

Preface

This book was commissioned in 2008 by the Council of Europe's Enlarged Partial Agreement on Sport (EPAS) from the IDHEAP (Swiss Graduate School of Public Administration), which is associated with the University of Lausanne (Switzerland). It is based on a survey carried out in the spring of 2008 by the Council of Europe, which sent a questionnaire to European sports and governmental authorities. The survey was repeated in the spring of 2009, particularly to give national Olympic committees and national sports confederations an opportunity to reply in greater numbers than they had on the first occasion (see questionnaire at Appendix 1). Furthermore, an analysis of official documents issued by public authorities or European sports organisations enables the question of sports autonomy to be viewed in the context of not only the rules of the different sports, but also national and European law.

An initial version of this report was put forward in Athens (Greece) in December 2008 during the 11th Council of Europe Conference of Ministers responsible for Sport. The two subjects on which the conference focused were in fact autonomy in sport and ethics in sport. A working document and the resolution on autonomy in sport are reproduced in Appendix 2.

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He would also like to mention the European experts consulted, who made it possible to identify the best practices in "negotiated autonomy" highlighted here.

The opinions which this book contains are those of the author and are not in any way binding on the Council of Europe EPAS or the persons consulted.

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Introduction

In Europe, as from the end of the 19th century, the bodies responsible for the codification of sports rules and the organisation of competitions generally took the form of non-profit-making associations. In this capacity, thanks to national legislation guaranteeing freedom of association, they enjoyed considerable autonomy from government in most European countries. It can even be said that, for most of the 20th century, the majority of European states allowed sports organisations to develop as bodies fully independent of the public authorities. For many years, clubs, regional and national federations and European or international federations, not to mention national Olympic committees (NOCs) and the International Olympic Committee (IOC), operated in virtually complete independence of local and national government and were self-regulating, while sport itself was becoming an increasingly important sociocultural and economic sector.

During the 1970s the Council of Europe became the first European intergovernmental organisation to take a real interest in this sector and to work with the sports movement. In 1976 it adopted the European Sport for All Charter, which was replaced by the European Sport Charter in 1992. It concerned itself with issues such as doping and spectator violence, which led to the adoption of a major convention on each of these subjects. Although the European Court of Justice (ECJ) delivered two judgments concerning the sports sector during the 1970s, it was not until the 1990s that the European Union began to intervene in sport, once sport had become an economic activity (the EU confined itself solely to this aspect, since there was no EU competence for sport in general at the time). The ECJ's Bosman judgment, delivered in 1995, was perceived by the sports movement as governmental intrusion into the autonomy of national and international sports organisations (those dealing with football, in this particular case).

In subsequent years a growing number of sport-related cases were brought before the European or national courts. Many were decided in favour of the sports organisations concerned, but a number of verdicts called into question certain sports rules and were regarded by the federations as encroaching on their autonomy. The sports movement began to call for a "sports exception" in Community law, or at least to emphasise the "specificity" of sport. The governments of the EU member states heeded these demands, going so far as to include in the Treaty of Lisbon of 2007 a provision (Article 149) on the promotion of sporting issues "while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function."

However, this development did not really satisfy the European and international sports movement, since the “specific nature” of sport had not been clarified in that article. In 2006 the *Independent European Sport Review*, commissioned by the UK presidency of the EU, drew attention to the degree of legal uncertainty that still existed as regards the relationship between Community law and sporting regulation. According to the international sports organisations this uncertainty curtailed their autonomy. In July 2006 the ECJ’s Meca-Medina judgment reinforced their fears. Although it found in favour of the sports organisations concerned (the International Swimming Federation and the IOC), the ECJ stated, *inter alia*: “If the sporting activity in question falls within the scope of the Treaty, the conditions for engaging in it are then subject to all the obligations which result from the various provisions of the Treaty.” This enigmatic phrase caused a strong reaction from the European sports federations and the IOC and FIFA (the Fédération Internationale de Football Association), since they regarded it as a significant retrograde step compared with earlier precedents set by the ECJ, and felt that there was an increased threat to their autonomy. It is true that most sports activities have an economic, or business, dimension and accordingly fall within the scope of the EU treaties. In addition, the concept of the conditions for engaging in a sport is very broad and covers themes such as athletes’ nationality and the anti-doping rules (challenged in the Meca-Medina case), which had until then been regarded as an autonomous preserve of the sports organisations. The title of the ECJ’s press release even read “The International Olympic Committee’s rules on doping control fall within the scope of Community competition law.”

The IOC then held a seminar in Lausanne in September 2006 on the autonomy of the Olympic and sports movement, to which it invited a number of its own members and the presidents of international federations and national Olympic committees. This seminar reasserted that autonomy was essential to the preservation of the values inherent in sport. A second seminar was organised by the IOC in February 2008. This one was devoted to a discussion of the “Basic Universal Principles of Good Governance of the Olympic and Sports Movement” as the fundamental basis for securing the autonomy of its member organisations and ensuring that this autonomy is respected by their partners.¹ The autonomy of the Olympic Movement has been chosen as one of the sub-themes of the 2009 Olympic Congress (under the theme of “The Structure of the Olympic Movement”). It was also a key item on the agenda of a meeting between the IOC and eight European secretaries of state for sport or their representatives, held in Lausanne in January 2008, and was due to be included on the agenda for regular meetings between the European Commission and the Olympic Movement starting in January 2009.

1. The seventh and last principle is entitled “Harmonious relations with governments while preserving autonomy”. In particular it recommends co-operation, co-ordination and consultation with government bodies as the best way for sporting organisations to preserve their autonomy.

It can therefore be seen that, almost 15 years after the Bosman judgment, the autonomy of non-governmental sports organisations (sometimes abbreviated to sports autonomy) has become a highly topical concern. It has almost replaced specificity, the previously dominant and very closely related theme. It brings to mind – to varying degrees – the synonymous concepts of the independence and self-regulation of the sports movement. It is also very closely linked to the issue of governance, addressed by earlier Council of Europe studies and by the 10th Conference of European Ministers responsible for Sport, held in Budapest in 2004.

This subject raises many questions: Autonomy in relation to whom? Concerning which aspects? On what legal basis? Within which limits? Using which instruments? How is autonomy defined? The purpose of this book is to clarify the concept of sports autonomy. The first part gives an overview of recognition of the concept of autonomy in sports rules and regulations and in international law. The second part cites a number of examples of challenges to the autonomy of sports organisations resulting from government, judicial or other interference. The third part analyses the replies to a questionnaire on the subject sent out by the Enlarged Partial Agreement on Sport (EPAS) in 2008 and 2009. The fourth part investigates the restrictions on sports organisations' autonomy resulting from state law and *lex sportiva* (sporting rules and regulations as a whole). It presents the concepts of horizontal and vertical autonomy. The fifth part sets out the conclusions and proposes an operational definition of autonomy in sport. It introduces the concept of "negotiated autonomy". The sixth describes some of the best negotiated autonomy practices in Europe.

1. Overview of the recognition of the concept of autonomy

To determine in which contexts the concept of autonomy is recognised, we shall first examine the instruments issued by sports organisations, followed by those originating from public authorities.

Recognition of the concept of sports autonomy by sports organisations

This section is based on Appendix 3 to this report. We shall first consider recognition of the concept of autonomy in the Olympic Charter, that is the entire set of rules laid down by the IOC, governing its own functioning and that of the Olympic Movement; these rules went by various names until the designation “Olympic Charter” was finally adopted. Then we shall look at the rules of a number of international sports federations (IFs). For a brief presentation of the IOC, the IFs and the Olympic Movement, reference can be made to Chappelet (2008).

Under Pierre de Coubertin’s concept, which still holds true for the IOC, members were independent of their governments and represented the Olympic Movement within their country, rather than their country on the IOC. They were accordingly politically autonomous, and this autonomy was often reinforced by their financial independence. This autonomous status enjoyed by each of its members and its own resources allowed the IOC itself to be independent of political institutions, from which it received no subsidies. (The sole exception, in theory, was that members of the IOC belonging to royal families could not easily adopt a position differing from that of their governments.)

However, it was not until 1949 that the term autonomy first appeared in the Olympic Charter, and with regard not to members of the IOC but to the national Olympic committees (NOCs). Under Rule 25 of the charter of 1949,² being “independent and autonomous” became a requirement for recognition of the NOCs. This condition had not been mentioned in earlier versions of the charter, but had been discussed at a meeting of the IOC Executive Board and the international federations in 1946, during which a resolution was passed on joint resistance to any kind of political or commercial pressure. It can be noted that this criterion of autonomy was added to other older requirements at a time when the IOC was beginning to recognise NOCs

2. The IOC regularly amends the Olympic Charter. The successive versions are therefore identified by their year of adoption by the session (annual general meeting) of the IOC. The numbering of the rules may change as new provisions are added or deleted.

within the Soviet bloc, not least in the USSR, a country which participated in the Olympic Games for the first time in 1952. It is therefore clear that what the IOC members had in mind was preserving independence and autonomy from governments, in particular those of Communist countries.

In 1955 this provision was strengthened. Rule 24 included a provision that "National Olympic Committees must be completely independent and autonomous and entirely removed from political, religious or commercial influence." The following year this provision became a separate rule (25), printed in bold type. In 1958 it was added that NOCs which failed to comply with this rule would forfeit their recognition and lose the right to send participants to the Olympic Games. Note can be taken of the inclusion of a reference to commercial influence, which coincided with the timid beginnings of sponsorship and television rights at the Melbourne Games in 1956.

In 1968 the model constitution for a national Olympic committee, then part of the Olympic Charter (it has since been deleted), provided that members of an NOC were obliged to inform the IOC of any political interference in its operations. In 1971 Rule 24 provided that: "Governments cannot designate members of National Olympic Committees. ... In the event of any regulations or actions of the National Olympic Committee conflicting with International Olympic Committee Rules, or of any political interference in its operations, the International Olympic Committee member in that country must report on the situation" to the President of the IOC.

In 1989 the implementing provisions ("bye-law") concerning Rule 24 recommended to NOCs that they "raise funds to enable them to maintain their full independence, in particular from the government of their country or from any other organisation that controls sport in the country. Fund raising must, however, be undertaken in a manner that preserves the dignity and independence of the NOC from commercial organisations." It can be noted that this provision was introduced at a time when several NOCs were, like the IOC, beginning to develop significant sponsorship activities.

The following are the main provisions of the Olympic Charter currently in force (2007) as regards autonomy and related concepts:

Rule 28 Mission and role of the NOCs

...

3. The NOCs have the exclusive authority for the representation of their respective countries at the Olympic Games and at the regional, continental or world multi-sports competitions patronised by the IOC. In addition, each NOC is obliged to participate in the Games of the Olympiad by sending athletes.

4. The NOCs have the exclusive authority to select and designate the city which may apply to organise Olympic Games in their respective countries.

5. In order to fulfil their mission, the NOCs may co-operate with governmental bodies, with which they shall achieve harmonious relations. However, they shall not associate themselves with any activity which would be in contradiction with the Olympic Charter. The NOCs may also co-operate with non-governmental bodies.

6. The NOCs must preserve their autonomy and resist all pressures of any kind, including but not limited to political, legal [qualifier added in 2004],³ religious or economic pressures which may prevent them from complying with the Olympic Charter.

...

9. Apart from the measures and sanctions provided in the case of infringement of the Olympic Charter, the IOC Executive Board may take any appropriate decisions for the protection of the Olympic Movement in the country of an NOC, including suspension of or withdrawal of recognition from such NOC if the constitution, law or other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the NOC or the making or expression of its will to be hampered. The IOC Executive Board shall offer such NOC an opportunity to be heard before any such decision is taken.

Rule 29 Composition of the NOCs

...

4. Governments or other public authorities shall not designate any members of an NOC. However, an NOC may decide, at its discretion, to elect as members representatives of such authorities.

...

Bye-law to Rules 28 and 29

...

3. Recommendations

It is recommended that NOCs:

...

3.4 seek sources of financing in a manner compatible with the fundamental principles of Olympism.

It can therefore be seen that, as from the mid-20th century, the IOC recognised and required in the Olympic Charter that NOCs should be autonomous vis-à-vis governments (from both a political and a legal standpoint), and also vis-à-vis economic or religious authorities. This position has been fully supported since its foundation in 1990 by the ENGSO (European Non-Governmental Sports Organisation), an association which brings together Europe's national sports confederations (many of which act as NOCs).

Furthermore, for about the past 15 years, the IOC has expressly recognised that international sports federations (IFs) are independent of it (Rule 26 of the

3. The IOC was apparently concerned about pressure from state legal systems and, in particular, from Community law.

2007 charter), subject to compliance with the charter and, since 2004, with the World Anti-Doping Code:

The statutes, practice and activities of the IFs within the Olympic Movement must be in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping Code. Subject to the foregoing, each IF maintains its independence and autonomy in the administration of its sport.

Owing to its refusal to accept the World Anti-Doping Code, the FIA (the international motor sport federation) is no longer recognised as an IF by the IOC. The latter also forced a number of IFs – those responsible for ice skating (in 2002) and boxing, fencing, gymnastics and taekwondo (in 2004) – to revise what it regarded as the insufficiently impartial rules applied by these sports' judges.

The IOC today describes autonomy as a necessity for the Olympic and sports movement, since autonomy guarantees the preservation of the values of sport, the integrity of competitions, the motivation and participation of volunteers, the education of young people and their contribution to the well-being of all, women, men and children, thereby contributing to its credibility and legitimacy. According to the IOC, only an autonomous movement, namely one that is self-regulated and self-managed without any interference, can guarantee “a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind” (Fundamental Principles of Olympism) (see VOC, 2009, p. 1671). In expressing these views, the IOC echoes the writings of its founder, who 100 years ago wrote that “the goodwill of all the members of any autonomous sport grouping begins to disintegrate as soon as the huge, blurred face of that dangerous creature known as the state makes an appearance” (Coubertin, 2009, p. 152).

In the same way as the IOC acknowledges the autonomy of IFs and NOCs, IFs in turn acknowledge the autonomy of their national federations (NFs), provided that the latter comply with the rules laid down at global level by the IF for the sport in question. However, the degree of this autonomy may vary, depending on the IF concerned.

For example, the statutes of the FISA (the International Rowing Federation), the UCI (International Cycling Union), the FEI (the International Equestrian Federation), the FIG (International Gymnastics Federation), the ITF (International Tennis Federation) and the FIS (International Ski Federation) strongly assert this principle (quoted by Latty (2007, p. 130) and Simon (1990, p. 84)):

FISA shall have no part in purely national questions. It shall allow its member federations complete autonomy internally. [Article 4 of the FISA Statute]

The UCI will carry out its activities in compliance with the principles of: ... non-interference in the internal affairs of affiliated federations. [Article 3 of the UCI Constitution]

Nothing in the Statutes shall authorise the FEI to intervene in national equestrian or any other matters not under the jurisdiction of the FEI, or shall entitle National Federations to submit such matters to the FEI for settlement under these Statutes. [Article 61 of the 21st edition of the Statutes of the FEI (no longer included in the current edition)]

Federations, continental unions and regional groups retain their entire autonomy and independence of action within the limits imposed by these Statutes. [Article 31 of the FIG Statutes]

The objects and purposes for which [the ITF] is established are to ... preserve the independence of [the ITF] in all matters concerning the game of tennis without the intervention of any outside authority in its relations with its Members. [Article IV.j of the ITF Memorandum of Association]

The FIS respects the autonomy of its affiliated National Ski Associations. [Article 4.2 of the FIS Statutes]

The International Mountaineering and Climbing Federation (UIAA) even recognises the principle of subsidiarity in its internal affairs: "The UIAA shall not undertake any activity which is more effectively done by its member associations" (Article 4 of the Articles of Association).

Other IFs are far less explicit. Examples are FIFA (the Fédération Internationale de Football Association), UEFA (the Union of European Football Associations) and the IAAF (International Association of Athletics Federations). For instance, the FIFA Statutes do not use the word "autonomy". Mention is merely made of the independence of members, namely the 208 national federations:

Article 17 Independence of Members and their bodies

1. Each Member shall manage its affairs independently and with no influence from third parties.
2. A Member's bodies shall be either elected or appointed in that Association. A Member's statutes shall provide for a procedure that guarantees the complete independence of the election or appointment. [2009 version]

Similarly, the word "autonomy" cannot be found in the UEFA Statutes, which instead impose a requirement regarding elections within member associations:

Member Associations must provide for the free election of their executive body. This obligation shall be included in their statutes. Where there is no such provision or where the Executive Committee considers an executive body of a Member Association not to have been established by free elections, the Executive Committee shall have the power to refuse to recognise an executive body, including an executive body set up on an interim basis. [Article 7 bis. 2, June 2007]

Nor does the IAAF use the word "autonomy", since Article 1 of its statutes merely states that it is made up of regularly elected member federations, which commit themselves to comply with its statutes and abide by the rules and regulations.

The pressure exerted by the IFs on NFs' autonomy therefore varies according to the sport and the subject concerned. Similarly, the autonomy of the continental associations in relation to the IFs for their sport varies greatly. The IOC exercises greater scrutiny over the autonomy of the NOCs than over that of the IFs. Generally speaking, this primarily concerns autonomy vis-à-vis governments, although other third parties are also taken into consideration.

Recognition of the concept of sports autonomy by public authorities

This section first discusses recognition of the concept of autonomy in documents issued by intergovernmental organisations on sport-related themes (UNESCO, the Council of Europe, the European Union), followed by European countries' national legislation.

It is firstly interesting to note that the concept of sports autonomy is not mentioned in three intergovernmental instruments of the 1970s and 1980s relating to sport: the European Sport for All Charter, adopted by the Council of Europe in 1976 in the form of a recommendation to member states; the International Charter of Physical Education and Sport, adopted in 1978 by the General Conference of UNESCO; and the Anti-Doping Convention adopted in 1990 by the member states of the Council of Europe following a number of recommendations issued as long ago as the 1970s.

It was from the end of the 1980s onwards that sports organisations' autonomy began to be referred to by European intergovernmental organisations, particularly at meetings of the Council of Europe's Committee for the Development of Sport (CDDS). In 1992 the Council introduced the concept in Article 3 of the European Sports Charter:

Voluntary sports organisations have the right to establish autonomous decision-making processes within the law. Both governments and sports organisations shall recognise the need for a mutual respect of their decisions. [Article 3.3]

The issue was discussed at the 9th European Sports Forum, held in Lille in 2000 under the aegis of the European Commission, which brought together all the European sports organisations and the public authorities concerned. Paragraph 10 of the conclusions of the working party on the specific nature of sport read:

The participants urge that thought be focused on what constitutes the uniqueness of sport (its social and educational role, etc.) and on the consequences of this uniqueness (acknowledging the autonomy of sport for all rules of a non-economic nature: the rules of the game, protection of young people, provisions to guarantee fair competition, to ensure solidarity or to promote sport among the population at large).

At this gathering, sports autonomy was perceived as a consequence of the specificity of sport, which had become a general concern following the Bosman judgment delivered five years earlier.

At the end of 2000, following the European Commission's report on sport submitted to the European Council in Helsinki in December 1999, the heads of state and government of the European Union, gathered in Nice under the French presidency, adopted a declaration on the theme of sport. For lack of a ratified treaty giving the European Commission competence in this field, this "Nice Declaration" remains the highest-ranking instrument on sport for the 27 EU member states. Point 7 of this declaration reads:

The European Council stresses its support for the independence of sports organisations and their right to organise themselves through appropriate associative structures. It recognises that, with due regard for national and Community legislation and on the basis of a democratic and transparent method of operation, it is the task of sporting organisations to organise and promote their particular sports, particularly as regards the specifically sporting rules applicable and the make-up of national teams, in the way which they think best reflects their objectives.

The issue of autonomy was also addressed at length in Chapter 4 ("The organisation of sport") of the European Commission's White Paper on Sport, published in July 2007, which states, *inter alia*:

The Commission acknowledges the autonomy of sporting organisations and representative structures (such as leagues). Furthermore, it recognises that governance is mainly the responsibility of sports governing bodies and, to some extent, the Member States and social partners. Nonetheless, dialogue with sports organisations has brought a number of areas to the Commission's attention, which are addressed below. The Commission considers that most challenges can be addressed through self-regulation respectful of good governance principles, provided that EU law is respected, and is ready to play a facilitating role or take action if necessary.

4.1 The specificity of sport

Sport activity is subject to the application of EU law. This is described in detail in the Staff Working Document and its annexes. Competition law and Internal Market provisions apply to sport in so far as it constitutes an economic activity. Sport is also subject to other important aspects of EU law, such as the prohibition of discrimination on grounds of nationality, provisions regarding citizenship of the Union and equality between men and women in employment.

At the same time, sport has certain specific characteristics, which are often referred to as the "specificity of sport". The specificity of European sport can be approached through two prisms:

- The specificity of sporting activities and of sporting rules, such as separate competitions for men and women, limitations on the number of participants in competitions, or the need to ensure uncertainty concerning outcomes and to preserve a competitive balance between clubs taking part in the same competitions;

– The specificity of the sport structure, including notably the autonomy and diversity of sports organisations, a pyramid structure of competitions from grass-roots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport;...

As is explained in detail in the Staff Working Document and its annexes, there are organisational sporting rules that – based on their legitimate objectives – are likely not to breach the anti-trust provisions of the EC Treaty, provided that their anti-competitive effects, if any, are inherent and proportionate to the objectives pursued. Examples of such rules would be “rules of the game” (for example, rules fixing the length of matches or the number of players on the field), rules concerning selection criteria for sport competitions, “at home and away from home” rules, rules preventing multiple ownership in club competitions, rules concerning the composition of national teams, anti-doping rules and rules concerning transfer periods.

However, in respect of the regulatory aspects of sport, the assessment whether a certain sporting rule is compatible with EU competition law can only be made on a case-by-case basis, as recently confirmed by the European Court of Justice in its *Meca-Medina* ruling. The Court provided a clarification regarding the impact of EU law on sporting rules. It dismissed the notion of “purely sporting rules” as irrelevant for the question of the applicability of EU competition rules to the sport sector.

The Court recognised that the specificity of sport has to be taken into consideration in the sense that restrictive effects on competition that are inherent in the organisation and proper conduct of competitive sport are not in breach of EU competition rules, provided that these effects are proportionate to the legitimate genuine sporting interest pursued. The necessity of a proportionality test implies the need to take into account the individual features of each case. It does not allow for the formulation of general guidelines on the application of competition law to the sport sector.

In its report on the White Paper, published in April 2008, the European Parliament also expresses full support for respect for the autonomy of sport and of its representative bodies.

In January 2008 the Parliamentary Assembly of the Council of Europe unanimously adopted Resolution 1602 (2008) on the need to preserve the European Sport Model, in which it stated “The independent nature of sport and sports bodies must be supported and protected, and their autonomy to organise the sport for which they are responsible should be recognised. The federation must continue to be the key form of sporting organisation, providing a guarantee of cohesion and participatory democracy.”

It also called on the governments of member states to “acknowledge and give practical effect to the specificity of sport and protect the autonomy of sports federations (governing bodies)”.

In the end, the only recent European intergovernmental instrument that fails to mention the concept of autonomy is the Enlarged Partial Agreement on Sport (EPAS), which was adopted in 2007. The 11th Council of Europe Conference of Ministers responsible for Sport, prepared by the EPAS and held in Athens in December 2008, nonetheless made autonomy one of its key themes, and culminated in the adoption of a resolution emphasising the importance of the autonomy of sports organisations and stating that the proposed definition was useful (see Appendix 2).

National legislation addresses the concept of autonomy in very different ways. As stated in the European Commission White Paper on Sport, "European sport is characterised by a multitude of complex and diverse structures which enjoy different types of legal status and levels of autonomy in Member States." The same applies to the member states of the Council of Europe. It will be seen in the third part of this book that 16 of the 29 countries which replied to the EPAS questionnaire mention the autonomy of the sports movement in their law on sport.

In the context of this report it is not possible to undertake an exhaustive study of status and level of autonomy. Some authors have written entire books on the links between national legislation and sporting rules and regulations. Examples are Jean-Marc Duval (2002) and Frank Latty (2007), who devotes the whole of the second part of his work to the degree of autonomy of *lex sportiva* within the state framework (pp. 419-618), followed by the international framework (pp. 619-766). In particular he discusses the situation in France, which is quite a special case, since the country's sports federations, while often delegated public authority for their sport, remain under the close supervision of the ministry of sport via the model statutes and numerous legislative measures in force.

The other extreme is represented by countries such as Germany (which has no federal law on sport), whose national sports organisations enjoy a very high degree of autonomy, the federal and *Länder* governments having delegated policy making in the field of sport to them. Chaker (1999, p. 22) writes that the autonomy of the sports movement is one of the three principles on which implementation of this policy is based, the other two being subsidiarity and partnership between public and sporting authorities.

In general, reference can be made to the surveys on national sports legislation and on good governance in sport commissioned by the Council of Europe (Chaker, 1999 and 2004). The author, André-Noël Chaker, divides the respondent countries into two categories (Chaker, 2004, p. 7):

- Those with non-interventionist sports legislation (Austria, Cyprus, the Czech Republic, Denmark, Finland, Germany, Latvia, Lithuania, the Netherlands, Switzerland, the United Kingdom) where sports organisations can be presumed to enjoy greater autonomy; and

- Those with interventionist legislation (Armenia, Azerbaijan, Croatia, Estonia, France, Georgia, Hungary, Italy, Luxembourg, Romania, Slovenia, Spain), where there is potentially less autonomy.

As this classification may be deemed too rudimentary, reference can also be made to that proposed by the Vocasport project on employment in sport across Europe, which was funded by the European Commission and concerned the 27 EU member states (Camy et al., 2004). It identified four main configurations that national sports systems may assume, according to the dominant role played by a particular sector:

- the “missionary configuration” (in which the voluntary sports movement predominates): Austria, Denmark, Germany, Italy, Luxembourg and Sweden;
- the “bureaucratic configuration” (in which the public authorities predominate): Belgium, Cyprus, the Czech Republic, Estonia, Finland, France, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Slovakia, Slovenia and Spain;
- the “entrepreneurial configuration” (in which private stakeholders predominate): Ireland and the United Kingdom;
- the “social configuration” (in which social agents predominate): the Netherlands.

It can be said that sports organisations’ autonomy is greatest under the missionary configuration, followed by the social configuration and then the entrepreneurial configuration. The bureaucratic configuration leaves sports organisations far less scope for autonomy or, to be more precise, strictly regulates their autonomy through legislation.

These observations, which tend to overgeneralise, should naturally be tempered by country-by-country studies. It can nonetheless be noted that there is a strong correlation between the general perception of autonomy voiced by respondents to the EPAS questionnaire (see Part 3 of this report) and their country’s configuration according to the Vocasport classification.

To conclude the first part of this report, it can be seen that the concept of the autonomy of sports organisations, in particular NOCs, was clearly recognised by the Olympic Movement as early as the 1950s, and by European inter-governmental organisations from the 1990s. All have regularly reasserted this principle in the early years of the third millennium. However, it is striking that the documents issued by both sports and governmental organisations say little about this concept and propose no definition for it. In the next part of the report we will seek to narrow down this concept, drawing on European examples.