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Sport & EU Review is published three times per year.

Guidelines for contributors

Sport&EU Review invites submissions for peer-reviewed articles, forum contributions, 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.

* Papers intended for peer-review should be up to 7000 words in length. They may represent research in progress, discussion of research methodologies, or other scholarly work that is of interest to the readership. Contributions from postgraduate research students are particularly welcome. Papers intended for peer review will be reviewed by at least two anonymous referees within eight weeks of submission. Each paper should have an abstract and a maximum of five key words.

* Forum contributions are between 500 and 600 words including references. They are not peer-reviewed, but are intended as short items of general interest to the readership of Sport&EU Review. These include, but are not limited to, conference reports, calls for papers, brief updates on key developments in the field, and reviews of publications.

Sport&EU Review anticipates that a considerable proportion of papers first presented in Sport&EU Review will subsequently be developed for publication elsewhere, and that its review process will be used as a step towards publication of a final working paper elsewhere. This is to be encouraged. Whilst Sport&EU Review will retain the right to publish contributions in their original form, authors remain free to develop their contributions further in other forms, provided Sport&EU Review is acknowledged.

Sport&EU Review aims to provide coverage of the full range of issues relevant to the study of sport and the European Union. These will include, but are not limited to governance, social and policy studies, communication, economy, sociology, and management issues in European sport. Sport&EU Review also welcomes work with comparative or international perspectives.

The primary purpose of Sport&EU Review is to offer a forum for persons with an interest in the field of study. It will continue to publish short articles of general interest to members of the association just as its predecessor, Sport&EU Newsletter. However, Sport&EU Review also aims to offer researchers, including both established academics and graduate students, an opportunity to discuss methodologies, open research questions, and other ideas related to research in progress. Such contributions will be peer-reviewed and could include methodology or other chapters from graduate research projects, reviews of particular open questions in a field of study, or draft papers regarding work at early stages of development. The Review is particularly interested in publishing work that fits within the discipline but which does not have a natural outlet elsewhere, or which represents work in progress towards publication elsewhere.

1. EDITORIAL

The past months have been very intense for the members of the Association for the Study of Sport and the European Union. At the onset of the summer, the sixth Sport&EU annual conference took place in Nottingham. There, 20 research papers debated about the future of EU Sports Policy, and keynote speaker David Conn offered an incisive overview on the state of football governance in the UK and Europe. The excellent conference climate and the (hopefully many) research projects that were generated either at, or because of, the conference are a wonderful prospect ahead of the 2012 Sport&EU conference which will be held in Lausanne.

Another issue that kept Sport&EU members on their toes was the ‘Karen Murphy’ case in which the Court of Justice of the European Union eventually ruled that national legislation which prohibits the use of foreign decoder cards to watch sports contents (in this specific case, Premier League football matches in the United Kingdom) is contrary to European Union free movement and competition law. This ruling may spell the end of the blackout imposed by national broadcasting rights holders of sports competitions. At the moment it is too soon to predict all the consequences that might follow; three Sport&EU members give it a try in a series of analyses published on the association website www.sportandeu.com and summarized in the Forum section of this issue of the Review. This, as well as many other issues on sports governance, was also discussed at the ‘Play the Game’ conference in Cologne in October, where many Sport&EU members were seen as either speakers or participants. The end of the year was also marked with the publishing of the book ‘The transformation of football: Towards the Europeanisation of the national game’, edited by Arne Niemann, Borja Garcia and Wyn Grant, in the framework of the Manchester University Press.

This 2/2011 issue of the Review aims to synthesise all of those challenging events and it is of no surprise thus that this number is one of the richest to date. The leading contribution of this issue is about EU law aspects of the third-party ownership rule in English football, written by Ariel Reck and Daniel Geey. We also have the pleasure to introduce a new section called ‘The FREE kick’, which is to become a regular contribution about an interdisciplinary European research project in the social sciences. FREE stands for ‘Football Research in an Enlarged Europe’, the surprise winner of the call ‘The Anthropology of European integration’ issued by the 7th European Framework Programme for Research and Development (FP7) for 2011. As already mentioned the summary on the Murphy case features can be found in section 3 of the Review, with the contributions by Mark James, Daniel Geey, and Ben Van Rompuy. In a brand new Book Review section, Simon Ličen examines Doug Merlino’s ‘The Hustle’, a novel that analyses the fates of ten teenagers connected by one sport and divided by their race. An exhaustive conference calendar and an overview of new and upcoming books remain permanent features of the Review, as well.

The last months have been quite active also in the editorial work of the Sport&EU Review. At the end of this year we are saying goodbye to Samuli Miettinen who stepped down as co-editor. Samuli is one of the founding fathers of the Sport&EU Review and was its co-editor from its establishment. His contribution to the Review has been invaluable and we would like to thank him deeply for all his kick-ups and efforts devoted to it. Since the Review is now on the lookout for a new co-editor we encourage interested candidates not to miss the call which is published in this issue.

As always we would like to take the opportunity to encourage you to submit your contributions for publication in the Review. The Review is indexed by the EBSCO database and by the International Platform of Sports Law Journals and welcomes all from student works to the working papers and academic and researcher project results from the field. Do not miss the opportunity to have your say.

And last but not least, we wish you happy holidays and all the best in 2012!

Simona Kustec Lipicer and Simon Ličen
On behalf of the Editorial team
review@sportandeu.com

CALL FOR CO-EDITOR

Deadline: Monday, 13 February 2012

The Association for the Study of Sport and the European Union (Sport&EU) is seeking applications for a position of co-editor of the Sport&EU Review.

The Sport&EU Review is entering its fourth year of publication. It is an electronic publication distributed in pdf format that is registered with its own ISSN and is currently indexed in EBSCOhost and International Platform of Sports Law Journals.

The tasks of the editors comprise:

- Timely publication and distribution of the journal three times per year
- Commissioning articles for the journal and managing the peer-review process
- Editing the journal's contents
- Sending out of calls for contributions to the journal, as well as receiving articles and contributions
- Liaising with the Sport&EU committee to plan the contents and possible development of the journal
- Proposing medium-term development for the journal

Candidates should send a short CV and a cover letter with a vision statement (goals and plans for the content of the Review as well as an assessment of the current strengths and weaknesses) to review@sportandeu.com by Monday, 13 February 2012.

Applicants will be reviewed by the Search Committee immediately after the deadline submission date. The new co-editor will be involved in the preparation of Issue 1 of 2012 and is expected to be engaged at-par with the other co-editors by Issue 2 of the same year.

The new co-editor needs to be fluent in English. It might be an advantage if she or he has knowledge of the sport and EU academic disciplines. It may also be an advantage if she or he has contacts beyond Sport&EU that can promote the association and the Review.

The new co-editor will be expected to manage her or his time as to allow for a timely filling of the issues.

Informal queries can be directed to Borja Garcia (b.garcia-garcia@lboro.ac.uk) or the editorial team of the Review (review@sportandeu.com).

We look forward to receiving your proposals. Please remember your involvement in Sport&EU is important to continue our growth.

The Sport&EU Review Editorial team

2. ORIGINAL RESEARCH

Third-party ownership & UEFA's FFPR: a Premier League handicap

Ariel N. Reck and Daniel Geey¹

Extracts from this article first appeared in the December Edition of the World Sports Law Report authored by Ariel Reck and Daniel Geey. This article has been expanded to include additional third party ownership issues.

This article seeks to show how:

- Premier League (PL) clubs are likely to be at a disadvantage in UEFA competitions, due to rules banning any third-party ownership of players. This article highlights how Premier League clubs have to buy out any economic transfer right when they purchase a player;
- Clubs in other jurisdictions are under no such requirement and can split the transfer cost with third party companies; and
- When non-PL clubs submit their accounts for Financial Fair Play scrutiny, non-PL club's transfer amortisation costs have the potential to be lower. This makes compliance with the Financial Fair Play Rules more difficult for Premier League clubs.

This article aims to describe the growing trend of transfers funded to some degree by third party investment funds. Since the Tevez controversy back in 2007, the PL and more recently the Football League (FL) and Football Association (FA) have banned a third party owning an economic interest in a football player who is registered to an affiliated FA club. Recently, Bosman² lawyer Jean Marc Dupont, raised concerns about the compatibility of such restrictions with EU law.

This issue becomes even more topical when considered in the context of the UEFA Financial Fair Play Regulations (FFPR). Ostensibly, it would appear that PL clubs wanting to participate in UEFA sanctioned Champions League and Europa League competition are at a real disadvantage because clubs who do not play in the PL are able to take advantage of alternative third party finance arrangements to purchase players. This may have the effect of reducing transfer costs for non-PL clubs thus making it easier for them to break-even under FFPR.

¹ Reck (arielreck@yahoo.com) is a Lawyer in Buenos Aires. Geey (daniel.geey@ffw.com) is an Associate at Field Fisher Waterhouse LLP in London.

² Case C-415/93, available at http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=61993JO415.

Third party ownership and the Porto example

Third party ownership is an investment tool that originated in South America and has subsequently spread through the entire world of football. The actual transaction relates to the sale to a third party (i.e. a private investor, another club or a company) of a future transfer value. The entity buying the share (or the previous club keeping it for a subsequent transfer) believes the player has the potential to be transferred for a higher fee than it paid for the transfer share. For the club employing the player, the sale of portions of the economic rights helps it to balance its books and find credit from alternative sources. While risks are high (i.e. the player might not fulfil his potential or get injured), the potential gains can outweigh such risks.

Most football analysts point to FC Porto's transfer policy, along with its exceptional recent managers, as one of the key components for continued League, Cup and European success. Such a transfer formula is no secret. The club buys talented and untested players, mostly from South America, bloods them in the European competition and after a number of good seasons shares the profit of a multi-million Euro transfer with its co-investors.

The old 'buy cheap sell expensive' secret includes a twist. Porto usually buys only a share of a player's economic rights, leaving the rest to the former club or (more often) to third party economic owners. This makes the acquisition cost even lower and minimises the risk of an expensive transfer mistake. Contracts with such third parties include clauses that allow clubs such as Porto to increase their share in the player's rights at given times and for pre-agreed amounts. Such a mechanism allows a club to raise its share in the player's economic right after he has established his worth in Europe. The most recent example is Porto's recent purchase of €13.5 million to Renistas in Uruguay for an additional 40% stake in their Brazilian attacker Hulk³. The same procedure was used with many players in their squad, such as Colombian James Rodríguez⁴ or Joao Moutinho⁵ among others. Clubs like Porto can also create revenues by selling the economic rights to investment companies after acquiring the rights in a previous transfer. This occurs by entering into an agreement with a company who is willing to take a percentage transfer stake in a Porto player in return for a set upfront fee. FC Porto's annual report⁶ also sets out a number of interesting statistics including the fact that Porto only owned 100% of the total economic transfer rights to five members of their 27 man squad⁷. Additionally, economic rights can be exchanged or traded for other economic rights owned by the same company⁸. The

³ See <http://news.bbc.co.uk/sport1/hi/football/15298353.stm>.

⁴ www.reuters.com/finance/stocks/FCPP.MU/key-developments/article/2324935.

⁵ www.reuters.com/finance/stocks/FCPP.MU/key-developments/article/2377227.

⁶ P. 62.

⁷ www.fcporto.pt/IncFCP/PDF/Investor_Relations/Ingles/RCConsolidado20092010INGLES.pdf.

⁸ See for example the Bollati – Falcao agreement described in page 63 of the Porto Report.

financial report demonstrates that that the management of these economic transfer rights is inherent to Porto's much praised transfer policy.

Benfica (Porto's rival) is now implementing a similar transfer strategy. It has been reported that Sporting Lisbon have gone even further by recruiting players with resources provided by a fund run by Jorge Mendes⁹. Some have even questioned whether such a transfer model complies with FIFA's regulations on third party influence on clubs (Article 18 bis).

Such practices are now widespread across Europe. Palermo made such arrangements with Javier Pastore's third party investors. Pastore recently transferred to Paris Saint Germain (PSG) for a reported fee of €50 million. Part of the PSG transfer fee was paid to private investors¹⁰.

At the extreme end of the transfer spectrum, Real Zaragoza, a club in administration in the summer transfer window, bought goalkeeper Roberto from Benfica paying only €86,000. The total transfer fee was €8.5 million. It meant that a club in real financial difficulty was almost totally subsidised by private third party economic owners. Such a tactic will no doubt tempt other Spanish clubs to copy such a procedure to purchase players who would be otherwise outside of their budget constraints.

A wider financial fair play context

Third party ownership or influence raises a whole raft of legal issues. However, the remainder of this article will focus on the intersection between the prohibition on third party ownership that exists in the PL and how that may affect English clubs participating in UEFA competitions.

The current context, based on the PL, FL and FA rules, is that third party ownership of players is prohibited¹¹. It means that a buying club for any player whose registration is not 100% owned by the selling club, must purchase the economic interest in that player prior to becoming registered with a club playing in the PL or

⁹ www.vda.pt/en/press-centre/news-and-media/Sporting-Portugal-Fund/7488/ and <http://mobile.bloomberg.com/news/2011-09-28/fifa-probes-soccer-investment-fund-run-by-ex-chelsea-ceo-ronaldo-s-agent>

¹⁰ This transfer is now the subject of a bitter dispute between Palermo and the investors, headed by Pastore's agent (footnote www.guardian.co.uk/sport/2011/sep/14/chelsea-juan-mata-javier-pastore).

¹¹ See PL Rule L37-38 www.premierleague.com/staticFiles/bc/8a/0.,12306~166588.00.pdf, FL Rule 48 www.football-league.co.uk/regulations/20110629/section-6-players_2293633_2125731#46 and FA Third Party Rule Regulations www.thefa.com/thefa/~/_media/Files/PDF/TheFA/FA%20Handbook%20200809/Third%20Party%20Investment%20-%20FA%20Regulations%20JUNE%2009%20FINAL.ashx/Third%20Party%20Investment%20-%20FA%20Regulations%20JUNE%2009%20FINAL.pdf.

FL¹². Therefore clubs cannot share the burden with an investor in only purchasing 50% of a player's economic rights.

In order to adhere to the FFPR, clubs must break-even or fall within the acceptable deviation provisions set out in the FFPR. In order to participate in UEFA competition from the 2013-4 season, clubs will have to submit accounts (for the 2011-12 and 2012-13 seasons) demonstrating that they fall within the regulations. If they fall outside of the provisions, sanctions are likely to follow which could include expulsion from the relevant Champions League or Europa League competition¹³. The reason this has significance is because transfer fees (accounted for by amortisation charges in a club's accounts) alongside player wages continue to be the largest costs that clubs incur.

It is likely that non-PL clubs will have a competitive advantage over PL clubs wishing to participate in UEFA competition. This is because their transfer expenditure may be reduced as they can share their transfer outlay with companies willing to contribute to the transfer fee. The basic point is that PL clubs will have to account for the whole of the transfer fee paid when submitting their accounts to UEFA in time for the 2013-14 season. This is in contrast to non-PL clubs, who will presumably only have to account for the amount spent in taking - for example - a 50% stake in a player.

A working example

Player A is available for transfer for €20 million. PL club Arsenal agrees to pay €20 million for the player but in order to register him, the club must ensure that all third party economic rights are extinguished prior to registration. The club will therefore have a €20 million liability. Porto, if buying the same player, does not have to ensure that any third party rights are extinguished. Porto may even agree to pay the club for its stake in the player, e.g. €10 million with a third party company retaining their stake in a player. As discussed above, there may be additional options for the buying club to buy further stakes from the third party owner at designated times for set amounts¹⁴. Importantly, Porto's liability is half the transfer amount that Arsenal would be paying for the same player.

When factoring in such a situation for FFPR compliance, clubs usually value their players in their accounts as intangible assets through an amortisation cost. This means that when a player is purchased, his transfer cost is usually capitalised on the

¹² Even after the QPR Faurin case, it is clear that the FA will allow a temporary suspension of those rights by its holder. A club must acquire 100% of the economic rights before registration. This represents a disadvantage, as explicitly recognised by the Regulatory Commission Panel in the QPR case in paragraphs 15.2-15.3.

¹³ For a detailed analysis of the rules see 'Financial Rules: UEFA's Financial Fair Play Regulations: analysis', World Sports Law Report Volume 8 Issue 12, December 2010 or visit www.danielgeey.com/UserFiles/ELSJ-UEFAFinancialFairPlayRules-UPDATED.doc.

¹⁴ Such payments would have to be accounted for as a cost under the FFPR.

club's balance sheet and is written-down (amortised) over the length of his contract. Thus in the example above, if the €20 million player was bought on a five year deal, Arsenal's amortisation cost for each year in its accounts would be €4 million (€20 million divided by five years). Porto's amortisation costs would be €2 million per season (€10 million divided by five years). The difference is therefore stark. If both teams are participating in the Champions League and require a UEFA licence, which from the 2013-14 season includes adhering to the FFPR, then teams like Porto have an advantage.

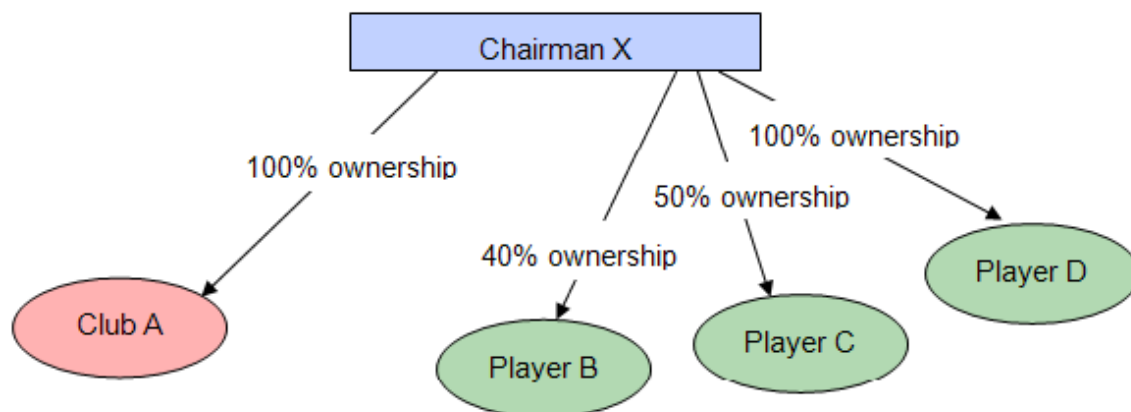
The flip side in taking less of a risk in purchasing a player is, of course, that the transfer revenues from a mega-transfer are split. Thus, transfer fees from an accounting perspective may not be as lucrative as if the club owned all of the players' economic rights. This can be avoided if a club puts in place options to acquire or reacquire further percentages at a given price.

PL clubs will be anxious that they are not put at a severe disadvantage when competing in European competition. This is no doubt one of the unintended side effects of the stand the PL initially took to ensure aspects of the 'integrity of the game' argument could be upheld. It may be, however, that clubs that are either in European competition or are aspiring to participate in European competition could decide that the PL restriction goes too far. The additional problem is that as the FA has rules in place, any PL or FL decision to change its rules would still require the FA to change its rules too.

Indeed, clubs such as Everton who are believed to have little transfer money available may argue that they are being unfairly prohibited from sourcing additional capital investment from companies willing to enter into transfer financing agreements. This could lead to the PL or FL voting to change their regulations accordingly. An interesting alliance could develop within the PL, for example, when clubs that want to compete with other European clubs may see this as a large competitive disadvantage whilst other clubs that do not have the transfer resources to pay large sums may feel they are being stifled from finding additional finance. Both types of clubs would have incentives to see such a rule struck out or watered down.

Is a publicly available list of third party player owners required to avoid any perceived UEFA club competition conflict?

Now that PL and FL clubs are prohibited from entering into TPPAs there may be a wider European context for this third party player ownership issue. For PL and FL clubs entering UEFA's European club competitions, there appears to be a pan-European conflict issue relating to third party player ownership. The basic premise is whether an individual should have an ownership stake in Club A and an economic stake in a player competing against Club A? The below diagram illustrates such a scenario.



What if Player D, who is 100% owned by Chairman X, plays against Club A, which is 100% owned by Chairman X?

Does UEFA need to add additional measures to ensure the highest levels of transparency to fend off accusations of conflicts of interest?

There is currently no UK or European wide register highlighting any potential conflicts of interest. Just as the PL has recently stated that information on any person or company owning 10% or more in a PL club will be publicly available from the 2009/10 season, perhaps every club owner whose club plays in a UEFA tournament should be required to disclose their connections or affiliations with any entities that own directly or indirectly any type of economic interest in a football player playing in a UEFA club tournament.

As mentioned above, transparency was highlighted by the ENIC decision as a prerequisite for ensuring fair competition, but there appears to be few safeguards in place to inform the general public and prevent conflicts between player and club ownership from occurring. Paragraph 129 of the ENIC decision stressed that (CAS 98/200 para 129):

[a]mong the myriad of rules needed in order to organize a football competition, rules bound to protect public confidence in the authenticity of results appear to be of the utmost importance. The need to preserve the reputation and quality of the football product may bring about restraints...

The ENIC case only highlighted instances where an individual could not own more than one club, and crucially not where a club owner had a third party player agreement in place. Whether there is such a substantive logical distinction between the two types of ownership is debatable. However, bearing in mind CAS's forceful words in needing to protect football fans from any potential conflict and the 'need to preserve the reputation and quality of the football product' (CAS 98/200, para 129), perhaps UEFA should consider taking a lead in order to maintain confidence in European club competitions.

Conclusion

Although the English football authorities may have thought they had seen the last of third party ownership, an interesting side effect of the FFPR has potentially brought the prohibitions back into the limelight. There appears little appetite on the continent for any similar prohibition but the English PL clubs, who originally voted in the restrictions to ensure a Tevez-like scenario would not occur again, may be rethinking their approach at a time when transfer amortisation costs need to be balanced against revenues for FFPR compliance. When certain clubs may need to take radical steps to reduce their cost base to adhere to the FFPR, non-PL clubs participating in UEFA competition are at a particular advantage.

In addition there is still a potential conflict of interest between owners of clubs and owners of the economic rights of players (outside of the UK). It remains to be seen whether UEFA or FIFA legislate for further regulatory intervention.

3. FORUM: ‘MURPHY CASE’

Foreword

In October, the Court of Justice of the European Union has delivered its judgement in the joined cases C-403/08 and C-429/08 between the Football Association Premier League and Others v QC Leisure and Others, and Karen Murphy v Media Protection Services Ltd. The cases, now popularly known as the ‘Murphy case’, essentially dealt with the issue of whether the encryption of the satellite signal by Premier League football broadcasters to prevent the public from receiving broadcasts outside the relevant Member State is admissible. The issue arose after certain pubs in the United Kingdom had been taken civil actions against by the FAPL after these pubs had begun to use foreign decoder cards, issued by a Greek broadcaster to subscribers resident in Greece, to access Premier League matches at prices lower than those of the holder of the broadcasting rights in the United Kingdom.

In the original cases, the High Court of Justice of England and Wales had referred a number of questions concerning the interpretation of European Union law to the Court of Justice. In its judgment, **the Court of Justice decided that national legislation which prohibits the import, sale or use of foreign decoder cards is contrary to the freedom to provide services and cannot be justified either in light of the objective of protecting intellectual property rights or by the objective of encouraging the public to attend football stadiums.** In addition, **a system of exclusive licences is also contrary to European Union competition law if the licence agreements prohibit the supply of decoder cards to television viewers who wish to watch the broadcasts outside the Member State for which the licence is granted.**

(The full text of the judgement is available at <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-403/08>.)

In an attempt to contribute to the academic, legal, political and even popular debate about the consequences and implications of the Court’s decision, Sport&EU launched series of articles analysing the details of the case and the ruling. Sport&EU members Mark James, Daniel Geey, and Ben Van Rompuy were the first to share their analyses and offer them for publication in the Sport&EU website. We reprint their comments here in order to reach the widest possible audience and re-launch the debate.

It should be noted that the final decision of the British court that had referred the case to the CJEU has not been delivered yet. The opinions expressed in the comments are solely the authors’ and do not necessarily reflect those of Sport&EU.

Mark James

Mark James is Head of Salford Law School (United Kingdom) and a renowned legal scholar with an international academic reputation. In this intervention, Mark James focuses on the state of legal knowledge at governing bodies, listed events and, especially, the possible effects on the consumer.

A ruling that still leaves questions to answer

The ruling of the CJEU in the conjoined cases of QC Leisure and Karen Murphy raises as many questions as it answers. As far as the law is concerned, two issues are clarified and one leaves scope for further analysis. First, there is a clear statement that UK provision that criminalises the importation, sale and use of foreign decoders is a restriction under Art.56 TFEU. Secondly, the network of broadcasting agreements entered into by the Premier League is anti-competitive under Art.101 TFEU because it prohibits the official broadcaster to one country selling decoders and/or facilitating reception to residents in another. Thirdly, no copyright subsists in the actual live football match itself but does in the accompanying logos, music and highlights leaving the scope for further argument over which parts of a transmission, if any, can be shared with the public by a publican such as Karen Murphy.

Although raising many interesting legal issues, so far little time has been spent discussing the impact of the Court's opinion. Here, I would like to raise three potential issues for further debate: the state of legal knowledge at governing bodies; listed events and the impact on consumers.

The state of legal knowledge at governing bodies

What is perhaps most surprising about this case is that the Premier League was prepared to go to such great lengths and such great expense to seek clarification on two relatively straightforward issues of EU law. The single-minded pursuit of these publicans, and many others over the past few years, demonstrates a clear knowledge of their own legal arrangements and, perhaps, copyright law but a total disregard for the wider context in which their broadcasting agreements are operating. This phenomenon is one that is replicated on almost every occasion that a national governing body or international sports federation finds itself in court; a single-minded determination to prove that their position is right, or that sport is exempted from the application of the specific provisions under discussion, and a refusal to engage in any meaningful manner with the law. It is hard to imagine that either the PL's in-house legal team or the lawyers it has engaged in this case are so lacking in knowledge of basic EU law, or are so unaware of the way that the ECJ was likely to interpret the TFEU in protection the European single market, but this appears to be the case.

Two days later, the IOC was been found to be similarly lacking in knowledge when the USOC successfully challenged the legality of Rule 45 of the Olympic Charter, which prevents athletes who have been banned for six months or longer for a doping offence from competing in the next two editions of the Olympic Games (one summer

and one winter). Whereas previous discussions about this Rule, and the British Olympic Association's lifetime ban on athletes in a similar position, have focused on whether they are restraints of trade or anti-competitive, the USOC's case and CAS's decision were much more straightforward. First, it was held that as the World Anti-Doping Code is incorporated into the Olympic Charter under Rule 44, the ban on competition contained in Rule 45 was an unenforceable variation of the Code. In other words it was ultra vires as the IOC had not followed its own rules and procedures when defining the ban. Secondly, it was held that to ban a person from the Games in this manner ran counter to the prohibition against double jeopardy and, therefore, against the rules of natural justice or procedural fairness, as this was an additional punishment imposed after that which had been handed down by the athlete's governing body. Once again, the simplicity of the finding masks the lack of appreciation of basic legal principles.

Listed events

The wider impact of the opinion will obviously be felt far beyond the broadcasting of Premier League football matches. One example is where an event is listed by a Member State's government as being required to be available free-to-air because it is of national importance or resonance. In the UK, all matches in the finals tournament of the FIFA World Cup are listed and must be made available free-to-air and are generally shared between the BBC and ITV whereas most other Member States protect only the games involving their own national team and the final. The ECJ's opinion would seem to mean that consumers throughout the EU now have the right to buy the necessary hardware, for example a Freesat decoder, to watch games that would otherwise only be available via subscription in their home country. This in turn could have a dramatic impact on the value of sports broadcasting rights as consumers may decide to purchase additional hardware rather than additional subscriptions.

Impact on consumers

Finally, the ordinary consumer appears to be almost invisible in all of these discussions. Although the ECJ have paved the way for consumers to be able to access the cheapest provider of a sports event, the practicalities of doing so mean that its actual impact may in reality be limited. Although I can now legally subscribe to NetMed for my Premier League football, I still want to be able to watch English TV for the rest of the week, meaning that I will require two sets of hardware to support my watching habits. If other events are available more cheaply elsewhere in the EU, I may need further hardware to be able to access these. This multiplicity of decoding equipment could become exacerbated if the current provider is unsuccessful in the next round of tenders, requiring further purchases of hardware to receive the new broadcaster's programmes. Thus, although in theory my choice is improved and my freedom to receive services enhanced, from a practical perspective it is a freedom not easily exploited. Perhaps the most important legacy of the Murphy litigation would be if there is a sea change in the way that cross-border broadcasting is accessed that truly puts the consumer at its heart.

Daniel Geey

Daniel Geey works as associate in Field Fisher Waterhouse LLP's Competition and EU Regulatory Law Group. In this contribution, he argues that the Premier League and its licenses such Sky will suffer the biggest impact of the ruling.

Daniel Geey can be followed at www.danielgeey.com and at www.twitter.com/FootballLaw.

The Recent Decision

On 4 October, the CJEU ruling was published. In what many saw as a blow to the PL, the CJEU found that restrictions on the import, use and sale of foreign decoder cards giving access to PL matches were contrary to the EU rules on freedom to provide services and competition.

There were two main facets of the decision.

- The first was that the Court emphasised that the PL could not put an absolute block on sales between European Member State territories. The CJEU held that national law which prohibits the import, use or sale of foreign decoder cards was contrary to the fundamental EU freedom to provide services. This could not be justified by the objective either of protecting intellectual property rights or of encouraging the public to attend football stadiums. Therefore Mrs Murphy should be allowed to go to another Member State in order to get a decoder and a decoder card.
- The CJEU did however make reference to a number of copyright issues. The sting in the tail for Mrs Murphy is that there appear to be unresolved issues to do with the copyright in the PL graphics, logos and the PL anthem. This may mean that publicans like Mrs Murphy would need to receive consent from the rights holder (i.e. the PL) to broadcast PL matches which come with the associated branded logos and graphics. As Mrs Murphy broadcasts those logos when showing the live games, one interpretation of the Court's ruling is that she would need further authorisation from the PL to show the pictures.

The impact

The biggest impact of the ruling will undoubtedly be on the PL itself and its licensees such as Sky. The PL will not be able to prevent the free circulation across borders of decoder cards giving access to Premier League matches. This could lead to pan-EU licensing of the rights. The PL continue to argue that the copyright issues highlighted above will still prohibit publicans like Mrs Murphy broadcasting live PL football matches using her Greek subscription.

Conclusion

The above implications are but speculation at present. This is because the answers that the European Court has given will now be interpreted in the High Court in coming to its final decision. From a practical perspective it may not be until the end

of the current PL season that a decision is taken by the English courts. It means that rights holders, publicans and European consumers will have to wait a little longer to see who has ultimately won this match.

Ben Van Rompuy

Dr Ben Van Rompuy is a Visiting Fellow at the Georgetown University Law Center (U.S.) and a Senior Associate Researcher at the Institute for European Studies, Free University of Brussels (Belgium). In his intervention, Ben Van Rompuy focuses on the CJEU's consideration of the sporting arguments invoked by the Premier League (PL) and, particularly, the effects of the judgment on the current Saturday afternoon blackout period.

Protecting stadium attendance: an objective justification?

The PL argued *inter alia* that the territorial allocation of transmission rights is objectively justified to guarantee compliance with the blackout rule, which prevents UK-based broadcasters from showing live football matches on Saturday afternoon (3-5 pm). The stated purpose of this 'blackout' is to ensure that spectators are not deterred from attending local football matches or from participating in amateur sport because of the contemporaneous broadcasting of football. The Premier League currently sells live rights to its matches during the blackout period only outside the UK.

The PL argued that the importation of decoder cards would make it difficult, or even impossible, to enforce the blackout rule. The window protected in the country of origin of the card may differ from the blackout period in the UK – times vary from country to country depending on local scheduling customs – or there may even be no such protection. Indeed, this loophole enabled Karen Murphy and others, through the use of a foreign decoder card, to show live Premier League football on Saturday afternoon.

The opinion of the Advocate General

In her opinion, Advocate General Kokott acknowledged that safeguarding participation in football and its character as a direct spectator sport is primarily a sporting interest, which is in principle to be recognized by EU law. She stressed, however, that there are good reasons to believe that the use of a blackout period is also based on commercial motivations. Kokott made three critical observations: (1) it cannot be ruled out that the blackout period safeguards the economic interests of the most important PL members in partitioning the market; (2) the PL has not adequately demonstrated to the Court that the blackout period actually encourages attendance at and participation in matches; and (3) there is evidence to refute this claim. Consequently, Kokott concluded that, in the subsequent proceedings before the High Court in London, 'a particular strict test' should be applied to the

demonstration of the need of the blackout period to safeguard stadium attendance or participation in amateur sport.

The CJEU judgment

In its judgment, the CJEU similarly acknowledged that the specific characteristics of sport must be taken into account when applying EU law. For the second time since the Lisbon Treaty introduced a Treaty article on sport (Article 165 TFEU), the Court explicitly made reference to this provision:

‘it is to be noted that, in the second paragraph of Article 165(1) TFEU, the European Union is to contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structure based on voluntary activity and its social and educational function’ (para 102)

Contrary to the Advocate General, the CJEU did not scrutinize whether the 3 pm blackout rule effectively contributes to its stated, non-economic purpose.¹ Yet the Court unequivocally held that the objective of encouraging the public to attend football stadiums could not justify the prohibition on the use of foreign decoding cards. According to the Court, ensuring compliance with the blackout rule could be achieved by less restrictive means. In its license agreements with broadcasters, the PL could incorporate the contractual limitation not to broadcast Premier League matches during the blackout period.

The end of the PL’s blackout rule?

The CJEU’s reference to Article 165(1) TFEU is noteworthy. Contrary to cross-sectional clauses in the Treaty (e.g. relating to environmental protection, public health, and cultural diversity), this provision does not materially affect other Treaty provisions. It merely constrains legislative or administrative action by the EU institutions on the basis of Article 165 TFEU. The Court’s reference to Article 165(1) TFEU suggests, however, that account must be taken of the specific characteristics of sport and its societal function in the general application of EU law to sport. While this is not a true innovation in the case law, the mention of these interests in Article 165(1) TFEU does appear to provide further support to the legitimacy of taking sporting interests into account.²

The CJEU did not preclude the possibility of the objective of protecting stadium attendance outbalancing certain restrictions of the freedom to provide services. However, the present judgment does confirm that the scope of available derogations should be interpreted narrowly. It is settled case law that a restriction of the fundamental freedoms can only be justified on grounds related to the public interest if it is suitable and does not go beyond what is necessary to attain the legitimate

¹ The legitimate aim of a restrictive measure is something to be determined ‘objectively’ by the national court. See e.g. Joined Cases C-49/98 etc. *Finalarte and others* [2001] ECR I-7831, paras 40-41.

² See also Case C-352/08 *Olympique Lyonnais* [2010] ECR I-2177, para 40.

objective. Prohibiting the import and use of foreign decoder cards was clearly considered to be disproportionate.³

In my opinion, it is unlikely that the PL could demonstrate that English football imperatively requires protection by means of a blackout period. I share the Advocate General's scepticism about the blackout rule. Firstly, it is indeed difficult to delineate the claimed sporting concerns from commercial motivations. It should also be noted that UEFA enabled national football associations to block broadcasting hours at the end of the 1980s. At that time, ticket revenues were a crucial source of revenue for professional clubs. The growing demand for televised sports content, which significantly increased the airtime of football, was perceived as a threat to this volatile revenue stream. Secondly, there are appealing arguments in favour of the contrasting claim that live TV coverage complements, rather than endangers, stadium attendance. The empirical research on the impact of live broadcasting on stadium attendance is far from conclusive. Furthermore, for the season 2011-2012 the number of football associations in the EU exercising the right to block broadcasting hours has decreased to six (only three outside the UK). Why is it that only a minority of UEFA members sees virtue in defining blackout periods?

What is clear at this point is that, for the duration of the existing Premier League broadcasting contract, EU law allows at least individuals to use foreign broadcasting services to watch live Premier League football during the blackout period. For those that get their hands on foreign decoder cards, the blackout rule thus becomes obsolete. For future EU tenders, the PL might still consider not to market any live rights to 3 pm kick-offs. This would ensure that they cannot be shown within the UK, but it would also mean that European consumers would get to see fewer live games. The time is now, if not long overdue, to fundamentally rethink the true meaning and effectiveness of the blackout rule.

³ For examples of the CJEU's rigorous application of the proportionality principle, see, by analogy, Case C-353/89 *Commission v. Netherlands* [1991] ECR I-4069; Case C-288/89 *Stichting Collectieve Antennevoorziening Gouda v. Commissariaat voor de Media* [1991] ECR I-4007; Case C-352/85 *Bond van Adverteerders and others v. The Netherlands State* [1988] ECR 2085 (justifications based on cultural policy grounds found to be disproportional to the restriction on the free movement of services) and Case C-438/00 *Deutscher Handballbund eV v. Maros Kolpak* [2003] I-4135; Case C-176/96 *Lehtonen and others v. FRBSB* [2000] ECR I-2681; Case C-415/93 *URBSFA v. Jean-Marc Bosman* [1995] ECR I-4921 (justifications based on sporting interests found to be disproportional to the restriction on the free movement of workers).

4. THE *FREE* KICK (1)

Edited by Albrecht Sonntag

This issue of the Sport&EU Review introduces 'The FREE kick', which is to become a regular contribution about an interdisciplinary European research project in the social sciences. FREE stands for 'Football Research in an Enlarged Europe', and is the winner of the call 'The Anthropology of European integration' issued by the 7th European Framework Programme for Research and Development (FP7) for 2011.

Football and academic research: a new legitimacy

As many members of the scientific community interested in research on sport know from personal experience, sport (and even worse: football) is often considered a somewhat inappropriate object of study. Who of us has never been in the situation where he/she had to justify his/her research interest in front of wry smiles from our peers? Wasn't this a little too trivial, futile and marginal to spend time and energy on? Wouldn't it be more 'reasonable' to reorient our research towards more 'serious' pursuits, towards research areas that would be likely to increase publication and funding opportunities?

Given this still widespread attitude it is not surprising that the above-mentioned call for proposals, while observing that 'knowledge on the impact of European integration on day-to-day lives, experiences, perceptions, values and identities of citizens is fragmented and largely framed in national contexts', and requesting that research 'look from different disciplinary perspectives at cultural, social, behavioural formations and transformations of everyday life and perceptions in the context of European integration', did not take sport into consideration as a suitable topic for the exploration of this area.

Rather, it suggested investigating topics such as

'European mobility programmes such as ERASMUS or COMENIUS, effects of the free movement of labour, changes in intermarriage or family patterns, generational differences in mobility and communication, the introduction of the Euro, (...) responses and adaptations to crises, e.g. food, health, and financial crises, and transformations in Europe-building'.

Overcoming this 'blind spot' was the major challenge for the group of scholars that decided to submit a proposal on football, based on the conviction that there could not be a better subject matter for studying perception patterns and identity dynamics outside the political sphere. After all, does not even the most sceptical intellectual nowadays have to admit that this game, Europe's most widely shared social practice and popular passion, capable of reaching out to hundreds of millions of individuals, has something to say about contemporary European society?

Apparently, their efforts to persuade the FP7 evaluators that a football-focused research project was worth funding paid off. FREE obtained a score of 14.5 points out of the 15 of the FP7 evaluation scale and was selected among a rather impressive number of submitted proposals. Although it is officially called a ‘small to medium-size project’, it will be granted an overall budget of 2.4 million Euros for an overall duration of 36 months, starting on 1 April 2012.

Is it wishful thinking to assume that the success of this project proposal gives testimony to a change in attitude towards research on sport? In any case the recognition of the project’s intrinsic qualities may well announce a new legitimacy for football as a relevant research territory in the social sciences.

Beyond the state-of-the-art

Research-active academics in the social sciences often face a very frustrating dilemma: they have a rather clear idea of the empirical research that they would need to design and carry out in order to test their hypotheses and provide concrete evidence for their assumptions, but they know they will never have the means to realise it and will have to satisfy themselves almost systematically with a kind of ‘Plan B’.

Football scholars are no exception to this. Given their topic’s sheer scope and its multiple dimensions any global research approach appears illusory. But given the substantial funding that is available for collaborative FP7 projects, the drafting of a project proposal is a rather unique moment for allowing oneself to indulge in some conscious dreaming and design a kind of ‘ideal’ research design that encompasses all the things you always wanted to do and knew you would never have the money for.

It is, in other words, an opportunity to imagine research that will really take you beyond the state-of-the-art. At the same time, it is also –once your proposal is successful and the project is selected for funding – an obligation to deliver on your promises: there is no excuse anymore for not producing substantial results!

The FREE consortium seized the opportunity of letting its imagination run high – now it must also be up to the obligation of delivering on its ideas. In a total of six thematic work packages, it sets out to take football research beyond its current state-of-the-art. Its overarching objective is very simply: FREE is about doing justice to this wonderfully complex and meaningful social phenomenon. Rather than consider football a mere producer of cultural singularity and thus a driver of diversity, it takes into account its ambiguous nature as both outlet for particular identities re-enacting traditional antagonisms and a shared passion that impacts attitudes towards these very identities and may produce unexpected commonalities.

In detail, this means:

- The FREE project wishes to advance beyond the state-of-the-art in filling a void in the academic literature on **the history of European football competitions**. It will retrace their significant contribution to a Europeanisation process in the area of football, which has both a top-down and

a bottom-up dimension and which started already in the early decades of the 20th century. The FREE project thus hopes to underpin its anthropological analysis of contemporary football by a sound knowledge of its historical origins and of the specific role competitions have played over time in creating a particular temporality and patterns of cultural transfer among Europeans.

- The FREE project has the ambition to add a relevant and significant layer to the academic debate on collective memory. It aims at assessing if and how football contributed and is still contributing to the emergence of a continental ‘imagined community’. It does so by adopting a cultural-historical approach to the exploration of a **‘European collective memory’** produced through the transformation, by means of media communication, of performative acts into long-term collective patterns of meaning, and by extending the concept of *‘lieux de mémoire’* to the continent’s most widely spread form of popular culture.
- The FREE project intends to go beyond the state-of-the-art in applying anthropological methods, tools and concepts to **football as a symbolic domain that produces social identities** at various levels all across Europe. Rather than carrying out research with a local focus, it has the opportunity to close a gap by examining the importance of football with a focus on Europe from an distinctly anthropological point of view, identifying the strategies of action in primary and secondary fandom, and adding an innovative and original approach to the study of mutual and reciprocal perception patterns and representations between Europeans.
- The FREE project also wishes to provide new knowledge about performance practices and identification processes which could be called **‘The feminisation of European football’**. It will provide answers to the question if and how female fans adapt and/or resist to men’s domination, how they use fandom for their own gender projects and if and how they position themselves in the European discursive field. This investigation of women’s football as physical activity and performance as well as a spectacle for consumption offers various opportunities for producing new knowledge about the evolution of gender constructions in Europe, and for identifying similarities and differences in the various countries.
- The FREE project aims at **redefining and widening the concept of European public sphere to popular culture** and thus at verifying the relevance of non-political public spaces for the European integration process as a whole. On a conceptual level, this will allow to apply major concepts and notions of postmodern thought to a social practice that has been disregarded by all major theorists of postmodernity, but may be capable of providing new insight into concrete expressions of the postmodern condition, including the process of ‘reflexivity’, which is of high relevance to the reception and perception of the ongoing process of European integration.
- Finally – and very much in line with many contributions from the Sport&EU network – FREE will take the research of football supporters’ networks to a distinctly European level and thus produce policy-relevant new findings on

attitudes and opinions on the governance structures of European football. Applying traditional and innovative methods of anthropological research, it will complement in a pertinent way the findings from the quantitative research on large attentive and general publics by new insights into how a clearly defined institutionalised stakeholder group experiences and shapes ‘their’ Europe.

Too ambitious? Perhaps! Innovative? Yes, definitely! Exciting? You bet!

Interdisciplinary: a promise and a challenge

FREE is a collaborative project with a truly interdisciplinary design. How could it be otherwise? Football is such a multi-dimensional, multi-faceted social phenomenon that it is next to impossible to make sense of it by applying one specific discipline’s approaches and research methods only.

It is important, however, not to commit the widespread mistake to pay lip-service to INTER-disciplinarity – a kind of mandatory ‘buzz-word’ or ‘check-box’ for any funding application nowadays – while simply producing PLURI-disciplinary research, merely juxtaposing different competences without fully exploiting the added value of genuinely interdisciplinary research work. The FREE consortium is aware of this pitfall and careful to avoid it. The methodological framework has been the object of intensive preliminary concertation across the network, as well as within the different work packages. The result is a research strategy that is based on methods that are not only complementary, but effectively interconnected, with all different disciplines concerned providing input into the design of the various waves and types of both quantitative and qualitative empirical data collection.

The composition of the consortium, which includes nine institutions from 8 different European countries¹, reflects this commitment to interdisciplinary work. The core team is made up of two anthropologists (Alexandra Schwell, Vienna, and Michal Buchowski, Poznan), two historians (Paul Dietschy, Besançon, and Wolfram Pyta, Stuttgart), two political scientists (Borja Garcia Garcia, Loughborough, and Özgehan Senyuva, Ankara), and three sociologists (Gertrud Pfister, Copenhagen, Ramon Llopis-Goig, Valencia, and Albrecht Sonntag, Angers). All of them have brought into the project design not only their often long-standing experience in football-related research, but also their own methods, concepts and approaches. All of them will also be assisted by post-graduate or post-doc researchers dedicated to the project. The overall project coordination lies with ESSCA School of Management in Angers, where Albrecht Sonntag will be accompanied in his management task by David Ranc who, like Borja Garcia, is one of the co-founders of the Sport&EU network.

¹ Austria, Denmark, Germany, France, Poland, Spain, United Kingdom, and Turkey.

Networking, dissemination, communication

The FREE project has the firm intention to avoid producing ‘ivory tower’ research. On the contrary: it has the ambition to reach out to academics working on similar topics, to civil society, policy-makers and media. A scientific advisory board, a civil-society network and a policy-maker panel have already been established and will accompany the consortium in its endeavour to remain open-minded.

It certainly is no ‘closed shop’: over the three years of the project a total of eight academic events will be organised, six of which will be the object of an open call for papers that will be published on Sport&EU’s website, www.sportandeu.com.

The project, which at the time of writing is completing the negotiation process with the European Commission, will be officially launched on 1 April 2012. By then its dedicated website will be fully developed and online. In the meantime, interested readers should feel FREE to contact the coordinator, Albrecht Sonntag, for more information (albrecht.sonntag@essca.fr).



The FREE consortium at a plenary meeting in Paris, 15 October 2011

5. BOOK REVIEWS

In this issue of Sport&EU Review we introduce a new Book Reviews section. We welcome submissions of books for review and invite scholars that would be interested in serving as book reviewers. Please email review@sportandeu.com for additional details.

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

By Doug Merlino. Published by Bloomsbury USA, 2011, New York (307 pp., US\$26, hardcover, available as pbk in 2012)

Reviewed by Simon Ličen

The European Commission considers sport as a powerful tool for promoting social inclusion and social cohesion, and research into sports participation of migrants and minorities is becoming increasingly prominent. But do specialised programmes and initiatives indeed achieve their declared goal of contributing to social integration and providing equal opportunities to all groups involved? Judging by *The Hustle*, a freelance journalists' first-hand account of the fates of ten 14-year old players—seven of them Blacks and three Whites—that in 1986 played together in a purposely racially-mixed basketball team in Seattle, sport can offer some additional opportunities to members of minorities and the underprivileged in general, yet it has only limited impact if structured athletic programmes are not aided by supporting social and educational measures.

The initiative recounted in *The Hustle* was conceived by two fathers; one would serve as the team's patron while the other acted as coach. The first was driven by the love for the game and an interest in providing his White son with the best possible basketball environment, while the second father's core motivation was seeing that his boy and his Black teammates received a chance to enter into private schools through the scholarships allocated for young Black athletes. By the end of the season, the ethnically-mixed team claims the Western Washington championship title but dissolves soon after.

A few years later, the author reads in the newspaper about the murder of one of his former Black teammates. His death was newsworthy only because he had been a member of that racially mixed team. This stimulates the author to set off to investigate the whereabouts of his former teammates. He finds out that while the White players had all become successful professionals, fortune had been more elusive for the Black players; most of them had been involved in criminal activity and only two currently held regular jobs as a city auditor and a Pentecostal preacher.

The Hustle is a well-written biography: Part 1 narrates the mutual athletic story of the team of teenagers and sets the scene of Seattle and the USA in the 1980's. The core of

the book then reports the author's tracking of his teammates, some of whom have moved out of the Seattle area. In his pursuit of his former teammates, the author does not team up with scholars or professionals that would help him understand either the personal or social dynamics of his youth friends. Nonetheless, Doug Merlino succeeds in explaining the differing opportunities provided to the youth of differing economic backgrounds in Seattle, as well as contextualizing the social consequences of disparity. Even though the book is a biography rather than a work of science and research, Merlino, a former business correspondent from Budapest who proposed to his wife while walking around Lake Bohinj, has started to make the transition among the socially observant and engaged authors and establish himself as an expert in social equality.

From a social and political point of view, this story of ten lives proves that individual and sporadic initiatives are not enough to achieve real and sustainable social change. Despite the one-year teaming up with better educated peers, only two of the underprivileged Black players succeeded in avoiding engaging in extralegal activities to survive. Nonetheless, this 'grass root' initiative conceived by two fathers did succeed in providing one of the children from the infamous Central Area a scholarship for a private school that allowed him to enter college and eventually make a respectable living. A 14% (one in seven) level of social progress at virtually no financial cost (but with human devotion) must not be neglected, either.

The Hustle is obviously not a textbook, but rather potential supplementary reading in sociology courses. The book reminds its readers that Black individuals in America—as well as minorities and underrepresented groups elsewhere, such as refugees, immigrants, and even short term workers in Europe—are not genetically or culturally predestined to become criminals, but rather groups that slip through wide economic and political cracks and become victims of poor planning and inadequate policing. Europe should not look with scorn or derision to the American system as it might well be just a matter of time and circumstances when social upheaval reaches the continent—if it has not already. But then again, waiting for policy-makers to *react* to shifting circumstances will likely prove ineffective and is certainly not *proactive*. Measures to promote social integration through sport do not suffice if they are not part of a broader policy plan to decrease social stratification and provide equal opportunities to all. Margaret Mead allegedly said that one should never doubt that a small group of thoughtful, committed citizens can change the world, as it is the only thing that ever has. This might as well have been said by two well-intentioned fathers in Seattle in 1986.

6. CONFERENCES AND EVENTS

Edited by Simon Ličen

Sport&EU 2012 Conference: 'Towards a Networked Governance in Sport'

The seventh annual conference of the Association for the Study of Sport and the European Union will be organised by the Swiss Graduate School of Public Administration in Lausanne, Switzerland, on 21-22 June 2011.

Location: Lausanne, Switzerland

Date: 21-22 June 2011

Organiser: Association for the Study of Sport and the European Union in cooperation with the Swiss Graduate School of Public Administration in Lausanne

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

Call for papers: <http://www.sportandeu.com/2011/11/spor-teu-2012-conference-call-for-papers/> (closes **13 January 2012**)

The Premier League at 20; The Saviour of Football?

Location: London, England

Date: 23 January 2012

Organiser: Coventry University, London Campus

Website: <http://www.eventsforce.net/cu/112/register>

Annual Macintosh Sociology of Sport Day Conference

Location: Queen's University, Kingston, Ontario

Date: 4 February 2012

Organiser: School of Kinesiology and Health Studies at Queen's University

Beyond Sports vs. Games Workshop

Location: IT University of Copenhagen, Copenhagen, Denmark

Date: 17 February 2012

Organiser: Center for Computer Games Research

Website: http://game.itu.dk/index.php/Beyond_Sports_vs._Games_workshop

Sport Politics, Identity and the Media

Location: Southampton Solent University, Southampton, England

Date: 24 February 2012

Organiser: PSA Sport and Politics Group

Website: <http://www.sportpolitics.net/>

Beyond the Leisure Dome

Part of the Social Sciences and the Olympic Games Event Series.

Location: The British Library Conference Centre, London, UK

Date: 27 February 2012

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

Sociology of Sport, and Leisure & Recreation Study Groups

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

Annual Conference on Sport, Physical Activity, Recreation and Law

Location: Greensboro, North Carolina, USA

Date: 28 February-3 March 2012

Organiser: Sport and Recreation Law Association

Sport, Gender and Media

Location: University of York, York, England

Date: 10 March 2012

Organiser: University of York, Centre for Women's Studies

Website: <http://sportgendermedia.blogspot.com/>

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

Location: Boston, Massachusetts, USA

Date: 13-17 March 2012

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

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

SPORTVISION2012 : Volunteering, Fitness Doping, Financing & Health

Location: Copenhagen, Denmark

Date: 19-20 March 2012

Organisers: Danish Presidency of the European Union, Danish Ministry of Culture, National Olympic Committee and Sports Confederation of Denmark, Danish Gymnastics and Sport Association, Danish Federation For Company Sports, Danish National Anti-Doping Agency, International Sport and Culture Association

Website: <http://www.sportvision2012.eu/>

Summit on Communication & Sport

Location: East Peoria, Illinois, USA

Date: 29-31 March 2012

Organiser: Bradley University

Website: <http://communicationandsport.org/peoria2012/>

Football & the Law

Location: Radisson Edwardian Hotel, Manchester, UK

Date: 30 March 2012

Organiser: The Centre for Sports Law Research at Edge Hill University and Brabners Chaffe Street Solicitors, Manchester

Political Studies Association Annual International Conference

The conference will include several panels on sports-related topics

Location: Europa Hotel, Belfast, Northern Ireland

Date: 3-5 April 2012

Organiser: University of Ulster in cooperation with Political Studies Association

Website: <http://www.psa.ac.uk/2012/>

Sports in Africa Conference: Sports and Community Building in Africa and the Global South

Location: Ohio University, Athens, Ohio

Date: 6-7 April 2012

Organiser: The Institute of the African Child and the Center for Sports Administration

Website: <http://www.ohio.edu/sportsafrica/communitybuilding/>

CSRI Conference on College Sport

Location: The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina, USA

Date: 19-21 April 2012

Organiser: College Sport Research Institute

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

The Social Science of Sport: Scientific Quality, Position, and Relevance

Location: Malmö, Sweden

Date: 19-21 April 2012

Organiser: Department of Sport Sciences at Malmö University

Website: www.centersandperipheriesinsport.org

European Congress of Adapted Physical Activity

Location: Killarney, Co. Kerry, Ireland

Date: 6-8 May 2012

Organiser: Institute of Technology Tralee in conjunction with the CARA National Adapted Physical Activity centre & the Irish Sports Council

Website: <http://www.eucapa2012.eu/>

Title IX at 40

Location: University of Michigan, Ann Arbor, Michigan, USA

Date: 9-11 May 2012

Organiser: Sport, Health and Activity Research and Policy (SHARP) Center for Women and Girls at the University of Michigan

Website: <http://www.kines.umich.edu/research/sharp/upcoming-events>

A Mirror to Our Culture: Sport and Society in America

Location: St. Norbert College, De Pere, Wisconsin, USA

Date: 22-24 May 2012

Organiser: St. Norbert College and the Green Bay Packers

Website: <https://www.snc.edu/sportandsociety/>

Cooperstown Symposium on Baseball and American Culture

Location: Cooperstown, New York, USA

Date: 30 May-1 June 2012

Organiser: State University of New York College at Oneonta and the National Baseball Hall of Fame and Museum

Transatlantic Conference on Transparency Research

Location: Utrecht University, Utrecht, Netherlands

Date: 7-9 June 2012

Organiser: Utrecht University

Website: <http://www.transparencyconference.nl>

26th ICCP World Play Conference ‘Providing Play: Applications for policy and practice from research’

Location: Tallinn, Estonia

Date: 18-19 June 2012

Organiser: International Council for Children’s Play in co-operation with Tallinn University and the Estonian Union for Child Welfare

Website: <http://www.iccp-play.org/conferencetallinn2012.htm>

European Association for the Sociology of Sport Conference ‘Sport in Globalised Societies: Changes and Challenges’

Location: Berne, Switzerland

Date: 20-23 June 2012

Organiser: European Association for the Sociology of Sport (eass) and the Institute of Sport Science of the University of Bern

Website: <http://www.eass2012.ch/>

International Sport, Race and Ethnicity Conference

Location: Belfast, Northern Ireland

Date: 27-30 June 2012

Organiser: Sport and Exercise Sciences Research Institute at the University of Ulster

Website: <http://www.science.ulster.ac.uk/sre2012/>

Annual Congress of the European College of Sport Science

Location: Brussels, Belgium

Date: 4-7 July 2012

Organiser: Vrije Universiteit Brussel (VUB), Université Libre de Bruxelles (ULB), together with Howest, university college West Flanders

Website: <http://www.ecss-congress.eu/2012/>

Teaching Games for Understanding (TGfU) Conference

Location: Loughborough, England

Date: 14-16 July 2012

Organiser: Loughborough University, School of Sport, Exercise and Health Sciences

Website: <http://www.equity-events.co.uk/tgfu>

International Sociology of Sport Association World Congress

Location: Glasgow, Scotland

Date: 16-18 July 2012

Organisers: International Sociology of Sport Association/Association Internationale de Sociologie du Sport

Website: <http://issa-glasgow2012.com/>

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

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/>

Third International Conference on Sport and Society

Location: Murray Edwards College, Cambridge, England

Date: 23-25 July 2012

Organisers: International Conference on Sport and Society and Cambridge University

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

1908 – 1948 – 2012: London’s Contribution to Olympic History and Culture

Location: Bristol, England

Date: 25 July 2012

Organisers: University of Bristol

The Olympic Games: Meeting New Global Challenges

Location: Oxford University Club, Oxford, England

Date: 13-14 August 2012

Disability Sport: A vehicle for social change?

Location: Coventry Cathedral, Coventry, England

Date: 23-25 August 2012

Organisers: Centre for Peace and Reconciliation Studies at Coventry University and the International Wheelchair and Amputee Sports Federation

Website: <http://wwwm.coventry.ac.uk/researchnet/cprs/Pages/Home.aspx>

Exchanging Ideas on Europe 2012: Old Borders - New Frontiers

The conference might include a panel on European football

Location: Passau, Germany

Date: 3-5 September 2012

Organisers: UACES – The academic association for contemporary European studies

Website: <http://www.uaces.org/passau/index.php>

International Symposium for Olympic Research ‘Problems, Possibilities, And Promising Practices: Critical Dialogues on the Olympic and Paralympic Games’

Location: Ivey-Spencer Leadership Centre, London, Ontario, Canada

Date: 19-20 October 2012

Organisers: International Centre for Olympic Studies (ICOS) at the University of Western Ontario

Website: <http://www.uwo.ca/olympic>

International Congress on Enhancement of Physical Activity and Motor Skills

Location: Jyväskylä, Finland

Date: 1-3 November 2012

Organisers: University of Jyväskylä

Website: <http://www.icepa.fi>

North American Society for the Sociology of Sport Conference

Location: New Orleans, Louisiana, USA

Date: 7-10 November 2012

Organisers: North American Society for the Sociology of Sport

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

Sport and the Global South II: Legacies, Possibilities, Transformations

Location: George Mason University, Fairfax, Virginia, USA

Date: 12-14 November 2012

Organisers: George Mason University

6. JOURNALS

Edited by Simon Ličen

Special Issue of European Sport Management Quarterly on ‘New Perspectives on Sport Volunteerism’

The purpose of this special issue is to bring together knowledge of new perspectives on sport volunteerism that is connected to various levels of sport, from the community to international engagement, and sport volunteerism that is connected to events of all types, from local football matches of children to the Olympic Games. Authors are invited to submit articles that extend the understanding of volunteerism. Conceptual, empirical, and applied studies on sport volunteerism are welcome.

The list of themes includes the following topics:

- New theoretical perspectives on sport volunteerism
- New/alternative research methods for examining sport volunteerism
- Knowledge transfer of sport volunteer research
- Sport volunteering and social, human and political capital
- Sport volunteering in the broader social, ideological and political agenda
- Corporate volunteering in sport
- Volunteer training and development
- Volunteer-staff relations

The deadline for submissions is **1 March 2012**. The issue will be published in early 2013. Please contact the guest editors Berit Skirstad (berit.skirstad@nih.no), Vassil Girginov (vassil.girginov@brunel.ac.uk), or Alison Doherty (adoherty@uwo.ca) for additional information.

Special Issue of Sociology of Sport Journal on ‘Evidence, Knowledge and Research Practice’

This special issue is designed to mark out future directions for researchers interested in contesting/reformulating understandings of knowledge production in the sociology of sport and physical culture. The guest editors solicit papers on, but not limited to, the following themes:

- Philosophical reflection of the politics of research
- Theoretical examinations of issues regarding methodology: ontological and epistemological grounding of different methods, connection and coherence of theoretical assumptions and method(s)
- Methodological innovations in qualitative inquiry that explore/test/redefine the boundaries of qualitative research and knowledge production in the sociology of sport and physical culture
- Methodological innovations in quantitative research that explore/test/redefine the boundaries of quantitative research and knowledge production in the sociology of sport and physical culture

- Innovative solutions to problems facing researchers in the sociology of sport and physical culture (e.g., ethical considerations, mixed methods approaches, judging the quality of qualitative research)
- Issues of representation, knowledge translation and exchange.

The deadline for submissions is **31 March 2012**. Please address questions to guest editors Michael Giardina (mgiardina@fsu.edu) or Jason Laurendeau (jason.laurendeau@uleth.ca).

Special Issue of Journal of Sport Management on ‘Community Sport’

The intent of the special issue is to provide a platform for the examination of various aspects of community sport, and thus to foster progress in its study and practice.

Possible topics include (but are not limited to):

- The nature and impact of community sport program design and delivery
- Strategy and structure of community sport organizations and delivery mechanisms
- The development, nature and impact of community sport policy, and the impact of policy on community sport
- Community sport governance, at the organizational and/or government level
- Organizational capacity development
- Community sport volunteerism
- Interorganizational relations in community sport
- Legal aspects of community sport
- Community sport marketing
- Facility challenges, including access and affordability
- Innovation in community sport
- Commercialization of community sport
- The impact of community sport programs and experiences on individuals and groups, including marginalized cohorts
- Local and societal impact of community sport

Note: The focus is community-based sport programs and organizations rather than school sport and large-scale sport events.

Manuscripts should be submitted no later than **1 September 2012**. Please address questions to guest editors Alison Doherty (adoherty@uwo.ca) or Laura Cousens, (lcousens@brocku.ca).

Special Issue of Mass Communication and Society on ‘The Olympics, Media, and Society’

Routledge intends to produce a set of Olympics themed special issues in several of its journals. To that end, Mass Communication and Society invites submissions for the second of two special issues exploring the relationship between the Olympics, media,

and society. The focus of this second special issue will be on the blurring of lines between producers and consumers of the 2012 London Olympic spectacle in the new media landscape. Submissions should contribute to the understanding of the increasing degree of overlap between traditional and new forms of media as it relates to production and consumption of the London Olympic or Paralympic Games. Studies should examine the ways in which audiences consume news and competition (live or as-live) or the various intersections between athletes, journalists, etc. within social, user-generated, and other online forms of media and more traditional forms of print and/or broadcast coverage.

Manuscripts that are accepted for this special journal issue are also likely to be proposed for inclusion as a book chapter in an Olympic-themed book series to be published by Routledge, giving potential for wider dissemination.

Manuscripts must be submitted by **2 January 2013**. Selected manuscripts are scheduled to be published on 1 December 2013 in Volume 16(6) of MCS. Please contact the guest editors Marie Hardin (mch208@psu.edu) or Andrew Billings (acbillings@ua.edu) for additional information.

A new Journal of Sport for Development

A new open-access Journal of Sport for Development (JSFD) has been launched to fill in the lack of supporting evidence in the rapidly growing Sport for Development (SFD) movement.

JSFD'S mission is to advance, examine and disseminate evidence and best practices for programmes and interventions that use sport to promote development, health and/or peace. JSFD will attract original contributions from SFD researchers and implementers, including experts and young researchers in public health, education, gender equity, disability, youth development, economics and conflict. Through a rigorous peer-review process, JSFD will build capacity of researchers, evaluators and implementers—including those from low- and middle-income countries—to publish high-quality research.

Submissions for JSFD's first issue are due 15 Feb 2012. Submissions can be made online at www.jsfd.org/authors. More information can be found on the journal website <http://www.jsfd.org>.

7. RESOURCES

Edited by Simon Ličen

Women's Sports Foundation releases report on gender and high school sports participation in the USA

The report, 'Progress Without Equity: The Provision of High School Athletic Opportunity in the United States, by Gender 1993-94 through 2005-06,' flows from an analysis of high schools that is unprecedented in its national and historical scope. It uses merged data from the Civil Rights Data Collection and the Common Core of Data, which is collected by the National Center for Education Statistics.

The report examines gender differences in athletic opportunity in a nationally representative sample of 24,370 public four-year high schools across 1993-94, 1999-2000 and 2005-06. Three measures of the extent of athletic opportunity are documented including the number of athletic participation opportunities, the number of teams, and the number of sports. The report was authored by Don Sabo, D'Youville College, and Phil Veliz, University at Buffalo, the State University of New York.

This report provides educators and policymakers with new and more accurate information. The data presented here reflect the provision of athletic opportunities to U.S. girls and boys during a period in which the influence of Titles IX was growing. The results show that while some progress was made toward expanding the opportunity sector of interscholastic sports to include more girls between 1993/94 and 2005/06, gender equity was not achieved.

The full report available for download at:

<http://www.womenssportsfoundation.org/home/research/articles-and-reports/school-and-colleges/the-provision-of-hs-athletic-opportunity-in-the-us-by-gender-1993-94-through-2005-06>.

UEFA Research Grant Programme - Edition 2012

In an attempt to support ongoing researchers investigating European football, UEFA has established a series of initiatives that continue to provide research-based findings to help the European football family to reach more informed decisions. One such initiative is the UEFA Research Grant Programme.

Candidates applying for a grant must either have obtained a doctorate and currently hold a research position at a university or equivalent institution; or be enrolled as a doctoral student at a university or equivalent institution and currently be preparing a doctoral thesis (the proposed research project must have a clear link with the field of research of the doctoral thesis). All applicants must be proficient in at least one of the official UEFA languages (English, French or German).

Research proposals from the following research disciplines may be submitted for consideration by the UEFA Research Grant Jury: Economics, History, Law, Management, Political science, Sociology, Medical sciences.

Applications must be sent by email or by post to UEFA and must reach UEFA by **31 March** of each year in order to be considered for the subsequent Research Grant Programme cycle. Postal applications must be sent by recorded delivery. The official application form, together with the UEFA Research Grant Programme Regulations, is available on www.UEFA.com, in the section UEFA – Stakeholders – Universities.

8. THE READING CORNER

Edited by Simon Ličen

The transformation of football: Towards the Europeanisation of the national game

Niemann, Arne, Borja Garcia, Wyn Grant (editors)

Manchester: Manchester University Press, 2011

224 p. ISBN 978-0719085758 £56.06 (email eupeanisation@sportandeu.com for information on potential discounts)

Ethics and sport in Europe

Bodin, Dominique and Gaëlle Sempé

Strasbourg: Council of Europe Publishing, 2011

195 p. ISBN 978-92-871-7077-4 28 €/ 56 \$

Global Boxing

Woodward, Kath

London: Bloomsbury, June 2012

ISBN 9781849667982 (pbk), ISBN 9781849668101 (hc) £50.00

The Global Football League: Transnational Networks, Social Movements and Sport in the New Media Age

Millward, Peter

Basingstokes: Palgrave Macmillan, 2011

ISBN 9780230274440 £55.00

Global Media Sport: Flows, Forms and Futures

Rowe, David

London: Bloomsbury, 2011

224p. ISBN 9781849661577 (pbk), ISBN 9781849666756 (ebook) £50.00

Handbook On The Economics Of Leisure

Cameron, Samuel (editor)

Cheltenham: Edward Elgar, 2011

576 p. ISBN 978 1 84844 404 1 (hc), ISBN 978 0 85793 056 9 (ebook) £139.50

It's a Whole New Ballgame: How Social Media is Changing Sports

Sanderson, Jimmy

New York: Hampton Press, 2011

136p. ISBN 1-61289-052-4 (hc) 1-57273-053-1 (pbk) \$42.50 (hc) \$16.95 (pbk)

Japanese Women and Sport: Beyond Baseball and Sumo

Kietlinski, Robin

London: Bloomsbury, 2011

ISBN 9781849666701 (pbk), ISBN 9781849663403 (hc), ISBN 9781849666688 (ebook) £50.00

The Politics of Sport - Community, Mobility and Identity

Gilchrist, Paul and Russell Holden (editors)

Abingdon, UK: Routledge, 2011

152 p. ISBN 978-0415463119 £76.00

Sport for Development and Peace: A Critical Sociology

Darnell, Simon

London: Bloomsbury, January 2012

ISBN 9781849665896 (pbk), ISBN 9781849663441 (hc) £50.00

Sport, Politics and Society in the Arab World

Amara, Mahfoud

Basingstokes: Palgrave Macmillan, 2011

208 p. ISBN 9780230307926 £55.00

Sport, Violence and Society

Young, Kevin

Abingdon, UK: Routledge, 2011

220 p. ISBN 978-0415549943 (hc) ISBN 978-0415549950 (pbk) £80.00 (hc) £24.99 (pbk)