljenović-Borer, Gudrun Doll Tepper, Weimo Zhu and Arnold Baca.

Abstract submission date: expired

Location: Grand hotel Adriatic, Opatija, Croatia

Date: 8-11 September 2011

Organiser: Faculty of Kinesiology, University of Zagreb, Croatia

Website: <http://conference.kif.hr/>

2011 International Association for the Philosophy of Sport conference

Keynote speakers and lecturers include Jim Parry, Cesar R. Torres and J. S. Russell.

Abstract submission date: expired

Location: Hyatt Regency Hotel, Rochester, New York, USA

Date: 8-11 September 2011

Organiser: International Association for the Philosophy of Sport

Website: <http://www.brockport.edu/iaps2011/>

9th International Conference on the Teaching of Physical Education and School Sport

The theme of the conference will be: “Competency and educational challenges for a healthy life. Engaging in physical inactivity and obesity”.

Abstract submission date: expired

Location: Ubeda, Spain

Date: 8-11 September 2011

Organiser: Spanish Federation of Associations of Teachers of Physical Education (FEADEF)

Website: <http://www.feadef.org/congreso> or <http://www.ajidef.es>

Historical Perspectives on Jews and British Sport Symposium

Spaces are limited so will be allocated on a first-come, first-served basis. To register, and for further information, please contact James Panter at JPanter@dmu.ac.uk.

Location: De Montfort University, Leicester, UK

Date: 8 September 2011

Organiser: International Centre for Sports History and Culture, De Montfort University, Leicester

Website: <http://www.icsspe.org/>

Sport as a Mediator between Cultures

Location: Wingate Institute, Netanya, Israel

Date: 15-17 September 2011 (pre-conference workshops on 13-14 September)

Organisers: Ministry of Culture & Sport, Israel; Federal Ministry of the Interior, Germany; Ministry of Regional Cooperation, Israel; Federal Institute of Sport Science, Germany; International Council of Sport Science and Physical Education (ICSSPE); Wingate Institute for Physical Education and Sport, Israel; Zinman College of Physical Education and Sport Sciences, Israel; Football for Peace International

Website: <http://www.icsspe.org/>

Technologies in sport: Performance, bodies and ethics symposium

The purpose of the symposium is to critically examine sporting technologies and to stimulate discussion, debate and understanding of the multidimensional issues associated with technologies in the field of sports science and sports coaching.

Abstract submission date: expired

Location: Dunedin, New Zealand

Date: 20-22 September 2011

Organiser: University of Otago, School of Physical Education

Website: <http://phyped.otago.ac.nz/hosted/techsport2011/>

14th World Conference on Sport for All

Abstract submission date: expired

Location: Beijing, China

Date: 20-23 September 2011

Organiser: International Olympic Committee

Website: <http://www.sportforall2011.org/>

Intersections of Law and Culture conference

Abstract submission date: expired

Location: Lugano, Switzerland

Date: 23-25 September 2011

Organiser: Department of Comparative Literary and Cultural Studies, Franklin College Switzerland

Website: http://www.fc.edu/about-franklin/ocs/index.php/Law_Culture/2011

17th European Fair Play Congress

Abstract submission date: 31 August 2011

Location: Poreč, Croatia

Date: 28 September-1 October 2011

Organiser: Croatian Olympic Committee the Croatian Fair Play Committee, in cooperation with European Fair Play Movement

Website: <http://www.fairplayeur.com/Announcements.htm>

Play the Game 2011

Abstract submission date: expired

Location: German Sport University Cologne (Köln), Germany

Date: 3-6 October 2011

Organiser: Play the Game

Website: <http://www.playthegame.org>

The GlobalCAL50 Forum™

The Theme of this forum is “Speak Up. Get Active. Create Change: Community Active Living.” Delegates from 54 countries have been invited to share their expertise and experience in this global historical event linking technology with holistic concepts of physical activity. The mission of the Forum is to create an active 3Dmodel for Community Active Living.

Location: Santa Clarita, California, United States

Date: 5-8 October 2011

Organiser: HOPSports, Inc.

Website: <http://www.global50forum.org/>

Move2011 World Congress on Sport For All: Think Global Move LOCAL

Location: Paris, France

Date: 19-23 October 2011

Organisers: International Sports and Culture Association (ISCA), La Ligue de l’Enseignement, Union Française des Œuvres Laïques d’Education Physique (UFOLEP), and Union Sportive de l’Enseignement du Premier Degré (USEP)

Website: <http://www.move2011.info/>

Girls & Women in Sport & Physical Activity: Creating Change

Abstract submission date: 15 July 2011

Location: Minneapolis, MN, USA

Date: 2 November 2011

Organiser: Tucker Center for Research on Girls & Women in Sport, University of Minnesota

Website: <http://www.cehd.umn.edu/tuckercenter/conference/default.asp>

2011 North American Society for the Sociology of Sport Conference

Abstract submission date: call for abstracts to be published this summer.

Location: Minneapolis, MN, USA

Date: 2-5 November 2011

Organiser: North American Society for the Sociology of Sport

Website: <http://www.nasss.org/>

Sports Development as a Matter of Sociological Research and Consulting Practice

The conference language will be partly German and partly English.

Abstract submission date: expired

Location: Ruhr University, Bochum, Germany

Date: 3-5 November 2011

Organiser: Annual Conference of the Sport Sociology Section, German Association of Sport Sciences

Contact: Marie-Luise Klein, marie-luise.klein@rub.de

After the Leisure Dome

This is the third event of the Social Sciences and the Olympic Games Event Series. It takes place 5 months before the start of the London Summer Olympic Games and will feature speakers discussing the economics of the Olympics, the Olympics and architecture, the Olympics and sustainability and the Olympics and politics. Speakers at a round-table discussion on 'The Olympics and civil society' will include Dr Graeme Hayes of Aston University.

Location: The British Library Conference Centre, London, UK

Date: 27 February 2012

Organiser: British Sociological Association (BSA) Sociology of Sport, and Leisure & Recreation Study Groups

Website: <http://www.britsoc.co.uk/events/olympics.htm>

American Alliance for Health, Physical Education, Recreation, and Dance Annual Conference

Location: Boston, MA, USA

Date: 13-17 March 2012

Organiser: American Alliance for Health, Physical Education, Recreation, and Dance

Website: <http://www.aahperd.org/whatwedo/convention/>

2nd International Convention on Science, Education and Medicine in Sport (ICSEMIS)

Abstract submission date: 1 November 2011 (call for abstracts TBA in July).

Location: Glasgow, Scotland

Date: 19-24 July 2012

Organisers: International Council of Sport Science and Physical Education (ICSSPE), International Olympic Committee (IOC), International Paralympic Committee (IPC), and International Federation of Sports Medicine (FIMS),

Website: <http://www.icsemis2012.com/>

5. JOURNALS AND OPPORTUNITIES

Emerald launches Sport, Business and Management

Emerald recently launched a new scientific journal called Sports, Business and Management (SBM).

SBM aims to promote the development of a coherent, high quality body of work in sport, business and management, an area that has until now been largely overlooked by academia despite being one of the few industries to warrant its own daily section in most newspapers.

Professor Simon Chadwick has been appointed as the journal editor.

The inaugural issue of the journal has been published in March. It features seven articles.

More information on the journal, including its author guidelines and a table of contents alert, can be found at

<http://listmanager.emeraldinsight.com/t/18812/6694748/3990/0/>.

Latin American Social and Cultural Studies journal to be launched in September

ALESDE, the Latin American Association for Social and Cultural Studies in Sport, will launch a new outlet titled Journal of ALESDE.

The journal will be co-edited by Wanderley Marchi Júnior, Bárbara Schausteck de Almeida, and Gonzalo Bravo. It aims to promote and spread scientific knowledge within the socio-cultural aspects of sport in Latin America. The journal will accept studies related to sport history, sport sociology, sport anthropology, cultural studies of sport, public policies in sport, and sport globalization among others and their impact on Latin America.

Journal of ALESDE will be published twice a year, with the first issue scheduled to be released in September 2011. It will publish papers in Spanish, Portuguese, and English languages. The journal will be published in an open digital format.

Additional details on the journal, including the guidelines for authors, can be found at <http://www.ser.ufpr.br/alesde>.

The European Journal for the Sociology of Sport has a new editor

The European Journal for the Sociology of Sport starts its eighth volume with a brand new editorial team.

Siegfried Nagel from the University of Berne succeeds Dieter Jütting as the journal's editor-in-chief. He will be aided by Yvonne Weigelt-Schlesinger as the editor's assistant, Martin Toms as the co-editor responsible for the linguistic proof of the papers, and Anna Vilanova as the co-editor in charge of reports and book reviews.

Jütting was aided by Bernd Schulze. They edited the journal for the first seven years.

In 2010, the frequency of the periodic increased from two to four issues published in a year.

The editors aim to introduce a more rigorous reviewing system. They are thus looking for reviewers that would be interested in contributing to the journal. Interested candidates should send an e-mail to yvonne.weigelt@ispw.unibe.ch.

This year's first issue will be a special issue titled "Sport Participation in Europe". Its guest editors are Koen Breedveld, Remco Hoekman, and Jeroen Scheerder. This double issue is scheduled to be published in May. Two additional numbers later this year will complete the 2011 volume.

The journal's website, including the revised guidelines for authors, is accessible at <http://www.ejss.ch>.

Graduate Journal of Sport Exercise & Physical Education Research goes live

The new Graduate Journal of Sport Exercise & Physical Education Research (GJSEPER) goes live and is calling for submissions of articles for consideration for the first issue.

GJSEPER aims to promote and disseminate student-led research in sport, exercise & PE. It welcomes submissions not only from established areas of research, but also from emerging or less represented fields in existing sport, exercise and PE publications, such as socio-cultural studies, physical activity, health studies, and literary studies.

More details can be found on the journal's website, <http://www.worcester.ac.uk/gjseper>.

Biennial Edition of The International Journal of the History of Sport—Sport, Women, and Society: International Perspectives

Since the 1970s, increasing interest in the topic of women and sport has resulted in conferences, seminars, and workshops devoted to the topic as well as the formation of organizations that have given political and cultural voice to women and sport.

As a response to this global and academic interest in women and sport, the editors of The International Journal of the History of Sport (IJHS) have created a biennial edition of the journal devoted to Sport, Women, and Society: International Perspectives. These editions will provide unique global and interdisciplinary perspectives of women's involvement in sport from the 19th to the 20th centuries.

The essays included in these editions will examine the historical intersections of women's engagement in modern sport with societal views of women as well as the cultural and globalizing forces of politics, economics, and the media that have significantly influenced the development of women's sporting culture.

The next such issue is scheduled to be published as the first issue of the 2012 volume. Scholars and researchers are thus invited to submit papers for consideration in this special issue by September 1, 2011.

General information concerning the submission of papers and instructions for authors can be found at the following website:

<http://www.tandf.co.uk/journals/journal.asp?issn=0952-3367&linktype=44>. In addition, questions can be directed to the guest editor from Europe, Gigliola Gori, at gigliola.gori@vigilio.it.

USEFUL RESOURCES

European Parliament adopts written declaration on increased EU support for grassroots sports

(ISCA) On September 14, 2010 a cross-political group of Members of the European Parliament launched a Written Declaration to increase EU support for grass-root sport (see Sport & EU Review, 3/2010). On December 16, 2010 a majority of 385 Members of the European Parliament adopted the Written declaration 0062/2010 on increased European Union support for grassroots sports.

The declaration calls for the following 5 measures to be implemented by European Union institutions and/or EU member states.

1. Calls on the Commission and Member States to promote sport for all, strengthening its educational and integrating role, with special attention paid to under-represented groups such as women, seniors, and disabled people;
2. Calls on Member States to ensure that grassroots sport does not suffer from major budget cuts in times of crisis;
3. Calls on the Commission to pay the necessary attention to grassroots sports in the upcoming Communication on sport and to ensure sufficient funding for the EU Sport Programme from 2012 onwards;
4. Calls on the Commission to take due account of the results of the study on the financing of grassroots sports with regard to a possible EU initiative on gambling issues;
5. Instructs its President to forward this declaration, together with the names of the signatories, to the Commission and the Parliaments of the Member States.

Additional information can be found here: <http://www.isca-web.org/english/iscaeurope/iscaeurope/wd00622010adoptedbyep/>, and the full text of the declaration can be found here: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0498&format=XML&language=EN> (in English).

Communication on Sport adopted

(EC) On 18 January 2011, the European Commission adopted a Communication entitled “Developing the European Dimension in Sport”. This is the first policy document issued by the Commission in the field of sport after the entry into force of the Lisbon Treaty, which gives the EU a mandate to support, coordinate and supplement sport policy measures taken by Member States.

The Communication sets out the Commission's ideas for EU-level action in the field of sport. It builds on the 2007 White Paper on Sport and follows a similar structure. It proposes concrete actions for the Commission and/or the Member States within three broad chapters: the societal role of sport, the economic dimension of sport and

the organisation of sport. The Communication is accompanied by a Staff Working Document on the free movement of professional and amateur sportspeople in the EU.

The actions proposed in the Communication aim to encourage debate among stakeholders, address challenges in sport and help the sector develop. They contain ideas which are likely to be further developed and implemented in time. The Council and the European Parliament are expected to react to the Communication in the course of 2011.

The Communication text can be found here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0012:FIN:EN:PDF> (in English), and here is a link to the press release, including the list of projects selected in 2010 to prevent doping in amateur sport and fitness, promote social inclusion, and foster volunteering in sport:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/43&format=HTML&aged=0&language=EN&guiLanguage=fr> (in English).

European Volunteering Network project kicks off

(ISCA) A Kick-off meeting in Brussels 24. – 25.1.2011 officially launched EuroVolNet project, where project partners together discussed the project's vision and objectives and agreed upon a specific action plan.

EuroVolNet is a transnational project that fosters the exchange of best practices regarding legal, organizational and funding related aspects of voluntary activity in sport. The project partners will form a network of actors involved in the management and running of sport associations.

Additional information regarding the project can be found here: <http://www.isca-web.org/english/news/eurovolnetprojectkickoff/>.

WHO issues Global Recommendations on Physical activity for Health

(WHO) WHO developed the “Global Recommendations on Physical Activity for Health” with the overall aim of providing national and regional level policy makers with guidance on the dose-response relationship between the frequency, duration, intensity, type and total amount of physical activity needed for the prevention of NCDs.

The recommendations set out in this document address three age groups: 5–17 years old; 18–64 years old; and 65 years old and above.

The complete document is available in five languages (Chinese, English, French, Russian, and Spanish). It can be downloaded here:

http://www.who.int/dietphysicalactivity/factsheet_recommendations/en/index.html.

EHFA awarded EU funding for Fitness Against Doping project

(EHFA) EHFA – European Health and Fitness Association, the representative body of the health & fitness sector based in Brussels, has been awarded a grant by the European Commission to lead a project to research and develop preventative strategies to counter doping practices in fitness facilities.

EHFA was chosen as one of the three successful applicants from 146 submissions to the funding stream under the European Commission's Preparatory Action in the field of sport.

The EU allocates such funding to assist worthy, important and necessary projects which could not be carried out without the financial support of the Commission.

More about the project, including its background, objectives, activities, and a list of project partners can be found at <http://www.ehfa-programmes.eu/en/fitness-against-doping.html>.

6. THE READING CORNER

Artistic Expressions: Figure Skating, Masculinity and the Limits of Sport.

Adams, Mary Louise

Toronto: University of Toronto Press, 2011

320 p. ISBN 978-1442643185

Communication and Sport: Surveying the Field

Billings, Andrew C., Butterworth, Michael L. & Turman, Paul D.

Thousand Oaks, CA: Sage, 2011

324 p. ISBN 9781412972932

Derecho de la Comunicación (in Spanish)

Azurmendi Adarraga, Ana

Barcelona: Bosch, 2011

338 p. ISBN: 9788497908351 60 32€

Forward Falcons: Women's Sports at Bowling Green State University, 1914-1982

Parks, Janet B., Bowers, Ann & Muti, Adelia H.

Center for Archival Collections Bowling Green State University, 2011

402 p. ISBN 978-0-557-90818-9 20€

Foundations of Critical Media and Information Studies

Fuchs, Christian

New York: Routledge, 2011

384p. ISBN 978-0-415-58881-2.

King of The Wild Suburb: A Memoir of Fathers, Sons and Guns

Messner, Michael A.

Austin, TX: Plain View Press

154 p. ISBN: 978-1-935514-90-9 \$14.95

Leisure & Recreation in Canadian Society (2nd ed.)

Karlis, George
Toronto, ON: Thompson, 2011
252 p. ISBN 978-1-55077-167-1 \$64.95

Media and Entertainment Law

Smartt, Ursula
Abingdon: Routledge, 2011 (April/May)
544 p. 978-0-415-57756-4 £30

Modern Sports Law: A Textbook

Anderson, Jack
Oxford: Hart Publishing, 2010
423p. ISBN: 978-1-841136-85-1 £25

Only the Educated are Free

Cheffers, John and Hawkins, Kenneth
Sutton, MA: Allen David Press
Available as PDF at <http://www.allendavidpress.net/onlytheeducatedarefree.aspx>, \$40

Seeing Stars: Sports Celebrity, Identity, and Body Culture in Modern Japan

Frost, Dennis J.
Cambridge, MA: Harvard University Asia Center, 2011
352 p. ISBN 9780674056107 £29.95 / €36.00

Taking Sport Seriously: Social Issues in Canadian Sport (3rd ed.)

Donnelly, Peter
Toronto, ON: Thompson, 2011
380 p. ISBN 978-1-55077-206-7 \$39.95

The Hustle: One Team and Ten Lives in Black and White

Merlino, Doug
New York, NY: Bloomsbury USA
320 p. ISBN 978-1608192151

The Sport of Kings and the Kings of Crime: Horse Racing, Politics and Organized Crime in New York, 1865-1913

Riess, Steven A.

Syracuse University Press, 2011

432p. ISBN 978-0815609858